



OCTOBER 2019



ASK 16 at Grenchen (Rene Meier)

News in this issue:

European Regulatory Summary	1
Position Paper – U-Space	3
Part 21 (Light) – a summary.....	5
Validity of certificates related to Brexit.....	7
Sign up for the newsletter!	8
2020 Europe Air Sports General Meeting	9
From the Programme Manager's desk	9
Key contacts.....	10

EUROPEAN REGULATORY SUMMARY - Julian Scarfe summarises recent work

1. General

EPAS

EPAS – European Plan for Aviation Safety 2020-2024 consultation is completing and the EPAS will soon be finalised for presentation to the Advisory Bodies and EASA Management. [GA COM \(General Aviation Committee\)](#) has had extensive input, and we will continue to engage at this level to get sufficient resource to deal with the GA issues.

2. Initial airworthiness

600 kg Opt-out

In the Sep 2019 [GA TeB \(GA Technical Body\)](#) meeting (joint with [GA COM](#)), the [NAAs \(National Aviation Authorities\)](#) (coordinated by [FOCA – Swiss Federal Office of Civil Aviation](#)) reported on the status of the 600 kg opt-outs. The working document is unofficial, but it appears that there are about a dozen states who have or will shortly implement the opt-out, two who will not, and the rest are still to decide.

Non-installed equipment in RMT (Rule-Making Task) 0727

As part of the same task that is developing Part-21 Light, EASA is developing rules on non-installed equipment, which came within its scope in the new Basic Regulation. Although the relevant rulemaking officers say that they are not looking for extra items to certify, we need to keep a close eye on this task to make sure there are no unintended consequences or Commercial Aviation Traffic rules applied to GA.

3. Continuing Airworthiness

Part-M Light and Part-CAO

Part-ML became law in September and will apply from 20 Feb 2020. It allows self-declared aircraft maintenance programmes (subject to a minimum inspection programme) by owners of aeroplanes up to 2730 kg that are not used by licensed air carriers, and rotorcraft of 1 200 kg MTOM and certified to maximum of 4 occupants and other ELA2 aircraft. Beside the CAMO, it also introduces the CAO (Combined Airworthiness Organisation), an organisation that combines CAMO (Continuing Airworthiness Management Organisation) and Part-M subpart F maintenance organisations for such aircraft. In a late amendment, it was decided that 'Commercial ATO/DTOs' (Approved Training Organisation/Declared Training Organisations) must use a CAMO/CAO to approve and manage the Approved Maintenance Programme (AMP). Private owners (and non-commercial ATO/DTOs) need not, and can work with an independent engineer/certifying staff. The related AMC/GM are expected to be published by the end of the year.

4. Flight Crew Licensing (FCL)

Opinion 05/2017 changes

The June EASA Committee introduced a number of points in FCL that have been under discussion since 2012. These included the ability to perform training in Annex 1 aircraft (historic, experimental, amateur built, ex-military, not microlights), under certain conditions, and crediting of flight hours and refresher training flights for revalidation/renewal in all aircraft matching the category and class being revalidated (including microlights). The AMC/GM (Acceptable Means of Compliance/Guidance Material) was the subject of a workshop in September, and has yet to be finalised.

Basic IR (Instrument Rating)

The Basic IR, a sub-ICAO IR, has been controversial, but a fragile agreement has been reached and a vote is expected in the October EASA Committee.

Sailplane and Balloon FCL rules

The new sailplane and balloon FCL rules have been uncontroversial, but unfortunately are tied up in the same package of changes as the Basic IR, making it critical that the package passes, so as to avoid a problem with the April 2020 deadline for the introduction of the sailplane and balloon rules before the current derogation expires.

CPL TK (Theoretical Knowledge) for instructors

EASA has started to address the issue of the ICAO requirement that instructors for the PPL must have CPL level Theoretical Knowledge. It is now assumed that the CPL is no longer a stepping stone to the ATPL, but is a rating used for instruction and aerial work in light aircraft. Thus the TK is being stripped back to what is relevant for light aircraft.

