



The Association coordinating Regulatory Matters for European National Aero Clubs and Associations of the Fédération Aéronautique Internationale and Member States of the European Civil Aviation Conference

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## *VISION PAPER* **POSITION OF SPORTS AND RECREATIONAL AVIATION IN THE FRAMEWORK OF THE EASA REGULATION**

### Air sports and recreational aviation.

Air sports and recreational aviation embrace a wide spectrum of airborne activities, ranging from powered flying, ballooning and gliding to newly-invented disciplines such as sky-surfing, microlight flying and paragliding.

Air sports and recreational aviation (Air Sports) are an aviation activity of competitive sports and leisure flying in non-profit organizations. Air sports have always been well-organized in clubs and co-ordinating bodies, using safe and orderly operating procedures. The safety records show this clearly and are available for future work .

The air sports community in Europe is represented by *Europe Air Sports (EAS)* concerning European regulatory issues affecting sporting and recreational aviation. *EAS*, which has the National Aero Clubs/Associations of 25 States and 4 European Air Sports Unions/Federations as members, is recognized by all relevant European Authorities.

The practice of air sports requires physical, mental and intellectual capabilities and provides an attractive sporting challenge to over 700.000 individuals in Europe, many of them young people. Air sports activities often take place at local level, but they also frequently include cross-country flights and border-crossings. International championships and other competition events are organized regularly.

The value of sports has been anchored in the Declaration on Sports of the Treaty of Amsterdam and the adoption of the Helsinki Report in December 1999. The proposed EU Convention includes an article on sports (III-183).

Additionally, air sports provide a rich and fertile source of motivated and experienced young people for later recruitment as professionals for careers in all aviation sectors.

### Objectives.

The guiding principle for the transfer of governance from national authorities to a European authority should be: “what is permitted and conducted safely today in individual countries, should continue to be permitted under the new regime.”

The transfer of authority will then gain ready acceptance by those affected. If the opportunity were taken to impose change for reasons of fashionable thinking, commercial capture by interested parties or political preference or expediency, without regard to the evidence of past experience, or in the absence of some demonstrable new factor that made change inevitable, then such change could be expected to attract fierce and prolonged resistance. This is counterproductive to flight safety.

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The overall objective of *EAS* is a long-term continuity of sports and recreational aviation in Europe with an appropriate amount of regulation and without additional unnecessary restrictions, to ensure flight safety, access to airspace, free movement and efficient and cost-effective organization for the operation.

These objectives require the use of specific operational, technical and functional expertise related to each of the air sports –with due account for the geographical and national differences- that is currently available in the national civil aviation authorities, national coordinating organizations and national aero clubs. This expertise is not adequately and formally present at the centralized European authority level.

However, the regulatory power of a centralized European authority is needed in order to ensure equitable access to airspace and to ensure free movement of aircraft and pilots in the EU as well as proper response to evolutionary changes and opportunities.

A major argument is that air sports do function safely and adequately in many countries. It is therefore urgently recommended that all but the broadest policy issues should be left to national authorities and/or delegated to a national (coordinating) air sports association. Any regulation should preserve high flexibility to proceed with approved national solutions. The retention of preserved rights (“Grandfather Rights”) at national level will be an essential part of any solution. Any removal of freedoms and privileges that exist safely in those countries, including the imposition of any new medical constraints or restrictions, could be expected to trigger profound discontent in the affected air sports communities. This would militate strongly against a central European approach.

In other words, operational and technical authority should be put at national level, where appropriate segmented by air sports disciplines, while a regulatory policy framework should be put at international (EASA) level in the EU.

It should be recognized, however, that countervailing powers in a supranational authority might also work in an undesired direction. Therefore a high level of recognition of the values of sport, recreation and personal fulfilment should be accepted at EASA policy level and represented by the Agency.

Certain aviation sectors of sports and recreational aviation that do not require the regulatory power of a centralized European authority for their normal operation, should be exempted. These sectors are microlight, amateur-built and vintage aircraft aviation, hang- and paragliding and parachuting as well as aeromodelling.

Also in these sectors a high level of safety has been achieved and the objective of free movement in the EU has been realized in practice by other internal means or is not an overriding criterion.

## Basic principles.

1. The Essential Requirements (ER) should be drafted with due recognition to the category of air sports and recreational aviation (and non-commercial light aviation), especially for air operations and pilot proficiency, but also for future inclusion in airworthiness (modifying the existing regulation of airworthiness and continuing airworthiness). Our proposal is a specific Category of sports and recreational aviation (aircraft less than 2730 kg MTOW –structural mass for balloons- used for competitive sports and leisure purposes in a non-profit organization).

2. These ERs should allow for lower, but appropriate and safe, standards for pilot proficiency (authorization to fly) including medical fitness (for example, by self-declaration, countersigned by a general practitioner).
3. In various countries it is a well-established system to delegate tasks for regulation or regulatory implementation of this category of aircraft to national coordinating air sports organizations or national air sports associations. It is an essential issue for *EAS* to retain this way of working in these countries.  
A pan-European organization for this category is not feasible at present. This does not mean that in the longer-term future such a solution might not be attractive and work. *EAS* is willing to discuss various modalities when that comes up.  
In view of the obligation of mutual recognition and inspection it is proposed to impose criteria for qualified entities that are entitled to carry out regulatory (implementation) tasks, in the Regulation.
4. The issue of fractional ownership should be defined in such a way that fractional ownership in clubs or other purely private constructions do not fall under the EASA regulation.
5. Specific activities that are required to make sports and recreational aviation operation possible, such as flight training in clubs, glider towing, parachute dropping, passenger trial/demonstration flights must not be regulated according commercial or aerial work requirements. These are integral parts of sports and recreational aviation.
6. The same applies to the requirement for the use of the English language. This is not necessary for local or even national flying and would unnecessarily impose a burden on sports and leisure flying.

## Conclusion.

*EAS* welcomes the opportunities of being part of the EASA regulation.

However, this should be focused on a high level policy framework while the operational and technical implementation should be left at national level and with due recognition of current approved standards. This will ensure the continuation of the high level of safety achieved in our branch of aviation.