



IAOPA (Europe) e-newsletter



Welcome to the November 2009 enews of IAOPA Europe, which goes out to 23,000 aircraft owners and pilots in 27 countries across the continent

EC airspace plan - leave it to the states

The European Commission plans to leave the designation of airspace below FL195 to individual nations, using the seven ICAO designations as a foundation but allowing states a degree of flexibility to adopt sub-categories of airspace as they see fit. The EC Transport Department's Administrator of Air Traffic Management Jyrki Paajanen told the 121st European Regional Meeting of IAOPA Europe in Barcelona that Brussels would impose a requirement for states to consult with users, but would not dictate the tactical design of lower-level airspace. (Everything above FL195 is Class C.)

In consultation with Eurocontrol, EASA and ICAO, the EC is seeking to establish a standard for airspace in the 27 EC countries. "Our plan is to transpose the ICAO annexes into community law - to take the whole lot," Mr Paajanen said. Many states implement ICAO rules differently, and this will not necessarily change. "On a Community level we will set out the rules themselves, there's a bit of description of how you do things, routes are planned on a Community level, but the rest is national - it is for the states to decide where you have military, controlled, or uncontrolled airspace," he added.

"While controlled airspace should be kept to a minimum, there are cases where a controller should have an idea of what's happening immediately outside the zone, and there are various ways to address this, with radio or transponder zones or listening watch areas. But the additional tools should be as few as possible, and the way in which they work must be harmonised.

"We haven't written the proposals yet, but these are the ideas that are floating about. There are a lot of options and we're not decided. However, everybody has to give in order to get something in return. We cannot include all the national variations in the community law... it would not be understandable. There are several big consultations coming up in the next 12 months to help decide how to implement this, and general aviation must shout very loud to make its voice heard - there are a lot of other interested parties with good representation."



EASA - making rules without data

EASA's Deputy Head of Rulemaking Eric Sivel also attended the IAOPA meeting, and bemoaned the fact that the Agency finds itself making rules without having data on which to base them - something IAOPA has been complaining about since EASA was formed. Without knowing how many pilots there are, with what ratings, flying which aircraft and how often, it's impossible to gauge the likelihood of an accident or establish whether an identified problem is real or imagined.

"Data is our biggest problem," M Sivel told the meeting. "We have 15 people in the Safety Analysis department in Cologne, and when we ask them a question the answer more often than not is 'We don't know'. We get very little data on traffic, and we're still not getting good data on incidents. It's tough to do risk-based regulation when there are no numbers with which to quantify risk."

Some European countries collect no data; others collect a small amount, some collect quite a lot, but not the same data as anybody else. Furthermore, they all feel a sovereign entitlement to keep that data to themselves; even at the airline level, EASA finds it difficult to extract data from European states. Regulations are supposed to be 'risk-based' - each one should address a specific, identified problem - but the lack of data makes rulemaking a hit-and-miss affair. The EC's statistics department Eurostat is beginning to collate GA data, reasoning that it enjoys better co-operation from states than does EASA.

M Sivel did not get an easy ride at the meeting, with general and specific attacks on EASA's rulemaking processes. M Sivel said, however, that it was too simplistic to expect EASA to adopt JAR and ICAO standards, because effectively, they didn't exist - the JARs could not be regarded as existing regulations because they were interpreted and implemented differently by 31 countries, and whose version were they to choose? Similarly, so many differences had been filed with ICAO standards by European countries that there was no consensus on where to start.

Plus ça change, plus c'est la même chose

M Sivel gave an explanation of the joint EASA/EC Working Paper on the future direction of EASA, and his interpretation of why the paper came about might be seen as being somewhat one-sided. Rarely in the past can a body have had its knuckles rapped by the EC the way EASA has; M Sivel's explanation was that the Working Paper was in response to the financial meltdown rather than to any shortcomings at the Agency. His message was that not much has changed, and what has changed hasn't changed much. The Working Paper, he said, just goes back to what EASA had originally intended before it was distracted by lobbying. The intention was to make as little 'hard' law as possible, and to introduce a great deal of flexibility by allowing as many Alternative Means of Compliance (AMCs) as possible.



M Sivel comes across as an aggrieved and misunderstood rulemaker whose work has been unfairly received by a GA industry which simply doesn't understand what he's trying to do. EASA is currently grappling with the reaction to its Notice of Proposed Amendment on Ops, to which there have been some 13,000 objections. Doesn't such a huge volume of response, from an industry with much more pressing matters to deal with than ploughing through EASA NPAs, indicate that not all is well in rulemaking? "In fact there were only 2,000 real submissions," M Sivel said. "The other 11,000 were just 'cut and paste'. We won't answer each comment - we will make changes that we think are useful and cross-refer to the comment. We don't have the time to reply to every comment because we must respect the timeframe."

