IMC – now it's all down to the CAA

After almost two years of delay, EASA has finally published details of how it plans to licence pilots to fly under instrument meteorological conditions, and the UK IMC rating, which has been saving lives in Britain for 40 years, is dismissed as unworkable in Europe. As a sop to the UK, EASA has agreed that a way will be found to allow existing holders to continue to use the IMC rating in UK airspace. The CAA has pledged to continue with a UK-only instrument qualification equivalent to the IMC rating, although it has not yet been established how that will work. AOPA will continue to hold the CAA to its pledge, and help provide the supporting arguments.

EASA's entry-level instrument qualification, the En Route Instrument Rating, should certainly help improve accident statistics in European countries which have not hitherto had any rating between the PPL and the full IR – especially as, at the last moment, EASA has introduced some emergency instrument approach training into the syllabus. For the UK, however, the EIR is seen as a providing a lower level of safety than the IMC rating, given that there is little incentive to get it unless you're going for a full Instrument Rating, and it provides no privileges beyond flight in IMC in the cruise. For the UK to maintain its safety record – it is between three and four times safer than the European average – the CAA will have to extend the IMC rating equivalent to cover new pilots as well as those who already have the rating.

AOPA Chief Executive Martin Robinson said: "We are disappointed that EASA chose not to consider the IMC rating, but AOPA will be following up with the CAA to ensure that they keep the rating in the UK, which they are able to do." EASA's proposals were originally due to have been promulgated early in 2010 and are contained in a Notice of Proposed Amendment (NPA) on instrument flying which will be considered during a consultation period ending on 23 Dec 2011.

Full IR

The Agency's proposals on the full Instrument Rating appear to represent a significant improvement on the current situation, with a reduced requirement for theoretical knowledge and a modular approach which could help spread the work and the cost. The old theoretical knowledge requirement, which called for a year's study in a commercial school, has been replaced with 100 hours of study leading to an examination on topics which are intended to be pertinent to the rating. The En Route Instrument Rating calls for the same level of theoretical knowledge as the full IR, which calls for only 25 hours more flying than the EIR. 30 of the 40 hours' flying required for the full IR can be in an approved simulator.

Validation of third country instrument ratings appears to have been made somewhat easier, as long as the applicant has an EASA licence and is prepared to sit the exams. The NPA says: "Applicants for the competency-based modular IR(A) holding a Part-FCL PPL or CPL and a valid IR(A) issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country may be credited in full towards the training course… In order to be issued the IR(A), the applicant shall: (a) successfully complete the skill test for the IR in accordance with Appendix 7; (b) demonstrate that he/she has acquired knowledge of air law, meteorology, flight planning and performance, and human performance; (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055; (d) have a minimum experience of at least 100 hours of instrument flight time as PIC on aeroplanes."

EASA's EIR will allow cruise flight in IMC but will prohibit descent through cloud on an instrument approach

What the Agency calls the "accessible competency-based IR" is expected to "cut the costs for obtaining an instrument rating by roughly 20%; increase the number of pilots with an IR by almost 30% (from 6,400 to 8,200); increase the level of safety by having more pilots trained to handle unforeseen weather conditions, including approach and landing in IMC.

IMC rating

In the NPA, EASA says: "It was concluded that the UK IMC rating, because of the specific needs when operating in the European common airspace and the level of training delivered compared to the privileges given, could not be transferred into the future EU system.

"The Agency already discussed this issue with the CAA UK and industry experts in order to identify possible options for UK IMC holders. The most favourable solution seems to be that a Part-FCL licence and an IR will be issued with certain conditions on the basis of a specific conversion report in order to reflect the current privileges held. This would allow the existing UK IMC holders to continue to exercise their IMC privileges."

EIR

EASA says the EIR will cost half as much to get as the JAR IR, albeit with the handicap of not being allowed to make

instrument approaches. It is expected to "increase the number of IR holders by 80% from 6,400 to 11,500 within an expected five year adjustment period." It will also, it goes on to say, "increase the level of safety by allowing pilots to better handle unforeseen weather conditions; and have an positive effect on the aviation industry by ensuring a pool of potential future commercial pilots due to the higher number of PPL holders with an instrument rating."

