



IAOPA-Europe e-news, July 2009

Welcome to the e-news of IAOPA-Europe, which goes out to 23,000 aircraft owners and pilots in 27 countries across the continent

EC turns on EASA

The degree to which the European Commission's patience with EASA is wearing thin is starkly illustrated in a leaked letter in which the Commission demands a change of direction from EASA and effectively urges the Agency to stop 'reinventing the wheel'.

The letter, from the Deputy Director General of DGTREN, the Commission's transport department, to the EASA Board of Management is couched in undiplomatic terms which betray exasperation with the way EASA is working and urges it to revert to JAR and ICAO requirements rather than making up new rules without any evidence that they would improve safety.

In the letter, Deputy Director Zoltan Kazatsay says the EC is "surprised and extremely worried" at the way in which EASA plans to handle the new responsibilities it is accumulating, and believes the amendments to regulations the Agency is proposing are too ambitious and endanger the timetable that underpins EASA's power.

Kazatsay says: "Precisely for this reason the Commission already called on EASA, in its opinion related to the work programme for 2009, to concentrate its resources on specific priorities defined in close co-operation with the Commission and the industry."

He stresses the importance of replicating existing legislation where possible, in order to ensure continuity and certainty for industry and to allow standardisation inspections to begin immediately. Kazatsay goes on: "The Commission notes that to this date, EASA does not propose practicable solutions to ensure that the implementing rules related to the

EASA extension of competences would be adopted within the timeframe indicated by the co-legislators and contained in the basic Regulation.”

Even for a letter clearly not meant for public consumption the language is strong. Kazatsay continues: “...the Commission believes the time has come to take clear decisions to steer the Agency in a different direction. In this respect it is essential to carefully consider the alternative of going back to the original structure and wording wherever possible of JARS and ICAO requirements, which should be transposed into Community law. This would ensure a smooth transition and allow EASA to work calmly in future on the ambitious improvements and shifts which have raised general concern and misunderstandings from both member States and stakeholders alike.

“The Commission strongly believes that the time has come to give a clear signal in this direction. This will allow first and foremost to ensure safety (since the present system gives enough guarantees), it would also allow to respect the legal and institutional deadlines laid down by the member States and the European Parliament while at the same time paving the way towards a smooth improvement of the system in the coming years... In any event the Commission reserves the right... to proceed along the lines described above... the time has come to steer the work of the Agency in a clearer and more effective direction.”

IAOPA’s Martin Robinson says the reference to JARs and ICAO is not a threat to revert to the pre-EASA system but an instruction to stop meddling where no meddling is needed. “This is just the sort of shot across the bows that EASA needs, and I look forward to seeing how the Agency responds. The Commission has invested too much in EASA to allow it to fail and simply revert to the JARs, but it recognises there is a crisis here and it is good to see it taking positive action.”

Italy suspends Schengen

Thinking of flying to Italy? Because of the G8 Summit in L’Aquila, Italy, the Italian Ministry of the Interior suspended ‘Schengen Treaty’ between June 28th at midnight local time until midnight of July 15th 2009.

Massimo Levy writes: “As usual, general aviation has been neglected and no official communication on the matter has been issued or communicated. The consequence is that all pilots intending to fly into Italy from a European Union airport will have to follow the regulations in force for flights to or from non-Schengen airports within the EU. These flights are regulated by law N° 146/94 which states that all non-commercial flights within the EU using airports without customs authority must file a Flight Plan at least three hours before take off and indicate in the box N° 18 of the ICAO flight plan form the mention that ‘pilot and passengers are in possess of valid entry documents’. The Aeronautical Authority will then inform the Police Authority who will decide whether someone will meet you at the airport of entry or not. If you intend to come to Italy, respect

this procedure to avoid further difficulties. All other flights to or from countries outside the EU will, obviously have to arrive and depart through airports with customs authority.”

Italian airspace challenge

AOPA-Italy is planning a legal challenge to the sudden and arbitrary closure of a large portion of airspace in northern Italy to VFR traffic and invites all European pilots to contribute to the cost. Following to the closure of the massive Garda CTR to all crossing VFR traffic, the President of AOPA Italy, Carlo Golda, has sent a circular e-mail to all Italian members and pilots asking for an ‘exceptional’ financial contribution to fund a court appeal against the administrative act that has closed, against all logic, such a large portion of airspace to VFR. AOPA-Italy’s Massimo Levy says all European pilots interested in helping are welcome – they will be publishing instructions on how you can contribute on their website www.aopa.it.

The court appeal must be prepared before July 20th, otherwise the new restrictions will be considered automatically approved.

More Dutch charges

An English AOPA member has discovered to his cost that new ‘take off’ charges have been imposed at some Dutch airports, and he has been hit with a bill for €294. The pilot visited Maastricht twice in his Commander 114B, and on each occasion paid landing and parking fees of some €60. Later he received a bill from Eurocontrol for two charges of €147 for ‘taking off’ from Maastricht. Consultation with AOPA-Netherlands unearthed the fact that Maastricht, Amsterdam, Gronigen and Rotterdam had all levied this charge. AIP Netherlands Gen 4.2-1 sets out the conditions for charges, which show that while a 63-tonne aircraft pays €174.93, a microlight pays €147.

