NEWSLETTER

EUROPE AIR SPORTS

OCTOBER 2015

There has been a lot going on and this newsletter aims to bring you up to date with recent progress. We include a review from our President David Roberts on some of the successes that Europe Air Sports has achieved over several years. Those of you able to attend the Technical meeting next month will have the opportunity to hear more detail about the work currently under way.

(*Photo by Mike Fox)*

News in this issue:

EAS SUCCESSES: THE KNOWN UNKNOWNS *David Roberts, EAS President*

Leaders of any organisation need to challenge themselves from time to time on the question of "what have we achieved over and above what would have happened without our involvement?" Clients who pay the bills need the answer! Donald Rumsfeld, a past US Secretary of Defence, once famously said: "There are known knowns. These are things we know we know. There are known unknowns, that is there are things we know we do not know……and unknown unknowns…..etc."

For EAS the "known unknown" is "how do we know what the outcome would have been (of EU regulatory activity for light aviation) had EAS not been involved?" Well, it's fair to say we have a reasonable idea in many areas. But that is based on the personal judgement of the players involved. So this is a very brief insight into just a handful of those successes for which EAS believes it can take some - if not the majority - of the credit, and therefore

provide value to its members right down to "grass roots level". I have a list of over 30 items that illustrate the value of our work, but space is limited.

Let's start with a more recent engagement - the high-level involvement and representations by EAS on RPAS (UAVs) resulting in an EU emerging policy position that recognises (but not yet a cast-iron guarantee) the need for air sports not to be burdened with excessive technology costs for in-cockpit electronic conspicuity. And also the rights and responsible approach of the traditional aeromodelling community.

Then the about-to-be-implemented Occurrence Reporting regulation from the European Commission. EAS conducted a significant campaign to influence the structure and content of this legislation, which whilst resulting in a far from perfect product, is now undoubtedly a whole lot 'lighter' and more appropriate for our sector than had we not intervened.

In 2012 the Italian Government proposed a draconian tax on privately-owned light aircraft (including gliders and balloons), not just Italian-owned ones but also those visiting Italy for more than 48 hours. EAS launched a lobbying campaign firstly in Italy through our then board member Sergio Calabresi and secondly through the European Commission. The outcome was a major about-turn by the Italian Government, thus saving the Italian light aircraft sector, and visitors, from what would have been a major self-defeating financial imposition.

The sports and recreational aviation sector is not covered by the EU's Emissions (CO_2) Trading Scheme - thanks to our work - and rightly so, as we already pay the fuel taxes that international commercial aviation is exempted from. And a Light Part M, which we first pushed for in 2005, is gradually emerging. The wheels of regulatory development turn very slowly.

But above these individual listed achievements - just a fraction of the many - there is perhaps one major achievement we absolutely know would not have happened without EAS's initiative and involvement. That is the 2012 GA Safety Strategy endorsed by the EASA Management Board, The European Commission and the EASA Committee of Member State experts. That document and the ensuing actions represented an absolute turning point in the EU's approach to GA. Our job now is to make sure that programme of change is delivered for the benefit of all our members.

I'll tell you more about our successes in future Newsletters.

WHAT IS THE CURRENT SITUATION OF THE "POSSIBLE REVISION" OF THE BASIC REGULATION? *Michel Rocca reports*

At this stage, two things are for sure:

- Firstly, the revision of the BR is no longer an option for the Commission; they will go through the whole process.
- Secondly, all our members are concerned, wherever they are in the scope of the regulation or outside.

Early July, an EAS delegation met with Filip Cornelis and some of his team experts from DG MOVE. This gave an opportunity for us to highlight the main issues raised by the A-NPA before the drafting starts. This concerns the introduction of pre-requisites required for implementing the GA roadmap, the well-known Annex II (establish a more generic one which would allow modification by implementing rules), the Qualified Entities (change for certifying organisations), the derogation and exemption regimes.

Currently, a first draft regulation is being submitted to other DGs as part of the inter-services consultation. Then, DG MOVE will compile all the comments received and will adopt a proposal. Let's say in December. The impact assessment should be delivered at the same time.

