



Comment Form

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

A-NPA 14-2006

(end of comment date: 16 October 2006)

Instructions:

Comments should be sent in 'WORD', using the following link: NPA@easa.europa.eu

This comment and the identity of the sender will be published in the Comment Response Document (CRD) unless a specific justified objection is received by EASA.

1a. COMMENT TO (Specify clearly Part/Chapter Number):

- I. General, II. Consultation, III. Comment Response Document
- IV. Background
- V.A. Concept: The state of play
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1b. AFFECTED PARAGRAPH (Specify clearly Paragraph Number): 1-General

QUESTION 1 Question 1: *The Agency is interested in knowing the opinion of stakeholders on the general balance of the envisaged concept, as well as any suitable comment on its content not covered by the following questions.*

2. PROPOSED TEXT/ COMMENT:

The EGU welcomes the envisaged concept which will potentially, if properly designed and implemented, represent an historic quantum leap for air sports and general aviation, away from the stagnant trends that have been experienced over the last decades.

It could significantly contribute to a new dynamism in light aviation in Europe.

However with regard to the general balance of the envisaged concept we have the following reservations:

- The regulation should be more proportional to the maximum take off mass (MTOM) of the aircraft, which is more or less directly related to the safety risks (cf. energy in case of a crash and number of passengers on board). If the regulation is to be the same for all non complex aircraft below 5.7 tonnes it will never be light enough for air sports in general and gliding in particular. We therefore believe that the segmentation as a function of the MTOM proposed for initial airworthiness should be also extended to continuous airworthiness, licensing and ops. For consistency in particular the European Private Pilot License should only allow piloting of aircraft below 2000kg (see our answer to question 6). Also, the maintenance regulation should be relaxed for aircraft below 2000kg / 750 kg.
- Despite the initial objective of MDM 032 to rethink from scratch the regulation for light aviation, the solutions proposed consist in many cases of an adaptation of the existing rules instead of starting from a blank sheet. We understand that this is necessary in order to solve immediate problems like



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the one existing with Part 21. However since the new regulation will be valid for a very long time it seems to us important to take the necessary time to make sound regulations.

- The part devoted to continuing airworthiness is, in our opinion, the weakest point of the envisaged concept. Option 1 leaves many possibilities open since it is in fact a patchwork of very different approaches, whereas options 2 and 3 are very loosely defined. As far as gliding is concerned, EGU has the impression that EASA is trying to reinvent the wheel instead of simply allowing the National Gliding Organisations to continue to oversee the maintenance of their fleet as they have done for decades in most countries without increased risks. In our opinion this can only be done in the framework of a Part M "light" really adapted to light aviation.
- The proposed concept almost never refers to ICAO. What will be the articulation between the European regulation and the ICAO regulation in the future? In particular, we welcome the creation of a sub-ICAO European Private Licence delivered by EASA but we wonder how this license will coexist in the future with a ICAO compliant license still delivered by National authorities? It seems that ICAO is also in the process of relaxing the medical standards for gliding. Should EASA not have a pro-active discussion with ICAO in order to re-establish a compatible system for the future?

3. JUSTIFICATION:

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1b. **AFFECTED PARAGRAPH** *(Specify clearly Paragraph Number):* 2 - **Potential assessment bodies**

Question 2 The Agency is interested in knowing the opinion of stakeholders, in particular potential assessment bodies, on introducing the possibility for approved assessment bodies to issue and administer approvals, certificates or licences, as a means to relax the regulatory framework applicable to General Aviation. It is also interested by comments about having one-man assessment bodies similar to the American system of designees.

2. **PROPOSED TEXT/ COMMENT:**

EGU fully supports the envisaged use of assessment bodies entitled to provide services such as issuing certificates and licenses. Several National Gliding Organisations have exercised very similar privileges for many years since they oversee the maintenance of their fleet and deliver the extension of the airworthiness certificates under delegation from their NAA. As mentioned in the A- NPA such a form of self administration has been working over the last 40+ years without generating any increased risk. The gliding movement wishes assessment bodies to be established also for initial airworthiness, licensing and operations.

