

Europe Air Sports (“EAS”) and International Aircraft Owners and Pilots Association - Europe (“IAOPA”)

DRAFT PRESS RELEASE

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SUBJECT: European Aviation Safety Agency (“EASA”) Management Board responds to joint EAS and IAOPA paper on General Aviation and EASA rulemaking.

Members of the EASA Management Board, comprising representatives of EU member states, discussed two papers on the Regulation of General Aviation (“GA”) on 13th March 2012. One paper was from EASA and the other one jointly from EAS and IAOPA.

The joint EAS / IAOPA paper addressed rulemaking issues for GA aircraft, pilots, operators and other parties with aircraft up to 5,700 kg MTOM and primarily those used non-commercially. The paper referred to the 2009 Resolution of the European Parliament on “An Agenda for a Sustainable Future in General and Business Aviation”, which set out clearly certain parameters and objectives for the regulation of GA.

The EAS / IAOPA paper highlighted several key strategic issues aspects of the implementation of EU Basic Regulation 216/2008 (“BR”) and associated implementing rules (“IRs”) drafted by EASA.

In summary EAS / IAOPA made the following points:

1. The primary objective of the BR is “a high uniform level of civil aviation safety.....”. Other objectives include ‘free movement’, environmental protection, cost efficiency in regulatory and certification processes’, and a ‘level playing field’. However, the objectives of a level playing field (i.e. standardisation) and free movement often seem to take precedence over proportionate safety rules for GA, in particular the balancing of safety against cost to and added bureaucracy for the end user.
2. Rulemaking for safety reasons alone should be evidence-based.
3. Whilst EASA’s more recent approach seems to indicate a recognition that the rulemaking template for Commercial Air Transport (“CAT”) should not be replicated for GA, the process of separation is far from complete. IRs for the lighter end of GA should be proportionate, reflecting different acceptable. risk profiles in GA compared to CAT.
4. Laws and rules need to have the broad consent of those who are regulated.
5. The greater the volume and complexity of the law then the ‘law’ of diminishing returns takes over. Regulation and rules are just one of the tools in the toolbox to generate and encourage a safe environment. Equally important are other means such as education, mentoring, awareness training, safety ‘culture’ and other techniques; resources devoted to these could be more productive for safety.
6. It is doubtful that BR Article 2 §2.(c) (to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level) has been anything like fulfilled in the GA sector. GA is facing a ‘mini crisis’, driven partly

by the current economic climate but not helped by the EU regulatory environment. GA pilots pay for their flying mainly out of personal taxed income and thus it is discretionary spending. There must be the right balance between the European objectives of standardisation, free movement and safety, and GA surviving the regulatory onslaught. So far the balance has not been right.

7. The CAT industry and regulators should recognise the vital role that GA plays in providing a recruitment field for professional pilots, engineers and other professions. Increased costs for GA, including regulatory impositions, will therefore have a negative impact on this resource.
8. Some pilots / owners are being, or are likely to be disenfranchised from the right to fly their aircraft which fall within the scope of EU rules. This is totally unacceptable. It is recognised that the European Commission strives to avoid the erosion of grandfather rights. In some instances this is obviously proving difficult to achieve, and needs to be addressed for specific cases.
9. There is considerable evidence, particularly in relation to the implementation of Part M (rules for Continuing Airworthiness) for GA that interpretations of the rules by National Aviation Authorities ("NAAs") vary widely from state to state. In several cases this is causing considerable harm, costs, downtime and aggravation to pilots, owners and operators. The current review of Part M by an EASA / industry Task Force is therefore welcomed.
10. The introduction by EASA of a variety of approvals, certificates etc of the whole range of topics, and the absence of the ability of NAAs to effectively delegate responsibilities to the national GA associations has led to, and will continue to an increase in costs as a result of new fees and charges and NAA oversight costs.

The EASA Management Board members agreed that a different rulemaking approach is required for GA. The members recognised the importance of a vibrant GA activity in the context of economic sustainability, as reflected in the European Parliament Resolution. There was a recognition that this sustainability applies not only to pilots and aircraft owners, but also to the many small enterprises across Europe that rely upon GA for their economic existence.

The Board agreed to establish a small group comprising about 10 people, led by the French CAA (DGAC), and drawn from National Aviation Authorities, EASA and EAS / IAOPA to consider how GA should be regulated in a proportionate way in the future.

It is expected that this group will be formed in the near future and commence work in May 2012.

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Notes for Editors

Europe Air Sports (EAS)

EAS is the European Association representing 23 National Aero-Clubs and 8 Pan-EU Air Sports Organisations for individual air sports with European authorities and Institutions on civil aviation regulatory matters. It was established in 1988 and has official accreditation at the Parliament, Commission and EASA.

EAS's constituency, through its member organisations, comprises pilots, operators and owners of aircraft other than complex motor-powered aeroplanes in the following sports and recreational aviation (S&RA) sectors:

(a) Within the scope of BR 216/2008

- Non-complex aeroplanes generally < 2 MT MTOM, though some < 5.7 MT MTOM
- Helicopters < 3,175 MT
- Sailplanes (gliders) - all < 850 kg MTOM
- Balloons and airships
- Parachuting / sky-diving aeroplanes

(b) Outside the scope of BR 216/2008

- Microlight aeroplanes (< 450 kg MTOM, 2-seat)
- Amateur-built aircraft
- Hang gliders and para gliders
- Model aircraft

The vast majority of aviation activities conducted by these sectors are non-commercial in nature, though in a few areas, such as ballooning, commercial activities take place. In the non-commercial environment, particularly in air sports at clubs and national level, the organisations are run by volunteers.

In total, EAS represents approximately 600,000 individual participants in these activities across Europe. Many of these activities have their roots in the very beginnings of aviation over a century ago, before Commercial Air Transport was invented. The collective experience and expertise of members provides a rich resource available to the regulatory authorities.

International Aircraft Owners and Pilots Association - Europe (IAOPA)

IAOPA has been representing GA in ICAO in Montreal since 1963 – a distinction that continues today and has offices in 69 countries with 470,000 members worldwide. Since the 1960s GA has continued to grow. At that time GA mainly consisted of light piston engine aircraft (single and twin engine) and they were primarily engaged in domestic operations and owned by private pilots. In 1968 ICAO introduced Annex 6 which covered the standards and recommended practices (SARPS) for international GA operations. Contracting States have implemented these ICAO standards through national legal instruments. Aircraft which do not comply with the ICAO standards in the past have been restricted to operating within their State.

IAOPA members use their aircraft for transportation which very often includes links to their business interests. The use of aircraft for business purposes can be traced back to the 1930s. However, there is a need to clarify the difference between using an aircraft for business interests and corporate aviation which generally employs professional pilots flying turbine powered aircraft, many of which serve intercontinental destinations. According to ICAO there are 368,000 General Aviation aircraft globally of which 23,000 are turbine aircraft being operated by more than 14,000 companies around the world.