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GENERAL AVIATION SAFETY STRATEGY PAPER ENDORSED BY THE EASA MANAGEMENT BOARD

David Roberts, EAS President, reports on 'the first step' and 'a major milestone'

At its meeting on 18th September, the EASA Management Board (MB) endorsed the GA sub group's paper on a future safety strategy for GA. The MB commissioned the paper in March 2012 following a paper written by EAS with IAOPA (Europe). It is the result of work from April to July of a group of GA personnel including two EAS board members, 5 NAAs, the Commission and EASA, led by the French DGAC's Patrick Cipriani.

The endorsement is a major milestone in the journey towards a more proportionate approach to European safety rulemaking for GA. The principles, guidelines and 10 recommended actions covered by the paper now have to be programmed into the work of the European Commission, EASA, the Member States and indeed GA representative bodies. This work is unlikely to be concluded in a short period, though some actions are planned to take place over the next six to nine months.

To remind readers, the scope of GA addressed in the paper is aircraft less than 5,700 kg MTOM and operated primarily non-commercially, though some aspects of (commercial) aerial work are within scope.

The full paper and its supporting discussion paper is at www.europe-air-sports.org/activities/newsletter/.

"...the challenge is to turn recommendations into reality ..."

Patrick Cipriani introduced the paper at the MB meeting, outlining the scope and emphasising the importance of distinguishing GA from Commercial Air Transport (CAT) in rulemaking, so as to bring proportionality to GA rulemaking. Flexibility was requested when considering grandfather rights for individuals in the transition from national to EU rules. The challenge now, Patrick said, would be for the recommended actions to be turned into reality. It will also be necessary for the Agency (EASA) to put in place certain processes in order to meet the principles being endorsed. This would include a regular forum for GA representative bodies to monitor progress against the objectives and actions.

Reactions at the EASA MB 18th September

All member states' (MS) representatives who commented during the meeting were full of praise for the quality and depth of the paper. They considered it to be **"a very good approach"**, addressing genuine strategic issues with a level of intellectual rigour that was new. One MS described it as **"excellent work by the group"**, stating that the principles were fully in accord with its thinking. Others supported this view.

Another MS accepted and agreed the proposed risk averseness hierarchy in the paper; no member states disagreed with this. This risk averseness hierarchy had been developed by EAS's relatively new board member Julian Scarfe in April and was incorporated in the paper at an early stage.

The principle of grandfather rights was commented on by several representatives. The general thrust of the debate was that grandfather rights could not be a 'blanket approach' but had to address specific issues, which are reasonable and justified. This is in tune with the intent of the paper's authors.

Some other member state representatives expressed reservations that any relaxation of rules for GA, including any move to 'self-certification', would need to be assessed carefully in terms of "the risk of interference between GA and CAT". One MS followed up this point with a comment that, in such circumstances, the GA community would have to be willing to accept access restrictions to certain controlled airspace. This notion was countered to some extent when Patrick Cipriani explained that both training and equipment requirements for GA mitigated the risks of conflict between GA and CAT.

Another spokesman provided support for the Commission and EASA **"to take a more courageous step"** towards greater self-declaration for lower mass GA activities. However it was stated that if organisations are to be granted a degree of self-regulation there must be a system of risk identification in the sector.

Congratulations to the task group!

The task group was congratulated on its work and in particular the risk-based approach to regulation was endorsed. A cautionary note was sounded because empirical evidence (i.e. accident data) will not always

be available, or available on a timely basis, on which to make judgements and decisions. This is because the accident data available generally across the EU on lower-mass GA activity is not as comprehensive or detailed as for CAT, a point which EAS has made for some years now in the EU.

The subject aired most extensively was the question of the interpretation of the definition of 'commercial operation' in the Basic Regulation, and thereby which activities are regarded as non-commercial. The first MS to raise this issue stated that **there need to be 'two kinds of approach' – first, sports and recreational aviation, and secondly aerial work**, declaring that all aerial work should have the same rules as commercial operations. The representative then questioned what constitutes air sports activities, referring to 'first flights at an aero club' suggesting they are not commercial activities. But the definition issue must be resolved! The number of GA accidents in that country this year was quoted. Apparently foreign-registered aircraft had featured predominantly, but without indicating what sort of aircraft were involved. The delegate concluded that as regards the airworthiness of aircraft 'all must have safety'.

'An ambitious timescale'

The timescales of the actions were noted as perhaps 'ambitious' but that regulatory work currently in the pipeline should take into account the principles outlined in the paper.

One delegate questioned whether ATOs for GA were commercial or non-commercial activities. A to A and A to B flights in aero clubs were referred to and the fact that NAAs have problems deciding whether these operations are commercial or non-commercial. Another MS concluded "we have to take some initiative", not leave the paper sitting in a management board file, and also emphasised the importance of sorting out the issue of commercial vs. non-commercial as an urgent priority. His country wants to push ahead with changes, but would like the Commission to select the important items for speedy resolution.

