



The Association representing European National Aero Clubs and Air Sports Organizations in Regulatory Matters with European Authorities and Institutions.

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ref S8011- unauthorized  
07-04-2008

## MINUTES GENERAL MEETING

**15/16 March 2008, Hotel Park Inn (Belfortstreet), Cologne, Germany**

Attendance see list **Annex 13**

The meeting is scheduled in a technical part on Saturday (partly extended into Sunday morning) and the statutory part on Sunday.

After the opening words of the President, and introducing our guests Mr Claude Probst, Director of EASA Rulemaking, Mr Juan Anton and Mr Matthias Borgmeier, EASA Rulemaking Staff, the meeting starts with a presentation of the strategic issues by Mr David Roberts, VP Europe Air Sports (EAS), followed by a general discussion.

### **1. President's opening remarks (ref Annex 1).**

Reference is made to **Annex 1**.

### **2. Presentation Strategic Issues (ref Annex 2).**

In view of the presence of EASA officials specific issues have been taken to the early morning. Mr Roberts elaborates on the strategic issues:

1. Basic Regulation (1592/2002) extended to Licensing, Operations and Third Country (non-EU) Aircraft, in the meantime published in the Official Journal under reference EC Regulation 216/2008.
2. Future extension of Basic Regulation to Aerodromes – EASA Opinion submitted to the Commission in December 2007
3. Extension to ATM – also in progress to Commission
4. Part 21 changes for Original Airworthiness – MDM.032 group has developed a regime for non-commercial aircraft < 5700kg MTOM, proposals for ELA1 & ELA2 are in processes, an NPA is expected very soon
5. Part M changes for Continuing Airworthiness (and Maintenance) for non-commercial aircraft < 2730kg MTOM
6. Licensing (including medical standards) – draft Implementing Rules and Acceptable Means of Compliance are in progress, an NPA publication for 3 months consultation is expected in the second half of May 2008
7. Operations - draft Implementing Rules and Acceptable Means of Compliance, an NPA publication for 3 months consultation is expected later this year (2008)
8. In particular attention should be aimed at the Definition of commercial operations (impact on air sports / activities currently classified as non-commercial), acceptance of General Medical Practitioners as alternative to AMEs, Future of Annex II (exemptions from scope of EASA)

He is going into details on the various strategic elements as elaborated in **Annex 2**. Further details are given in Mr Schuegraf's presentation (**Annex 4**).



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An essential issue is the way how we can effectively respond to the NPAs and the EASA consultation. EASA needs not just criticism but constructive alternatives, with justifications and safety case. Sometimes it needs to be quantity, however multiple 'cut and paste' identical responses will be treated as one response. If you comment in support, write what you like such as the medical standards for the LAPL.

### **3. Discussion with EASA.**

#### Definition of Commercial Operations.

Our concern is a heavy regulation of simple VFR flights, not driven by flight safety rules, but by contractual requirements. This impacts not only operation, but also maintenance and pilot training by non-professional individuals, also charitable flights.

Mr Probst replies that EASA has to follow a legal framework, but cannot make legal interpretations. There is the judge who decides if the operation is making profit according to the law. A way out may be a membership contract.

Sir John Allison comments that current non-commercial operations are in full understanding of the various national CAAs and individual operators feel safe. The new definition gives rise to uncertainty and the prospect of facing possible legal action is not something that most individuals or small companies can tolerate.

Mr Probst does not agree and argues that the current definitions protect only from being sued by the CAA. The judge never will accept an interpretation by the regulator.

#### Annex II.

Our main preference is to maintain the situation as is now.

Mr Probst responds that the general trend is that most national CAAs want EASA to take it all, including the microlights. The mood is to eliminate Annex II in due time.

There are advantages in being a member of the EU: free movement, extended market, political power. To prefer being out to being in is not realistic in the EU process.

