



# Comment Form

*Comment nr.....  
(for EASA use only)*

## NPA 2/2004

**1a. COMMENT TO DOCUMENT:**

- Consultation Document
- Essential Requirements for Pilot Proficiency
- Essential Requirements Air Operations

**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 1**

The Agency is interested in knowing the opinion of stakeholders on the best means to set the safety objectives for the regulation of air operations and flight crew licensing: the transposition by reference of related ICAO Standards or the establishment of dedicated essential requirements at Community level.

**2. PROPOSED TEXT/ COMMENT:**

EGU prefers the establishment of dedicated Essential Requirements for Pilot Proficiency and Operations.

These Essential Requirements for Pilot Proficiency should allow to fly gliders either with an EASA Licence or with an ICAO Licence.

The EASA Licence should allow glider pilots to fly any glider certified under CS 22 or its predecessor codes anywhere in the EU / Europe. It should be compliant with ICAO except for the medical requirements which should be below the ICAO Class 2 medical. Alternative medical standards and methods for showing compliance more in balance with the actual risks should be accepted (see our response to question 12).. Delegation should be given to each National Gliding Body to issue and self administrate this licence.

The ICAO licence would be fully ICAO Annex 1 compliant and allow glider pilots to fly any glider certified under CS 22 or its predecessor codes anywhere in the world. The associated Implementing Rules should be not more detailed than the ICAO annex 1 requirements for gliding. The compliance should be shown either to EASA or to the National Aviation Authority.

However the skill required from the holders of both the ICAO Licence and the EASA licence should be the same in order to avoid two classes of pilots. The only difference should be in the standards to which, and the means and methods by which, medical fitness to fly is determined. It should be possible to convert an EASA licence into an ICAO Licence simply by adding a class 2 medical.

**3. JUSTIFICATION:**

EGU accepts EASA's logic of separating Principles, Essential Requirements and Implementing Rules provided the proposed system allows more flexibility than the ICAO framework.

The various national gliding (governing) bodies throughout the EU have, between them, a vast knowledge base and experience of safety in gliding, developed over many years. Through EGU, these organisations offer EASA the benefit of that expertise and experience in order to construct a new regulatory structure in the EU that will best meet the objectives of EASA as well as the gliding community.



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The proposed approach of an EASA licence issued by a National Gliding Body would satisfy the needs of most glider pilots in the EU whilst maintaining or enhancing satisfactory safety standards. Such an approach would help reduce the present barriers (perceived or real) for new entrants to gliding and recreational and sporting aviation, as well as reduce in some areas the administrative burden of state regulation, particularly in respect of the means by which medical fitness to fly is determined, relative to the risks to particularly those other than the pilot-in-command.

The adoption of a complementary EASA (ICAO compliant) licence in respect of glider pilot proficiency would allow European glider pilots to continue to fly outside the EU without hindrance.

#### 4. PERSON/ORGANISATION PROVIDING THE COMMENT:

Name : European Gliding Union  
Address : c/o Fédération Française de Vol à Voile  
29 rue de Sèvres F- 75006 PARIS  
Country : EGU represents the gliding Federations of Austria, Belgium, Denmark, Finland, France,  
Germany, Italy, Ireland, The Netherlands, Norway, Sweden, Switzerland and United Kingdom  
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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 2**

The Agency is interested in knowing whether the attached essential requirements actually meet the criteria developed here above and constitute a good basis for the regulation of air operations and pilot proficiency. The Agency also welcomes any suggestion to improve the essential requirements as described in Annex 1 and 2 by using the forms provided, including proposals to address flight engineers.

2. **PROPOSED TEXT/ COMMENT:**

The proposed essential requirements for Pilot Proficiency (Annex 1) and for Air Operations (Annex 2) should be modified because they contain several requirements which are not adapted for recreational aviation (see our comments on separate form).

Another option would be to draft separate Essential Requirements specific to Recreational Aviation (the Recreational Aviation category to be defined). In that case EGU would like to provide their expertise and experience by being closely involved in the drafting of Essential Requirements adapted for recreational Aviation in order to achieve the safety objectives of EASA and EGU.

3. **JUSTIFICATION:**

The approach consisting in having a single document with the same requirements for both commercial and recreational aviation, which may seem appealing from a principle point of view, results, in practice, in more administrative constraints and in increased costs for recreational aviation. EGU considers that the particular needs of gliding should be addressed without an in-built or automatic link or assumption that gliding / recreational and sporting aviation is a career step towards commercial aviation, something that has dogged the evolution of the regulatory framework in other forums such as JAA for many years. Taking part in recreational and sporting aviation is an end in itself for the vast majority of participants.