STOP PRESS - The changes to Part-FCL (including crediting for flying with Annex I aircraft) was published today by the Commission. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1747&from=EN>

5. Operations

The NCO (Non-Commercial Operations) rules for IFR are likely to be alleviated soon. An NPA (Notice of Proposed Amendment) is imminent.

6. ATM (Air Traffic Management)

U-space

EASA is developing a framework regulation on U-space, airspace in which drones will receive traffic management services. EASA's approach (necessary because of a divergence of measures taken in member states) is favourable for manned aircraft compared with the aspirations of many stakeholders. EASA proposes that:

- authorisation to enter U-space will not be necessary for manned aircraft
- manned aircraft will have priority
- there will be no cost to manned aircraft, as long as they use the **UTM (Unmanned Traffic Management)** services for their own purposes.

However, there will be a requirement for a manned aircraft to inform a UTM provider (perhaps through ATS) of its intention to enter U-space.

GSA initiative on IFR at small aerodromes

GSA - European GNSS Agency
GNSS - Global Navigation Satellite System

A typical small aerodrome – Shobdon in England

The European GNSS Agency has put together some useful guidance material on the introduction of LPV (Localizer performance with vertical guidance) approaches at smaller aerodromes (with non-instrument runways, typically currently VFR only). It is intended for aerodrome operators and NAAs and provides a useful level of guidance on practices in different member states. The GSA is also developing a risk analysis methodology to help NAAs approve such approaches.



Electronic Conspicuity

EASA continues its interest in electronic conspicuity, with a technology agnostic approach. It seems to see its role at the moment as a facilitator or coordinator rather than regulator.

POSITION PAPER – U-SPACE – *this paper has been approved by the EAS Board*

EAS has identified drones and the related creation of U-Space as a high priority item for its political activities. In our position paper we outline which part of sports and recreational aviation is likely to be affected by drones and we have come forward with four key principles that should be met regarding the access of manned aviation to U-Space. Access should be: safe, free, simple, technologically feasible.

The position paper has been sent to key decision makers at the European Commission, European Parliament and EASA. In addition to this paper EAS will make sure to participate in the more technical rulemaking tasks regarding U-Space at the level of EASA.

Key principles for the integration of drones in non-segregated airspace

Introduction

The European Commission and - more recently - EASA have been considering the gradual integration of unmanned aircraft (drones) in non-segregated airspace of any class since at least 2012 (Staff working document, SWD (2012 259 final). The EU sees drones as 'a leverage for jobs and new business opportunities' (Warsaw Declaration, November 2016). It has continued to develop its drones strategy (e.g. Amsterdam Declaration, November 2018) over the years and Europe Air Sports has followed developments in this area very closely.

With the entry into force of the new EASA Basic Regulation (2018/1139/EU), the European Commission now has the regulatory competence and obligation to come forward with a legal framework to regulate all civil drones. These new powers, in combination with a

strong push by the drones industry for a common regulatory framework and a hope for European industry leadership in this segment have clearly accelerated the level of activities since 2018.

With the publication of common European rules on the technical and operational requirements for drones in June 2019 (2019/945/EU, 2019/947/EU), the regulator has completed a first significant step in creating this regulatory framework. Europe Air Sports has contributed to this process and supports the adopted regulatory framework as a workable solution for our segment of aviation.

U-Space - GA as highly affected stakeholder

As the European association representing sports and recreational aviation, Europe Air Sports represents a segment of aviation which is at risk of being negatively affected by the insertion of drones into non-segregated airspace, where traffic separation is based on the principle of "see and avoid", and where the responsibility of traffic avoidance solely rests upon the pilot.

Within this context we wish to recall that the vast majority of our flying activities, many of which are undertaken in non-powered aircraft including gliders and hang-gliders, takes place in non-controlled airspace (Class G), and controlled airspace (Class E), according to the Visual Flight Rules (VFR) and in Visual Meteorological Conditions (VMC). These activities are performed by citizens as part of their free time and are paid for with their taxed income.

