



IAOPA (Europe) e-newsletter



IAOPA-Europe e-news, October 1st 2009

Less is more as EASA puts its house in order

EASA is going halfway back to the drawing board and making fundamental changes in the way it operates following damning criticism from the European Commission of the mess it has got itself into. A series of meetings involving the European Commission, EASA and its Board of Management has given birth to a Working Paper on how the Agency will comply with the EC's demand for a change of direction and a reversion to ICAO and JAR rules where it is desirable.

It seems to promise better things for general aviation, with far less detailed nit-picking and a bias towards existing regulations where there is no pressing need to change them. It has identified moves towards a better Instrument Rating as a very high priority, where work will continue as soon as it has managed to clean up the work it has already taken on.



EASA is overwhelmed with problems of its own making, having rewritten huge numbers of aviation regulations and sought to introduce new restrictions without any real reason for them. The EC's patience with EASA has run out. Deputy DGTREN director Zoltan Kazatsay wrote an extraordinary letter urging EASA to stop reinventing the wheel, adding: "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 Working Paper is in response to that letter. It states that EASA should produce fewer, clearer rules with an explanation as to why each is necessary. It promises: "Any necessary deviations to the existing provisions resulting from this revision will have an explanation of the rationale and of their positive impact on safety."

The new document explicitly enshrines the neglected principle of proportionality, saying that EASA must keep in mind "the requirement to establish proportionate rules for small and medium enterprises and general aviation to avoid undue burden." It adds that any proposed rules needed to be comprehensive and clear, and lessons needed to be learned from what has been done to date to avoid similar problems in future. EASA's rulemaking has to date been designed to meet European legal requirements rather than to explain its requirements to users. The full text of the Working Paper is available on the IAOPA-Europe website www.iaopa.eu

EASA 'now on the right track'

IAOPA Europe Senior Vice President Martin Robinson and IAOPA Secretary General Manager John Sheehan met with EC Transport Commissioner Daniel Calleja in Brussels after the EASA Working Paper was made public, and promised to give EASA the time and the support it needs to make the changes set out in the paper. Martin Robinson says: "We were able to express our thanks to the Commission for the action it has taken on EASA, and we told Snr Calleja we intend to give the Agency every assistance. He believes the EC has put EASA onto a new track, and we very much hope he is right."

What does EASA think?

EASA's Deputy Head of Rulemaking Eric Sivel came to the IAOA-Europe Regional Meeting in Barcelona on October 3 and gave his view of the Working Paper. He told delegates it means very little change, and is just a reversion to what EASA always wanted to do in the first place. It's clear that M Sivel is keen to put the best gloss on the new situation, but a slight change of attitude on EASA's part would be helpful if the Working Paper is to mark a new beginning for its troubled relationship with general aviation. Also at the Regional Meeting was Jyrki Paajanen, the EC Air Transport Directorate's Administrator of Air Traffic Management. Thanks to both these men for giving up their weekends and travelling to Barcelona to address IAOA-Europe. A full report on the meeting will appear in the next enews.

Money row causes ATC danger

An argument over money is causing real danger to air traffic in Italy, where AOPA has mounted two court cases aimed at forcing a resolution. Aircraft have been badly affected since May 29th, when a Notam was issued banning VFR flights from crossing two of the largest CTRs in Italy, Garda and Romangna – two former military areas now open to civilians but still managed by the Air Force. The Notam followed a dispute over money between the military and ENAV, the Italian air traffic control agency. In Europe, ATC is paid for by user fees collected by Eurocontrol, which redistributes the money to individual countries. In Italy, ENAV gets the money and gives nothing to the military. The Air Force, with some justification, has been trying to claim a share of the money, and this year bolstered its claim by reducing by 50 percent its service to civil aviation. In order to save the summer season for CAT, the Italian CAA simply banned all VFR traffic from the affected areas.

AOPA Italy appealed for financial support to fight the ban and in less than two weeks was able to raise enough money to go to court. The CAA, fearing that it would lose the case, rushed out a replacement Notam which left it up to individual controllers whether to allow VFR flights or not. During the whole summer most military controllers, angry with the CAA for the refusal to pay for their work, did not accept VFR flights. This caused considerable problems in the north of Italy, but fortunately the favourable summer weather conditions did not create major safety problems.