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 1, clause 1d1 Practical skill  
flight by reference solely to instruments

2. **PROPOSED TEXT/ COMMENT:**

Glider pilots should be exempted from having skill in flight by reference solely to instruments

3. **JUSTIFICATION:**

While flying gliders by reference to instruments is allowed in some countries for climbing in cumulus clouds, it is not comparable with standard IFR and should not be an Essential Requirement for all glider pilots (see also comment to Annex 2, clause 2.e).

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 1, clause 1 f) Language proficiency

2. **PROPOSED TEXT/ COMMENT:**

For recreational aviation, compulsory English language skills as an Essential Requirement for all glider pilots is not acceptable.

3. **JUSTIFICATION:**

Most glider pilots remain in the airspace of their national member state and do not need to communicate in English. Furthermore English proficiency should not be required if the pilot speaks the language of the country where he flies.

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 1, clause 2.a Training Organisation requirements, sub-clause 2.a.1

2. **PROPOSED TEXT/ COMMENT:**

Gliding should be exempted for having a professionally maintained, externally managed quality system as implied in the third bullet of clause 2.a.1.

3. **JUSTIFICATION:**

Management systems for safety training and continuous improvement exist within Recreational Aviation activities and have demonstrated an acceptable safety level. EGU does not want a professionally maintained, externally managed quality system as implied in the third bullet of clause 2.a.1 because it will increase significantly the administrative and cost burdens without improving flight safety in Recreational Aviation.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 1, clause 3. Medical and physical fitness

2. **PROPOSED TEXT/ COMMENT:**

A clear distinction should be made between professional operations and recreational air sports operations.

For recreational aviation, the standards of fitness to fly required should be less rigorous than for commercial aviation because the risks to third party both in the air and on the ground are different. Furthermore the assessment of the medical fitness by an aeromedical examiner or an aeromedical centre is considered too burdensome compared to the actual risks of incapacitation in flight. Alternative methods of showing compliance should be accepted.

EGU would wish to see the EASA Essential Requirements refer only to the general statement that a pilot shall be fit to fly the aircraft (glider) and the means of ascertaining compliance be included either in the Implementing Rules (or even better the Acceptable Means of Compliance documentation), or, in the absence of IRs in any future structure, left to determination at National level.

3. **JUSTIFICATION:**

The medical standards, in terms of disqualifying conditions, which are embodied in a JAR Class 2 and also in ICAO Class 2, have been established within the overall environment of commercial aviation, where the risks to third parties both in the air and on the ground are quite different from the risks associated with recreational and sporting aviation. Less rigorous standards should be acceptable for recreational aviation so as not to preclude people from enjoying the sport whilst ensuring a very low level of risk (particularly to third parties) due to medical incapacitation of a pilot.

The assessment of an individual's fitness to fly by periodic examinations by an AME is too burdensome and expensive for recreational flying and does not provide any greater assurance of fitness than alternative methods. It has been demonstrated over the years in several countries that an acceptable level of safety can be reached in Recreational Aviation with alternative assessment methods such as those based on a self-declaration system. Such alternatives have proved to be equally effective, if not more so, in determining fitness to fly in countries employing such methods. The proof lies in the fatal accident statistics where medical incapacitation was determined as the cause.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 2, clause 2.e

2. **PROPOSED TEXT/ COMMENT:**

Gliders should be exempted from the requirement to have a de icing system.

3. **JUSTIFICATION:**

Cloud flying in gliders is allowed in some countries for gaining altitude, an environment in which icing may occur. This kind of operation must be permitted without de-icing systems if the glider is approved for cloud flying. De-icing systems are technically neither feasible nor applicable to gliders.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

Annex 2, clause 3.d

2. **PROPOSED TEXT/ COMMENT:**

EGU suggests adding the word "adequate" in front of "separation".

3. **JUSTIFICATION:**

Gliders often fly in the same thermals, close to each other. The regulation should not prevent them to do so.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 3**

Do stakeholders agree that third country aircraft used for non-commercial activities in the Community by third country operators should be subject to Community legislation?

2. **PROPOSED TEXT/ COMMENT:**

Third country aircraft used for non commercial activities in the Community by third country operators should not be subject to Community legislation provided they fulfil the ICAO requirements at least for short term use.