The privileges of the EIR are "to conduct flights by day under IFR or in IMC in the en-route phase of flight, with any aeroplane for which a class or type rating is held… the holder of the EIR shall only initiate or continue a flight on which he/she intends to exercise the privileges of his/her rating if the latest available meteorological information indicates that at the estimated time of arrival at the planned destination aerodrome the weather conditions will be such as to allow compliance with VFR on the approach and landing phase of the flight. On departure the holder of this rating shall not enter IMC below 1000 feet above the highest object within 5 nm."

Original criticism of the EIR – that it taught pilots to get into IMC without teaching them to get out of it – have been addressed by the addition of unspecified "instrument approaches and landing" exercises, but it's not clear whether EASA means this to be the

Chief executive's diary:

Happy new year!

August is a funny month in many ways, as it's something of a demarcation between one year and the next; the European Commission tries to finish its work packages prior to the summer break because so much of Europe goes on holiday, and this also provides a natural break for the staff in AOPA – including me! But holidays notwithstanding, the machinery of Brussels grinds on, and as has already been reported the European Parliament's Transport and Tourism Committee voted in favour of adopting EASA's proposals on flight crew licensing. As you can see in these pages, there was a last-ditch attempt to have the FCL proposals blocked because of the impact on third country licenses, but this failed – mainly, I believe, because the Parliament was reluctant to vote in a way which would be seen as open criticism of EASA, and of course, civil servants from the member states had already given their approval.

I should explain that once EASA has concluded its consultations on any subject, it submits its proposals as an 'opinion' to the Commission, which brings forward the legislation, but before this happens the member states – usually civil servants from their transport departments – meet and discuss the opinion in what is called 'comitology'. The proposals are voted on at this stage (the Commission has no vote) before it is passed back to the Parliament for a final seal of approval.

At each stage of the process IAOPA made representations on the third country issue, which we know will affect many pilots and owners. The legislation puts a time constraint of 2014 in place, by which time pilots using third country licenses will need to have a validation which will last for one year. After that they'll need EASA licenses and ratings. However, as far as FAA licenses are concerned it's been agreed that Europe and the US will look for an accommodation under an annexe to the recently-agreed bilateral aviation safety agreement (BASA). I envisage that EASA and FAA licensing officials will study the differences that exist between each others' licensing standards, and they will ultimately agree a set of rules that will look a lot like differences training. After 2015 it's reasonable to expect that Europe will have agreed on what differences exist between the FAA and European systems, but until that has been agreed, European regulators will have to considerer extending the 2014 deadline. This was confirmed to me when I met with the EC's Air Transport Commissioner Matthew Baldwin. What is clear is that member states are conveniently ducking behind EASA to address their perceived problems with third country operations which are permanently based in Europe. The UK DfT looked at this several years ago, and in the end decided against a UK-specific rule in favour of a wider European solution.

One of the tricks of the civil service in the UK and Europe is that they constantly move people around the various institutions, which means no individual is ever held to account – only the amorphous and faceless institution itself. That's one of the reasons why it's so important to GA to get the policy right in the first instance. While EC Regulation 216/2008, also known as the 'Basic Regulation' is the basis for the new rules, it may be considered that the EASA implementing rules – the flesh on the bones, if you like – are more prescriptive than they need to be in order to achieve the Commission's intentions. But now we must wait to see what the differences are between the Europeans and the US – and this is likely to become s complex issue, especially where the instrument rating is concerned.

On the UK front, on July 26th I was at the Safety Regulation Finance Advisory Committee (SRFAC) at which the CAA outlined its proposals for their charging schemes over the coming year. The airlines never miss an opportunity to remind the CAA that it is committed to removing the so-called 'cross subsidies' in aviation, and I in turn point out that subsidies are in the eye of the beholder, and those who pay no fuel tax or VAT on tickets should not seek to burden those who do pay their taxes with more fees, for private advantage. This time they suggested to the CAA that those schemes that under-recover should be made to pay more, and that the CAA should increase their charges by 30%. A number of these under-recovering schemes relate to GA. To be fair to the CAA, while they remain committed to the removal of cross-subsides where possible, they do not agree that charges should be increased to the point where smaller operators would face financial difficulties as a result; it's not the role of the CAA to put people out of business. Therefore we will see a 3% increase in fees across all schemes next year, but before then there will be a formal 12-week consultation so that the new scheme can come into effect on April 1st 2012.

The whole issue of CAA fees is a minefield. Only a small proportion of general aviation – the directly-regulated part – pays CAA charges, so the issue is of enormous importance to those who do, but of little interest to the majority. The burden falls on a small and dwindling sector of GA as aviation is increasingly polarised between commercial air transport and the permit sector, with those in the middle regulated and charges out of business.

