



APRIL 2016



*Fouga Magister outside the Aerocampus Aquitaine conference centre (photo René Meier)*

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**INTENSIVE DISCUSSION ON RECAST OF EASA BASIC REGULATION**

*In January, Michel Rocca briefed us on the process and the aims of Europe Air Sports regarding the revision of the Basic Regulation.*

***Timo Schubert has the latest news.***

The Commission’s proposal for a recast of the Basic Regulation (BR) is currently passing through the EU’s legislative procedure, involving the Council (Member States) and the European Parliament (EP).

Discussions have progressed rather well at Council level under the guidance of the Netherlands Presidency. In a parallel process activities are now also intensifying in the EP, where the Committee on Transport and Tourism will discuss the file on 23 May.

Our position focuses on three main points:

1. An increase of the weight limits in the new Annex I (currently Annex II) to 600 kg MTOM while introducing a maximum empty weight of 405 kg. This would allow Member States to regulate such aircraft and solve many of the problems faced by the microlight community related to the outdated MTOM of 450 kg. At the same time we support the Commission's proposed concept of opt-in with some modifications. This would allow aircraft currently regulated nationally to opt into a European system, if and when EASA and the Commission come forward with appropriate rules for such light aircraft.
2. A better definition of "Commercial Air Transport", ensuring that club operations are not considered as being commercial. This is of particular importance for clubs when organising open days and offering trial flights.
3. Changes to the so-called Essential Requirements of the regulation to ensure they are not overly prescriptive.

Europe Air Sports has organised intensive rounds of meetings with key decision-makers in Brussels, including MEPs and Member State representatives. Following these activities we were given a unique opportunity to present our position to the Council's aviation working party, which comprises representatives of all EU Member States and the Commission.

*Julian Scarfe and David Roberts at the Council's Aviation working party (photo Timo Schubert)*



While the Basic Regulation is likely to stay in the legislative process for at least the whole of 2016 we are hopeful that a good preliminary decision on Annex I and the other relevant issues can be made in the next few months.

We will continue to participate in the debate to ensure that the needs of sports and recreational aviation are not being forgotten.

## **TRAINING OUTSIDE APPROVED ORGANISATIONS**

### ***Jean-Pierre Delmas brings us up to date on this important subject***

Europe Air Sports is part of the Task Force aimed at finding a solution for "Training outside Approved Organisations". Members of the Task Force (TF) are still working on this.

Once comments to NPA 2015-20 had been received and processed by EASA, TF Members were called to a meeting in March. Unfortunately the sole option put on the agenda by EASA was "to revert to approval concept". This backtrack was presented as being necessary to keep compliance with the old Basic Regulation. But this interpretation of the Basic Regulation is disputed by stakeholders and some NAAs and several other interpretations are still on the table.

The next meetings are scheduled for 3 and 19 May. Europe Air Sports is strongly supporting the version that does not require approval, because the way approvals are

presently obtained is burdensome for small and very small organisations, without the process creating any improvement in safety.

In comparison with former registered facilities, training organisations should be fully responsible for addressing local safety issues and for delivering training according to a training programme agreed by authority, in order to achieve standard training across Europe.

In comparison with present approved training organisations, the application file for a registered training organisation should be subject simply to a completeness check instead of an initial audit and continuous oversight by authority. This approach would be safety- and risk- based instead of mainly compliancy-based.

Whatever the variety of acronyms presently circulating - RTO, BTO, NTO\* - the next two months should deliver a sustainable direction for thousands of existing small and very small organisations which have been delivering training towards private pilot licences successfully and safely for decades.

The task needs to be completed before the summer break. The aim is to publish it in spring 2017 because the present opt-out period ends in April 2018.

\* Registered Training Organisation; Basic Training Organisation; National Training Organisation.