However there may also be National Gliding Organisations which are not ready to take over this challenge and the associated responsibilities and liabilities. For these there might have to be a transition period. Where the work is currently being done by NAAs and funded by taxpayers, this is effectively a subsidy, but if the money has to be recovered through licences it is likely that approved assessment bodies will be more efficient and therefore acceptable to the European gliding community.

It should also be ensured that at least part of the work to be done by an assessment body can be done by trained and accountable voluntary personnel because this is the only way to make the issue of certificates and licenses cheaper than if it is done by EASA or by a NAA.



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We have no experience of 'one man' assessment bodies, but in our opinion, the creation of such bodies would depart from the safety principle that 'whoever you are, you work better with someone looking over your shoulder'. There is also a level of risk associated with organisations that do not have adequate contingency resources. However in case of an assessment body with a low number (one or two) of employees, operated by e.g. an air sports federation, the oversight function can be fulfilled by a committee of federation members assisting or monitoring the employed personnel.

There is a need to further understand the relationship between competent authorities and assessment bodies. Clarification is also required on whether assessment bodies will be approved by EASA or by the NAA's. Finally it must be considered and decided if a National Gliding Organisation could become a single assessment body entitled to issue certificates and licenses for all activities including continuing airworthiness, licensing and operations. EGU sees no reason why this should not be the case.

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1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number*): 3- initial Airworthiness

Question 3 The Agency is interested in knowing the opinion of stakeholders on which of the options described here above they think is the most suitable for regulating General Aviation initial airworthiness. In such a context comments on the weight limits envisaged are welcome.

3. **PROPOSED TEXT/ COMMENT:**

On the initial airworthiness question we agree with option 1 as a short term fix and option 2 and 3 as potential long term solutions. However the glider manufacturers are in the forefront on this issue and we would like discussion to take place with them before finalisation of this question/proposal.

If Option 1 is retained, EASA should ensure it really has the capabilities in terms of funding and staffing to do the work efficiently. Light aviation and gliding should not suffer from the higher priority given to commercial aviation. An EASA department dedicated to certification of light aircraft and gliders should be created.

If Option 2 or 3 are selected the industry standards for gliders could be established by the OSTIV which has an extensive knowledge and experience in glider design and which was in fact the origin of JAR/CS 22. Type Certificates could be issued by assessment bodies like the companies who are presently issuing type certificates for microlights

Concerning the mass limit EGU agrees with the 2000kg limit set for all options. Studies of aircraft accidents have shown that aircraft of less than 2000kg MTOM do not penetrate buildings and represent a significantly lower non-involved third party risk. Therefore mass limitations below this level have little additional public safety consequences.



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If the choice is between option 2 and 3 EGU prefers option 3 which would facilitate the harmonisation with the American LSA rules for lighter aircraft. However, EGU would like the upper limit of 750 kg to be increased to 850 kg in order to encompass all gliders and motorgliders included in the lighter category. This change should be acceptable since the 750 kg limit comes from the Annex 8 from ICAO which in fact is not applicable to non commercial aircraft.

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1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number:*) 4. Continuing Airworthiness and Maintenance

Question 4 The Agency is interested in knowing the opinion of stakeholders on the following points: a) Should assessment bodies be involved in the oversight of continuing airworthiness, such as ARCs' renewal; b) What should be the role of NAAs in this field? c)? How should this be done? d) Is it worth developing standards modifications and repairs that could be embodied without the need for further approvals? Which bodies should do so? f) Is it possible to develop Industry Standards to be used in continuing airworthiness processes? Which bodies should be in charge?

2. **PROPOSED TEXT/COMMENT:**

As mentioned in the answer to question 1, EGU considers that the proposed options are most unsatisfactory. The selected option (option 1) leaves many possibilities open since it is in fact a patchwork of very different approaches. To have a real choice we think that option 1 should be split in clearly differentiated options, one being simply an adjustment of the existing Part M, the other being the writing of a completely new Part M "light" more adapted to light aviation.

