



# EUROPEAN GLIDING UNION

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Representative Organisation of European Glider Pilots

Paris, 22 July 2004

To: [ERconsultation.OPS-LIC@jaa.nl](mailto:ERconsultation.OPS-LIC@jaa.nl)

Re: Comments to NPA 02 2004

Dear Sirs,

Please find attached the comments from the European Gliding Union, which represents the National Gliding Bodies (Federations, Aero Clubs etc) of Austria, Belgium, Denmark, Finland, France, Germany, Italy, Ireland, The Netherlands, Norway, Sweden, Switzerland and United Kingdom.

We believe that the future European Regulation on Licensing and Operations for gliding should take into account the actual situation in Europe, which varies in detail from one country to another. In most countries glider pilot licences are issued and controlled by the relevant National Aviation Authorities and comply with the ICAO Annex 1 requirements. However, in the Nordic Countries the Gliding Bodies enjoy more freedom and are allowed to organise their own activities on behalf of their NAA. In Britain gliding is entirely self-regulated by the British Gliding Association. Therefore any new regulation should be flexible enough to allow accommodation of these variations.

Furthermore, any unnecessary regulation should be avoided, and should only be considered where there is a clear safety case for doing so, compared to the historic and present situation. For instance, gliding has operated satisfactorily for many years under self-regulated or self-governed operational systems under the control of the National Gliding Bodies. The European Gliding movement is well organised and has in-depth and extensive experience in gliding operations. Whilst the Gliding Bodies are constantly studying and implementing relevant safety measures to reduce risk, nevertheless there are potential risks and disadvantages in attempting to harmonise or standardise 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.

In future regulation a clear distinction should also be made between Commercial and Recreational Aviation. Recent experience with JAR FCL clearly demonstrated that having the same requirements

for both commercial and recreational aviation 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.

We understand that EASA is considering regulating fractional ownership to prevent hidden commercial operation. Care should be taken to prevent the proposed rule being interpreted as encompassing, inadvertently, the multiple ownership (known generally in gliding as syndicates) of gliders used for sporting and recreational aviation pursuits or even the operation of gliding clubs. More generally the operation of gliding clubs, on which the gliding movement relies, should also be excluded from the scope of any rule concerning commercial operation 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 to be redistributed to the members. In a similar way, aero towing as practised in gliding clubs should be excluded from any regulation about aerial work as it is fundamentally not commercial in nature, being an adjunct to the club operations to enable gliders to get airborne.

Related to the distinction to be made between commercial and recreational aviation are also the medical standards and the methods used to demonstrate fitness to fly. 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. Medical examination should be replaced by the alternative methods proposed by EGU.

Overall, it is extremely important that the future regulation should not increase the bureaucratic burden nor the costs to pilots and clubs. The financial aspects are particularly important because leisure pilots pay their own flying costs and any rule that increases the costs will result in pilots flying less (which will in fact have an adverse effect on safety) or giving up flying (which will be detrimental to our sport and to personal freedom and choice).

Nevertheless the future regulation should also still provide the possibility of having an official European Glider Pilots, ICAO compliant, licence. EGU's opinion is that an official licence is still the best way to demonstrate the proficiency of a pilot. The European gliding movement wants to remain part of the international aviation system and glider pilots do not want to become second-class pilots and see, for example, their rights of access to airspace restricted for this reason.

An important aspect for us is also the Touring Motor Glider (TMG). Due to its low operational costs, it is being used more and more as an aeroplane for touring and training in general aviation schools. Therefore, the TMG has become a rating in the JAR FCL licence system for motor flying. However, since TMGs are certified under CS 22 as gliders/ powered sailplanes, and as they are a necessary and important asset for training glider pilots in gliding clubs, we should like any new regulations to state clearly that it will still be possible to fly such a TMG with a glider pilot licence plus an appropriate rating.

Following these considerations EGU proposes a "dual system" for the regulation on licensing as shown in the attached flowchart.

The Essential Requirements for Pilot Proficiency should allow the flying of 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 (including TMG) anywhere in the EU / Europe. Within the European airspace no extra airspace restriction or operational restriction (e.g operating in a limited radius from the base airfield) should be associated with the EASA Licence. Each National Gliding Body should be allowed to self regulate this –licence based on its own Code of Practice, which should be compliant with the ER's. This compliance should be shown either to EASA or to the National Aviation Authorities. Medical requirements should be below the ICAO Class 2 medical (see below).

