



## IAOPA (Europe) e-newsletter



Welcome to the April 2011 enews of IAOPA Europe, which goes out to 23,000 aircraft owners and pilots in 27 countries across the continent

### Britain takes fright at Olympic attack prospects

British authorities have revealed their plans for security at the Olympic Games in 2012, and they will cause severe difficulties for general aviation. IAOPA is working to alleviate some of the main problems, including how to ensure access for foreign aircraft flying VFR into the UK. Restrictions on flying have been imposed not by the Civil Aviation Authority but by the Ministry of Defence and the security services, and it is unlikely that GA will be able to win major concessions, but the industry expects to be able to modify and amend the restrictions where it can show that security will not be affected.

The main proposal is for a vast restricted area almost 100 miles across surrounding London, which will be in force from July 13th to September 12th - covering the Olympic Games, which run from July 27th to August 12th, and the Paralympics, from August 29th to September 9th. The restrictions will come at the busiest time of year for the dozens of flying schools and airfields in the affected area. No compensation is available for those who lose out.

While the restrictions have been presented 'for consultation' by the British government, in fact they are a *fait accompli* - they had already been announced in Parliament before they were revealed to the industry. During the two-month restriction, every VFR flight will have to apply for a code number and file a VFR flight plan, normally via the online service AfPEX. If they are granted access they will have to stick precisely to their filed route, something the nature of flight training often makes difficult. There is no guarantee that there will be enough air traffic controllers to provide a 'flight following' service for every one of the thousands of flights that would normally be airborne in the restricted area on a busy weekend; there is as yet no agreement over who will provide ATC services. AfPEX is not a user-friendly system, and AOPA-UK is seeking improvements to the online service, particularly to make it useable for non-English pilots. It is also seeking access guarantees, provision for aircraft without transponders, and other concessions. A number of meetings between industry and government have been arranged by AOPA in the coming weeks.

### Breakthrough as Europe and America sign aviation agreement

America and the European Union have officially concluded a long-awaited bilateral aviation safety agreement (BASA) designed to make government oversight of aviation more efficient and to pave the way for future regulatory cooperation. The BASA, signed on March 15th, allows reciprocal acceptance FAA and EASA certification and oversight of civil aviation products and repair stations. The US and the EU specifically agree to recognise each other's 'findings of compliance and approvals.' This means, for example, that the FAA can determine a US repair station is eligible for an EASA approval to work on European registered products without a separate inspection by European regulators.

The BASA is good news for the industry. Duplication of oversight was a real fear, and the BASA takes a lot of expense and bureaucracy out of the equation. Importantly, the BASA makes provision for annexes to be developed and added by a Bilateral Oversight Board, leaving the door open for agreements in other areas, including flight crew licensing. EASA's proposals to hammer the N-register operator in Europe have been put back to 2014, and may now be subject to bilateral negotiations.

## Costs survey shows up Denmark

AOPA Sweden has made a comparative study of aviation fees across the world and has concluded that the Danes are the most heavily-charged GA pilots anywhere. Denmark repeatedly tops the list of the most rapacious cash-collectors. In terms of licensing fees, it costs more than €320 a year, averaged over five years, to keep a PPL in Denmark, compared to less than €20 in the UK and zero in France. PPL theory test fees are €1,000 in Denmark, just half that in the UK and virtually nothing in the USA and France. The charge for an IR test is €1,400 in Denmark, less than €500 in the UK, €250 in France and around €100 in the USA. After Denmark, Sweden forces its pilots to pay the most. Jacob Pedersen of AOPA Denmark says: "We thank AOPA Sweden for this research, which clearly documents the absurd levels that PPL related fees have reached. Based on this survey, we have already been in dialogue with the Danish Minister for Transportation and I strongly believe that we will manage to get some of these fees reduced." Denmark abolished its CAA and gave its responsibilities to part of the Department of Transport which is entirely funded by user fees. Jacob says: "AOPA Denmark has for several years argued that this model is unsustainable and is slowly killing the aviation industry from the bottom up. With the new EASA regulation the situation will only get worse. We have argued that a basic passenger or security fee of just €1 on commercial flights departing from Danish airports could finance all CAA activities, making it possible to dramatically reduce or eliminate fees paid by license holders and licensed organisations, removing a huge burden from general aviation and allowing the industry to grow." In theory it should be possible to go 'regulatory shopping' for the best prices in Europe after EASA takes control - this was one of the arguments put forward in EASA's favour. But some states are moving to protect their revenues by allowing only aircraft with national registrations to be based on their territory, something IAOPA strongly opposes.