The EGU strongly prefers a much simplified Part M (Part M "light"), more adapted to the needs and safety risks of light aviation to be written. Concerning the answer to the points raised in the question:

- a) Assessment bodies should definitely be involved in the oversight of continuing airworthiness, such as renewal of ARCs. This would allow most national gliding organisations to continue to "self administer" the maintenance of their fleets in the most cost effective way and with the right safety outcome. However there is a need to understand the difference between an assessment body and a CAMO.
- b) NAA's should only provide an oversight function through the audit of processes.



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- c) Continuing airworthiness requirements should be adapted to aircraft category, complexity and mass . This could be achieved by having requirements proportionate to the MTOM. The pilot owner maintenance should depend on the aircraft category (separate and much more extensive allowable Pilot owner maintenance for gliders)
- d) Yes; because expertise resides only within the air sport activity and their associated manufacturers/industry. Publication of standard procedures avoids duplication. While development work might be done anywhere, perhaps in a university department, the body that should develop the standards should be the relevant pan European assessment body.
- e) ?
- f) It is possible and because this would affect each air sport across Europe, it should be encouraged and co-ordinated by the relevant pan European assessment bodies.

Additionally such a simplified Part M should include the following elements:

- The document should be short and the language simplified (less bureaucratic) in order to enable the average technician to understand the regulations.
- The document should contain a Definitions List, and cross references, so that explanations of terms can be found more easily.
- Pilot-owner maintenance adapted to the various classes of light aircraft.
- An option that licensed technicians (including specially licensed volunteer technicians for sailplanes and motor gliders), may issue/renew the ARC, at least for sailplanes operated under the authority of their National Gliding Organisations (i.e. maintained in the framework of an assessment body).
- Simplified approval of repairs; especially repairs classified as "minor", which it should be possible to approve locally (e.g. by a National Gliding Organisation or an approved assessment body), and not necessarily by EASA.
- Allow use of standard repair methods described in e.g. FAA AC 43-13 and e.g. German composite repair handbooks.
- The "Individual Maintenance Programme" required for each aircraft should be defined as being simply constituted by the manufacturer's Maintenance Manual (or a generic maintenance programme if there is no manufacturer's manual), complemented by the list of relevant Airworthiness Directives and the status of elements having a potential life time limitation or periodic inspection requirement, or specific periodic inspection requirements defined by Airworthiness Directives or Service Bulletins.

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1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number:*) 5 - Air Operations

Question 5 The Agency is interested in knowing the opinion of stakeholders on what they think should be the content of the "light" implementing rules for air operations.

2. **PROPOSED TEXT/ COMMENT:**

The European Gliding Union (EGU) agrees that the establishment of some sort of "light" implementing rules and Acceptable Means of Compliance (AMC – developed by the industry itself) is the best means to set the safety objectives for a uniform level of operational requirements throughout Europe.

In the EGU's opinion, these "light" IR`s should be kept at an overall requirement level, whereas the detailed rules of these simplified operational requirements should be described at the AMC level like proposed and explained in the RIA. For EGU Option 2 of the RIA seems to be the preferable of the proposed alternatives.

In addition to this, EGU has identified a need to differentiate these simplified operational requirements (sort of minimum standards) according to the different aircraft categories and therefore also different operational procedures.

For developing the content of this "light" IR`s, the ICAO Annex 6 and the JAA draft OPS 0 should be a first guideline to follow.

4. **JUSTIFICATION:**

EGU is in favour with the EASA proposal to develop a set of "light" general operating rules (IR`s) and AMC to ease the implementation of the Essential Requirements for air operations, that will be incorporated in the basic regulation. With this way of regulating in a standardised manner a proper level of operational safety seems to be guaranteed across Europe.



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Due to the differences in operational procedures in the different air sports it is absolutely necessary to make differences and to produce for example separate AMC for gliding operations. EGU is willing to support EASA with the minimum standards for gliding operations.