IAOPA's response to the NPA on Ops contains 50 specific items. The over-arching concern is the complexity of the language, which is written to satisfy European lawyers and not to explain what the rules are. Jacob Pedersen of AOPA Denmark said a pilot would have to look in nine different sections of a 1,000-page document to find out whether he needed an ELT or not. EASA had added an online tool designed to help pilots navigate through the verbiage, but it was no use. M Sivel said the online tool was a prototype, and the real thing was being worked on and would be much better. IAOPA's preference is for a well-edited compilation to explain the rules for each class of pilot.

FCL schedule slips, but deadlines don't

EASA's work on responding to the 11,000 comments it received on its flight crew licensing proposals, originally meant to be completed in June, is unlikely to be published until next March, nine months behind schedule, M Sivel said. The deadline for implementation, however, will not change - it remains as April 28th, 2012. Hot issues include new systems for examination of pilots, which are strongly opposed by some authorities and examiners. Similarly, the adoption of the Basic Light Aircraft Pilots Licence is not popular with national authorities. The medical for the Light Aircraft Pilots Licence is a hot potato - the idea of having a family doctor affirm fitness to fly is not going down well with the AMEs or the national authorities, and the lobby against it is very strong.

UK IMC rating must be saved

M Sivel agreed that given British weather, the UK IMC Rating was as important to the UK as the Mountain Rating is to Switzerland, and some way had to be found to maintain current safety levels under EASA. The EASA Working Group FCL008 had been set up to look at the IMC Rating, he said, and if it did not produce an acceptable solution to the problem, then it had failed in its task. FCL008 is also looking at the long-running saga of the Instrument Rating that was achievable for the average GA pilot. Asked whether the simplified IR was a realistic possibility this time, M Sivel

said he did not know. "There is a lot of opposition to it. The pilots unions and the airlines say don't touch it - if anything, make it more difficult."

Avgas sales off by 40 percent

The mood at the Regional Meeting was upbeat, with delegates reporting that while there was very little good news in the market, things weren't quite as bad as they'd feared. AOPA Sweden's Lars Hjelmberg, who owns the aviation fuel company Hjelmcö Oil, reported that across Europe, sales of avgas were down by about 40 percent. The economic recession has, of course, come on top of the imposition of new avgas taxes in many countries.

*A full report on the 121st Regional Meeting of IAOPA Europe will be printed in the AOPA UK magazine *General Aviation* on December 1st. The magazine is available in many countries, but can also be read online on the IAOPA Europe website www.iaopa.eu

Top level meetings in Brussels

In the days leading up to the Barcelona Regional Meeting IAOPA's Martin Robinson and John Sheehan held two days of meetings in Brussels with senior figures at the EC and Eurocontrol, including EC Air Transport Commissioner Daniel Calleja di Crespo and Eurocontrol's Director General David McMillan. The first meeting was with Christopher Barks, the chief FAA representative in Brussels, who gives an acute 'outsider view' of what's going on in Brussels. At the moment the Americans are upset because EASA wants to charge fees to maintenance organisations in America which work on European aircraft; the FAA believes reciprocal agreements should cover American engineering shops, and in retaliation, Congress is proposing a requirement that all maintenance outfits which look after American aircraft in Europe should be subject to FAA inspections. This, and the question of how SESAR will dovetail with its American equivalent NexGen, is pushing all other bilateral issues to the sidelines.

SESAR

Martin and John went on to a meeting with Alain Siebert, Chief of Economics and Environment at SESAR. IAOPA has bought into the implementation phase of SESAR and has sent AOPA UK ATM expert Ben Stanley to look after GA's interests. Dr Michael Erb, managing director of AOPA Germany, is overseeing IAOPA's work at the SESAR Joint Undertaking. There's a lot to be done at significant cost to IAOPA; some 300 work packages have been identified for the Joint Undertaking, and IAOPA is involved in 60 of them.

European Commission

At a meeting with Daniel Calleja, the EC Air Transport Commissioner, the joint EC/EASA Working Paper on the future direction of EASA was discussed. IAOPA has pledged to give EASA every possible support as it tries to mould itself to the EC's new expectations of it.