Key principles

While Europe Air Sports has - and will continue to - contribute to the technical rulemaking related to the Commission's U-Space draft regulation, this position paper intends to underline the key principles that should be applied in order to ensure a fair and collaborative co-existence of sports/recreational aviation and drones in U-Space.

1. Access to U-Space airspace



Northern European airspace is already crowded!

Air sports and recreational aviation cannot exist without easy, free and abundant access to airspace, especially non-controlled airspace. Airspace is our playing field and we must be allowed to use it. Airspace is also used by some of our members for their individual mobility needs (A to B flights).

Of particular concern is safety, cost of access (access currently is free), technical requirements (visual and electronic conspicuity), and ease of access (administrative and operational requirements).

We call upon the regulator to ensure that access to U-Space will be:

- **Safe**, according to the principle of the Basic Regulation (2018/1139/EU) that "a high and uniform level of civil aviation safety should be ensured at all times".
- **Free**, as the only beneficiary of the provided services are drones. Indeed, the *raison d'être* of U-Space is the wish of drone operators to fly safely in a fully automated way. Europe Air Sports is unaware of any manned aircraft operations that have any need for U-Space.
- **Simple**, by ensuring that the administrative and operational requirements for access do not add a layer of complexity to planning and conducting a flight.
- **Technologically feasible**, considering the very limited resources of light aircraft, in particular non-motorised ones, such as gliders and hang-/paragliders or even aeromodels.

Based on these principles we insist that the future regulatory framework on U-Space must ensure that:

- Manned aircraft always have priority traffic rights over unmanned aircraft.
- Access to airspace shall not be subject to a flight authorisation.
- Any requirement for manned aircraft to provide to the U-Space service their intention (route, altitude, etc.) must be kept to a minimum.
- The cost of expected additional equipment required for aircraft used by the air sports community must be borne by the drones industry (beneficiary pays principle).
- Manned aircraft will not pay for U-Space services unless they derive a benefit other than what is necessary to communicate their intentions.

2. Designation of U-Space airspace

It is impossible to predict reliably what areas will be designated as U-Space, in particular because this power lies firmly with the individual EU Member States. Some global industry players - mainly from outside the EU - would suggest they need U-Space in order to operate freight and passenger drones in densely populated urban areas. These areas already tend to be controlled airspace (Class A, C, D) and some are restricted to IFR-traffic only.

GA aircraft overflying populated areas are bound by SERA and must maintain a safety altitude. Low-level drone operations would suggest that this safety requirement cannot be met by such drone operations. This raises serious safety and public acceptance questions.

Other drone operations are expected to take place in rural areas and could include inspection activities (e.g. power lines) currently performed typically by helicopters. These activities can take place in non-controlled airspace (Class G) which is used frequently by sports and recreational aviation.

Thus the principles established in point 1 must be seen against this background of immense unpredictability regarding the extent to which U-Space will be designated. Sports and recreational aviation stands at risk of being severely affected, mainly regarding the designation of U-Space in Class G airspace. The more U-Space will be designated the more our sector is likely to be affected. Consequently, getting the access rules right is of vital importance to Europe Air Sports.

Our Programme Manager Nils Rostedt has visited several of last summer's drone demonstration events of the CORUS U-Space GoF (Gulf of Finland) subproject. This is actually a manned eVTOL aircraft – the Volocopter – flying for the first time ever from an international airport in Helsinki, while connected to both the regular Air Traffic Management and to three different U-Space Traffic Management system prototypes.



PART 21 (LIGHT) – A SUMMARY

As part of the GA Roadmap 2.0, EASA committed to drastically simplifying the airworthiness system (design and production) for the lower end of General Aviation (GA), with smaller and less complex aircraft that present minimal risks to third parties.