On July 27th we had the AOPA Executive committee, where the Association looks at the many issues facing GA, as reported by the different representatives. Concerns include the future of avgas, the rapid development of wind farms, engineering issues, FCL and more. On the following day I was in Brussels to meet with Matthew Baldwin, the new Air Transport commissioner at the EC. We discussed the need for better rulemaking activities in Europe and I again I impressed on him the need to collect good quality safety data as a precursor to EASA's rulemaking. While I believe Matthew was sympathetic, it's clear that getting good quality activity data for GA from across Europe is very difficult. We also spoke about the third country issues and the instrument rating. For a first formal meeting it was very good, and I felt that Matthew was open and looking to learn more about GA. We've scheduled another meeting for November.

Back in London I spent most of the next day working on the AOPA response to the CAA's Safety Plan, which consists of 42 pages of which two pages are directly applicable to GA. The document is overwhelmingly aimed at CAT,

teaching of practical skills required for returning safely to the ground. It says simply: "The training will focus on the skills to fly an aeroplane under IFR and in IMC in the en-route phase, but will also include some emergency approaches and landing exercises as well as flights in controlled airspace under IFR with a high density of traffic."

EASA says the EIR will cost half as much to get as the JAR IR, albeit with the handicap of not being allowed to land

It adds later: "The potential safety risks induced by the fact that training for this rating mainly focuses on the en-route IFR skills and provides no approach and landing privileges is mitigated by the restrictions of privileges on the one hand and some specific training modules for handling emergency situations on the other."

The 100 hours of TK requirement may contain "computer-based training, e-learning elements, inter-active video, slide/tape presentation, learning carrels and other media as approved by the authority, in suitable proportions."

As with all these things, it takes time for the real meaning to sink in, and the devil is always in the detail. Members now have until 23 Dec 11 in which to comment on the NPA, which can be read at *http://hub.easa.europa.eu/crt/docs/viewnpa/id_135* ■

but the seven significant issues that the CAA highlight are also applicable to GA. In the main, the CAA aims to improve safety by tackling human factors, and I agree with this approach. While we teach people about hypoxia, the vestibular system, the drugs you might take and all that, we don't directly address the processes of good decision-making. How does a pilot evaluate his own behaviour and decide whether he's prone to making risky decisions?

On July 30th I spent the day at White Waltham attending the AOPA Members Working Group, reported elsewhere in these pages… and on August 2nd I went to the Department for Transport's Olympics airspace briefing, at which there was a summing up of what had been achieved with the Home Office – see separate story in these pages. Two days later I attended the CAA/industry working group called Airspace Communication Education Plan (ACEP) where we discussed further initiatives to reduce infringements. The focus now should be on airmanship, that old-fashioned term that seems to be going out of use. The 'let's do a kneeboard on it' approach is all well and good, but too often it just means that pilots inadvertently fly into controlled airspace with a nice kneeboard. There's a case for AOPA to develop an infringement course, which could be used by the CAA as an alternative to prosecution, which is of limited value in many cases. We also discussed the Olympics and how information will be promulgated, and the 'file a flight plan' day.

The Airspace Infringement Co-ordination Group meeting fell on August 10th, and the good news is that the statistics are showing a downward trend. Again, there was a lot of discussion about the thinking behind how airspace will be dealt with during the Olympics. Since this meeting, of course, the decisions on the Olympics are in the public domain.

On August 15th I had an internal discussion with Ben Stanley on our SESAR activities. IAOPA is supportive of SESAR R&D, the current stage the programme has reached, but complications arise when you try to get from R&D into the cockpit – that's where the cost issues to the owner or pilot come in. The DfT has asked AOPA for a presentation on where GA stands on SESAR.

On August 16th I went to a GA meeting with CAA finance people regarding their proposals for increasing charges to GA. As well as the increase mentioned previously, there are some new charges and of course the one-off charges that will inevitably come with EASA. In future, if you change your name because of marriage, or of you get a new rating or whatever, your licence will have to be reissued. Is this just another revenue source for the regulator? My concern is to keep charges to the absolute minimum.

