EUROPEAN GLIDING UNION

EGU Newsletter 2/2017

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Editors note

This newsletter contains two informative articles; Patrick Naegeli on OPS and FCL in Part Gliding and Howard Torode on the latest on Part ML and CAO.

It is essential that our members take an active role in these matters. Stay informed and persuade your authorities to support Part Gliding!

A report by the President Part Gliding RMT.0701

Patrick Naegeli

The last EGU newsletter was produced very shortly after our annual congress in London. The focus for both the congress and the newsletter was the work that the EGU is doing on the development of the new EASA rules for gliding - Part Gliding. The European gliding community has always been clear about what it wants from Part-Gliding:

- Simplified licence structure that does away with the need for two licences in favour of a single document that can meet ICAO requirements as and when an individual pilot requires it to
- A return to the previous situation that existed in many countries where pilot privileges could be granted, maintained and supervised within a club environment and with the minimum involvement of a National Aviation Authority (NAA)
- A vastly simplified system for the appointment and operation of examiners, not one that was based on the ways in which the power flying and commercial air transport communities chose to operate

In short, a move away from a regulatory-heavy EASA system and a return to something broadly similar to what we were used to in the past, and which worked perfectly well for gliding. EASA realised that they had got it seriously wrong in creating their new rules for gliding; the gliding community recognised that the proposed rules would create serious problems for the movement. In that basis, you might assume that sorting things out might be relatively straightforward.

Unfortunately, Progress on Part-Gliding has been slow. As EASA had given NAAs the responsibility to regulate gliding - even though many had never done so in the past - any new or revised rules had to be acceptable to them. For the most part, however, the drafting of Part-Gliding has been going in the right direction.

- the rules for Operations have been kept very short and their effect mercifully limited on our normal operations
- Flight Crew Licensing (FCL) is still being worked through and still contains a number of points that are not yet universally agreed, and a whole range of detail that has yet to be drafted
- Gliding Training Organisations - outside the scope of Part-Gliding, but still very much subject to EASA rules - is still way more complex than required for gliding

FCL was the subject of an intense two-day working group meeting at EASA in Cologne last week of June. The EGU had prepared a comprehensive draft of the new Implementing Rules (IRs) for gliding. Over the course of the meeting, we went through each and every IR aiming to persuade the NAA representatives on the working group of the merits of the revised draft.
The session was extremely useful. We uncovered a number of things that we will have to consider in the interests of ensuring ICAO compliance for the basic licence. Nevertheless, the prospect of being able to create a single licence remains very much alive and broadly supported by the members of working group. We also flushed out various points where careful detail drafting will be needed if we are to ensure the seamless inclusion of TMG privileges within the revised FCL rules.
Good progress was made on making significant changes to the proposed rules covering instructors and examiners. In these areas, and more generally, the intent is to remove as much as possible from the IRs, and to shift more detail provisions into the supporting Guidance Materials and Acceptable Means of Compliance, thereby allowing flexibility in the ways in which the new rules can be complied with.
There is much work still to be done. In order to allow for sufficient time for it to take place, EASA have suggested that the FCL working group continues to February 2018 rather than aim to have everything completed by October 2017. We agree with this proposal and so there will be now two rather than one further meeting of the working group.
Whilst we remain cautiously optimistic that the new rules will better reflect the needs of the gliding community, the process does not end when the FCL working group concludes next February. Thereafter, EASA takes the lead for a short second phase of work that includes wider stakeholder consultation. This is then followed by reference to various lawyers and Commission and Parliamentary process. At each stage it is possible that the wording will be changed and so also the meaning of what was originally written. It is vitally important that we get as many NAAs as possible behind our proposals if we want to maximise our chances of things ending up as we want them. The EGU will advise its members on what to do in this regard when we get to the relevant points in the process.
It is now July, and we should be in the middle of the European soaring season. It is a shame that I had to use this column to (once again) concentrate on gliding regulation and not on the positive development of our sport. Nevertheless, I hope that you are managing to fly as much as you would like and enjoying it to the maximum extent possible.

Have fun, stay safe.
Patrick Naegeli

Training Organisation

TO Training Andy Miller

The draft regulation setting out Declared Training Organisations is due to be discussed by the next meeting of the EU Commission's EASA Committee.
Although the DTO requirements still contain unfair and unnecessary burdens for sailplane training, they are a significant improvement over those for ATOs. Introduction and dates must be tied in with the arrangements for Part-Gliding, which are still being developed.