3. **JUSTIFICATION:**

EGU understands EASA's intentions behind the proposals for 3<sup>rd</sup> country aircraft, and the need to address issues surrounding some current practices of EU personnel to circumvent national regulations on airworthiness by use of 3<sup>rd</sup> country registered aircraft in the EU.

However, in the light of the excellent experience with gliders and their airworthiness, there is no flight safety case for changing the existing situation whereby 3<sup>rd</sup> country gliders can be operated within the Community, particularly on a short term basis (to be defined, but EGU suggests periods of up to 12 months) for e.g. competitions and visits - on the basis of mutual recognition of the corresponding State's standards. However the theoretical position might be more consistent if compliance with Community regulations was required for long-term transfers of aircraft into the Community from 3<sup>rd</sup> countries, provided adaptation was proved necessary on safety grounds and without disproportionate costs relative to use and risk to third parties within the Community.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 4**

- a) Do stakeholders agree that all categories of pilots should be subject to Community legislation?  
b) If not, which categories should be excluded?

2. **PROPOSED TEXT/ COMMENT:**

- a) EGU agrees that EU glider pilots should be subject to Community legislation but cannot speak for other sports.  
b) No opinion

3. **JUSTIFICATION:**

- a) EGU agrees that EU glider pilots would benefit from certain key principles and elements of Community legislation, at least at the level of Essential Requirements if constructed appropriately, and should therefore be willing to be subject to such Regulation. In particular EGU regards free movement within the EU as essential and fundamental to EU gliding and EU glider pilots, and is positive about contributing constructively to the safety objectives of EASA.

EGU assumes that 'categories' in the question refers to the type of aircraft flown by pilots (e.g. gliders, microlights, balloons etc.), and not to the levels of skill, experience, status or authority (e.g. solo pilot, instructor, examiner)

- b) It is not up to the EGU, representing glider pilots, to decide which other categories of pilot should be excluded.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 5**

- a) Do stakeholders agree that all non-commercial operations should be subject to Community legislation?
- b) If not, should:
  - corporate aviation and/ or
  - recreational aviationbe excluded?
- c) Would the answer be dependent on the type of aircraft? If so what should be the threshold?

**2. PROPOSED TEXT/ COMMENT:**

- a) EGU agrees that gliding operations should be subject to Community legislation providing it is only at the level of Essential Requirements for Operations and providing EGU's suggestions in this response for modification to the draft Essential Requirements – Operations are adopted. EGU cannot speak for other non-commercial aviation.
- b) If the condition in a) above cannot be fulfilled then gliding, as part of Recreational Aviation should be excluded.
- c) If the answer would be dependent on the type of aircraft, at least the gliders certified under CS 22 or its predecessor codes should be excluded.

**3. JUSTIFICATION:**

Gliding (within the scope of Recreational Aviation) has been operated satisfactorily for many years under self-regulated or self-governed operational systems under control of the National Gliding Bodies. The European Gliding movement is well organised and has in-depth and extensive experience in gliding operations. There is unlikely to be any added value from a safety point of view in harmonising or standardising operations below the level of minimal Essential Requirements. The EGU is prepared to provide detailed recommendations based on best practice developed successfully over many years in EU countries.

**4. PERSON/ORGANISATION PROVIDING THE COMMENT:**

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**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 6**

- a) Do stakeholders agree that fractional ownership operations should be subject to Community legislation?
- b) Do stakeholders agree that unmanned air vehicles operations should be subject to Community legislation?

**2. PROPOSED TEXT/ COMMENT:**

a) Fractional ownership requires a definition. It is understood that EASA is addressing the issues of fractional ownership in the context of larger aeroplanes, not gliders, where ownership by multiple parties, who may not be pilots of the aeroplane involves employment of an individual or individuals for the operation. Operation of gliders should not be subject to Community legislation.

b) Qualified Yes (see below)

**3. JUSTIFICATION:**

c) EGU understands that fractional ownership may be regarded by the aviation authorities, including EASA, as a way to circumvent regulations applying to commercial or corporate use aeroplanes in circumstances where a person may be an involuntary passenger on an aeroplane subject to fractional ownership arrangements. However, EGU is concerned that the proposed solution in the draft could be interpreted as encompassing, inadvertently, the multiple ownership (known generally in gliding as syndicates) of gliders used for sporting and recreational aviation pursuits. Gliding Clubs, being the grouping together of members, may also be at risk of being interpreted as fractional ownership operations, and therefore should also be excluded from the scope of this proposed text by the adoption of an appropriate definition.

b) Yes, in so far as UAV now being developed (as distinct from model aircraft used for leisure purposes, generally in an operating environment local to the ground-based control activity) are a potential collision hazard to other aircraft including gliders because they have no on board pilot VFR capability.

