



EUROPEAN GLIDING UNION

Representative Organisation of European Glider Pilots

Update on EASA Rulemaking activity and on EGU action

Since our last Congress in Florence, EASA has issued a constant flow of Notice of Proposed Amendments (NPAs), Comment Response Documents (CRDs) and Opinions. Even more proposals are to come before the end of the year.

EGU has done its best to comment on all these documents and to participate in all meetings and workshops organized by EASA.

In this update, I have listed all documents issued and all the meetings which have been held in a chronological order for each domain of EASA competence (Initial Airworthiness, Continuing Airworthiness, Licensing and Operations). I hope this will give the reader a better overall picture of what is going on in the European rulemaking field.

1. Initial Airworthiness

1.1. EASA NPA 2008-07 (Design, certification, production procedures for European Light Aircraft)

On 18 April, EASA published the NPA 2008-07 about the design, certification and production procedures of the about-to-be introduced ELA (European Light Aircraft system). This NPA also proposes the creation of a new certification specification for a Light Sport Aeroplane (LSA). The document can be downloaded here:

http://hub.easa.europa.eu/crt/get-file/f_NPA%202008-07.pdf

According to this proposal, sailplanes and powered sailplanes clearly belong to the ELA 1 category which benefits from the “lightest” design, certification and production procedures. It is to be noted that, despite our not having asked for an increase of the MTOM over 850 kg, EASA proposes to increase the MTOM to 900 kg.

EGU did not comment directly but we enquired, via Europe Air Sports, why only aeroplanes (i.e. powered aircraft) should benefit from Certification Specifications based on industry standards.

2. Continuing Airworthiness (Maintenance)

2.1 Comment response document on Part M

On 6 March, EASA published the long-awaited Comment Response Document on Part M which is available here: http://hub.easa.europa.eu/crt/view-crd/pdf/id_12

This rather heavy document (457 pages!) takes into account nearly all the comments we sent and should make Part M acceptable to light aviation. In particular, an aircraft pilot/owner has the choice between 4 solutions:

1. Either to sign a contract with a CAMO to be in a controlled environment, In this case, the Airworthiness Review Certificate (ARC) is valid for 3 years.
2. or to choose the uncontrolled environment and go to a CAMO every year to get an ARC after a physical inspection done by this CAMO.
3. or to go to any certifying staff (i.e. holder of a full ELA licence) every year, who will perform a physical inspection and issue a recommendation to the NAA who will issue the ARC. Every third Airworthiness review has to be carried out by a CAMO.
4. Asks the Competent Authority to issue the ARC after an inspection.

The comments sent by Jannes Neumann, our TO Airworthiness and Maintenance, can be downloaded here:

<http://www.egu-info.org/dwnl/EGU%20Comments%20on%20CRD%202007-08.doc>

(Most of these comments were related to the AMC-material).

2.2 NPA 2008-3 (Licences for non complex aircraft maintenance engineers)

On 16 May, EASA issued the NPA 2008-3 proposing the creation of a B3-ELA licence for the maintenance of ELA1 Aircraft (including sailplanes and powered sailplanes). The text can be downloaded here:

http://hub.easa.europa.eu/crt/get-file/f_NPA%202008-03.pdf

The comments sent by Jannes Neumann on behalf of EGU can be downloaded here:

<http://www.egu-info.org/dwnl/EGU%20Comment%20on%20NPA%202008-03.pdf>

Jannes was subsequently nominated to the working group in charge of evaluating the answers.

2.3 NPA 2008-11 (Emergency exits)

On 16 May, EASA published an NPA regarding emergency exits after an overturn in CS 22. We did not comment because this is more an issue concerning manufacturers.

2.4 EASA Opinion 02/008 (Changes within Part M)

On 16 May, EASA published the Opinion 02/008 regarding changes within Part M.

This opinion can be downloaded here:

http://www.easa.eu.int/ws_prod/g/rg_opinions_main.php

2.5 EGU Workshop on Part M

On 16 and 17 May, EGU organised a Workshop on Part M in Hanover. The main objective was to compare the solutions used in the various countries in order to implement part M. About 14 delegates from 11 countries were present. The meeting seems to have been fruitful.

