



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

### [EASA railroads its N-reg attack through Parliament](#)

The European Parliament yesterday approved EASA-FCL despite a last-minute attempt to have it sent back to EASA for redrafting because of unresolved issues surrounding third-country licences. The vote was very close - 16 against approval, 22 for - and a surprise for IAOPA was the fact that the Parliament's Transport Committee chairman Brian Simpson and his socialist group voted in EASA's favour. Mr Simpson had expressed support for IAOPA's position on the N-register in the past and it had been hoped he would vote accordingly.

The passage of EASA-FCL despite the deleterious effect it will have on the general aviation industry illustrates not only the absence of any real democratic control over EASA but the failings of the whole European governmental structure. EASA-FCL was born out of a Basic Regulation written by European Commissioners with no electoral mandate; the details were added by bureaucrats at EASA who paid lip service to the idea of consultation with industry. When the time came to vote, the elected members of the European Parliament were denied the opportunity to pass judgement on the components of this long and complex document - they only had the power to accept all of EASA's proposals, or reject them entirely. Because the Commission's deadlines (themselves entirely arbitrary) are bearing down on us, MEPs are under enormous pressure to pass the legislation; failure to do so would have caused chaos and confusion among the national aviation authorities who are expected to begin implementing EASA-FCL by April next year, and it is a measure of the extreme level of concern MEPs have over the N-registration issue that many of them were prepared to 'throw the baby out with the bathwater'.

The decision was effectively taken on August 31st by the Transport and Tourism Committee, which speaks for the whole Parliament on this issue. Thanks in part to the work of Herbert Habnit, founder of AOPA Netherlands, two MEPs, Peter van Dalen and Philip Bradbourne, had sought a resolution saying that EASA's third-country licensing proposals meant that many pilots would be severely disadvantaged, subject to additional training, examination and 'notable costs', and that the requirements were 'disproportionate'. EASA claims the shortcomings in its regulation can be overcome by a bilateral agreement between Europe and the US, but the van Dalen/Bradbourne motion points out that 'there is absolutely no evidence nor clear future prospects for the potential bilateral Aviation Safety Agreements being drafted and to be concluded before April 2014'(by which time the third-country provision of EASA-FCL must be fully implemented) that would solve these problems. It goes on to say there are no safety issues behind EASA's regulation, and adds that the draft regulation does not even conform to the requirements of the Commission's own Basic Regulation.

Four more votes would have tipped the matter in general aviation's favour. Mr Habnit was particularly disappointed at the failure of Mr Simpson and those in his sphere of influence to support the resolution. Mr Simpson had, says Mr Habnit, abrogated the provisions of the European Parliament's own 'Agenda for a Sustainable Future for General

Aviation', adopted in 2009. There has, he adds, been no real attempt to quantify the cost of this politically-motivated attack on the GA industry. 'Even EASA does not understand the consequences of its actions.' IAOPA Senior Vice President Martin Robinson said afterwards: 'It's a sad day. The MEPs were put under enormous pressure to push this through and were denied the ability to address the huge flaws in it. This could not have been railroaded through in a truly democratic process. Economically, the vote is seriously bad news for our industry. Many of those who have been flying perfectly safely for decades on FAA licences are not going to make the extraordinary investment of time, effort and money needed to get European IRs or other qualifications - they will simply give up. The European Parliament has blown a great hole in our industry with this vote, and because it has been bamboozled by EASA, it doesn't even know it.'

'We now have to focus on the detail of the FCL annexe to the Bilateral Agreement to make sure that EASA and the FAA reach sensible agreements on what credits they will give to each other's training systems. It is unlikely that the 2014 deadline will be achieved given the amount of work that needs to be done, and the Commission has accepted that the deadline may need to be extended. Retrospective legislation like this is damaging and the Commission should now work hard with the industry to reduce as far as possible the negative impact of these decisions.'

