

EFLEVA Meeting with EASA Rulemaking Directorate

EASA Head Quarters, Cologne, 14th December 2009

EFLEVA

Barry Plumb: Vice President Consultation
Carlos Trigo: Vice President Light
Kjell Franzen: Vice President Experimental
Nigel Stevens: Vice President Vintage
Roger Hopkinson: President

EASA

Yves Morier: Rulemaking Directorate
Head of Product Safety Dept
Matthias Borgmeier: Rulemaking
Directorate & designated focal point for
GA

AGENDA

1. EFLEVA short verbal presentation on scope of EFLEVA Activity & interest
 - General overview
 - Light
 - Experimental
 - Vintage
 - Consultation activity
2. EASA overview of view/programmes of Sports & Recreational Sector (S&RA) and specifically EFLEVA sector interest
 - Major issues EASA facing - outline
 - S&RA in context of EASA Mandate (Note: European Parliament Resolution 2008/2134/INI. Leisure versus Commercial interest)
 - EASA forward work programme elements as it effects EFLEVA & S&RA
 - Specific BR010 brief
 - Licensing issues
3. Joint discussion/review of specific EFLEVA interests and EASA work programmes in context of above
 - Light – ELA process implementation (expected CRD content/issues). LSA category. BR010 impact & expectations
 - Experimental. Review any impacting programmes.
 - Vintage: Complex area embracing Annex II, EASA certified & PtF, National Permits & Regulatory systems etc. Impact discussion.
 - Consultation – Any issues arising
4. Opportunity to optimise EFLEVA & EASA work plans.
5. AOB & summary of any agreed actions

Meeting Notes

(Notes in red are Authors opinions rather than a record of meeting)

1. Each of the EFLEVA members present introduced themselves and gave a few details of their background in aviation and their responsibilities with the EFLEVA executive.
2. YM and MB also introduced themselves with some details of their responsibilities and areas of interest within the EASA organisation.
3. CT asked for an indication of the expected timescale for the CRD to NPA 2008-07 ("ELA process"; "Standard Changes and Repairs" and "Certification Specifications for Light Sport Aeroplanes"). MB confirmed that the results of the consultation process should be available by January 2010. There would then follow a 2 month period for industry to issue reactions to the Opinion, and this process should be complete by the middle of 2010. It is expected that this will become law 9 months later, meaning that an operational rule will be in place by summer 2011. The outcome of NPA 2008-07 will also include the new CS-LSA, based upon the ASTM standard.
4. NOTE: It is not presently understood if this will include the E-LSA (Experimental Light Sport) allowing amateur built versions of the approved light sport aircraft. Presumably these could be Annex II (but only if the kit is 51% compliant) and therefore outside EASA interest. However present LSA rules allow kits to be 99% complete from the factory and would therefore not be allowed under Amateur Built rules, and would not comply with Annex II. This means that if E-LSA is introduced in Europe then the LSA rules will need to allow this in an EASA framework.
5. On the LPL situation MB informed the meeting that there will be an introductory level "Basic LPL" (similar to the existing French Brevet de Basse) plus the full LPL. It is noted that although the term Leisure Pilots License will be used in law, the actual license will probably be called the Light Aircraft Pilots License, mainly as a result of the level of response on this topic. (MB explained the mechanism, which makes this name change possible without changing the actual law. Seems like a reasonable compromise in the circumstances). Apparently there is considerable resistance to the basic LPL from various CAAs, so this may not happen.
6. The Basic LPL will be fixed wing only, LPL to include rotorcraft, sailplanes and balloons.
7. From a timing point of view MB noted that the Opinion will be issued by late summer 2010 and that it should be an operating rule by April 2012.
8. It was explained at the meeting by KF that the "Experimental" part of the EFLEVA area of interest was of course the Annex II paragraph c) (amateur built) and not paragraph b) (experimental). This resulted in a discussion of the situation regarding the future of Annex II and if there was any intention or programme of work within EASA that would result in changes to the content of Annex II. YM categorically stated that there is no intention to change Annex II as a whole, microlight, amateur built, vintage etc.
9. On the Vintage side, NS described the wide variation of definitions of Vintage, Classic, Historic, Collection etc that occur throughout Europe. NS also described the huge range of historic types from Bleriot to Vulcan that can be included within the Historic aircraft definitions. Historic aircraft also operate under virtually all types of airworthiness certification, from NAA PtF (or various equivalents) to EASA PtF and NAA or EASA CofA. NS further noted that many rule changes initiated through EASA could have a significant effect on the Vintage aircraft fleet, particular reference to Part M (continuing airworthiness management), Ops and Licensing. It is therefore important that EASA do not overlook Vintage aircraft operators in their rule making tasks.