Is Holland hell-bent on ridding GA from its airspace? The lesson is, avoid these airports unless you’re desperate.

Dutch ELT anomaly

Both the British and Dutch CAAs have issued exemptions to general aviation from an ICAO requirement to have a fixed ELT in all aircraft, but the Dutch authorities are now insisting that a British aircraft flying into Dutch airspace must have a fixed ELT. They say that while they have the power to exempt their own aircraft from the requirement, anything that crosses an international FIR boundary must be subject to ICAO rules, even if it comes from a country which has also filed a difference with ICAO on ELTs.

A group of touring aircraft were effectively prevented from leaving the UK when the situation came to light, but IAOPA managed to secure an exemption for them from the Dutch. However, their CAA says no more exemptions will be issued.

AOPA-Netherlands is working to resolve the situation, which given the number of differences Holland has filed with ICAO, would mean no Dutch aircraft would be able to leave the Netherlands without complying with all ICAO recommendations.

Amsterdam CTR infringements

Ary Stigter of AOPA-Netherlands would like pilots all over Europe to be fully aware of the new procedures for VFR traffic in the Amsterdam area, introduced following the Dutch requirement for Mode-S, which swamped radar at Schipol. In short, VFR traffic should fly with transponder set to standby under the SPL TMA due to spurious TCAS alerts. Maximum altitude is 1200 feet, not 1500 feet as indicated on the VFR chart. In addition, the CTR had been enlarged on the north and south sides, and this is published on the current Low Countries chart. Ary says: "Our request to the international flying community is to comply with this regulation. The majority of infringements are now made by pilots coming from abroad. AOPA-Netherlands is working to get better access for VFR traffic, and our credibility increases when we prove that pilots can comply with the regulations and expanded safety zones are not necessary."

Centenary of powered flight in Holland

These Dutch problems have arisen just as the country is celebrating 100 years of powered flight. The first motorised flight took place in June 1909 in Etten Leur in the vicinity of Seppe (EHSE). AOPA-Netherlands participated in the celebrations by organising a seminar on 'a sustainable future for general aviation'. As well as pilots, the seminar was attended by representatives of the Dutch CAA, the air force and departmental authorities. The presentations were very high quality and the feedback was good. There's a website, <http://www.100jaarluchtvaart.nl>, which carries a complete run-down on events over the celebration period. It has an English language version, but the Dutch version also has pictures.

Claim back fuel tax in the UK

AOPA members flying into the UK may not be aware that they can claim back all the tax they pay on the fuel in their tanks when they leave the UK from the British government. Steve Windsor of Her Majesty's Revenue and Customs has confirmed to AOPA-UK member Tony Purton, who has been researching tax regimes across Europe, that any foreign pilot who tours the UK, picking up UK duty-paid avgas can, on returning home, reclaim the duty on all the fuel in the aircraft tanks when he leaves the UK. He or she will get the tax back in sterling. The form to use is called H60, and a

'fair copy' which is acceptable to UK Customs, [can be found here on the IAOPA-Europe website](#).

Save on Swedish landings

In the same vein, Lennart Persson of AOPA-Sweden advises all AOPA members that if you're planning to tour Sweden, it might be worth buying a weekly season card for landings, which is valid at most Swedish airfields. Owners of foreign aircraft with MTOW not exceeding 2,000 kg can buy these cards provided that the flight is not intended for commercial purpose or school flights. The charge is SEK 800, around €72, which represents a substantial saving if you're doing more than a couple of landings. Full information, and also some restriction, can be found at: www.lfv.se/upload/LFV/Bransch/Avgifter/A13_08.pdf

The document refers to 'take-off' charges but these are not additional to landing charges – there is only one charge.

Transponders in Austria

Austro Control has issued new guidance on the carriage of transponders in Austria, says AOPA-Austria's Joachim Janezic. According to AIC 4/09, issued on May 20th, all motor-driven fixed wing aircraft need at least a Mode C (altitude encoding) transponder in Class E airspace. The transponder has to be switched on in flight and set to code 7000, unless otherwise instructed. Exempted from this regulation are gliders with retractable engines, flights with the permission of the relevant ATC unit, and flights within some special areas displayed in the AIC, which can be found at

http://www.austrocontrol.at/Images/LO_Circ_2009_A_04_en_tcm586-70761.pdf

Infringement tips

Eurocontrol has produced a set of 'guidance notes' for GA pilots on how to avoid infringing controlled airspace. There are eleven separate documents, all of them written in basic, easily-understood language, and they can be downloaded from

http://www.eurocontrol.int/safety/public/standard_page/Airspace_Infringement_Initiative_Deliverables.html