### **EASA-Ops - some amelioration, but not enough**

EASA's final proposals on Ops were published yesterday (August 31st), and while they have matured considerably since the original poor-quality document was first made public, there are still areas with which IAOPA is not satisfied. It is important that members look at Notice of Proposed Amendment and make their observations clear to EASA. Failure to do so may mean we are saddled with the undesirable, pointless and in some cases expensive requirements which remain in the proposals, despite the best efforts of Working Groups to have them removed.

IAOPA's representatives on the two Working Groups were Jeremy James (non-complex ops) and Jacob Pedersen (complex ops). Both are happy that the most onerous requirements have been cut out of the regulations. In complex ops, the absurd requirement that a single-engined aircraft be capable of continuing its take-off after an engine failure has gone, as has a requirement that would effectively have prevented a single engined aircraft from taking off at all in IMC conditions. In non-complex ops, a requirement that all helicopters be fitted with floats when flying over water has been modified to exempt aircraft flying within 50 miles of land, and the demand for steerable landing lights has been finessed. The contentious demand that all aircraft be equipped with a fixed ELT has been replaced with a more sensible requirement for a PLB to be carried on an aircraft with six or fewer seats. Proposals to require two horizons for night flight have gone.

However, a demand for heated pitot heads for night flying has been re-introduced at the last moment after having been cut out at the Working Group stage. This is a particular blow in the helicopter world, where heated pitots are generally fitted only to aircraft which will operate in IMC and where retrofitting costs will be enormous. The requirement is all the more baffling because it was not contained in the last draft regulation, produced only three weeks earlier, and there has been no explanation for its reintroduction.

Other issues are:

1. Oxygen requirements - mandatory above FL130 and if you fly between FL100 and FL130 for more than 30 minutes.
2. Mandatory fire extinguisher, with no exemption for aerobatic flights as requested.
3. Poor dangerous goods regulation, not adapted to non-commercial operations.
4. More than doubled minimum visibility for an IFR take-off without a special approval - now 400 meters RVR, as opposed to the existing 150 meters RVR, with no justification for the change.

Jacob Pedersen says: "Items 1 and 2 prevent the pilot from taking responsibility and selecting the safest course of action in a given situation. It should never be the case that a safety regulation forces a pilot to choose a less safe option, and in both situations EASA goes directly against the recommendation of EASA's own review group."

Consider the pilot who is crossing the Alps at FL110 and finds himself on top of a cloud layer after 30 minutes. Should he be forced to leave FL110, with smooth air and blue sky, to descend 1000 ft, bringing him closer to high terrain and

into the clouds that might contain severe turbulence, rain, hail or worse? EASA may make it the only legal option, but is it also the safest? Germany has had good results with allowing operations between FL100 and FL120 without extra oxygen, and it is exactly these altitudes which are so important, particularly for the Alpine regions."

The dangerous goods rules will cover EASA's back but add to cost and do nothing for safety. Few non-commercial pilots will ever apply for dangerous goods approval, nor will they intentionally fly with dangerous goods. Yet EASA's rules will require all pilots to buy an ICAO document costing €100, plus an update charge. In practice what will happen is that most pilots will never know that they are violating ICAO recommendations on dangerous goods since they will never obtain what is in fact a document produced for the commercial world.

Jacob says: "The first three cases above are clear examples of the fact that EASA is not writing safety regulation to promote safety but to absolve EASA from liability if something goes wrong. If a pilot wants to take what he considers to be the safest course of action, he could be forced to break the rules, which is absurd. Item 4 is an example of EASA changing regulation to prevent operations that have been conducted safely for decades, without providing any evidence as to why this change is necessary."

### Spain wins ground on AENA charges

After a long campaign, AOPA Spain has met with some success in persuading the national aviation infrastructure authority AENA to moderate the landing fees it charges at Spanish airports. AENA has officially announced that rates for 2012 will be much more reasonable than those it had originally proposed. Fees will be €30, €17 and €10, depending on the category of airport. Rafael Molina of AOPA Spain says disproportionate increases in GA fees at airports were made earlier this year, since when AOPA has been running a campaign to convince AENA that its charges are having a severe depressing effect on the GA industry at a critical time. Now, managers have responded by proposing increases which, while higher than AOPA has suggested, are much lower than they originally intended.