2.6 Implementation of Part M on 28 September 2008

According to the present version of EC Regulation 2042, Part M is still due to be implemented on 28 September 2008 for the non-commercial part of aviation. However, the legislative process for adopting the latest changes to Part M is seriously lagging behind. The EASA forwarded its Opinion to the European Commission and the EC met the EASA Committee on 16 July to discuss the EASA proposal. As far as we know, a few changes were made after this meeting and the EC started to have the amended regulation translated into the European languages. It is expected to be forwarded to the Parliament in September with (according to the new "comitology" procedure) a three month period during which the Parliament can comment. Therefore, it is impossible that the new Part M with the latest changes will be published in time in the Official Journal before 28 September 2008. This means, that the present 2042 and Part M with all the procedures and rules we fought against will become binding law in Europe at this deadline.

Since the Commission has no power to amend, modify or postpone the application of the Regulation 2042, any effective action after this can only be made by the national authorities.

The Member States can make use of Article 14.4 of the Basic Regulation 216/2008 (Flexibility provisions in case of urgent operational needs) and delay application of Part M by up to 12 months. To our knowledge, Denmark has already delayed by one year, the UK has applied for a delay of three or four months, France wants to delay but no period is known yet and Germany is pending.

If they have not yet taken action, we urge our members to contact those of their national authorities who are in a position to make those decisions and ask for a postponement of up to 12 months.

JN has recently forwarded a similar message sent by Rudi Schugraf to the members of Europe Air Sports.

2.7 NPA 2008-06 (Restricted type-certificates and restricted certificates of airworthiness)
For the time being, some aircraft are flying on a permanent permit to fly (PtF) in some Member States. The NPA proposes to replace those permanent PtF by restricted Type Certificate (TC) and restricted CofA as alleviations for the maintenance and for the certification are in the pipeline. During the comment review, it was decided to postpone this proposal until the new Part M and the ELA-Process is in place. The Agency will initiate a new rulemaking task after the implementation of NPA 2008-07 and Opinion 02/2008.

Orphan aircraft :

1. A TC no longer becomes automatically invalid due to the absence of a TC holder unless the Agency takes action.
2. Once a TC has been revoked, the individual design approval shall be the TC before it was revoked plus the subsequent applicable airworthiness directives. The competent authority of the registering Member State shall issue a restricted CofA.

3. Licensing

3.1 New Basic Regulation 216/2008

On 19 March, the European Official Journal published the new Basic Regulation replacing 1592/2002 and extending the competence of EASA to Licensing and Operations. This new regulation, which can be downloaded here:

http://www.egu-info.org/dwnl/EC_216_2008_en.pdf

includes the Essential Requirements for these topics. The new regulation entered into force 20 days later.

3.2 NPA 2008-17 (Flight Crew Licensing)

On 5 June, EASA published [NPA2008-17](#) on licensing and medical. This NPA is in three parts which can be downloaded here:

http://www.easa.europa.eu/ws_prod/r/doc/NPA/NPA%202008-17a.pdf

http://www.easa.europa.eu/ws_prod/r/doc/NPA/NPA%202008-17b.pdf

http://www.easa.europa.eu/ws_prod/r/doc/NPA/NPA%202008-17c.pdf

Comments to this document (800 pages!) had initially to be sent before 5 September but the deadline was extended to 15 October. It seems, however, that the deadline will again be postponed to mid/end December to give the stakeholders a view on the whole rulemaking framework, including the NPA on Authority requirements and management systems and on the NPA on Operations.

PM Note: The deadline for answering NPA 2008-17 has indeed been postponed officially to 15 December.

Most of the proposals concerning the Sailplane Pilot Licence (SPL) and the Leisure Pilot Licence for sailplanes LPL(S) are identical to what was proposed by our representatives in

the Subgroups Licensing (R.Stuck and P. Pauwels), but some changes were made during the final review by the FCL Core Group. In particular, the proposed cloud flying rating was deleted because the Core Group did not want anything that looked like an IR rating in the LPL....

