

Response by the European Gliding Union
to the Discussion Paper written by the European Commission on
General Aviation in the European Community

This paper has been prepared by the European Gliding Union in response to a discussion paper *General Aviation in the European Community* published by the Air Transport Directorate on 1st February 2007.

The European Gliding Union (EGU) is the federation of 23 national gliding Federations or Gliding Sections of National Aero Clubs. Through these organisations the EGU represents 80 000 pilots flying 22000 gliders

The EGU welcomes the discussion paper, which is a valuable contribution to the understanding of General Aviation. It also provides a useful input for the development by the European Commission of a policy statement for General Aviation in Europe. The EGU believes there is an urgent need for such a policy statement in order to provide a consistent basis for the extensive rule making which is currently taking place in the field of civil aviation.

1. Importance of airports in the social educational and economic of European Society

First of all, the importance of air sports in general and gliding in particular has not been emphasized sufficiently in the discussion paper

The value of gliding in developing excellent future pilots for the commercial users such as airlines is well recognised. But the skills and character developed as an air sports pilot are also transferred to other aspects of life, such as acceptance of responsibility, teamwork and management of risk. In an age when many citizens feel society has become over-protective and life too bland, air sports provide a socially acceptable outlet for mankind's natural spirit of adventure, especially in young people.

Nearly all of the activities in gliding are based in and around non-profit making clubs, which provide a strong socially cohesive environment. Air sports are particularly strong in encouraging young people to take an active interest in aviation by providing – at present - a relatively low cost entry. This educational aspect cannot be provided through conventional education.

The clubs also provide a significant level of economic activity. Not just within the clubs but also in the associated manufacturing industry, for which Europe has a strong tradition. For example more than 90% of the gliders sold in the world are produced in the European Union.

The many older people who take up flying when they have retired should not be ignored, either. They have both time and some money to take up a sport that is demanding of skill but accessible to all.

Air sports are therefore all encompassing and welcome everyone, no matter their age, background, ethnicity, or any of the other criteria on which access may be judged.

2. Access to airspace

To quote the Commission's paper, paragraph 98 "European airspace is a common good".

The air sport movement in general and the gliding community in particular feel more and more pushed out of the sky which is more and more privatised for the sole interest of commercial aviation. To some extent, if ground transportation would be managed in the same way, private cars would be prohibited on most of the roads and highways which would be reserved to trucks and buses. Would the European citizen accept this ?

In a speech he delivered at a recent meeting with Eurocontrol, Sir John Allison, President of Europe Air Sports, stated: "We fear the power, influence and money of professional aviation and supporting organisations such as commercial airports and, yes, the providers of Air Traffic Services, all backed by political desire to support commercial activity. Commercial Air Transport is important, but so, too, are our needs. The importance of the individual is a fundamental concept in European society. We have a right to claim that our activities should be considered on a level playing field along with the competing claims of CAT. The sky belongs to everyone. It should not be mortgaged to one interest group. We must find an equitable way to share the sky."

EGU therefore urges the Commission to give full and proper recognition to gliding and other air sports and to ensure that air sports really have a seat at the main forums where their future is decided, such as the airspace infrastructure. In particular there should be a seat for air sports at the Single Sky ICB.

Also the consequences for the air sports of any decision / regulation affecting it should be considered more carefully. For example, it seems that aeronautical radios with 8.33 kHz channel separation will soon be made mandatory in the lower airspace in order to overcome the shortage of frequencies in the aviation band. Does the regulator realise the impact such a decision will have on the air sports community? It is probably not a big deal for airlines to equip their 6000 commercial aircraft with new radios but it is a huge financial burden for the air sports movement which has to re-equip its 80,000 light aircraft. The same is true for the likely obligation to carry a mode S transponder.

The gliding community is also worried by the impact on the European Airspace of the emergence of the UAV technology. The operation of such vehicles is not compatible with the "See and Avoid" principle on which VFR is based. The risk is that large parts of presently uncontrolled airspace will become inaccessible to VFR flights because they will be reserved to the operation of UAVs.

Related to airspace, but also to the free movement across Europe, is also the issue of the flight plan required for cross-border flights. We believe that glider pilots should be exempted from the obligation to file a flight plan for European cross-border flights.

3. Definition of non commercial activities

An important issue is also the difference between commercial and recreational activities. We believe that the definitions adopted in COM 579 contain some major threats for gliding activities. The operation of gliding clubs, on which the gliding movement relies, should clearly be excluded from the scope of any rule concerning commercial operations by the adoption of an appropriate definition. Gliding clubs are definitely 'non-profit' associations, respecting the relevant laws in the Member States. The training, maintenance and supporting work is done by thousands of volunteers. In some places, larger training centres are set up to provide comprehensive training facilities, but despite the fact that they may employ some part-/full

time staff, their goal is not to make any profit for redistribution to the members. In a similar way, aero-tow launching behind light aeroplanes, as practised in gliding clubs, should be excluded from any aerial work regulation, as it is fundamentally not commercial in nature, being an adjunct to the club operations solely to enable club pilots to launch their gliders.

We understand that EASA is considering regulating fractional ownership to prevent hidden commercial operations. Care should be taken to prevent the proposed rules being interpreted as encompassing, inadvertently, the multiple ownership (known generally in gliding as syndicates and arranged between private individuals for their own leisure use) of gliders used for sporting and recreational aviation pursuits or even the operation of gliding clubs.