As others had expressed, another MS found the paper '**excellent**' and congratulated the sub group. They pointed out that in respect of greater delegation to GA organisations many GA pilots are not members of, or within the control of, GA organisations. EAS knows this, particularly in the aeroplane world as distinct from gliding and to a certain extent ballooning. The Commission and EASA were encouraged to make the action list in the paper "more concrete", whilst noting the timescales for implementation are perhaps optimistic.

In responding to these comments, Patrick Cipriani offered the view that the CAT / Non-commercial GA interface is already addressed very well. Whilst there are undoubted difficulties in the definitions of aerial work and commercial operations the overriding need was for a proportionate response and solution.

The representative of the EASA Advisory Board endorsed the paper and emphasised that putting the recommendations into practice would be the real challenge.

Eckhart Seebohm, on behalf of the European Commission, "had no problem" supporting the paper but expressed concern with one of the target dates of October 2012 for certain actions, requesting a delay to December 2012 because of Commission workloads. He stated the need for a clear roadmap and timelines for the implementation of the recommendations.

Patrick Goudou, Director of EASA, referred to the work of EGAST, the European GA Safety Team, and its output.

The chairman of the Management Board, Mike Smethers, summed up the paper and the discussion as a significant step forward with good intellectual debate, and a paper that can lead to a "change in mind-sets". He proposed that a report on progress against the action list should be presented to the MB in March 2013.

Ownership of action list

This chart shows the abbreviated list of the actions in the paper, with a note of the directions given by the MB chairman on which parties have responsibility for implementing the actions. The timescales may be modified over the next few weeks.

Item	Who?	What?	When?
A0	Commission and Member States	Present the paper for the EASA Committee (comitology) endorsement.	
A1	Member States	Identify specific GA activities that they regard as non-commercial, for EASA to review.	end October 2012
	Commission	Clarify the interpretation of 'commercial operations' and if necessary propose change to either Commission Regulations and / or Basic Regulation.	April 2013
A2	EASA	Publish internal guidance for implementation of GA principles and guidelines in rulemaking processes.	July 2013
A3	Member States	Ensure regulations and implementation kept as simple as possible, and EASA to develop guidance in	

		"plain language" to facilitate understanding.	
A4	EASA Standardisation Directorate	Foster identification and sharing of "best practices" in GA, including from non-EU countries.	
A5	GA (Pan-EU) Associations	Provide EASA with short list of items where non compliance with the principles and guidelines has a significant impact and where these can be solved quickly.	end October 2012
A6	GA (Pan-EU) Associations	Provide EASA and Member States with a list of key problems arising from non compliance with the principles and guidelines that cannot be resolved "readily", including where the Basic Regulation may require changes.	end November 2012
	EASA	Establish a review process.	by March 2013
	Commission, Member States and EASA	Consider and agree on where the flexibility provisions of Articles 14.4 and 14.6 of the Basic Regulation can be used in the meantime.	by March 2013
A7	EASA and Member States	Address regulatory texts currently in progress, including in comitology, and to apply the principles and guidelines as a matter of urgency.	
A8	EASA	Present a proposal to the MB on its internal organisation so that GA matters are given consistent attention at the appropriate management level across the agency.	March 2013
A9	GA (Pan-EU) Associations	Propose to EASA a team of representatives empowered to represent GA users in their interface with EASA, the Commission and NAAs. A sub group of the EASA SSCC to examine implementation of this new approach.	by end 2012

Implications for air sports organisations

The endorsement of the paper has considerable implications for air sports and GA organisations, primarily in being proactive in delivering their 'side of the bargain' on the various action points. For EAS, the board will consider at its forthcoming meeting on 26th September how this work will be organised, not just within the board but with its member associations at national level and the pan-EU air sport-specific associations. The timescales are short for EAS to propose the various lists of issues to be targeted.

"... an active winter for several people ..."

An exploratory meeting was held on 17th September with the Commission official who will have responsibility for this programme of work. A project plan will need to be developed and timelines and responsibilities. So it is going to be an active winter for several people!

The other point that has emerged in various discussions at the top level of the Commission and the MB is that if greater flexibility and possible self-certification / self-regulation is made available to air sports and GA, then the authorities in general will expect air sports and GA associations to be increasingly proactive in the promotion of safety initiatives. Whilst many associations are already proactive, some are perhaps less so. This will require a major 'cultural shift' in thinking and approach by associations if we are to succeed in reducing the burdens of legally binding safety regulations.

In summary

In a year or two's time I hope we shall be able to look back and see this development as a significant change of direction by the regulators, towards a more proportionate approach.

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