Sir John Allison remarks that for EASA the level of success is determined by the level of acceptance by the user. If after all the user is dissatisfied, then that is a failure. If operators who could be in Annex II prefer to be in EASA, then that is success for EASA.

Mr Probst emphasizes that the Commission recognizes better regulation for GA. He urges to work together and use EASA to achieve that goal.

Mr Bertram supports this and urges not to go political.

Mr Negal remarks that there are more Annex II-aircraft flying than non-Annex II. LSA flying in the USA cannot be flown in the EU. He fears that our views are not taken seriously by EASA, so he prefers to stay in Annex II. For instance there is not universal happiness on Part-M, where asked for a Light Part-M.

In this respect Mr Probst counters that Part-M allows to operate with a minimum burden.

#### Aerodromes.

EAS has deep concern that the proposed definition would capture almost every aerodrome, thereby bringing the type of aerodrome used by our sports needlessly under inappropriately restrictive legislation. Mr Probst suggested that the wording was designed to give us protection from exclusion because an aerodrome owner could discriminate as to who was allowed to use the aerodrome. However, this had passed beyond EASA and can only be taken up now in the legislative process.



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### Licensing.

First remark is that we do not like the wording Leisure Aircraft Pilot License which gives a negative impression. We prefer the wording Light APL.

However, the main concern we have is the medical part. The medical requirements in the LAPL are the only difference to the PPL and it was essential therefore that its lighter standards be preserved.

Mr Borgmeier mentions the internal status in the FCL.001 and subgroups of the implementing rules. The FCL meeting on 14 April is the last opportunity to get things done. On the medical side the main remaining issues are the quality of the GMP, the intervals of the medical check-up and the criteria.

The issue of the UK's IMC Rating might be addressed by means of an exemption for the UK situation. Input from PPL/IR into the rulemaking group on the Instrument Rating is desired. Incorporating this into the IRs is a future task during the 4 years transition period. A question came up if existing FAA licenses in the EU will be recognized. The EASA opinion is that reasonable EU requirements should avoid that non-EU licenses are held by EU resident citizens. EASA does not accept foreign licenses without reciprocity.

### Mr Claude Probst.

The President then thanks Mr Probst when leaving the meeting, for his participation and wise words how to achieve results with the EU institutions. He emphasizes the excellent relations with EASA and the many good results achieved in fruitful co-operation.

Mr Probst responds EASA's willingness to accommodate GA. Many EASA employees are pilots themselves, taking pleasure in private flying, in aerobatics and the like. However, they have to comply with the political choices made.

### Part-M. (see also **Annex 4** –presentation by Mr Schuegraf for more details)

The CRD has been published on 6-3-2008 (457 pages) with a response time until 6 May (and earlier if possible). Mr Anton adds that EASA wants to issue its Opinion middle of May, since the Commission wants to give their ruling in June.

The question is whether Part-M, which was originally so burdensome is now sufficiently alleviated to provide an appropriate and workable solution for air sports and light aviation. Mr Anton points out that there will be provisions for the ELA, the LSA (<2730 kg), that a private owner does not have to go to a CAMO, the airworthiness review may be done by an independent engineer.

Timescale is effectivity 28 September 2008 and during one year national rules may be maintained for subpart F organizations (EASA approvals must be acquired in that year).

Mr Cameron is concerned about the expected bureaucracy for ballooning. Mr Anton reassures him that manuals, fees etc will be subject to alleviated requirements and repair and mod approvals according Part 21.

In the case of Pilot Owner Maintenance with shared ownership it is mentioned that the legal entity owning the aircraft, should have a contract with the pilots.

Mr Torode (chairman of M.017 rulemaking group) confirms that the current draft contains significant elements of ELA thinking. He expects that when MDM.032 has a full-grown concept, the M.0017 group will be able to finalize the work.

The President observes on the considerable progress made in improving Part-M and thanks Mr Anton for his excellent work and participation in the meeting.