Early 2016, the EU's co-decision makers – Council (Member States) and the European Parliament - are expected to launch the legislative procedure on this file, a process that can easily take a year or two before completion.

We will try to get the text as soon as possible and will keep you posted.

STILL "ENROUTE" TO PART-ML OR NOW ON A "STABILISED FINAL APPROACH"?

Europe Air Sports actively contributed to a future "Light Part-M/Part-LM". The first tangible result is NPA 2015-08. Some efforts still have to be delivered to get what our community really needs. René Meier, Programme Manager, gives a short overview.

We recognise that we are at the point of departure from "Part-M", a set of provisions that for many years was heavily contested by our communities. This is because it is inherently inappropriate to aircraft maintenance processes for sports and recreational aviation, as well as to non-commercial operations with other than complex motor-powered aircraft.

The proposals presented by this NPA indicate the right direction to be followed in future. We are, however, still in the "enroute" phase, not on a "stabilised final approach". More work needs to be done to put provisions in place that really cover our needs.

We based our comments on the risk hierarchy published a while ago in the "General Aviation Roadmap" as follows:

1. *Uninvolved third parties*
2. *Fare-paying passengers in commercial air transport (CAT)*
3. *Involved third parties (e.g. air show spectators, airport ground workers)*
4. *Aerial work participants/Air crew involved in aviation as workers*
5. *Passengers ("participants") on non-commercial flights*
6. *Private pilots on non-commercial flights*

As a principle, all regulation should be screened against the backdrop of this risk hierarchy and the resulting need for protection.

Airworthiness concerns to both ELA1 and ELA2 aircraft (operated under Part-NCO) will affect identical levels in the risk hierarchy, i.e. level 5 and 6 (passengers and private pilots on non-commercial flights).

For uninvolved third parties, the difference between ELA2 aircraft and the other categories actually included in the provision is negligible. We believe this is a common position that we already share with the Agency, as on page 8 of NPA 2015-08 it says that the consequences for uninvolved third parties, of an accident to an ELA2 aircraft larger than ELA1 are not expected to be much different from those resulting from an ELA1 aircraft accident. Similar conclusions can be reached for an accident involving helicopters certified for up to 4 occupants and up to 1200 kg MTOM.

We offered the Agency our continued cooperation. Having contributed from the start, it was in our interests to achieve the best possible provisions for aircraft maintenance, fitting the purpose of the scope of this NPA. We therefore continue to support the Agency. Its "Opinion" will be published in the second quarter of 2016. No "Decision" publication date is fixed yet.

OCCURRENCE REPORTING/JUST CULTURE/SAFETY CULTURE – *Our expert Jean-Pierre Delmas presents EAS thinking on the topic*

The High Level Conference *"Saving Lives with Safety Information – the Impact of implementing a Just Culture in aviation"*, organised in Brussels by DG MOVE on 1st October, was a very formal meeting with European Commissioner for Transport, Mrs. Violeta Bulc, Executive Director of EASA, Patrick Ky, representatives of NAAs, Airlines, ATPL trade unions, environment organisations, etc.

The Official Signature Ceremony of the "*European Corporate Just Culture Declaration*" took place between four sessions with panellists.

Europe Air Sports did not sign the Declaration, as it is totally oriented towards commercial aviation, but was invited as panellist in the last session.

Jean-Pierre Delmas, Vice-President of EAS, delivered an introductory speech, highlighting the long lasting involvement of air sports associations in safety, and the achievements obtained in a proactive mixing of Safety Culture and Just Culture.

Under 'Just Culture' conditions, individuals are not blamed for 'honest errors', but are held accountable for wilful violations and gross negligence.

'Safety Culture' is created to help people to learn from unsafe acts, in order to improve the level of safety awareness through better recognition of safety situations. It also helps to develop conscious articulation and sharing of safety information.

Just Culture enables Safety Culture

Prescriptive regulation and a blame culture are unsuitable to address a reduction of the remaining accidents in private/leisure/sports flying.

In GA, remaining accidents are rare, but subject to investigations in many European countries.

Incidents and unsafe acts are more frequent, but they are not always known and are rarely investigated. Occurrences of those events remain largely unknown unless spontaneously confessed by first line individuals (such as pilots or mechanics).