3.3 EASA Workshops on licensing

EASA organised two Workshops in Cologne on licensing, the first one on 10 and 11 June, the second on 27 and 28 August. The Workshop aimed to inform aviation experts about the new requirements for Flight Crew Licensing which were drafted following the adoption of the new Basic Regulation. The presentation given by EASA concerning the Licensing Part of the NPA, the 647 pages – was well accepted in respect of content and structure. (It was a smooth presentation of the NPA with no further details). No serious criticisms were raised by the audience. However, as expected, massive critical remarks were raised towards the Medical for the LPL. The main item was the fact that, after the initial medical, the next medical would normally be required when the pilot reaches age 45. Unfortunately, no member of the medical working group was present to clarify/defend the EASA proposal. The doctors association, ESAM, will probably use all political means available to fight against the 'alternative medical' . In the future, we will have to support EASA and the medical subgroup as much as possible.

3.4 EASA Call for Tender: Assessment of medical provisions in the Leisure Pilot Licence. On 23 July, EASA launched the Invitation to tender.2008.OP.11, which can be found here: http://www.easa.europa.eu/ws_prod/g/doc/Procurement/2008/Invitation%20to%20Tender_O_P.11.pdf

The objective is to get the opinion of external experts on assessing medical fitness for the LPL.

According to Matthias Borgmeier, this initiative was launched because EASA experts and members of the medical subgroup doubted, during the review phase some months ago, whether some of the requirements proposed by Dr Hunter could be used to assess fitness for the LPL. It seemed to them, that some of the given threshold limits for the LPL medical are a bit low or without any scientific basis. It was thus decided to do further studies on some of the issues.

Our feeling is, that EASA wants to “open the umbrella” in order to avoid criticisms from the aero medical examiners on the medical proposal for the LPL....

The work will start in October 2008. Interestingly, the results of these studies will be delivered only in October 2009, i.e. well after the end of the commenting period of the NPA on FCL...

3.5 EGU Workshop on Licensing

This 2 days workshop was planned after the Bureau meeting on 13 and 14 September in Frankfurt. The objective is to prepare a consolidated EGU response to NPA 2008-17.

The Bureau prepared the agenda which was accepted after an emotional discussion. Critical items are cloud flying and medical. The aim of the licensing workshop is to decide which comments should be sent to EASA by EGU. We should avoid contentious arguments within the gliding community about the most important items.

P.M. Note. The meeting was well attended (15 participants) and a common view in support of all European glider pilots was developed.

3.6 Future NPA on Authority Requirements and Management Systems

The NPA on Authority Requirements and Management Systems will be published by mid/end of October. We had a chance to comment on the draft of this NPA. The original document (which is confidential) is a killer for sport aviation since it seems to be written from the perspective of regulating commercial/professional training schools for aeroplane licences, and those who are providing training for CPL/ATPL on a commercial basis. The document

does not reflect the realities of managing gliding clubs with volunteers who simply fly, give instruction and manage clubs as a pastime.

Patrick Pauwels and David Roberts drafted excellent comments to the Implementing Rules and to the AMCs, which can be downloaded here:

<http://www.egu-info.org/dwnl/EGU%20Comments%20IR%20Authority%20Requirements%20and%20Management%20Systems%20.doc>

<http://www.egu-info.org/dwnl/EGU%20Comments%20AMC-GM%20Authority%20Requirements%20and%20%20Management%20systems.doc>

They clearly stated, that if these proposed implementing rules are not changed fundamentally and made much simpler, it could well presage the end of many existing gliding clubs that currently provide glider pilot training, because the bureaucracy will simply be too burdensome for volunteers.

According to Matthias Borgmeier, EASA has admitted, that they did not take sport aviation into account in their draft and promised to improve it.

3.7 EASA Workshop on Management Systems and Authority Requirements

(EASA) invites to a two-day workshop "From JARs to IRs: Management Systems and Authority Requirements" taking place in Cologne on 9-10 October 2008. The invitation and the agenda can be downloaded here: http://www.easa.eu.int/ws_prod/g/g_events.php

Interestingly, the Workshop will take place before the NPA is published ...

In view of the problems we have detected in the first draft of the Implementing Rules on MS and AR (See 7.6), we can only advise delegates from the gliding movement to attend this meeting.

4. Operations

4.1 NPA on Ops

The NPA on OPS will be published by mid/end of November. (The OPS documents will be sent to the members of the MDM 032 group before publication)

Although EGU is not represented in the working group in charge of drafting this document David Roberts, in his capacity of Member of the MDM 032 group, commented the latest draft.

An EASA workshop on OPS is scheduled on 5 and 6 November, i.e., again before publication of the NPA...

September 2008
Roland Stuck
EGU President