## **DEVELOPMENTS WITHIN INDIVIDUAL AIR SPORTS**

*Over the last year, representatives of ballooning and gliding have been negotiating with EASA to develop more appropriate and relevant regulations for these activities. Ballooning was the first to start this process and has achieved significant success. Gliding followed shortly afterwards and is in the early stages of creating a suitable programme for gliding.*

*Patricia Lamy, President of the European Ballooning Federation, and Patrick Naegeli, President of the European Gliding Union, describe the processes that they have undertaken and the progress made so far.*

### ***European Ballooning Federation: Flying high with EASA - Patricia Lamy***

*Balloons over the Jura (Photo supplied by Patricia Lamy)*



Just a year ago, the newly elected board of our European Ballooning Federation met Patrick Ky and his staff in Cologne. We were both happy and surprised to discover that the agency was considering us not just like a bunch of enthusiasts, but as a real general aviation federation, representing both sport and commercial pilots across Europe.

Patrick Ky proposed that balloonists would be a test discipline for a quicker, more efficient way to make rules. If it is a success, he said, we will extend the procedure to other general aviation disciplines. So, we started to work on all pending topics: training, licences, operations, medical, maintenance. It was hard work as we had to go to Cologne quite often to attend the different working groups, but it was worth it.

In Spring 2016, this is where we are:

A "Part Balloons" is being designed, putting together everything concerning ballooning into one simple book. A kind of balloonist guide to the galaxy.

OPS: reduced from 2500 to about 60 pages. Much more simple. Already accepted by the Commission, only a few items still need to be checked.

Part M light: approved.

Training: will the complex "ATO" be changed into a "RTO" or a "BTO"? Suspense ... all is in the hands of the legal people.

Medical & licences: a new group is starting this spring, led by EBF.

EBF is still a small federation, but is convincing more countries to join and intends to make balloonists heard Europe wide!

### ***Gliding and Sailplanes - Patrick Naegeli***

Many areas of aviation – commercial and general – benefit from regulations that EASA has introduced. In some areas, however, the cost and complexity of complying with relevant regulations can considerably outweigh the potential benefits. Gliding is such an area.

In early summer 2015, the European Gliding Union (EGU) wrote to Patrick Ky to make him aware of the major issues that current and planned EASA regulations created for gliding. The letter arrived at EASA at the same time as the organisation was beginning to recognise the disproportionate affect that its activities were having on the simpler, non-commercial end of sporting aviation. The result was an agreement to re-examine the regulatory framework applicable to gliding – and then to develop a new framework that is entirely designed around the needs of gliding, and not simply carried over from other parts of aviation.

The programme – Part-Gliding is a working title adopted by some - will consist of two work streams. One, covering the rules for gliding operations, will be led by EASA. The EGU will be prominently represented in this group alongside other stakeholders. The other work stream, dealing with licensing and training, will be led by the EGU. EASA will initially observe and guide the work of this team, and become more directly involved as and when it is able to devote more resource to the effort.

Settling on rules that benefit rather than constrain gliding is a priority. The continuation of existing regulations, and the uncertainty about the shape of potential future rules, do nothing to help national gliding associations focus on what's important – ensuring a bright future for our sport.

The normal timelines that EASA and other European institutions work to means that it takes years for things to make it to the statute books. Nevertheless, EASA appears to be as keen as the EGU is to make prompt progress. The development of new regulations will, as a consequence, follow an abbreviated form of process. This will not limit appropriate engagement with all relevant stakeholders, but will allow for it to be focused in such a way as to shorten the overall amount of time that it takes to organise.

It will, however, still be some time before we have new rules for gliding. We will, as a matter of urgency, have to address the suitability of current opt-outs. For example, all EASA nations will have to comply with flight crew licensing regulations by no later than April 2018. As we expect licensing and training rules to change materially under Part-Gliding, then we want to avoid any possibility that glider pilots will have to undergo two rule changes.

The EGU appreciates the commitment that EASA has made to Part-Gliding. I hope to be able to report on significant, useful progress as 2016 proceeds.

## **EASA – THE ‘WAY AHEAD’ FOR UNMANNED AIRCRAFT IN THE EU**

***Dave Phipps, Aeromodelling Technical Officer***

Following on from my report in the January Newsletter, there have been some further developments on the regulatory front in terms of ‘drones’.