## EASA fees undermine aviation safety

AOPA UK has highlighted an example of how EASA's ruinous fees and charges, which are said to be about to rise by a further 30%, are impinging on safety, causing stagnation in GA and resulting in financial loss to engineers and avionics manufacturers. A member who planned to upgrade his Seneca 1 by installing a second-hand Collins 101 HIS, was asked for £3,500 (€4,000) by EASA just to consider the paperwork. The demand made the installation unviable, and an opportunity to increase the safety and utility of an aircraft was lost. The owner said: "By insisting on this bureaucracy and its associated cost the Agency is hardly enhancing flight safety. Neither we nor the engineers involved are cowboys, and we operate and maintain our aircraft to the highest professional standards. However we have to be realistic about how much money it is worth investing in this old aircraft - it is no longer viable."

A second example of regulatory greed concerns a pilot who recently contacted his national AOPA regarding a bill from EASA for a ferry permit to allow him to fly his aircraft between repair stations. A Piper Seneca had a prop-strike and needed to be flown to the maintenance company for repair. EASA's charge for allowing this was €723.94, which it said was three hours work at €241.30 an hour - all for evaluating the single page of EASA Form 18b. Most of Europe has never had to pay for such permits in the past, but under EASA these charges become payable. IAOPA Senior Vice President Martin Robinson says: "The problem is related to EASA's huge overheads and inefficiencies. IAOPA will insist on a more efficient structure at the next fees and charges review. Moreover, in relation to permit to fly they should develop pre-set conditions so that they can give clearance without sky-high fees." Some manufactures, including one large engine supplier based in the UK, say that under EASA fees have doubled, and could rise again by another 30% if the rumoured hike in fees goes ahead. The industry body charged with commenting on the proposal has not yet been formally consulted.

## Headlong rush to make bad regulation

EASA's proposals on flight crew licensing were due to have been passed by the European Parliament on March 17th despite the misgivings of many MEPs over issues such as the Agency's attack on the N-register. In fact, the decision was put off because documents had not yet been translated. The Parliament is under pressure to accept FCL because the deadline for implementation is April 2012, and national authorities and governments need as much time as possible to set up their systems. This process highlights deficiencies in European lawmaking which are leading to the rushed creation of bad law. The deadline is entirely arbitrary yet it is treated as Holy Writ, and bad law passed in time is seen as better than good law passed after proper consideration. IAOPA Senior Vice President Martin Robinson says: "Civil servants want to be seen to achieve their deadlines and are prepared to be criticised by industry rather than by their employers. Aviation also suffers because it's easier and quicker to say 'no' and block something than to say 'yes' and facilitate it. We must ask ourselves whether the regulators themselves are fit for purpose."

## FCL group sweeps up after EASA

The EASA part-FCL Partnership Group, formed under a new EASA initiative to facilitate understanding and exchange technical advice between FCL experts of NAAs and general aviation groups. IAOPA was represented by Nick Wilcock of AOPA UK. The main aim is to discuss part-FCL problems which have already been identified, and to propose resolutions. The group is chaired by Matthieu Burgers, from the Netherlands CAA, who says he will encourage and support 'creative solutions' to part-FCL problems. The objectives of the group, pending approval at the next meeting, were set out as:

- To reach a common understanding of the European system for pilot licensing;
- To provide information regarding possible gaps in Part-FCL discovered during the preparation of implementation, thus providing input to rulemaking activities in the field of FCL;
- To exchange mutual information on implementation issues to support the transition process;
- To develop a common understanding of the new rules with the help of EASA where interpretation of rules is needed;
- To exchange information and to discuss alternative AMCs for the common understanding of how they are to be implemented;
- To provide input to the respective Advisory Group of National Authorities and Safety Standards Consultative Committee members (by way of the meeting results) for their task of prioritisation of rulemaking tasks, thus contributing to a strategic view on further improving Part-FCL;
- To support EASA activities in the respective NAAs and Organisations/Associations.

IAOPA's representative Nick Wilcock considers that the word 'support' in the last objective should be changed to 'review'. "I do not consider that it should be expected that organisations will always support EASA activities unequivocally," he said.

Unfortunately, even though it is recognised that there are many problems, such is the time scale involved that FCL.002, which has yet to be formed, will be unable to achieve modification of *any* rules before April 2012, which is the arbitrary deadline imposed on EASA by the European Commission. Nick Wilcock says: "It is therefore imperative that every part-FCL problem which is identified by IAOPA members must be raised at future FCL-PG meetings, so that their solution can be proposed to FCL.002."