AW&M

TO AW&M Howard Torode

EGU has recently received news from EASA that there will be delays to the adoption pf Part M Light compared to that discussed at our February Congress. As previously published in this newsletter, EGU had anticipated that the EU Members States would have voted positively for the adoption of this rule (with also Part CAO) by, at latest, June 2017. This has not happened and the future schedule is unclear. For the present, the best that we can is give a paraphrase of the advice we have received recently from EASA, which also describes the recent history:

The PML/CAO text has been discussed by the Commission and the Member States in the EASA Committee in Brussels in June 2016 and October 2016. The Member States are understood to be in general agreement on the proposed text and the next step was to have been a review of the text by the Legal Services of the Commission before the text could be finally voted by the Member States. This process is understood to be still ongoing due to certain issues raised by the Commission Legal Services and, unfortunately, there is no available understanding of when the text could be finally voted by the Member States. Taking into account that from the date of voting on PML (if positive) through adoption by the Commission it typically takes a minimum of 9 months to 1 year, we could be talking anywhere at the end of 2018 or even in 2019.

The detailed reasons for this delay are not known outside EASA. This situation creates several inconveniences for the future period, during which we are already implementing the (EU)2015/1088 measures negotiated under GATF1, the so called 'SDMP process'. The simplifying advantages of PML (summarised in the box below), will not be available for some time, and we will continue to operate the over elaborate and complex regime, albeit to which we are now accustomed (!) There is an argument that since we are already managing to operate under the existing regime it cannot be too bad, but there is no need to elaborate on that.

KEY ADVANTAGES OF PART M LIGHT

- PML Approved organisations would operate under a single approval for Maintenance AND Continuing Airworthiness, not two as now, offering the simplicity of a single defined role, and up to halving NAA approval costs and simpler oversight procedures.
- Once combined, all operations of CA and maintenance can be done by ANY person holding EASA AW&M approvals (inside or out of an organisation), or on any personal approval. (Part 66)
- Alleviations to aircraft maintenance programmes, component maintenance, airworthiness reviews and a risk based approach to deferment of defects. To achieve this the Airworthiness Review (paperwork) and maintenance must be kept concurrent, simplifying the paperwork and maintenance periods in keeping them automatically synchronised, without need for additional vigilance.
- Reduced qualification periods for new individuals engaged in maintenance.
- A softer, yet quite powerful aspect of PML is that it is separate and specific to General Aviation, and will not 'automatically' undergo changes as would happen in Part M as a result of issues with larger, more complex and commercial considerations. In short it would be our own, tailored code

Clearly all this remains on the table and in principle agreed, but looks now like being delayed by at least one if not two years. It might also be noted that PML had been an EASA's flagship initiative, 'fast streamed' following the GA Safety Conference in Rome in October 2014.

In the shorter term this delay will created a number of implementation and scheduling issues, and like all implementation issues, these will be dependent of attitudes of NAA within individual nations. Principal among these will be

the interaction between maintenance codes and the new Part 66 Engineer's license. While the personal licensing code is already agreed among nations (signed in late 2015), it too has already been delayed by an indeterminate and continuing period since that date by similar issues of language and administration. While, unlike PML, it has been approved by the Member States, so it could be implemented in a short timescale, potentially shorter that of PML/CAO. The impact of an early enactment of Part66 is difficult to assess. In nations where Part 66 is already a nationally accepted and accredited license there should not be too much concern. However in nations where any kind of transition from national licenses to Part 66 is involved there could be issues during the re-validation of licenses. The broader and simpler regime of PML/CAO would, I believe, have made these changes somewhat simpler.

All these changes: the SDMP change of 2015, PML/CAO and Part66, not to mention the Basic Regulation, will create a great deal of miss-understanding and confusion, particularly among NAA officials who are likely to be preoccupied with 'higher value and priority' tasks. I know that some of you were anticipating introducing combinations of these changes together in order to avoid unnecessarily lengthy transitions and to minimise regulation 'fatigue'. Such useful opportunities now appear less likely.

We have learned from our previous experiences of the implementation of EASA rules that it is vital to be fully informed of the detail AND intent of EASA developments, and if possible be 'one jump ahead' of the national implementers. While EGU cannot become directly involved in any one nation's interpretation , we can provideintelligence on the basis of regulation and also remain aware of similar issues arising in other nations.

Your AW&M representative remains available to assist in any way I can in this uncertain period. All experiences and reactions concerning national implementation of these changes would be welcome.

Naturally I will keep you informed of any further developments in this situation.

Operations, Part Gliding RMT.0698

TO Operations Henrik Svensson

We are still waiting for the publication of EASA Opinion on OPS sailplanes. The Balloon rules must first have a positive vote in the EASA Committee meeting before publication of the sailplane rules.