With the regulation of ‘drones’ becoming a matter of international concern, regulatory activity is clearly extending beyond the boundaries of Europe. As such, there is an increasing focus on the regulation of drones internationally through JARUS and ICAO.

It has been agreed that the FAI will represent the world-wide interests of sporting and recreational aviators at JARUS and ICAO level and EASA will continue to perform this function at European level and will remain the interface with EASA.

At the recent Europe Air Sports Conference in Bordeaux, Yves Morier (Head of GA & RPAS) gave a presentation on the ‘way ahead for unmanned aircraft’. The proposals presented were based on the outcome of the consultation and subsequent Technical Opinion issued by EASA (published in December 2015).

The pillars of the proposed approach were described as being:

1. Operation Centric – This would take account of the area in which the drone was being operated on the basis that the consequences of loss of control would be highly dependent on the operating environment.
2. Risk Based – This would utilise the idea of the three categories (Open, Specific and Certified) put forward in the Consultation and Technical Opinion. It would also allow the purpose of the flight to be considered (whether it was commercial or non commercial).
3. Smooth – The intention was to avoid any undue burden being placed on the existing aviation system.

EASA has given the highest priority to the development for standards supporting operations in the Open Category, as these are required to address the immediate problems encountered with the use of ‘recreational drones’ within some Member States. It was said that this work could be completed as early as Spring 2016.



*Racing drone (Gareth Greener)*

There was very little reference made to the place of model flying within EASA’s ‘way ahead’ despite previous assurances of ‘grandfathering’ the established arrangements for model flying and the stated intention to ‘develop rules which will not affect model aircraft flying’. Similarly, there was no recognition within EASA’s proposed Safety Promotion & Communication Plan (due to be launched in June 2016) for the valuable role which established model flying organisations can play in promulgating the safety message.

There is clearly a requirement for the regulation of ‘drones’, but it would be unfortunate if model flying were to become a victim of excessive and disproportionate regulation, especially at a time when EASA is generally applying a ‘lighter touch’ to the regulation of other air sports. I flagged up these concerns directly with Yves who accepted my comments and invited me to meet with him directly which I hope to do in the near future.

## **THE AGENCY'S OPINION ON "PART-M LIGHT" IS PUBLISHED!**

*A few days after Europe Air Sports 2016 Annual General Meeting, on the 13 April 2016 to be precise, EASA published Opinion 05/2016 on "Part-M Light", the second package of results generated by the GA Task Force. The first package was covered by Rulemaking Task RMT.0463, this second one by Rulemaking Task RMT.0547.*

### ***René Meier and Howard Torode report on this development***

#### ***A short overview***

For more than eleven years, all General Aviation (GA) organisations and their members have campaigned to EASA that the original Part-M, then published as Annex I to Regulation (EU) No 2042/2003, did not fit with the needs of GA operations in most respects. A special GA Task Force was created and two RMT's were established. The results of RMT.0463 became European law from June 2015. Today we are pleased to inform you of the results of the work of GA Task Force (Part 2) finalising RMT.0547, which we understand may be enacted into law in 2018.

#### ***What will be new?***

According to information available we shall get a new Cover Regulation, a Part-ML and a Part-CAO, these three letters standing for "Combined Airworthiness Organisation". In the Executive Summary of Opinion 05/2016 the Agency confirms its commitment to proportionate and to risk-based rules. This Opinion proposes a 'light Part-M' (Part-ML) with requirements adequate for the much lower complexity and associated lower risks of the lighter, non-commercial end of the GA community, as clear and simple as possible in order to facilitate implementation.

Part-ML proposes alleviations for aircraft maintenance programmes (AMPs), airworthiness reviews and deferment of defects. These will be available (as an alternative to Part-M) to the following aircraft:

- aeroplanes of 2,730 kg maximum take-off mass (MTOM) or less;
- rotorcraft of 1,200 kg MTOM or less, certified for a maximum of up to 4 occupants; and
- other ELA2 aircraft, which means that all sailplanes and balloons are covered by this new Part-ML.