Sr Molina reports that a new problem is raising its head - that of mandatory handling at Spanish airports, with its attendant charges. AOPA has arranged a series of meetings with AENA officials in September to negotiate on compulsory handling, with the aim of eliminating the requirement where there are alternatives, and providing free handling where the airport claims it must use vehicles to transport pilots and passengers to and from the terminal for security reasons.

### Channel Islands ATC starts to mend fences with GA

Profound disagreements over the imposition of 'prior permission' requirements for VFR flight to the Channel Islands have had one positive result - the establishment of a joint GA/ATC working group which aims to prevent such issues arising in the first place. The first meeting of the 'Channel Islands Air Traffic Control and General Aviation Working Group' has been hailed a 'great success' by Fergus Woods, Director of Civil Aviation for the islands, and Charles Strasser, AOPA Channel Islands Chairman. The 'prior permission' requirement, imposed without consultation in an area where traffic is relatively light and is in any case down by some 20 percent on a few years ago, led to some angry exchanges, and as reported in the last news, the islands' authorities are now phasing it out. Discussion of the issue at the first working group meeting was described as 'frank and honest'. Afterwards Charles Strasser said: "Although we are disappointed that PPR has not been removed entirely, we recognise that this working group will allow the GA community to be consulted on all future changes to operations in Channel Islands airspace in a timely fashion. This forum will enable us to work with the DCA and ATC management to make visits to the Channel Islands easier and more attractive to the wider community that AOPA represents. This will also filter through to the ongoing work to identify the true contribution that the GA community brings to the Channel Islands' States."



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## AOPA Bonus Day at Duxford

Just ten days to go to the AOPA UK bonus day fly-in at Duxford Airfield, north of London, to which all AOPA members in Europe are invited. The event includes a series of important presentations on the key issues facing general aviation. A talk by the Civil Aviation Authority's Head of Flight Crew Licensing, Cliff Whittaker, is entitled "a guide through the flight crew licensing minefield" while a senior CAA official will talk about the Olympic airspace restrictions. IAOPA Senior Vice President Martin Robinson will give an overview of the state of the GA industry. AOPA members will have a chance to ask questions and join in discussions - and non-members are welcome, too.

The event is the second annual gathering at Duxford - last year more than 50 aircraft and 160 visitors came. Duxford is one of the most welcoming GA airfields in Britain and is home to the Imperial War Museum's aircraft collection, one of the finest such museums in the world, containing such iconic British aircraft as the Hurricane, Spitfire, Lancaster and Vulcan as well as international aircraft like the B-17, SR-71, B-52 and F-4. See <http://duxford.iwm.org.uk>. There's nothing like Duxford anywhere else in the world, and the landing fee for the AOPA Bonus Day, reduced to £7, includes a discounted entry to the museum.

For more details see the AOPA UK website [www.aopa.co.uk](http://www.aopa.co.uk)

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## World Assembly in South Africa next April

The 26th IAOPA World Assembly takes place Cape Town, South Africa between April 10th and 15th 2012, and early-booking discounts are still available to delegates. The World Assembly, held every two years, is an opportunity for the 69 AOPAs around the world to get together to discuss a common approach to the problems facing general aviation.

Airport and airspace access, security, user fees and the environment are the major issues scheduled for debate at this important forum, and experts on each topic will address the Assembly. At the end of the conference, which takes place at the Spier Hotel in Stellenbosch, there will be an opportunity to visit Stellenbosch Flying Club, where flights over the Cape area can be arranged in fixed-wing aircraft and gyrocopters. AOPA South Africa has also arranged with local travel experts to create bespoke tours for delegates who wish to spend longer in South Africa. For full details and registration information see [www.iaopa2012.co.za](http://www.iaopa2012.co.za)