Today, the design and production of these aircraft is mostly subject to the same regulatory requirements ('Part 21') as large aircraft operated in commercial air transport. This approach is widely considered to be outdated.

EASA will propose a new regulatory framework, proportionate to the nature, risk and needs of GA, while ensuring necessary levels of safety. A review of 'Part 21' has started, relating

to airworthiness of GA aircraft, in particular those intended primarily for sports and recreational use. EASA will take account of the flexibility introduced by the new basic Regulation 2018/139.

The idea is to stimulate innovation, drive safety improvements and reinvigorate the EU GA market with a simplified and more proportionate process and requirements. The outcome will not result in changes in EASA or National Aviation Authorities (NAAs) responsibilities.

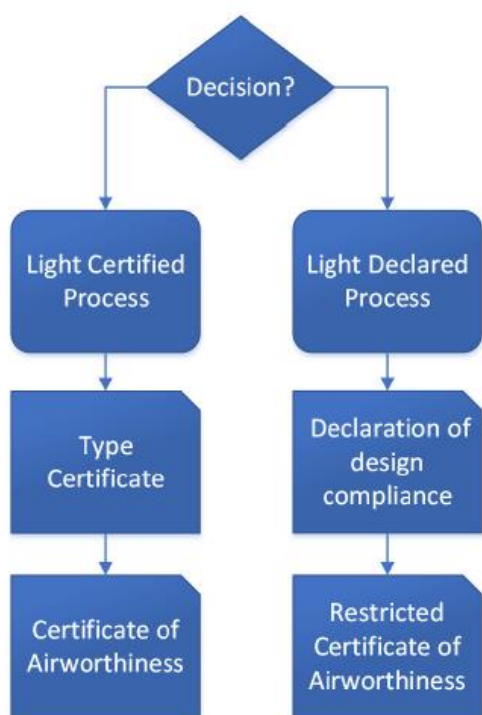
Key elements

EASA is exploring two new regulatory concepts for the new 'Part 21 Light' for GA aircraft:

a) **a light process for airworthiness assessment**, allowing a design organisation to choose between two processes, one leading to an ICAO compliant CofA (Certificate of Airworthiness), or a Restricted CofA which might not be ICAO compliant.

- **Light certified process** – this process, corresponding to the nature and risk of the product, would lead to an EASA Type Certificate (TC) (ICAO compliant). A standard CofA would be issued by the NAA for an individual aircraft on the basis of the EASA TC.

- **Light declared process** - a declaration of compliance of the aircraft design with the applicable requirements or standards, but without an EASA verification of compliance or TC. A Restricted CofA would be issued by the NAA for an individual aircraft.



The Light certified process would allow an applicant to utilise an approved Compliance Demonstration Plan (CDP) as a route to an EASA TC for a product. The CDP would be supported by compliance demonstration reports provided by the design organisation to EASA, to show compliance with the agreed certification basis. The nature and risk of the product would determine the degree of scrutiny by EASA.

Within the Light declared process a declaration of compliance of the design is made under the sole responsibility of the design organisation, as a statement confirming that the design complies with the essential requirements of Reg 2018.1139 and detailed specification established by EASA.

In order to implement both processes, a change of regulatory emphasis and orientation would be required, with the primary focus being quality of the product that has been designed and produced. EASA, as the authority responsible for design of products, and the national Competent Authority of the Member State responsible for production will both conduct key oversight visits to the design and production organisation. This is to ensure the airworthiness of the aircraft and compliance with organisational requirements. EASA envisages that the 2 main oversight visits that would take place are:

- Prior to the first test flight and the issuance of the associated Permit to Fly by the national competent authority; and
- After the first aircraft has been produced.

b) **The possibility of using declarations**, as an alternative to certificates, for demonstrating organisational capabilities:

For both these processes the envisaged 'Part 21 Light' would allow organisations to conduct design and production activities without being approved as a Design Organisation or a

Production Organisation. Instead it is intended that 'Part 21 Light' would permit these organisations to make a **declaration of design or production capabilities**. The declarations would be statements made under the sole responsibility by the organisations concerned and confirming compliance of that organisation with the applicable organisational requirements of the new Part 21 Light. These declarations will be subject to oversight by the Competent Authority to verify on-going compliance.