## EASA claims to support UK IMC rating

EASA has expressed its support for the UK's IMC rating, but claims that the industry Working Group FCL.008 is responsible for killing it off. In reply to investigations by a British newspaper journalist, the Agency says: "EASA is well aware that the future of the IMC rating has been an issue of great concern for thousands of private pilots in the UK. I want to reassure you that the Agency's objective is not to abolish it. On the contrary, we want to allow this rating to continue which is why rulemaking task FCL.008 'Qualifications for flying in Instrument Meteorological Conditions' was established."

The Agency refers to FCL.008's terms of reference, which specifically mention the IMC rating, and goes on to say that FCL.008, which was drawn from all sectors of general aviation, chose to propose a new rating, the En Route Instrument Rating, which would constitute a modular step towards a full IR.

The IMC rating is one of the pillars on which the United Kingdom's excellent GA safety record rests - fatal accident rates are on average four times lower than the European average. New British PPLs are encouraged to undertake a 15-hour flying course, with a written examination, which teaches them how to keep control of an aircraft if they inadvertently enter cloud, and get safely back on the ground using whatever landing aids are available. The rating does not allow them access to any airspace they cannot fly in as basic PPLs. Many non-British pilots, particularly Dutch and German, have taken the IMC rating course in Britain, even though it is not recognised in their own countries, in order to improve their chances of survival when encountering bad weather.

EASA's Notice of Proposed Amendment, which is believed to herald the death of the IMC rating, will be released for consultation shortly.

## AOPA Italy wins deadline extension on Language Proficiency

After two months of discussions AOPA Italy has obtained from ENAC, the Italian CAA, an extension up to Dec 31st 2011 of the Language Proficiency test requirements.

AOPA Italy's Massimo Levy reports that the problem in Italy is simple: the CAA has awarded a private British organisation the authority to execute the ICAO Language Proficiency tests on an exclusive basis. The test put up by this company is primarily structured for professional pilots and is unfit for PPLs. It is AOPA Italy's opinion that what has been done by CAA does not meet the requirements of 'transparency' set out in Italian legislation. In addition, the British company has an incentive to keep the results of the tests as low as possible in order to increase its business. There have been reports that native English speakers have been unable to attain Level 6, the top qualification, which is described as 'speaking English like a native.' Level 6 never needs to be re-tested, while Levels 5 and below are recurrently examined, with consequent costs.

There are several cases proceeding through the Italian courts over English Proficiency, but the system is slow and none of these claims have been decided yet. In view of the critical situation, AOPA Italy has been able to convince the Director General of the Civil Aviation Authority, against the advice of his Aeronautical Licence Manager - to extend until the end of the year the March 5th 2011 deadline to obtain the LP certificate.

Now general aviation pilots have nine months to convince ENAC that it must create an alternative test, or have the existing test requirements modified to meet PPL requirements rather than those of airline pilots.

## New 'European' security requirements hit Italian pilots

While Italian general aviation has not so far been affected by extra security because of air operations in Libya, pilots face real problems getting to their own aeroplanes if they are based at commercial airfields. Resident pilots must go through four days of security training, at a cost of €360, to obtain a pass which will allow them to reach their planes, even if they are in separate, designated GA areas. The pass is valid for only one airfield. Non-resident pilots must have filed a flight plan, and must be going to the aircraft with passengers with the sole purpose of departing, if they are to be allowed to go unaccompanied by security officials and policemen. The Italian authorities claim this is a European directive, but it seems once again to be an over-zealous interpretation of security requirements.

## Greek airport faces GA legal action

AOPA Hellas has initiated legal action against the airport manager and officials of an island airport operated by Greek CAA after it was reported that access was repeatedly being refused to general aviation aircraft on the grounds that there was 'not enough parking space'. Pilots established that sometimes when this excuse was used, the apron was completely empty. An attempt to file a complaint with the airport manager failed to produce results, and AOPA had no alternative but to go to law. Anton Koutsoudakis of AOPA Hellas says: "We do not yet want to identify the airport, in the hope that an amicable solution can be found before we get to court. We would like to thank AOPA Switzerland for their assistance in gathering the required evidence, and the Swiss and Lebanese crews who provided information in this case. Overall, it was a fine example of European pilot collaboration."

## Want to fly in Greece next summer?

AOPA Hellas has formed a voluntary legal team to support all pilots who want to fly in Greece. The team comprises lawyers and pilots, and their target is to stand by the lonely private pilot who may feel mistreated by the authorities. AOPA will take care of expenses related to helping pilots in trouble. All a pilot has to do is to provide a detailed report to [info@aopa.gr](mailto:info@aopa.gr). Unfortunately we can not support a telephone service for the time being.