

GA Alliance

Consultation response on

Call for evidence on the Governments Review of the Balance of Competences between the United Kingdom and the European Union

GA Alliance constituency:

The GA Alliance (GAA) is a group of organisations representing, as far as possible, all UK General Aviation (GA), and Sports and Recreational Aviation interests (S&RA). The Alliance coordinates about 72,000 subscription-paying members of these bodies. It is estimated that in total more than 100,000 people are involved in GA. This covers ballooning, parachuting, hang gliding, gliding, sport and recreational flying in light and microlight aircraft and helicopters. Its objective is to co-operate and consult with government departments and other relevant organisations to support and progress these interests.

Consultation response:

A GAA representative (Mr R Hopkinson) attended the DFT aviation workshop on this held on 18th June 2013. GAA supports the issues raised and noted at that meeting and in particular point towards the evidence recently accumulated from the Aviation Red Tape Challenge (RTC) 11 April to 15 May 2013. Our expectation is that relevant parts of that consultation response attributable to this consultation will be duly noted. However in that context we highlight (all detailed in the RTC response):-

- Excess costs and administration limiting operation of Approved Training Organisation - entirely due to EU regulatory changes - being yet another burden and cause of the demise of flight training in UK. An area where UK was once a world leader in now close to the bottom of the ladder. This noted by Industry and CAA in Forum
- General excess of administrative detail on CAA forms brought about by EU Competence – CAA have made the same remark in forum. By example Pilot licensing is now complex burdensome and generally more expensive.
- General, excesses where Commercial Air Transport regulatory requirements are applied to General Aviation. This is neither appropriate nor does it align with ICAO standards which accept that each activity is fundamentally different and indeed different safety standards are appropriate. This is particularly noted in Airworthiness and continuing airworthiness regulation

We were asked in forum for specific examples. Two are particularly relevant: firstly the effect of EU Competence on Gliding in the UK and the second Ballooning. In both these UK has historically been a world class player with both social and economic benefit to UK. Reports on the adverse effect of EU competence, submitted by the relevant Associations, follow.

EU Regulation: BRITISH BALLOON & AIRSHIP CLUB (BBAC) BRIEFING

Ballooning in UK has been a growing activity since 1970 and covers a wide range of sporting, leisure and commercial elements. Business generation (estimated to be in excess of £10,000,000 p.a.) from leisure flights and manufacturing provides employment by SMEs throughout the UK for pilots, crew, technical and support staff. It is of note that UK is one of only four EU nations producing balloons and is home to two of the tiny number of manufacturers of complete civilian aircraft left in UK, one of which is the world's largest manufacturer of balloons. The UK has traditionally led Europe in formulating safety-related oversight and operation of balloons and has more registered balloons and licensed pilots than any other nation in the world except USA. The activity has excellent and long-standing relations with the national regulator, the CAA, from whom many responsibilities have been delegated for over four decades with an enviable safety record.

The UK ballooning industry initially welcomed the advent of pan-European regulation as offering the opportunity to reduce barriers to both sporting and commercial activity throughout 31 countries. Despite nearly a decade of co-operative work from a small group of dedicated, but largely unpaid, experts the results have almost universally been to insert an additional layer of bureaucracy and attendant costs with no perceived safety benefit. Direct and pragmatic interaction with the CAA has been eroded and the playing field has been further tilted against UK as a result of the policy of 'user pays' and pre-determined requirements for financial returns from the CAA. Most EASA countries still see aviation oversight as a national responsibility rather than as a profit centre and so in effect subsidise activities within their jurisdiction. Most of the expected benefits of cross-border freedoms have evaporated as national authorities retain predominance in many areas.

Scarce resources from a largely voluntary administration by the BBAC have been consumed in trying to mitigate the effect of legislation largely imposed by non-aviation bureaucrats focusing on airline-style oversight. Faceless legislators are almost impossible to engage with and a 'one-size-fits-all' attitude has been imposed with minimal recognition of proportionality. Essentially all the most limiting features of each national rule-set are adopted. ICAO is followed without regard for existing reasoned national exclusions but also occasionally exceeded without justification.

Specific areas of concern are:

- 1) Directive 2042/2003 Part M Maintenance Rules. Already in force. Burdensome paperwork and approvals procedures plus complex oversight are inappropriate for a simple aircraft. Work previously done at devolved level by BBAC.*
- 2) Directive 1178/2011 Part FCL Licensing/Training. In force but with transition until 7 April 2015. Over-complex training architecture (ATO) and additional hurdles and constraints for maintaining licence validity. Work previously done at devolved level by BBAC.*
- 3) Directive 965/2012 Part OPS Operations. Not yet in force but likely to be introduced in late 2013/early 2014 and transition by early 2017. Brings areas of operation not previously considered commercial into that category with consequent constraints. Work previously done by CAA with BBAC support and pragmatic co-operation.*
- 4) Directive 748/2012 Part 21. Initial Airworthiness. Any benefits from a common framework of design and manufacturing are far outweighed by the concomitant need for multiple approvals and the consequent cost of associated charges.*

EASA is driven by principles and timelines not appropriate to aviation and the organisation is inflexible in the consultation and development process. Worse still there are examples of new legislation agreed by all

signatories and EASA being varied or rejected by the Commission without explanation or opportunity for redress.