From August 18th to 30th I was on leave, then on September 1st I attended the first of two SESAR financing workshops in Brussels. SESAR is forecast to save €400 billion in GDP value but will cost some €30 billion to implement, and the various arms of the European Commission are planning to inject about €3 billion of this. Where will the other €27 billion come from? If you break the figures down, that represents €2.5 million per CAT aircraft, €1.38 million per business aircraft, and €26,100 per GA aircraft in Europe, which as I pointed out represents in some cases perhaps double the value of the airframe. Not everyone in aviation is sympathetic; we had a German accountant there who flies his own aircraft and had upgraded to Mode S, and just thought everybody else should get on and do the same. At a time when money's as tight as it is now, it's difficult to ask for taxpayer support for equipping private aircraft, but there are ways in which these issues can be addressed. I've suggested a study of what equipment can be taken out of the UAV market and made available to GA. UAVs are the coming thing and billions are being spent developing their equipment. It will be certificated at the expense of the manufacturers, there will be economies of scale because of the size of that market, and it could provide GA with everything it needs to conform to SESAR at relatively low cost. We have to be positive about this – if we try to block SESAR we'll be run over.

The EC's Industry Consultation Body met in Brussels on September 5th; Matthew Baldwin attended this session because there are still some concerns over IP1, which is effectively the baseline from which SESAR begins – that affects GA through the mandatory requirement for 8.33kHz radio. Also, there was some discussion about the financing of SESAR and the difficulties associated with it.

Next day we had the first meeting of the newly developed Single European Sky Network Management Board. The Board will consider how well the route network is meeting its targets, and because it is overwhelmingly of interest to the business aviation end of GA we gave the seat to the European Business Aircraft Association, and I go to sit on the subs bench, effectively. On September 7th I attended the Olympic Aviation Modal Group, which is chaired by the Association of Chief Police Officers, for an update on the various security issues connected to aviation. This is an open and friendly forum where we're able to provide the sort of information about GA that will help minimise the security burden on it. For our part, we need to stress to all pilots the need to keep your eyes and ears open; we are seen as an important link in the intelligence chain, and we have to work hard to ensure we are treated as part of the solution, not the problem.

On the following day I was back at the CAA's Finance Advisory Committee for further discussions on the CAA charging scheme. In countering the cross-subsidy arguments of the airline, we have asked the CAA for information on the CAA's cost base, and they are considering how they will provide more information in the future. The point of this is that allocating costs is not a simple equation. If they were just regulating GA, they wouldn't, for instance, need an enormous building at Gatwick, and they wouldn't need to pay their people airline salaries. So you can't just salami-slice the costs and say one slice falls to GA.

On September 9th we had an AIS meeting at Heathrow – that's an annual 'how's it going?' exercise, and on September 13th there was a General Aviation Strategic Forum meeting at Gatwick. Next day I went to Cologne for the EASA Advisory Body meeting – EASA is changing some of its procedures to introduce a fast-track system for safety-related matters, and we're still waiting for their proposals on fees and charges, which now seem likely to be delayed by at least a year. That was followed by another workshop on SESAR funding, and finally, on the 16th, we had the AOPA AGM, where we fulfill our corporate responsibilities and get the chance to talk to some more members. As I write, I'm waiting at Heathrow to travel to the US for the AOPA Summit – details in the next magazine.

Martin Robinson

EASA forces through its N-reg attack

The European Parliament has 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 for, 22 against – and a surprise for AOPA was the fact that the Parliament's Transport Committee chairman Brian Simpson and his socialist group voted against. Mr Simpson had expressed support for AOPA'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 never understood why they should be forced to consult with industry and merely paid lip service to the idea. When the time came to vote, the European Parliament was denied the opportunity to pass judgement on parts of this long and complex document independently – the elected members only have 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 were 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. It is a measure of the extreme level of concern MEPs had 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, Dutchman Peter van Dalen and Philip Bradbourn, Conservative MEP for the West Midlands, had sought a resolution saying that EASA's third-country licensing proposals meant that many pilots would be severely disadvantaged. The motion said, inter alia, that many pilots would be subjected to additional training, examination and 'notable costs', and that the requirements were 'disproportionate'. EASA claims the shortcomings in its regulation can be overcome later 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' that would solve these problems. It goes on to say there are no safety issues behind EASA's regulation, and says 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 motion. 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. 'Even EASA does not understand the consequences of its actions.'