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## **4. Overview EU Aviation Regulation and Sports statements (ref Annex 3)**

Mr Berger briefs the meeting on the developments of EU aviation regulation and sports statements which are of importance to our community. Details are given in **Annex 3**.

### Sport matters.

In the past statements on sport have been made in the Treaties of Nice and Amsterdam and in the original Constitution. Recently a strategy paper on sports (The White paper) has been developed in consultation with the stakeholders. Sport is now introduced in the Revised Lisbon Treaty signed by the EU leaders on 13 December 2007. Commission proposal COM(2007)391 is in process to be submitted to the European Parliament, to the Regions Committee and to the Social and Economic Committee.

The main purpose is to ensure that sport is in the mainstream of EU policy development and to set the conditions for improved governance in European Sport, by providing guidance for the application of EU rules. A follow-up is envisaged in a structured dialogue between stakeholders and the Commission.

### Civil Aviation Regulation.

EC activities on civil aviation regulation contain of the following items:

- Insurance EC 785/2004;
- Driving Licence-Repeal Directive 91/432
- Single European Sky;
- Commission proposal on airport charges
- Gas emission allowance
- Aviation Security
- Extension of 1592/2002

Details are given in **Annex 3**.

## **5. EASA issues (ref Annexes 4 and 5).**

Mr Schuegraf then explains the main issues currently active in EASA.

A detailed review is given in **Annex 4**.

The following NPAs are expected in the near future:

1. Flight Crew Licensing March
2. Authority requirements April (of indirect importance to EAS)
3. Safety Management systems May (not directly of importance to EAS)
4. Operations June
5. Third country operators/aircraft July (of no importance to EAS)
6. Operational suitability certificate August

Europe Air Sports will be involved in various rulemaking groups, mainly related to the MDM.032 group:

- MDM.032 >2 more meetings, 7 EAS involved
- OPS.01 >Joel Hencks, also in Aerial Work
- FCL >Rudi Schuegraf in the core group, Dr Peter Saundby for medical aspects and in the non-JAR group Jørn Vinther, Patrick Pauwels, Roland Stuck and Rudi Schuegraf



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- M.005 >Pilot Owner Maintenance
- M.017 >Part-M, Howard Torode, Helge Hald, Rudi Schuegraf and for -66 licences Jannes Neumann.
- LAPL >(Matthias Borgmeier leading) Roland Stuck, Michel Rocca and Jørn Vinther and Hans Åkerstedt for ballooning aspects.

During the discussion on licensing several topics were touched.

The sailplane license (SPL) includes TMG. For LAPL/sailplane and ballooning only the medical requirements differ.

Flying in clouds is important for wave flying. A solution should be found in the future transition period, as with the IMC issue.

Qualifications are for night flying, aerobatics and towing. Sir John Allison considers an additional qualification for air displays is necessary. This type of aviation requires special skills for an individual which cannot be assessed on the day by an air display organiser.

Mr Black reminds of the JAA leaflet on air displays to be revitalized by EASA.

### Operations (ref Annex 5).

Mr Hencks explains the issues related to OPS.001

He starts with an overview of the history of the Ops group activities. The objective of the OPS.001 rulemaking group was to develop an Agency opinion containing implementing rules for OPS and an Agency decision containing AMC/GM on OPS.

Part OPS 1 for “Commercial Air Transport”, Part OPS 2 for “non-commercial operation with complex motor powered aircraft”, Part OPS 3 for “Aerial Work (commercial other than CAT)” and Authorities (requirements for competent authorities).

Finally Part OPS 0 “General operating and flight rules” containing general requirements applicable to all aircraft operations. Here use shall be made of the input from task group MDM.032, which includes the requirements applicable to non-complex aircraft engaged in non-commercial operations.

The work in the core group and its subgroups progressed until June 2007.

After the core group meeting in June 2007 EASA decided to develop a legal draft of the whole package of OPS regulations without any help from the working group.