This depends on the aircraft not being listed in the air operator certificate (AOC) of an air carrier licensed in accordance with Regulation (EC) No 1008/2008 and not classified as complex motor-powered aircraft.

Part-ML enables the aircraft owner to take on the management of his aircraft personally, drawing on qualified staff (such as an engineer or organisation), depending on the extent of the service he requires to execute his responsibilities as an owner. Part ML gives a reasonably brief guide to the processes required. Part-ML will not be constrained by future amendments to the current Part-M. It is an alternative rule.

There are no organisation requirements or approvals embedded in Part-ML. For organisations, there is a new simplified approval (Part-CAO, Annex V(d), to amend Regulation (EU) No 1321/2014). This provides alleviated compliance requirements and combined privileges for maintenance, continuing-airworthiness management, airworthiness reviews and permits to fly.

Combining these four elements in a single approval will considerably reduce the financial and administrative burden, for example for a National Sporting Association that wishes to offer these services to their members. This new Part-CAO approval is applicable to other-than-complex motor-powered aircraft, not listed in the AOC, of an air carrier licensed in accordance with Regulation (EC) No 1008/2008. It has lighter requirements on records and quality systems and does not contain safety management system (SMS) requirements, a fact we welcome highly.

Click on these “links” to see the official texts:

- The [\*\*Explanatory Note\*\*](#)
- The [\*\*draft of the proposed new regulation\*\*](#)
- Brings you to [\*\*Part ML\*\*](#)
- Direct access to the [\*\*proposed part-CAO\*\*](#)

The European Commission will now consider EASA’s work and can be expected to present a draft regulation to the so called EASA Committee. Here, Member State experts will be asked to discuss the draft regulation and to approve it.

## **EAS GENERAL CONFERENCE – APRIL 2016**

The General Conference was held near Bordeaux at the premises of Aerocampus Aquitaine, courtesy of CNFAS (Conseil National des Fédérations Aéronautique et Sportives), whose Secretary General Jean-Michel Ozoux welcomed the delegates to the meeting. The meetings took place in Latresne chateau, with other accommodation in nearby newer buildings. Social activities organised for the delegates outside the meeting days included a visit and guided tour of St Emilion and a dinner beside the River Garonne on the Saturday evening.



We thank CNFAS for their hospitality and Patricia Lamy, EBF President and member of the local organiser Arc-en-Ciel, for her superb organisation of the event as a whole.

After the preliminary opening remarks, Julian Scarfe started proceedings off with a reminder of Europe Air Sports Priorities, which he summed up as:

- Initiating Improvement
- Developing Better Regulation
- Ensuring Smooth Transition into Law
- Facilitating Proportionate Implementation
- Identifying Safety Priorities and Planning
- Tuning Representation

Julian illustrated these headlines with numerous examples of detailed projects falling into each category and also drew attention to some of the many challenges still facing the GA community.

Julian was followed by Jyrki Paajanen, from the European Commission, who presented the Commission’s view on the review of the Basic Regulation (BR), explaining that the focus is not on an extension of the current BR, but on better regulation, including the introduction of performance/risk based regulation and an emphasis on flexible Implementing Rules, instead of inflexible BR. He gave a number of examples of proposed permits, delegations and derogations designed to create more appropriate regulation. A Panel Discussion on the BR focused largely on the proposals for Annex I (currently Annex II) and the weight limits for microlights.

Yves Morier, Head of GA and RPAS at EASA, presented a detailed review of the current position with drones and other unmanned aircraft (as described in the EAS January Newsletter) and Michel Rocca outlined the latest news on Surveillance and Performance Inter-Operability (SPI).

In a session entitled 'Tailoring EASA rules to the needs of air sports' Julian Scarfe updated the delegates on the implementation of the GA Strategy and Roadmap. Presentations on specific areas were given by Nils Rostedt, René Meier, Patricia Lamy and Patrick Naegeli. The day finished with a session on Training Organisations and a presentation by John Grubbström (FAI President) on the activities and plans of the FAI.