EASA's attack on the N-register owes much to rivalry between Airbus and Boeing

The provisions in EASA-FCL requiring all pilots domiciled in Europe to have European licences, presented to MEPs by EASA as a simple housekeeping exercise, owe more to transatlantic rivalry between France and the United States, Airbus and Boeing, than any safety issue – EASA is effectively cutting off general aviation's nose to spite America's face. It will still be possible to own an N-registered aircraft and fly it on an FAA licence in Europe, but if the pilot is domiciled in Europe he will also have to have a European licence, including Instrument Rating if applicable. For many pilots, even those who have been flying perfectly safely for decades, this would mean going back to school and studying at enormous expense for a piece of paper they didn't need. International AOPA has spent the last two years explaining to MEPs what this means in the real world, and the message did eventually get through.

Six years ago when EASA Executive Director Patrick Goudou was interviewed by this magazine in Cologne he expressed his intention to deal with what EASA saw as the 'problem' of hosting third-country aircraft in Europe by "making sure there were no advantages to being on the N register". This was interpreted at the time as meaning that EASA would address the issues which force people onto the N-register, but that has clearly proved too hard and EASA has effectively bludgeoned through an underhand work-round.

When these proposals were first announced, EASA sources said they believed "two to three thousand" European pilots might be affected. Later it became clear to them that they had hopelessly underestimated this number, and M Goudou conceded that up to 64,000 pilots would be hit. IAOPA calculates that more than 100,000 pilots in Europe are affected.

For many, the effect of the change on their Instrument Ratings will be a game-stopper. EASA's intentions on instrument flying, which were due to have been published more than a year ago, have still not been promulgated (at time of writing) and given EASA's track record on listening to the industry, they are not awaited with high hopes.

IAOPA Senior Vice President Martin Robinson, who was in Brussels for the European Parliament vote, said afterwards: "It's a sad day. The MEPs were put under enormous pressure to push EASA-FCL 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 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.

"It is up to us now to ensure that all possible progress is made on the annexes to the Bilateral Agreement with the United States covering acceptance of each other's licensing structures, and we are working with AOPA-US on expediting that process." ■

EASA-Ops – better, but…

EASA's final proposals on Ops have been published, and while they have matured considerably since the original poor-quality document was first made public, there are still areas with which AOPA is not satisfied. It is important that members look at Notice of Proposed Amendment on the EASA website and make their observations clear to the Agency. 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.

International AOPA'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, which effectively addresses all the concerns helicopter organisations had about being trapped in the UK, 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."

To read the full document and to lodge your comments, go to the IAOPA-Europe website www.iaopa.eu and click on the link on the first page that says: 'Click here to see the proposed EASA OPS regulation for non-commercial operations (NCO)'. ■

Legal or safe: If the law on oxygen carriage says you have to descend at this point to remain legal, what do you do?

IAOPA World Assembly next April

The 26th IAOPA World Assembly takes place at 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. Any AOPA member can register to attend.
For full details and registration information see *www.iaopa2012.co.za*

Bonus Day – time to have your say

AOPA's Bonus Day at Duxford in September was a resounding success, with members turning out in large numbers to get first-hand information from unimpeachable sources on the major issues facing general aviation today.

The weather was not kind – only half the aircraft booked to fly in were able to make the journey – but the enthusiasm was undiminished. Members received a comprehensive briefing on Olympic airspace restrictions from three of the people most closely engaged in planning for the event, and the Head of Licensing and Training at the CAA gave an insider's view of EASA's machinations – reports on both these presentations in these pages.

Afterwards AOPA CEO Martin Robinson asked members whether the event had been useful, and whether similar events should be held regularly. The answer was yes – and the AOPA Bonus Day is to be established as an annual event, probably at Duxford if they'll have us. Martin said: "Everything was perfect on the day – the room was right, the catering was right, the presentations were authoritative and informative, and for many people the added attractions of Duxford added spice to the day.

Above: AOPA members take a break for a buffet lunch and a chat at Duxford

Above: Chris Royle takes a well-earned rest from his hosting duties

Above: name please? Chris Royle and Mandy Nelson hand out name badges
Below: Nick Wilcock and Martin Robinson greet members at the door of the AirSpace building

"The organisation was brilliant, for which we have many members to thank, most notably Mick Elborn, Chris Royle and Nick Wilcock, and had the weather been better we would have had twice the number of attendees. We're particularly grateful to Alan Evans, who invested a huge amount of effort in making the day run smoothly.