This work was done by the EASA staff and the result was presented for the core group in November 2007. It turned out that a totally new structure has been introduced:

The definitions of “operator”, “a complex motor-powered aircraft (aeroplane!)” and “commercial operation” may imply serious consequences for general aviation.

The Essential Requirements for Air Operations (Annex IV in the Basic Regulation) contain various critical issues. Details can be found in **Annex 5**.

The Implementing Rules would be divided into two parts, Part OPS 0 VFR Day Operations and Part OPS 1 General Operating and Flight Rules

Part OPS 0 contain a supposedly very simple set of rules, applicable to day VFR flight by aeroplanes, helicopters, gliders and balloons. This was intended to meet the request of the MDM 32 Rulemaking Group for one set of simple rules that would cover all of the material required for VFR non-commercial operation of non-complex aircraft. This rule would also be applicable to operation of all aircraft.

Part OPS 1 would be all the general rules governing VFR night and IFR flight by all aircraft involved in both non-commercial and commercial operations.



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Then there are Part 2 Special Operations and Part MS (Management Systems) and Authority Requirements.

There are several key issues to be addressed to in the group and to be monitored:

Definition of aerodrome- equipment- documents to be carried in flight- responsibilities of the PIC- operating minima and commercial vs non-commercial.

Mr Hencks elaborates on the commercial vs non-commercial issue and gives some possible solutions. See for details **Annex 6**.

Next OPS.001 meeting will be on 10 April and input from the MDM.0032 rulemaking group is then expected. The NPA OPS is expected to come out before the summer.

It was the opinion of the conference, forcibly expressed, that the proposed Ops Rules for light aviation were almost all unnecessary and inappropriate and that EASA needed to think again.

## **6. Environmental issues (ref Annex 6).**

Mr Wolfgang Scholze gives a presentation of the current environmental regulatory topics that are of importance to our community. He mentions three topics:

1. On 13 November 2007 the European Parliament amended in the first reading an Amendment of Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community as from 2011. The EU goal is 20-30 % less emissions than 1990. The EP amendment specifies to have SES/SESAR implemented as soon as efficiently possible, to have VFR flights to be included, to require flights of aircraft below 20.000 kg MTOM to participate in an offset scheme (Golden Standard). This co-decision procedure is waiting for the 1st reading by Council pending. Influence should therefore be directed to the EC and Council.
2. European Union plans to add 5 up to 10 % of bio-ethanol to automotive fuel which would affect all powered aircraft operating on supplemental type certificates (STCs), who then need to revert back to use AVGAS 100 LL.
3. Public consultation process (US) could lead to take off from US- and consequently EU-market AVGAS 100 LL due to its lead percentage. Not many alternative fuels are available, low-lead AVGAS is only usable for lower compressed engines).

## **7. Airspace issues (ref Annex 7).**

Mr Bertram mentions the issues that are of importance to EAS in the area of airspace. FAI has instituted a Commission that deals with airspace matters. Its first meeting will take place next week. Co-ordination is required.

SES has decided to keep the ICAO airspace classification below FL 95. Also SESAR has stated such in its deliverable D5.

Further harmonization will be achieved in the flexible use of airspace, all rules throughout Europe and VFR information in AIP publications.

Important activities ahead are the update of the Eurocontrol Airspace Strategy and the further development of SESAR.

Mr Portmann calls for close co-operation with national airspace authorities at national level. Mr Draper mentions his attendance at a study conference for future airspace (2020/2030). He will send more information.



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## **8. UAV issues (ref Annex 8).**

Mr Schuegraf –in absence of Mr Graham Lynn who was unable to attend owing to illness- explains the various appearances and issues of unmanned aerial vehicles (UAV) as expressed today. Mr Lynn is participating on behalf of EAS in the Eurocae workinggroup 73 and the Small UAV projectgroup of UVS/International. EASA has held a Workshop on UAVs on 1 March 2008, as followup of the NPA last year.