Already since Part M was introduced in 2009 we have seen a significant decline in participation due to the increase in cost and complexity of ballooning as both a leisure and professional activity. AOC numbers for balloons have also declined from over 100 to around 60.

The BBAC feels that balloons (along with gliders) were inappropriately included in the EASA mandate when other more significant sectors (autogyros, microlights, historic aircraft) were excluded and now suffer particularly as a tiny element in a global structure intended for transport aeroplanes and helicopters.

In summary, balloons and ballooning should be removed from the scope of EASA.

*Phil Dunnington
Chairman, BBAC Flying Committee*

EU Regulation: BRITISH GLIDING ASSOCIATION (BGA) BRIEFING

Gliding is a fundamentally volunteer led and managed air sport in which most European member states excel. The sport is funded entirely from personal taxed income. Gliding Team GB is highly ranked internationally, and British glider pilots are influential in the widest development of the sport. There are some 80,000 glider pilots flying some 20,000 gliders in Europe. 8,000 of them fly some 2400 gliders in the UK.

In 2003, the European Commission decided to include gliders within standardised European aviation regulation. This decision set forth a chain of regulatory events that has an increasing capacity to seriously damage the sport of gliding and of course citizens fundamental right to continue to enjoy a sport and recreational activity that is safely integrated with other airspace users. This damage – which is already apparent - is caused by excessive cost, reduced levels of flying, regulation/change fatigue, frustration at unnecessary bureaucracy and even individual's physical inability to comply with new requirements, and manifests itself in;

- Diversion of limited central volunteer and professional resources from development, safety management and participation growth within the sport*
- An increasing drop-out rate by experienced participants and resulting negative impacts on gliding clubs and other participants*

The specific European regulations are;

1702/2003 Part 21 – Certification Rules . *Part 21 requires gliders to be certified under rules designed for commercial air transport. Fortunately under pre-existing regulation, the design standard of sailplanes exceeds the new requirements. However, Part 21 resulted in a major bureaucratic exercise that coupled with Part M requirements cost most UK owners of gliders a significant amount of their taxed income.*

2042/2003 Part M – Maintenance Rules. *Part M requires gliders to be maintained under rules designed for commercial air transport. Without exception across Europe, Part M has resulted in a significant negative impact on gliding and other air sport, primarily because of unnecessary bureaucracy as well as costly regulatory oversight including newly applied CAA fees. Part M has resulted in significantly increased costs to owners, encourages 'underground' airworthiness activity and adds nothing to previously accepted safe practices. Part M has doubled the cost of vital annual maintenance on UK based gliders and has very significantly increased the associated costs and administrative burden on the BGA.*

1178/2011 The Aircrew Regulation - Flight Crew Licensing and Pilot Training. The Part-FCL rules require that pilots are trained within a regulated structure (subject to similar constraints, bureaucracy and costs as Part M) and subject to disproportionate medical requirements that will, despite UK developed AMCs, result in a number of currently active participants becoming grounded. The proposed glider pilot licence requirements negatively impact on existing privileges and therefore present highly significant operating limitations over the status quo. The ATO requirements, which are a watered down version of requirements designed for commercial air transport training, are essentially nugatory, disproportionate, unwieldy, costly and ultimately damaging. The industry and CAA are now engaged in a process of damage limitation that is consuming large amounts of time and resource, and are trying to ensure that existing acceptable levels of safety are not compromised.

EASA should be encouraged in the strongest terms to learn from the recent past and listen as well as delegate to the air sport industry rather than reinvent in two years a licensing system that has taken 50 years or more of experience to develop into user accepted and safe systems.

Standardised European Rules of the Air (SERA). Eurocontrol has proposed SERA requirements that failed to consider air sports and the associated numerous differences to existing ICAO rules of the air adopted by most Member States. After push back from industry (with some very timely political support), the majority of UK gliding concerns regarding the SERA requirements have or are being revisited. However, doubt remains as to whether or not existing privileges will be available to pilots following the full implementation of SERA.

Operations. The potential impact of this emerging regulation has yet to be fully analysed. Early indications are that the rules have again been developed for Commercial Air Transport but will be applied more widely and will be highly damaging.

Summary

The BGA believes that the EASA approach to developing regulation is not based on an informed assessment of risk and ignores historic precedent regarding existing safety cases where sporting aviation is concerned. It appears to the BGA that EASA and more recently Eurocontrol are increasingly frustrated by the consultative rulemaking process and are therefore increasingly and openly paying lip service to the responses made by industry during that process. Meanwhile, disproportionate aviation regulation rolling out across Europe is beginning to cripple the sport of gliding despite only being partly along the aviation regulatory development roadmap.

An enormous amount of effort has been expended by the BGA, by sporting clubs and by thousands of individual owners and participants over a number of years in attempting to work with EASA and Eurocontrol to encourage them to adhere to the European Parliament's stated requirement for proportionality in rulemaking. Despite some successes, the BGA has concluded that European and domestic democratic intervention will be necessary to ensure that the sport of gliding can continue to exist as we know it beyond the middle of this decade under existing and emerging European aviation regulation.

The simplest solution would be to remove sailplanes from the scope of Regulation EC 216/2008.

Pete Stratten
CEO, British Gliding Association

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R Hopkinson GAA Facilitator