**4. PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 7**

Do stakeholders agree that:

- flight dispatchers and/ or
  - flight engineers
- should be subject to Community legislation?

2. **PROPOSED TEXT/ COMMENT:**

No opinion, providing the terms 'flight dispatchers' and 'flight engineers' do not encompass the launching personnel and ground personnel involved with the technical maintenance of gliders.

EGU recommend the introduction of definitions of 'flight dispatchers' and 'flight engineers' so as to restrict the terms to those involved in commercial aviation.

3. **JUSTIFICATION:**

Not relevant to gliding, assuming the term 'flight despatch' is restricted to/ applied only to conventional commercial air transport operations, and does not embrace the organisation of flight launching of gliders.

Not relevant to gliding, assuming the term 'flight engineer' is restricted to on-board engineers who do not exist in gliding.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 8**

- a) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the regulation of the safety of third country aircraft flying in the territory covered by the EC Treaty?
- b) Do stakeholders agree that the Agency should be given powers to verify that third country aircraft that do not hold a standard ICAO certificate of airworthiness do however meet a sufficient level of safety to fly in the territory covered by the EC Treaty?

**2. PROPOSED TEXT/ COMMENT:**

This question appears to be addressing issues of airworthiness rather than pilot proficiency or operations. Nevertheless, EGU understands why the question is raised.

- a) Third country aircraft used for non commercial activities in the Community by third country operators should not be subject to Community legislation at least for short term use ('short term' to be defined, suggested as up to 12 months for gliders), provided they fulfil the ICAO airworthiness requirements.
- b) Yes.

**3. JUSTIFICATION:**

- a) In the light of the excellent experience with gliders and their airworthiness, there is no flight safety case for a change to the existing situation whereby 3rd country gliders can be operated within the Community, particularly on a short-term basis for e.g. competitions and visits, on the basis of mutual recognition of the corresponding State's standards. However the theoretical position might be more consistent if compliance with Community Regulations was required for long term transfers of aircraft into the Community from 3rd countries, provided adaptation was proved necessary on safety grounds and without disproportionate costs relative to use and risk to third parties within the Community.
- b) It is reasonable that the airworthiness authorities should have powers to ensure compliance of 3rd country aircraft in the Community. However the powers of compliance checking could be delegated to the relevant governing bodies for gliding - as a Competent Authority - in each Member State.

**4. PERSON/ORGANISATION PROVIDING THE COMMENT:**

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**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 9**

- a) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the regulation of the operation of third country aircraft flying in the territory covered by the EC Treaty?
- b) Do stakeholders agree that the Agency should be given powers to issue appropriate approvals to third country air transport operators?

**2. PROPOSED TEXT/ COMMENT:**

- a) Third country aircraft used for non commercial activities in the Community by third country operators should not be subject to Community legislation provided they fulfil the ICAO requirements at least for short term use.
- b) No opinion.

**3. JUSTIFICATION:**

- a) EGU understands EASA's intentions behind the proposals for 3<sup>rd</sup> country aircraft, and the need to address issues surrounding some current practices of EU personnel to circumvent national regulations on airworthiness by use of 3<sup>rd</sup> country registered aircraft in the EU. However, in the light of the excellent experience with gliders and their airworthiness, there is no flight safety case for changing the existing situation whereby 3<sup>rd</sup> country gliders can be operated within the Community, particularly on a short term basis (to be defined, but EGU suggests periods of up to 12 months) for e.g. competitions and visits - on the basis of mutual recognition of the corresponding State's standards. However the theoretical position might be more consistent if compliance with Community regulations was required for long-term transfers of aircraft into the Community from 3<sup>rd</sup> countries, provided adaptation was proved necessary on safety grounds and without disproportionate costs relative to use and risk to third parties within the Community.
- b) Not relevant to gliding.

**4. PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1a. **COMMENT TO DOCUMENT:**

- Consultation Document
- Essential Requirements for Pilot Proficiency
- Essential Requirements Air Operations

1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 10**

- a) Do stakeholders agree that pilots of corporate or heavy motor-powered aircraft should hold a licence? If so, what should be the definition of such heavy motor-powered aircraft?
- b) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the issuing of such licences?