The EU seeks to promote Just Culture in Europe[1]

Of course, there is an on-going debate on the border line between confessed errors which are not punishment worth, and gross negligence or wilful violation which are punishable although spontaneously confessed. It should not hinder adoption of Just Culture and Safety Culture, which altogether provide an efficient framework for improving safety in our air sports sector.

An appropriate Declaration of European Private/Leisure/Sport Pilots and their Associations, could be an official visible mile stone in this long lasting process.

Europe Air Sports is committed to ease adoption of Just Culture and Safety Culture by its member associations and other associations.

[1] Regulation (EU) No 376/2014 of 3 April 2014; Commission Implementation Regulation (EU) 2015/1018 of 29 June 2015.

TWO COMMENTS ON THE DEVELOPMENTS SURROUNDING RPAS (OR DRONES)

A-NPA 2015-10 - Introduction of a Regulatory Framework for the Operation of Drones - René Meier, Programme Manager, presents a point of view

Europe Air Sports (EAS), on behalf of all its member organisations (national aero-clubs, European sports and recreational aviation federations) and their members, welcomed this A-NPA dealing with a subject of utmost importance to all of us. Our organisations count some 680,000 members. A very high percentage started aviation activities by building their own model aircraft for sports and recreational purposes.

The Piper Super Cub of the late Hans Fuchs, on Mönchsjoch Glacier on a beautiful summer day, with René Meier as a mountain flying greenhorn

Firstly, EAS is concerned because aeromodellers form the largest member group within our organisation. From our perspective, it would be dramatic for aero-models to be included in a future "Basic Regulation". Model flying has been performed safely for many decades in a club environment, which provides dedicated training and ensures the responsible operation of aero-models.

For the sake of the future of aeromodelling it is the considered opinion of our members that model flying performed safely in a club environment must remain inside "Annex 2" of the Basic Regulation and thus continue to be regulated nationally, in accordance with the principle of subsidiarity.

Secondly, EAS is concerned because the future regulation with regard to drones could jeopardise the protection of our members flying powered aircraft, sailplanes and balloons, or hang-gliding and parachuting activities operating under visual flight rules (VFR). We support strongly the need for safe airspace available for our communities, be it powered flight, sailplane operations, ballooning, hang- and paragliding, parachute-jumping, or ultra-light aircraft operations, in the lowest segment of class G airspace according to the provisions of ICAO. As regards this group of our members engaged in manned aviation, we stress that "drones" must not undermine the safety of any other airspace user.

As most of our operations are performed according to VFR, our position is that "drones" must be fitted with reliable see and avoid technology, able to see and avoid non-cooperative aircraft (that is, aircraft that are not fitted with equipment such as transponders). We do not accept any attempts to mandate the installation of new equipment requirements for existing airspace users, as they do not generate any benefits for recreational aviation. However they have the potential to generate significant costs, not to mention technological challenges in fitting advanced electronic equipment to a non-powered aircraft, such as a balloon, hang-glider, or a sailplane.

We do not want to install new and costly equipment on-board our aircraft. We do not want to fly according to revised visual flight rules, being obliged to look inside instead of outside our aircraft, which would reduce our safety. This would also lead to a sharing of responsibility that we do not accept.

We do not see how "police" could deal with the "open category" proposed. Education is the solution, this is more effective than enforcement. We oppose the risk level assigned to these operations: the risk to the public is not "low", it is just different from the "certified" category. Further, is it not a contradiction to assign a "higher risk" to a certified category?

Finally, we do not accept the idea of putting all "drones" of all weights under the European rules framework. This measure is not risk-based, not appropriate and does not increase safety. Furthermore, using weight limits is, in our view, an outdated approach.

EUROPEAN PARLIAMENT ADOPTS POSITION ON REMOTELY PILOTED AIRCRAFT SYSTEMS (RPAS) - Timo Schubert reports

On 29 October the European Parliament adopted a non-legislative report by UK Conservative Jacqueline Foster on the "Safe use of remotely piloted aircraft systems (RPAS), commonly known as unmanned aerial vehicles (UAVs), in the field of civil aviation". The report expresses the EP's position on the EU's forthcoming legislation on the civil use of drones and will feed into the Commission's and EASA's work.