The ICAO licence would be fully ICAO Annex 1 compliant and allow or facilitate glider pilots to fly any glider certified under CS 22 or its predecessor codes (including TMG) 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. One way to achieve this would be to have the same implementing rules for both the ICAO Licence and for the EASA Licence. These implementing Rules should be not more detailed than the ICAO Annex 1 requirements for gliding and differ only by the medical part which should be ICAO compliant only for the licence. In fact it should be possible to convert an EASA Licence into an ICAO Licence simply by adding an ICAO class 2 medical.

Concerning Operations, there should be no EASA IR's. Each National Gliding Body would set up their own rules based on their own code of practice and on EGU recommendations. Such a system exists in gliding in most if not all EU countries already.

We feel that such a dual system would allow the objectives of EASA to be achieved whilst satisfying the needs of glider pilots by allowing the National Gliding Bodies to self regulate their activity. The gliding movement in Europe is mature and well organised and is ready to take over, or in some cases continue this responsibility.

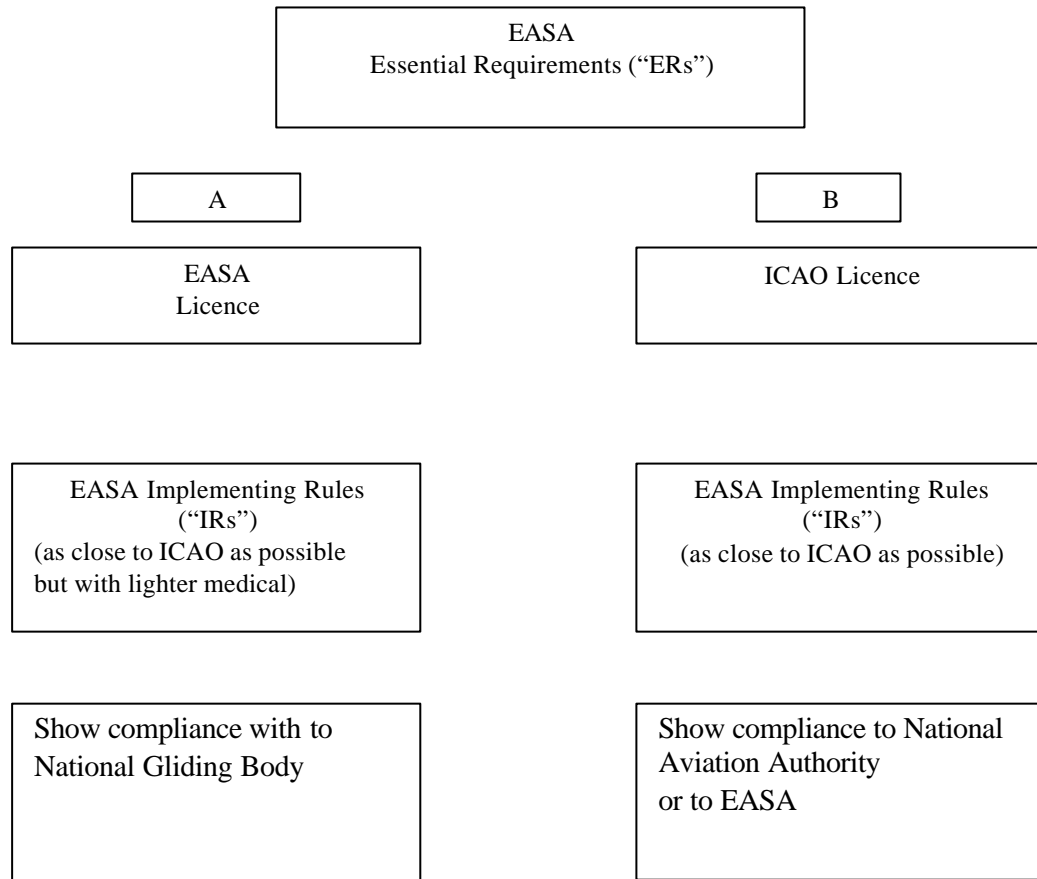
EGU would be happy to be consulted for the writing of IRs dedicated to gliding and is prepared to provide its knowledge and experience for detailed recommendations based on best practice as developed successfully over many years.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Stuck', with a vertical line extending downwards from the first letter.

Roland Stuck  
President EGU

**DUAL SYSTEM FOR EU GLIDER PILOTS “LICENCE”  
PROPOSED BY THE EUROPEAN GLIDING UNION**



- Key features:
- - Issued and administered at national level through National Gliding Bodies
  - Established under EASA Essential Requirements, with the associated benefits including free movement in EU
  - Fitness to fly compliance by different methods

- Key features:
- Official Gliding Licence issued under EASA but ICAO annex 1 compliant.
  - ERs + IRs will have to be ICAO compliant
  - Licence endorsed by NAAs
  - Global acceptance
  - Compliance will have to be shown to EASA or NAA