2. **PROPOSED TEXT/ COMMENT:**

- a) No opinion providing 'heavy motor aircraft' refers to aircraft with MTOM > 2730 Kg (limit of light aircraft design requirements under ICAO Section K).
- b) No opinion providing 'heavy motor aircraft' refers to aircraft with MTOM > 2730 Kg (limit of light aircraft design requirements under ICAO Section K).

3. **JUSTIFICATION:**

- a) Not relevant to gliding
- b) Not relevant to gliding

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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### 1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:

#### Question 11

- a) Do stakeholders agree that pilots of light recreational or sport aircraft should not be required to hold an official licence? If so, what should be the definition of light recreational or sport aircraft?
- b) Do stakeholders agree that pilots of recreational or sport aircraft should show compliance with the essential requirements to qualified bodies?
- c) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the accreditation of such qualified bodies by national aviation authorities?

### 2. PROPOSED TEXT/ COMMENT:

- a) No. As far as gliding is concerned, EGU believes that glider pilots should have - an official - licence either EASA or ICAO compliant ,. This licence should allow, with adequate ratings, the flying of any glider as defined in CS 22 and predecessor certification codes.

Recreational Aviation might be defined by reference to the following parameters:

- Weight of aircraft – maximum 2730 kgs MTOM
- Intended use – non-commercial, not for profit

- b) Yes, the pilots of glider holding an EASA Licence should show compliance to qualified bodies such as National Gliding Bodies (Federations or National Aero Clubs).
- c) Yes.

### 3. JUSTIFICATION:

- a) EGU is in favour of having the option to retain or obtain an official glider pilot's licence in compliance with ICAO requirements because the European gliding movement is, and wants to remain, a competent partner in the international aviation Community. An official licence is the most efficient means of demonstrating compliance with the Essential Requirements.
- b) and c) Gliding has operated satisfactorily for many years in several countries under self-regulation or self administration / self governance by National Gliding Bodies. Showing compliance should therefore be possible to National Gliding Bodies.



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1a. **COMMENT TO DOCUMENT:**

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 12**

- a) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules on physical and medical fitness of pilots of corporate or heavy motor powered aircraft?
- b) Do stakeholders agree that there is no need for implementing rules on physical and medical fitness of pilots of light recreational or sport aircraft?
- c) Do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the accreditation of aero medical examiners by national aviation authorities?

2. **PROPOSED TEXT/ COMMENT:**

- a) No opinion.
- b) No, we do see the need of some form of ensuring glider pilots' fitness to fly. However it is very important to distinguish between (1) the standards of fitness to fly required as a glider pilot, according to the possible risk to third parties (risk based on evidence) and (2) the means (i.e process) by which a pilot's fitness to fly in terms of the agreed standards is ascertained.

In the case of the ICAO licence both the medical standards and the method for showing compliance could be those of an ICAO Class 2 medical.

In the case of the EASA licence, alternative medical standards and methods for showing compliance more in balance with the actual risks should be accepted.

The medical standards, in terms of disqualifying conditions, which are embodied in a JAR Class 2 and also in ICAO Class 2, have been established within the overall environment of commercial aviation, where the risks to third parties both in the air and on the ground are quite different to the risks associated with recreational and sporting aviation, as shown in the accident statistics (medical causes) for EU countries where fitness to fly a glider is set at a lower level than JAR Class 2 or ICAO Class 2. Less rigorous standards, such as those required to drive a motor car or to practice sports, should therefore be acceptable for recreational aviation so as not to preclude people from enjoying the sport whilst ensuring a very low level of risk (particularly to third parties) due to medical incapacitation of a pilot.

The assessment of an individual's fitness to fly by periodic examinations by an AME is too burdensome and expensive for recreational flying and does not provide any greater assurance of fitness than alternative methods. It has been demonstrated over the years in several countries that an acceptable level of safety can be reached in Recreational Aviation with alternative assessment methods such as:



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- The British system which is based on compliance based on a self-declaration combined with an endorsement from the pilot's general practitioner, who is the family doctor with broad knowledge and records of the pilot's medical history.
- The Swiss system based on an initial ICAO class 2 medical aeromedical examination followed by a self declaration system as used in Switzerland.
- The system used in Nordic countries where ICAO class 2 medical examinations are required but with increased time intervals (60 months if the pilots is less than 45)

Such alternatives have proved to be equally effective, if not more so, in determining fitness to fly in countries employing such methods.