MEPs take the view that concise rules at EU level are required in order to provide conditions in which the RPAS industry can prosper, thus creating jobs and economic growth. They also stress that RPAS must be operated safely and therefore call for rules – to be developed by EASA and the European Commission – including on the initial airworthiness and the licensing of RPAS pilots.

Of particular relevance to EAS, the EP states that "solutions should preferably enable RPAS to use the airspace alongside any other airspace user without imposing on the latter new equipment requirements". This is great news, as the demand that RPAS should be able to see and avoid other aircraft without requiring them to install new equipment (transponders, etc.) was one of EAS's key suggestions during meetings with MEPs.

Moreover, the EP calls for a separate regulatory framework for the commercial and non-commercial use of RPAS. EAS welcomes this distinction, as it underlines the long standing principle at ICAO and EU level that commercial and non-commercial aviation must comply with different sets of rules, reflecting the type of operation and risk to third parties.

NOTICE OF PROPOSED AMENDMENT 2015-13

"Loss of control prevention and recovery training" - René Meier, Programme Manager, informs:

This Notice of Proposed Amendment (NPA) addresses a safety and regulatory coordination issue related to aeroplane Loss of Control In-flight (LOCI). It was published on 1 September 2015, comment period ends on 2 November 2015. Contrary to the normal timeframe we only had two months available for the preparation of our contributions. The "Opinion" of the Agency is planned for the first quarter of 2016, the "Decision" for the first quarter of 2017.

The Agency writes in the introductory text:

" The following initiatives are linked to this NPA:

- various accident Safety Recommendations; and the
- European Aviation Safety Plan (EASp) safety actions and amended International Civil Aviation Organisation (ICAO) standards and recommended practices.

This NPA proposes to integrate so-called upset prevention and recovery training (UPRT) requirements and provisions into the EU pilot training regulatory framework. As a result from taking a risk based approach to develop regulations, the main focus of the new training standards is on pilots who intend to pursue a pilot career with a commercial airline."

So far so good, however, the accidents cited were not GA accidents, the "Risk

hierarchy" published in the "General Aviation Roadmap" is not respected, and the next statement of the Agency is: "Such pilots would likely complete either an aeroplane Airline Transport Pilot Licence (ATPL(A)) or a Multi-crew Pilot Licence (MPL) integrated course, followed by a type rating on a multi-pilot aeroplane. The proposed pilot training aims to deliver enhanced pilot competencies through additional upset prevention and upset recovery related theoretical knowledge (TK) and flight instruction. Nevertheless, upset *prevention* training is also to be integrated into existing flight syllabi for other aeroplane licence training courses, such as for the Light Aircraft Pilot Licence (LAPL(A)), Private Pilot Licence (PPL(A)) and Commercial Pilot Licence CPL(A). The provisions for the LAPL(A) and PPL(A) training courses, mostly related to the General Aviation community, are lighter and thus more proportionate when compared to the CPL(A) and ATPL(A) training courses."

Our general concern now is that such a regulation would add substantially to the burden of the GA pilot in the LAPL and PPL syllabus without taking anything away. We understand that this is inevitable in a focused piece of work like this NPA on this particular topic. However, we think it goes against the general trend of addressing disproportionate regulation of GA.

It is clearly stated that the scope of the NPA is firstly and mainly the holders of an ATPL(A) and MPL. As a result, any provision of this NPA should not adversely impact the GA community. Adjusted training syllabi for ATPL(A) or MPL holders must not impose constraints upon GA pilots. If any, provisions for LAPL(A) and PPL(A) must be light and proportionate to the risks and means.

We shall insist on a truly proportionate and realistic approach being taken when considering the holders of LAPL(A) and PPL(A):

- most of RFs and ATOs providing training for these two licences do not have any FI with an aerobatic training, nor are FSTDs (Flight Simulation Training Devices) operated, and
- as a lesson learned from our experiences with Part-M, we shall insist on considering GA as such, not as a CAT subcategory.

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