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1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number:*) 5 - Pilote Licensing

Question 6 The Agency is interested in knowing the opinion of stakeholders on what they think should be the conditions and privileges of a European Private Pilot Licence, with particular emphasize on: a) The type of aircraft it would allow flying and in particular whether an upper weight limit would be appropriate? If so, what it could be? b) The ratings that could be attached to such a licence; c) The way medical assessments could be done and the possible role of general practitioners.

2. **PROPOSED TEXT/ COMMENT:**

The EGU welcomes the creation of an European Private Pilot Licence (and is pleased to see EASA using this naming instead of Recreational Private Pilot Licence !)

Such a PPL is considered as a large improvement over today's system(s). The differentiation into ratings, operational limitations and specific authorizations is a very sensible way to go forward.

Answers to the specific questions:

- a) EGU proposes a sub-category of aircraft used primarily for sporting, leisure and recreational purposes (including personal business use) of up to 2 metric tonnes MTOM. Now that a 5700 kg limit has gone through to the Council stage of consideration, the EGU is concerned that there may be a reaction from some Member States or NAAs against this high upper limit of 5700 kg, linked to the EPPL, thereby dismantling the main benefits of COM 579 for those aircraft less than 2000 kg. It would be more appropriate, in our view, and based on risk assessment criteria, to have two categories of pilot's licence, governed by a break point in aircraft mass (MTOM) at 2000 kg and 5700 kg . The upper level licence (2000 kg to 5700 kg) could be more aligned with the current JAR FCL for private flying, which we understand will be adopted by EASA, but with modifications that may be studied in MDM032
- b) Basic ratings within a European PPL structure that are appropriate are;



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- Fixed wing powered aircraft with a MTOM below 2000 kg. Differences training should apply to an evolving variety of power plant and control methods, flight characteristics, complexity and operating environment.
- Sailplanes with a MTOM below 2000 kg. Differences training should apply to an evolving variety of launching (including self launching) and control methods, flight characteristics, complexity and operating environment. In particular it is important for the gliding movement that the glider pilot license includes a TMG rating.
- Balloon and airship. No details are offered by EGU.
- Rotary wing. No details are offered by EGU

The EGU believes it is essential for approved assessment bodies (e.g. a national aero club or National Gliding Organisation) to be allowed to issue licences and ratings within their area of competence.

c) There are two aspects in the assessment of the medical fitness:

- The medical standards, in terms of disqualifying conditions
- The methods used to assess fitness

The medical standards, 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. Different medical 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. In particular, for pilots who only ever fly solo, only a self-declaration of fitness should be requested.

The assessment of an individual's fitness to fly by periodic examinations by an aero medical examiner is too burdensome and expensive for recreational flying and does not provide any greater assurance of fitness, or indemnity to third parties, than alternative methods. The EGU is therefore in favour of giving the possibility to General Practitioners to issue endorsements of the pilot's declaration of fitness, as well as retaining the option of examination for those pilots who wish to use that means of compliance.

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1b. **AFFECTED PARAGRAPH** (*Specify clearly Paragraph Number*): **7. The scope of common rules**

Question 7 The Agency is interested in knowing whether stakeholders think possible to remove certain aircraft from Annex II if the envisaged concept (in particular with options 2 or 3 for initial airworthiness) were implemented?

2. **PROPOSED TEXT/ COMMENT:**

Annex II was never a logical division of aircraft. If appropriate measures are applied to other air sports aircraft, they would also be appropriate for those currently in Annex II. In particular it should be possible to remove certain aircraft from Annex II, provided a sufficient liberal regulation is established for them in the EASA system. To achieve this, the regulation should be relaxed for aircraft below 750/850 kg not only for initial airworthiness but also for licensing, continuous airworthiness and operations.

6. **JUSTIFICATION:**

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A handwritten signature in black ink, appearing to be 'J. M.', located in the lower left quadrant of the page.

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