At the AGM the following day, David Roberts (EAS President) reported on EAS's work and progress, including 8.33 radios, the GA Roadmap, developments on drones and the latest on training organisations. The Board proposed that the number of Board members should be reduced for financial reasons and that the place left vacant by Dominique Méreuze's death would therefore not be filled. Günter Bertram stood down at the end of a three-year term and was willing to stand for re-election. Jean-Claude Hanneesse and Norbert Lohl were also nominated. On a secret ballot Günter Bertram was elected. Helge Hald and Knud Nielsen agreed to act as auditors for 2016.

## **EAS'S FINANCES AND RESOURCES**

*David Roberts, EAS President*

Members of EAS attending the annual conference will know what EAS has to spend on its activities. They will also know how that activity is funded each year, which is by the member National Aero Clubs (NACs) and the pan-EU air sports associations for the different air sports. Newsletter readers who have not seen this information may be interested in how the important work of EAS can continue in the future on a sound basis.

Until about five years ago we always managed to 'balance the books' and in some years make a modest surplus to provide a reserve for 'rainy days'. However, in recent years the EAS financial situation has started to look less comfortable. A few NACs have been unable to provide us with the necessary funds, mostly because of financial difficulties in their own countries with the financial crises in Europe, or governments withdrawing financial assistance from sports associations. But it is also true that some countries and their NACs probably know of our work, but choose not to join us and pay the relatively small amount that is needed each year to ensure our work is funded. Some active members are, shall we say, resentful of this situation because by the nature of what we try to influence, the benefits of our work are and will be freely available to ALL EU member states and NACs and individual pilots and owners.

So, if your NAC is not a member of EAS, ask the question 'why not?'. For the number of air sports persons across Europe for whom we act and represent, the total annual funding needed is about €0.30 per person per year. To redress the current situation we need only an additional €0.06 per person per year. That is not a lot for an individual! EAS needs to take action in good time to avoid a financial crisis in future years. We are considering some form of 'crowd-funding' to bridge the gap temporarily.

It is also the case that for EAS to propose changes to the EAS members' subscription fees, decisions in each member organisation and in turn their constituent associations requires a long lead-time. So to make the process more manageable, EAS will be developing a medium-term financial plan to enable its members to see much further ahead than the traditional one-year view presented at each EAS annual conference. Alongside this the EAS board will draft proposals for the future subscription fee structure to reflect the recognised need to more truly reflect the numbers of participants in air sports in the member states and air sport associations.

Finally, thank you to all those members who continue to support us so willingly with their financial resources.



## CELEBRATING THE WORK OF EUROPE AIR SPORTS

EAS President David Roberts recently attended a dinner as the guest of the Swedish AirSports Federation. He was greatly honoured to be presented with the Federation’s Gold Medal in recognition of the work of Europe Air Sports.

***Bengt Lindgren, who chairs the Swedish Airsports Federation, explains the background to this prestigious award.***

The Gold Medal, issued by the Swedish Air Sport Federation, is awarded to Mr. David Roberts as the Chairman of Europe Air Sports (EAS). The Gold Medal may only be given to a person and not to an organisation. The Gold Medal is given in recognition of the tremendous work that EAS has done and is doing and which, after many years, is bringing fruit. We are deeply impressed and grateful for the work being done and believe it to be crucial for creating a legal framework in Europe in which we, as members of the GA community, can operate under reasonable conditions. We believe that Mr. David Roberts, as the chairman, has had an important role in inspiring his team to keep going against high odds. The results of all this work over many many years are now being seen. It is in recognition of all this work and for the results we now see that we award the Gold Medal to the Chairman of the EAS, Mr. David Roberts.



*David Roberts speaking after the presentation of the Gold Medal: left to right John Grubbström (FAI President), David Roberts (EAS President), Bengt Lindgren (Swedish AirSports Federation Chair) (photo Narit Pidokrajt)*

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