The Notam expired in September 1st and was replaced by one which again imposed a total ban on VFR traffic, which allowed AOPA Italy to fight the issue in court. Two claims have been filed, one at the Lazio regional court (Lazio is the region where Rome is located). The regional court has the authority to take quick action (approx 30 days, if they want) and order the withdrawal of the Notam, although it seems unlikely that they will do so. The second claim, posted at the national court, asks the court if the Notam does not configure any penal liability, such as infringing individual freedom, threatening flight safety, or abusing authority. All Italian pilots have been urged to send a registered letter to the court supporting the AOPA case.

Unfortunately EASA, despite initially saying it would take an interest, has sent AOPA Italy a polite letter stating that they have no voice in airspace below FL 195 or in military areas. Massimo Levi of AOPA Italy says: "Is aviation safety in those areas none of EASA's business? EASA is quick to create problems, but when the time comes to resolve problems they are no different from any other bureaucracy – they back out."

As well as the court proceedings, the Italian transport safety agency ANSV has invited the CAA, ENAC and the military to a meeting, describing the issue as 'a tremendous attack on flight safety'.

FAA inspectors in Europe?

A Bill going through the US Congress to give the FAA a renewed financial mandate contains a clause that would require the FAA to inspect every repair station in Europe that worked on an N-registered aircraft. The European Commission is threatening to retaliate by mandating European inspections of every one of the 1,200 American repair shops that work on European aircraft.

The EC says a bilateral agreement on repair station inspections should cover both sides of the Atlantic, and if the current version of the Bill prevails, it will result in a lot of pointless trans-Atlantic flights by inspectors. The two sides have already agreed that their standards are consistent. "We negotiated for several years in good faith with FAA," Luisa Ragher, head of the transport section of the EU's Washington office, is reported as saying. "We trust the FAA. FAA trusts us."

If the bill passes as written, the deal between the FAA and EASA would be void and a merry-go-round of mutual inspections would begin. Ragher says: "I do not think if EASA investigates a station in Europe and then FAA comes in the next week and investigates the same station, that this brings a greater level of safety."

VORs on the way out

The UK is proposing to decommission 28 VORs across the country, leaving a network of just 19 which will also be phased out after Europe's own satellite system has been launched. Responsibility for the upkeep of the beacons rests with National Air Traffic Services, a private company owned by the airlines. They say the VORs are becoming obsolete and are no longer supported by their manufacturers, and must either be replaced at huge cost or abandoned. NATS says NDBs will be gone by 2015, and thereafter only enough VORs should be left to allow aircraft to conform to B-RNAV standards. It assumes that the use of satellite navigation for all phases of flight will

become progressively more dominant until a point is reached beyond 2020 when NDB and VOR will not be required at all, and DME/DME fixing will provide a fallback if satellite navigation is not available. The European Commission is looking to a seven-year transition out of VORs, and will not abandon them altogether until after its own Galileo satellite system is in place. Contrary to its initial plans, it intends to provide the basic Galileo signal free of charge.

UK fights for its IMC Rating

AOPA UK is moving to ensure that EASA lives up to its promise, made in January 2008, that a way can be found the UK IMC rating to continue in its present form in Britain even if it is not adopted in the rest of Europe. The IMC rating is probably the biggest single contribution to general aviation safety in the UK in modern times. A 15-hour course of basic instrument training, it is held by more than 25,000 British pilots, and the UK CAA says that in almost 30 years, only one fatal accident has befallen an IMC rating holder in IMC conditions, despite Britain's relatively poor and unpredictable weather. Pilots from continental Europe travel to the UK to take the IMC course, even though they cannot use the rating at home, because of its proven track record as a lifesaver. EASA's FCL-008 working group proposes to replace it with an 'en route instrument rating' which would allow holders to fly on airways in IMC but would not allow instrument approaches. AOPA-UK rejects this because the prime purpose of the IMC rating is to get pilots safely back onto the ground when they inadvertently encounter IMC conditions.

New deal for GA in Greece

AOPA-Hellas has struck an agreement with the Greek handling agency Olympic Handling for reduced handling fees for general aviation at all Greek provincial airports. A flat fee of €32 now applies to private aircraft up to 2,000 kg MTOW. AOPA has also negotiated a discount for IAOPA members on handling fees with Goldair at Athens International – €40 per aircraft up to 2,000 kg MTOW. Full details of the Olympic deal are on a PDF at http://www.aopa.gr/docs/BUSAV_PRICE_LIST.pdf while the Goldair confirmation is on the AOPA-Hellas website at http://www.aopa.gr/gr/newsdetails.asp?NEWS_ID=87