Certification process for ELA 1 and ELA 2.

The current certification process contained in 'Part 21' for European Light Aircraft ELA 1 and ELA 2 would remain unchanged and continue to be available to applicants that wish to have a TC issued in accordance with the regulatory process.

For further details see [this link](#) which is the report of a workshop run at AERO in April.

VALIDITY OF CERTIFICATES *related to Brexit*

[Regulation \(EU\) 2019/502](#) was published on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom from the European Union. [Regulation \(EU\) 2019/494](#) was also published on certain aspects of aviation safety. There are some additions to these Regulations.

- **Training:** The national aviation authorities of the Member States or EASA shall take account of examinations taken in training organisations that are subject to oversight by the UK national aviation authority, if the examinations have not yet resulted in a license being issued before the date that the UK leaves the EU.
- **Validity of certain certificates for a period of nine months:** Where additional time is necessary for certificates to be issued to the operators concerned, the Commission may extend the period of validity.

Certificates issued by EASA to people, whose principal place of business is in the UK, shall remain valid for 9 months from the date of application of the Regulation. This will apply from the day after the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) of the Treaty on European Union. This is relevant for the following (among others):

- Type certificates and restricted type certificates
- Approval of changes to type certificates and restricted type certificates
- Supplemental type certificates
- Approval in respect of repairs
- European Technical Standard Order authorisations
- Design organisation approvals

The following certificates issued by anyone certified by the competent authorities of the UK concerning the use of products, parts and appliances shall remain valid:

- Authorised Release Certificates for products, parts and appliances
- Certificates of release to service in respect of completion of maintenance
- Airworthiness review certificates for ELA 1 aircraft
- Certificates of release to service on completion of maintenance
- Airworthiness review certificates for ELA 1 aircraft
- Airworthiness review certificates and extensions thereof

For further details see '[European Commission Communication - Notice to Stakeholders withdrawal of the UK and EU Aviation Safety Rules](#)'.

The following licenses/certificates will NOT be valid post-Brexit and are subject to mitigation measures:

- TCO (Third Country Operators) Authorisation
- POA (Production Organisations Approvals) Approval
- MOA (Maintenance Organisation Approvals) Approval
- MTOA (Maintenance Training Organisation Approvals) Approval
- CAMO (Continuing Airworthiness Management Organisation) Approval

- FSTD (Flight Simulation Training Devices) Qualification Certificate
- ATO (Approved Training Organisation) Approval
- AeMC (Aero-Medical Centres) Certificate
- ATM/ANS (Air Traffic Management/Air Navigation Services)

Please consult information on '[Early applications](#)' to identify what mitigation measures are in place.

For the full text, see <https://www.easa.europa.eu/brexit-validity-certificates>

The UK Civil Aviation Authority has also produced some basic questions and answers. The questions and brief answers are below. Click [here](#) for more detail.

UK-ISSUED PRIVATE PILOT LICENCES

Would I be able to continue operating UK-registered aircraft?	Yes
Would I be able to continue operating EU-registered aircraft?	No
Would I be able to fly my UK-registered aircraft to Europe?	Yes
Would UK pilots' medicals remain valid?	Yes
UPDATE: I have a licence application currently in progress with the CAA. Will I receive an EASA Part-FCL or a UK Part-FCL?	It will depend on when your licence is issued
UPDATE: Once the CAA has completed transfer of my records to my new EASA member state, what happens to my old UK licence?	When your new Part FCL is ready, you must surrender your old UK licence to your new NAA
UPDATE: What if I wish to submit variation requests to my new NAA or advise of changes to my medical or professional status?	The CAA retains responsibility for oversight of your medical and professional records until your medical records are transferred to your new NAA.