Main issues are:

- The need of frequencies for control and command;
- The use of the airspace with other aerial vehicles (concept of sense and avoid);
- Identification;
- Legal aspects, liability, who is the Pilot in Command.

## **9. Response to NPAs**

Mr Roberts elaborates on his guidelines how to respond to the EASA NPA and Consultation process. Part-M CRD and the NPA Licensing are now the most important matters to address. The CRD is on the EASA website and requires a response before 6 May 2008. The Licensing NPA is expected in the second half of May 2008.

He also draws the attention to the special tool for submitting responses to EASA on the EASA website. Mr Fridrich adds that he has developed an example how to use this and he will pass on this information.

Mr Torode emphasizes that in responding to Part-M the quality of the response will count. Mr Roberts emphasizes that the primary issue in the Licensing rulemaking is the medical issue so a volume of responses of support will be required.

Of course, as said earlier, responses should be concrete, to the point, brief, not limited to criticism but including an alternative explaining why the safety case is better than that of EASA.

## **10. Dr Peter Saundby.**

Dr Saundby confirms to the audience his decision to submit his resignation as Medical Technical Officer of Europe Air Sports which is explained in his letter and report to the General Meeting (ref R and R ).

The President takes this moment to express his sincere appreciation for the work that Dr Saundby has done for the air sports community in various committees and events during a long-lasting period, from the very beginning of Europe Air Sports. He has served our community with distinction, achieved wide spread respect and in many cases important results. These words of thanks are supported by a warm applause of the audience.

## **11. Any Other Business.**

Mr Madsen informs the audience that the Danish Government has requested in a special EU committee that no standard below ICAO may be accepted. Also they required that leisure flying would remain under national rules. This would be a topic in the meeting of Ministers on 7 April. The general feeling in the audience is that there is no way to change the directions of the current rulemaking now.

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## **General Meeting, Sunday 16 March 2008.**

The list of attendance specifies the names of the delegates of the members with voting rights (indicated with an \* in the Attendance list and signed). There are 96 votes present, 80% of total.

### **1. President's Report (ref Annex 9)**

The President presents his formal report (see **Annex 9**).

### **2. Minutes 18 March 2007.**

There are no comments, minutes are approved.

### **3. Subscription system.**

Since no further initiatives to adjust the subscription system have come in since the previous General Meeting, the meeting agrees not to proceed with a discussion on this subject.

### **4. Membership issues.**

A number of requests have come in from organizations to become member of Europe Air Sports. The Board proposes to deal with these requests as follows:

1. EFLEVA (European Federation of Light Experimental and Vintage Aircraft) has formerly applied and Mr Hopkinson, President of EFLEVA, briefs the audience of the current activities. The Board endorses the application and the meeting agrees.
2. EFPU (European Powered Flying Union) is now a legal entity and Mr De Richemond informs that they will have their Annual General Meeting within the next two weeks. The Board encourages the formation and invites the meeting to pre-accept the application, to be expected from EPFU. This is agreed.
3. EPU (European Parachuting Union) is now re-established by a group of 5 parachuting organizations and has formally applied for membership. Mr Moore confirms this fact and the meeting agrees on the proposal of the Board to accept the application.
4. The German Modelflyers Association has asked to be accepted as associate member of Europe Air Sports. The Board has investigated this application in detail and responded to the Association that their application will be put on the agenda of this General Meeting. The Board has come to the conclusion in the mean time that relevant Europe Air Sports' policy was that no new member can be accepted if that would be against the interest of an existing member. In this case the political structure in which the German Aero Club and also the FAI is operating, would be severely disrupted. The Board advises the meeting to reject this application on these grounds which is accepted by the meeting.





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## **5. Financial matters (Annexes 10, 11 and 12).**

Mr Roberts firstly confirms that the statement of the auditing committee over the financial report 2006 has been received and reads out the text (see **Annex 10**).