The future size and shape of Eurocontrol, and general aviation's place in the scheme of things, was later discussed at a meeting with its Director General, David McMillan. The plan is to separate out the regulatory functions of Eurocontrol from the operational aspects, but it's a Gordian Knot that cannot be cut. Eurocontrol, next year celebrating its 50th anniversary, is jointly run by 38 member states, of whom 27 are in the EU, and is heavily influenced by the 44 countries of the European Civil Aviation Conference. Martin Robinson says: "David McMillan is one of the most astute managers and political operators in aviation at the moment, but he faces an unenviable task in trying to resolve the issues he faces. Not only does he answer to his member states, but he must consider ECAC while co-operating with EASA and the EC in planning his strategy. He does not neglect GA, however, and once again his advice is that general aviation must raise its voice, apply more pressure and make sure it is heard in the cacophony of competing vested interests that surrounds aviation in Europe today. The only way we can do that, of course, is to convince more people to join AOPA and fund the work that needs to be done."

AOPA Italy fights Garda CTR exclusion in court

AOPA Italy has had its day in court, appealing against the authorities' decision to effectively ban general aviation from a huge swathe of the north of the country. Pilots have been caught up in a dispute between military and civilian authorities over Eurocontrol money, which the civilian authorities keep despite the fact that in many areas the military provides the ATC services. The military reacted to an impasse by effectively banning all GA traffic from the Garda CTR.

In a court appeal AOPA asked the court to:

*Identify the person or persons who decided on this course of action and signed the relevant Notams

*evaluate the facts to establish which national and international rules have been broken, and to establish the effects on the safety of pilots, passengers and people overflown by planes

*To evaluate what corrective actions have been omitted.

The full text of the appeal, in Italian, will be published on the AOPA Italy website www.aopa.it

Mandatory VFR flight plans? No thanks

IAOPA Europe is working with NATO and Eurocontrol to try to satisfy demands for new aviation security measures without imposing damaging restrictions on general aviation.

NATO and Eurocontrol have been asked by European governments to look at all aspects of aviation security, and IAOPA is providing the security panel with expertise in general aviation. Among proposals suggested for review are measures that would require the mandatory filing of flight plans for every VFR flight, mandatory transponders and radios in certain areas, improved low-level radar and more international co-operation to combat the so-called 'threat' of GA-related terrorism.

At a meeting in Brussels in October IAOPA Senior Vice President Martin Robinson said that mandating VFR flight plans would increase the number of flight plans filed by a factor of 15, and unless a huge number of security experts were hired to evaluate each flight plan and follow it up, the proposal would impose an additional workload on GA in order to collect a vast amount of useless information for no purpose.



The security review panel has relatively little understanding of general aviation but is proving to be reasonable, flexible and refreshingly open to argument. It was suggested that VFR flight plans may be mandatory in the vicinity of major events like the Olympic Games, close to military centres or on designated routes. Martin says: "A Belgian Air Force officer said rather firmly that this is a requirement around events like the Tour de France, but to me it's an example of an empty security measure. The mere fact that machinery has been established to give permission for a flight does not ensure that the flight is safe. I asked whether they weren't just granting permissions to terrorists, and they got the point."

The panel is opposed to the mandatory vetting of GA pilots, as has been introduced in some European countries. It says there's no evidence that background checks improve security, and the practice should not be widely adopted. Martin Robinson says: "As far as I'm aware no-one involved in 9/11, the London Tube bombings or other attacks had any convictions that would have shown up on a background check. Vetting causes great inconvenience to the law-abiding pilot and would do nothing to deter the criminal or terrorist."

The security panel's remit covers airspace issues, control of trading in aircraft, on-board equipment like transponders, and other issues which can be put into perspective, but unfortunately the review documentation contains some sweeping and unsubstantiated claims which are less easy to address. The most worrying is the statement that 'uncontrolled airfields are a security threat since they can be used for criminal and terrorist activities.' Martin Robinson says: "The same could be said for every road, building, field, ship or vehicle. We must convince the authorities that they need to co-opt general aviation as their 'eyes and ears' at GA airfields to ensure that any suspicious activity is made known to them before it ever becomes a threat. This approach is proving successful in the UK.

"Because of the strength of our arguments I expect to have some success in influencing these proposals, but it will be at the expense of a lot of time and effort and no little cash. As always, IAOPA will suffer from the fact that if it is successful, nothing happens - which is not an easy sell to potential members, but they should join and contribute. Without IAOPA, no-one would know of these threats until they became law."