10. NS also noted that many of the EU nations have a rolling calendar age definition for vintage aircraft, rather than the simplistic fixed date (line in the sand) employed in the Annex II definition in paragraph a) (i). When we look back in 50 years time the PA 28 would clearly be historic. Perhaps Annex II paragraph a) (ii) would allow these aircraft to be included as Historic ?
11. YM made the statement that EASA have no intention of modifying Annex II.
12. A discussion followed relating to the definition of Commercial Operations(Basic Regulation Article 2), and in particular how this will affect Historic aircraft currently used for commercial work. YM noted that any change to Article 2 would largely be a political matter.
13. There was also some discussion on the commercial operation of historic aircraft with respect to Article 8 (5)g "how operations of aircraft referred to in points (a)(ii), (d) and (h) of Annex II, when used for commercial air transportation, comply with the relevant essential requirements of Annex IV"(Essential Requirements for air operations...).
14. YM gave a PowerPoint presentation entitled Better Regulation for GA. The presentation was circulated to the EFLEVA members following the meeting.
15. MB explained that EASA are introducing an E tool to help stakeholders to identify the rules applicable to their particular case, and this is available on the EASA web page. This is a new introduction and will be up and running in the near future.
16. EASA are still working on the definition for Medical Practitioner for the LPL medicals. Presently this is a General Practitioner with "Aviation Experience" (whatever that means). **NOTE: This could be a potential problem if GPs are required to have specific training for LPL medicals. Costs will inevitably increase.**
17. Rules for EASA QEs will change. No indication of timescale for this, but EASA will not appoint QEs on the basis of existing rules in the mean time. **Note: This could scupper the EFLEVA desire to become a QE, at least in the short term. No indication of the nature of the rule changes was given.**
18. RH mentioned the introduction of LSA category, and asked if this would include the E-LSA (ie Experimental LSA). This was something of a surprise to YM who did not know how to answer this point. **(See notes above in point 4).**
19. The new task BR010 was discussed. YM presentation (Slide 22) indicated that changes are required to the Basic Regulation and Implementing Rules to achieve an adapted level of regulation for ELA1 for airworthiness, maintenance, ops and licensing. This will generate the flexibility to create an alternative process to that defined in Part 21. The intention will also be to :-
 - harmonise this with other authorities,
 - improve the approach to Orphan aircraft,
 - review the essential requirements for airworthiness to avoid any unwanted effects on small aircraft,
 - propose that a Type Certificate for engine and propellers is not needed for some ELA aircraft,
 - ensure that self-sustained powered sailplanes equipped with a turbojet are non-complex aircraft.
20. In order to provide a starting point for BR010 EASA will appoint a consultancy to provide a study, which will review a sample of the existing micro-light regulations, evaluate them with stakeholders and issue recommendations in relation with the main point of task BR010. (See slide 23 of YM presentation).

21. The consultants will be appointed in Jan 2010 and the programme will be for 11 months. CT asked how many consultants had tendered for the contract and YM confirmed that ten had submitted tenders. The working Group for task BR010 will formed early in 2010 to commence work by Summer 2010 and EASA expect the task to be completed by first quarter 2013. (See YM slide 19).
22. NOTE: This is completely at odds with all prior speculation and opinion on the topic of BR010. Early indications were that it related to micro-lights and their possible removal from Annex II and regulation by EASA. However this now appears to be a very different animal, and is entirely within the scope of interest of EFLEVA Light Commission. It is therefore the author's view that it is essential that EFLEVA be represented on the working group as an EAS appointee.
23. A discussion took place on the Parliament Resolution 2008/2134/INI. (Agenda for sustainable future in general and business aviation) It is clear from the responses by YM and MB that EASA are not really involved in this at the working level.
24. On the subject of consultations to EASA NPAs, KF asked about a particular point relating to NPA 2008-22. "....the proposal for AMC to OR.ATO.135 Aerodromes was: Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:..... d. an air traffic control service..... and further requirements on runway size". This would of course prevent training at aerodromes below a certain size, and at those without an ATC service. KF was not sure of the exact wording, but the preceding notes give the general content of the NPA and the comment placed on the CRD. MB attempted to look up the CRD for this NPA during the meeting, but was unable to find the reference. Subsequent to the meeting MB has looked into this comment, and has agreed that the comment is right, and that a solution to this will be found, as the AMC cannot stay as it is.
25. BP asked if there was a location on the EASA web site where consolidated versions of the Basic Regulation, Part 21, Part M etc were located. MB agreed to check this out and confirm the location if such existed.
26. NOTE: subsequent to the meeting MB provided the location for a consolidated version of Part M. http://easa.europa.eu/ws_prod/g/technical-publications.php. Also BP has subsequently located the following site where all consolidated versions can be found. http://eur-lex.europa.eu/en/dossier/dossier_06.htm

Barry Plumb
08 January 2010