4. Over-regulation

So far, except in a few countries, gliding has been state-regulated in Europe. The common feeling among glider pilots is that they are over-regulated, mainly because they are subjected to regulations derived from those established for commercial aviation. This over-regulation, which results in unnecessary bureaucratic and financial burdens, is generally considered as one of the reasons for the slight decline in membership observed during recent years. It is pointed out that the financial aspects are particularly important for air sports because leisure pilots pay their own flying costs out of taxed income and any rules that increase the costs are likely to result in pilots flying less, which is likely, in fact, to have an adverse effect on safety, or giving up flying altogether, which will be detrimental to our sport and to personal freedom and choice.

European glider pilots feel that regulation should be more proportionate to the type of activity, which is a sporting activity, to the complexity of the aircraft used, and to the risk to third parties. Any unnecessary regulation should be avoided, and regulation should only be considered where there is a clear safety imperative, compared to the historic and present situation. The primary objective of the rule-makers should be to protect third parties and not to unduly protect individuals against themselves. Regulation should, therefore, be kept to the minimum necessary to minimise risks to third parties.

The examples coming from UK, where the British Gliding Association has self-regulated gliding for nearly 60 years, or from countries like NZ and Australia, where gliding is completely deregulated, show that this is possible without compromising safety standards.

The gliding movement has therefore welcomed the initiative taken by EASA in 2006 to set up the MDM 032 drafting group in charge of rethinking the whole panoply of regulation of non-complex aircraft used in non-commercial activities. EGU participates actively in the work of this group and is generally content with the proposals which have been made so far. Nevertheless the EGU would like to draw the attention of the Commission to the following issues:

a) Ultra-light sailplanes

In recent years, ultra-light sailplanes (and powered sailplanes), not certified under Certification Specification 22 (CS 22), have been designed, developed and manufactured. This has resulted in the emergence of a light glider movement similar to the microlight aeroplane movement which has become very popular in several countries (France, UK, Italy, Czech Republic etc), mainly because this activity is regulated lightly in terms of airworthiness, pilot licensing, airfields etc.

Unfortunately, this development is now blocked by the new European regulations, since in Annex II of Regulation 1592 these gliders are exempt from regulations only if their

structural (now empty) mass is below 80kg (single seat) or 100kg (two seat). “Ordinary” gliders, as represented by the EGU, have a MTOM of anything from 300kg to 850kg.

In comparison, we note that microlight aeroplanes, weighing a maximum of either 300 kg (single seat) or 450 kg (two seat), are exempted from EU regulation. There are no logical reasons, in terms of risk assessment (particularly the risk to unconnected third parties), as to why microlight gliders (“ultra light sailplanes”), which have a significantly lower (structural mass) weight limit (80 / 100 kg), should be treated differently.

This discrimination is unacceptable because the EU regulation has inadvertently created a distortion in the marketplace for gliders by forcing manufacturers of non-CS 22 compliant gliders into either stopping design and production, or introducing engines for self-launching of these aircraft, thus allowing them to be treated as exempt from EU regulation by being classified as microlight aeroplanes. This is a clear case of inappropriate and ill-prepared regulation that has already had an adverse consequence in the marketplace, and with no demonstrable safety reason whatsoever.

b) Maintenance

Gliders are simple aircraft (generally much simpler than modern microlight aeroplanes). The current Part M from EASA (Continuing Airworthiness rules – or “Maintenance”) for non-commercial, light aircraft is much too complicated for such aircraft and it is hoped that this regulation will be relaxed **in the very near future** in order to avoid a dramatic increase the administrative burden and the costs of maintenance without any foreseeable safety benefit.

c) Licensing and medical

The EGU welcomes the creation of a (European) leisure private pilots’ licence proposed in COM 579 but insists on the need to adopt very light rules for the medical aspects of this licence (medical standards and methods used to demonstrate fitness to fly). The medical standards, in terms of disqualifying conditions, which are embodied in a JAR Class 2 medical and also in ICAO Class 2 medical, 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, one could even envisage requesting only a simple self-declaration of fitness. The assessment of an individual’s fitness to fly by periodic examinations by an Aero Medical Examiner (AME) 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. There is comparative evidence to support this viewpoint.

d) Self management

Self-management and self-regulation procedures, which have been put in place for decades in some countries, have proved to work satisfactorily. These procedures should allow the safety objectives of EASA to be achieved whilst keeping the administrative and cost burdens as low as possible for the glider pilots. The gliding movement in Europe is very mature and very well-organised and is ready to take over this responsibility. It is therefore important to recognise this advanced state of the gliding movement in formulating the appropriate framework for the future.

The Council of Ministers has, so far, missed the opportunity to create a European structure of industry 'Assessment Bodies' which can take delegations from EASA. They have left it to Member States to bring about national level Assessment Bodies where they do not exist already. The fear is that some National Aviation Authorities will not permit this.

Conclusion

Gliding is one of the great adventures for many European citizens. Over the last 80 years or so of technological progress, it has offered untold opportunities to explore the atmosphere in an environmentally considerate way. Gliding has become the life-long passion for many citizens and an integral part of their life-style. It is challenging, educational and exciting. It does no harm. Indeed it has many favourable attributes in terms of personal development, for young people, right through the ages and well into retirement. It has a significant social environment in clubs and provides economic activity.

Gliding needs to be nurtured and treasured as an adventure sport and activity. Governments, the Commission and their officials should recognise this and do all in their powers to encourage and sustain this activity. They are in a position, in Europe, at present, to ensure that this goal is achieved. The starting point is to create the appropriately 'light' regulatory framework. Not next year, or in the next decade. But right now.

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