He then presents the financial report 2007 (S8009 **Annex 11**). Due to a negative result of approximately (€ 6.700) the reserves have decreased to less than € 32.500 which is much less than 50% of the annual expenses. The main reason is the substantially increased participation in EASA rulemaking working teams.

The meeting then unanimously agrees to discharge the Board of liability to financial responsibility for 2007, subject to the statement of the auditing committee. The Dutch KNVvL has agreed to carry out the financial audit 2007.

Mr Roberts then presents his report on the financial situation and forecast for 2008 and the proposed budget for 2009 (S8010 **Annex 12**). No change in the subscription rate is envisaged. There are no questions and the meeting approves the budget 2009 as stated in S8010 (Annex 12).

## **6. Elections**

Since Sir John Allison is the only candidate for the function of President, Sir John is elected by acclamation. Sir John has indicated that this period is limited to one year. Also for the function of Treasurer-General only Mr Per Wistisen is nominated and therefore elected by acclamation.

For the current 5 vacant functions of Vice-President of the Board 7 nominations have been submitted. Only Mr Cor van den Burg is new to the audience and therefore he presents his career. The other candidates are either member of the Board open for re-election or Advisors of the Board, representing the member aero club and union organizations. The President proposes to extend the number of Board members up to 10, in accordance with the statutory and General Meeting requirements, and at the same time not to fill in the functions of Advisors (representatives of the member aero club and union organizations) in order not to increase the size of the Board meetings. Since two of the candidates (Mr Berger and Mr Stuck) have indicated that their re-election period is limited to one year, the size of the Board could be re-adjusted next year if so desired. The meeting agrees with this proposal and accepts the nomination of all 7 candidates. Therefore Mr Louis Berger, Mr Cor van den Burg, Mr Sergio Calabresi, Mr Dominique Méreuze, Mr David Roberts, Mr Rudolph Schuegraf and Mr Roland Stuck are elected by acclamation.

## **7. Next General Meeting.**

Date and location of the next General Meeting will be mentioned later this year. Suggestions for a suitable location, convenient and cost-effective, are welcome. If no proposals have come in, the idea will be to continue holding the General Meeting in or near Cologne.



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## **DECISION and ACTION ITEMS:**

1. CRD on Part-M, published on 6-3-2008, should be responded before 6 May 2008;
2. NPA Flight Crew Licensing, expected second half of May 2008, should be responded;
3. NPA OPS, expected to come out before the summer, should be responded;
4. Amendment of Directive 2003/87/EC (greenhouse gas emission) responses should be directed to the EC and Council;
5. special tool for submitting responses to EASA on the EASA website should be used;
6. organizations accepted to become member of Europe Air Sports are EFLEVA, EFPU and EPU;
7. the application of the German Modelflyers Association has been rejected;
8. the statement of the auditing committee for financial report 2006 has been received;
9. the Board has been discharged of liability to financial responsibility for 2007, subject to the statement of the auditing committee;
10. meeting has approved the budget 2009 as stated in S8010 (Annex 12);
11. Sir John Allison is elected President for one year term by acclamation;
12. Mr Per Wistisen is elected Treasurer-General by acclamation;
13. Mr Louis Berger (one year), Mr Cor van den Burg, Mr Sergio Calabresi, Mr Dominique Méreuze, Mr David Roberts, Mr Rudolph Schuegraf and Mr Roland Stuck (one year) are elected Vice-President by acclamation;

## **ANNEXES:**

- annex 1 President's opening remarks
- annex 2 presentation Strategic Issues
- annex 3 overview EU Aviation Regulation and Sports Statements
- annex 4 presentation EASA Issues
- annex 5 presentation Operations Issues
- annex 6 presentation Environmental Issues
- annex 7 presentation Airspace Issues
- annex 8 presentation UAV Issues
- annex 9 President's Report
- annex 10 Statement Auditing Committee Financial Report 2006
- annex 11 Financial Report 2007
- annex 12 Financial situation 2008 and Budget 2009
- annex 13 attendance list