As there are differences between EU countries in the medical / health service infrastructures, practices and procedures it is difficult to generalise one of these methods. Therefore different means of establishing compliance as between different EU countries, should be allowed for whilst maintaining freedom of movement of pilots across intra-EU borders and the choice should be left to The National Gliding Bodies (Federations or Aero Clubs).

To allow for this flexibility, EGU would wish to see the EASA Essential Requirements refer only to the general statement that a pilot shall be fit to fly the aircraft (glider) and the means of ascertaining compliance be included either in the Implementing Rules (or even better the Acceptable Means of Compliance documentation), or, in the absence of IRs in any future structure, left to determination at National level. ICAO medical standard could be incorporated in the Implementing Rules (applicable to an ICAO licence) but would not be a condition of obtaining an EASA Licence.

c) No opinion

### 3. **JUSTIFICATION:**

- a) Not relevant to gliding.
- b) Concerning the medical standards, many ICAO member states have defined national glider pilot licences with standards below ICAO Class 2 requirements but statistical material shows no difference in accident rates where medical incapacity is a cause between the " Class 2 countries " and those with lower requirements. For instance in one EU country the current medical standard to fly a glider solo is the equivalent of that required to drive a motor car (and such standard is not as high as the ICAO Class 2 and certainly less than JAR Class 2). In that country's accident records of gliding fatalities, measured over 17 years of computerised records of circa 1.7 millions flights, there have been only 2 fatalities of glider pilots where the cause was medical incapacitation, in neither case involving third parties.

Concerning the methods to ascertain the fitness to fly, the periodic examinations by an AME do not provide any greater assurance of fitness than alternative methods. The major diseases which can cause sudden incapacity in the air, such as epilepsy in young pilots or cardio-vascular disease in older pilots, are rarely detected during a medical check. Epilepsy cannot be reliably detected by examination and exclusion is dependant up to the medical history. Cardio-vascular decease can be predicted on a



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statistical basis but happen even for pilots declared fit by aeromedical specialists. Therefore, the threat of medical incapacity is a problem of risk management rather than medical examination.

Finally the personal judgement made by a responsible pilot on a daily basis is much more important to safety than the judgement made by a medical expert every second year.

c) Not relevant to gliding.

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1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 13**

- a) Do stakeholders agree that there should be implementing rules for the regulation of commercial operations other than air transport?
- b) If not, do stakeholders consider more appropriate to apply the approach described here above to regulate these activities?
- c) In such a case, do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the accreditation of qualified entities by national aviation authorities?

2. **PROPOSED TEXT/ COMMENT:**

- a) No opinion
- b) No opinion
- c) No opinion

3. **JUSTIFICATION:**

Not relevant to gliding

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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- Essential Requirements Air Operations

**1b. AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 14**

- a) Do stakeholders agree that corporate aviation operations should be subject to the form of self-regulation described in paragraph 34?
- b) In such a case, do stakeholders agree that powers should be given to the Commission to adopt implementing rules for the accreditation of qualified entities by national aviation authorities?
- c) Do stakeholders agree that general aviation and recreational activities should be directly subject to the essential requirements without the need for implementing rules, nor certification? If so, what should be the definition of general aviation?

**2. PROPOSED TEXT/ COMMENT:**

- a) No opinion
- b) No opinion
- c) Yes, as one of two complementary structures (see elsewhere in response) at least for recreational aviation including gliding. EGU believes that the 'General Aviation' concept is much too vague and broad, and that it would be preferable to use the term 'Recreational Aviation' to distinguish its activities from Corporate Aviation and General Aviation.

**3. JUSTIFICATION:**

The current situation in gliding is considered as satisfactory and it is very unlikely, in the opinion of EGU, that there would be any improvement in flight safety by introducing implementing rules for operations.

**4. PERSON/ORGANISATION PROVIDING THE COMMENT:**

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 Essential Requirements Air Operations

1b. **AFFECTED QUESTION NR, PARAGRAPH OR ARTICLE:**

**Question 15:**

- a) Do stakeholders agree that cabin crew should hold a licence issued on the basis of common implementing rules adopted by the Commission?  
b) Do stakeholders agree that flight dispatchers should hold a licence issued on the basis of common implementing rules adopted by the Commission?

2. **PROPOSED TEXT/ COMMENT:**

- a) No opinion  
b) No opinion

3. **JUSTIFICATION:**

Not relevant to gliding, providing there is a definition included of 'cabin crew' and 'flight dispatchers' that limits the application of these terms to commercial aviation and, possibly, corporate aviation.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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