EU-ISSUED PART-FCL PRIVATE PILOT LICENCES

Would I be able to continue operating UK-registered aircraft?	Yes
Can I seek a validation after the UK leaves the EU?	Yes

NON-EU/UK PRIVATE PILOT LICENCES

I have a UK-validation on my third country licence. Would I still be able to operate EU-registered aircraft?	No
I have validation on my third country licence issued by another EASA member state. Would I still be able to operate UK-registered aircraft?	Yes, but only for two years.

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2020 EUROPE AIR SPORTS GENERAL MEETING



Strasbourg

As proposed by France, the GM will take place in Strasbourg from 17 to 19 April 2020, with a board meeting (only for board members) on Friday 17 followed by a social programme for all delegates and partners starting at 14:00 hrs. A dinner will take place in the evening. The technical meeting will take place from 09:00hrs till 17:00hrs on

Saturday 18 April, followed by a dinner starting at 19:00hrs. The Statutory meeting will take place on Sunday 09:00hrs till 12:00hrs. Further information on these events will be provided later.

The location for the meeting and proposed accommodation will be Hôtel Mercure, Strasbourg, Palais des Congrès.

FROM THE PROGRAMME MANAGER'S DESK - *Nils Rostedt*

EPAS – European Plan for Aviation Safety

This annually updated document contains a summary of EASA's current 5-year strategic plan, and also lists all current active rulemaking tasks and related EASA activities. Europe Air Sports has a say in the contents of the EPAS.

Reviewing this year's draft EPAS edition, we noted that EASA is making efforts to reduce its "rulemaking backlog" so that regulations long in preparation can finally be published and work can begin on new rules following from the new Basic Regulation which was published in 2018.

However, an effect of this accelerated speed of rulemaking is that in many cases, the traditional EASA rulemaking process, with public **NPA (Notice of Proposed Amendment)** and **CRD (Comment Response Document)** consultations, is replaced by an accelerated process with so-called "focused consultations" to a smaller group of stakeholders. This means that Europe Air Sports, through its representatives, has to be even more vigilant and be on the lookout to make sure we stay aware of all new "focused consultations" that are important to us.

Another observation is that the regulation of drones is a "hot area" with several rulemaking tasks defined. A welcome new topic is the inclusion of electric propulsion – this is a quickly growing new area where regulation has to keep pace with the technical developments.

Finally, the draft EPAS now includes activities to "Bring data to General Aviation cockpits – Weather, Flight Information Services, and Traffic Information". This is both welcome and overdue.

Recent NPA and other consultations update

Since the last newsletter EAS has responded to several consultations:

EASA NPA 2019-07 Management of Information security risks in aviation organisations

Having liaised with EPFU (European Power Flying Union), we welcomed EASA's proposed exemption of ELA2 aircraft from the new Information Security requirements. For consistency, we also asked for the exemption to cover also aviation clubs acting as national competent authorities and qualified entities involved with ELA2 aircraft.

SIB 2019.292 Cable Terminals

EASA is adopting an FAA recommendation for more detailed inspections of control cable terminals. EAS supported it.

EASA NPA 2019-03 Embodiment of the level of involvement, acceptable means of compliance and guidance material in Part 21. EAS generally supported this NPA.

EAS also responded to an informal EASA / EU Commission consultation about U-Space in June in co-operation with Deutscher Aero Club, and to a Focused EASA Consultation about U-Space in July.

ToR RMT.0278 Ground Handling, deadline 14 October. In our response we stressed the need for proportionality. A small aircraft landing at an airport does not need the same set of ground handling services as an airliner.

In the pipeline:

NPA 2019-09 All Weather operations, deadline 15 November

NPA 2019-10 Measurement of the SKPI (Safety Key Performance Indicators) and SPIs (Surveillance Performance & Interoperability) in the SES (Single European Sky) Performance and Charging Scheme, deadline 20 October

NPA 2019- ORO.FC, deadline 15 October, no reaction proposed

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