"It was good to be able to speak to so many AOPA members, many of whom told me how much they appreciate the work AOPA does on their behalf. People are clearly satisfied with what we do and how we do it, and they recognise that the more members we have, the more work we can take on. They're very supportive, very concerned about the changes that are being forced on the industry, seriously worried about the cost of it all and unconvinced that there is any positive rationale for the change. They see general aviation being put through an enormous upheaval in order to be less safe and more expensive, and they don't understand why. And as a result, there seems to be a growing anti-Europe feeling that wasn't so evident before. These people are not natural anti-Europeans, but EASA is changing opinions.

"David Roberts came, and told me he enjoyed the day, so no-one had any complaints. We very much look forward to repeating the exercise."

Next year...

A couple of days after the event Mick Elborn, Alan Evans, Nick Wilcock and Chris Royle reviewed the meeting and started thinking about next year. They agreed it would be useful to have the views of as many AOPA members as possible, not just those who attended, on how these meetings should be conducted. Alan Evans says:

"We have now run two AOPA fly-in days for members and interested parties, both in the Duxford Bonus Day format. From the first, we had both good and bad feedback and we tried to incorporate much of the latter into the planning of the second. The vast majority of those who attended the second day were very pleased and gave positive feedback. However, we don't know what the opinions are of those members who did not attend. It would really help us plan for the future, if you would let us know your views on the following four questions:

1. I think AOPA should/should not have an annual fly-in meeting for members and interested parties in order (amongst other objectives) to improve communication with the members, potential members and the pilot community.
2. I think the objectives and content of the annual fly-in meeting should be… (use as much paper as you like)

2a. I think the meeting should/should not include a summary of what AOPA has achieved and is trying currently to achieve.

3. I would try to attend if the meeting were in Scotland/N Ireland/Wales/Northern England/Midlands or Southern England.
4. In addition to the above content, I would like to see some time for fun and social aspects included (possibly including overnight).

Please email your thoughts to either Chris or Mick – cm_royle@hotmail.com or mick@mgelborn.freeserve.co.uk ■

Above: what's the big white one, dad? Ah, child, thereby hangs a tale…

CAA – 'we're not making the rules any more'

Ten days before EASA at long last revealed its hand on instrument flying the CAA's Cliff Whittaker gave an outline of the situation to AOPA members at the Bonus Day at Duxford, and left many questions unanswered. In the UK, where capricious maritime weather means PPLs will continue to be caught out however hard they try to avoid IMC, it is feared that EASA's inappropriate decisions on the IMC rating will go some way towards harmonising Britain's low GA pilot death rate with the rates in Germany and France, which are more than three times higher. It also begs the question of how a dual approach is expected to work, where an instructor can renew an IMC rating but not teach new pilots the same life-saving skills.

There seems to be some inconsistency at the top of the CAA in terms of expectations for the IMC rating or some equivalent qualification or certificate; others in senior positions have pledged to maintain the safety net that the rating represents for low-time pilots, and not simply to 'grandfather' it but to extend it to new pilots. AOPA is continuing to work towards that sort of UK-only solution to this self-inflicted safety problem. The CAA needs to be very clear about its position on this, and AOPA expects them to live up to the commitments they have made, and their verbal assurances.

Mr Whittaker, the CAA's Head of Licensing and Training Policy, let his frustration with EASA show more than once during a two-hour session, and in answer to questions he adopted two stratagems – firstly, 'we're not making the rules any more', and secondly 'we'll cross that bridge when we come to it – we have more pressing problems to deal with now'.

He delivered the news that the 'midnight hour' for EASA licensing in Britain is now July 2nd 2012 rather than April 8th, as originally scheduled. Mr Whittaker explained that nations can be granted 'derogations' by EASA, but this simply means they are allowed to delay the introduction of certain EASA regulations – they cannot opt out of them. One such derogation has been invoked across the board in the first year. Mr Whittaker said: "The original ambition was for implementation on April 8th 2012, but that's not going to happen because of the time it's taken – the rules are desperately late. We were promised them two years ago, and we won't get the final rules until March. We told them that our licenses are produced by a machine that needs to be reprogrammed and we don't think we'll be ready by April 8th. Once we said that, all the other countries jumped in and said they wouldn't be able to comply, either. So

Above: the CAA's Head of Licensing and Training Policy Cliff Whittaker begins his presentation

the European Commission says we can implement this any time in the first year, starting from April 8th, or if we wish, waiting until April 7th 2013. Rather than doing it piecemeal, the CAA has decided that in Britain, we will be ready to do it all on July 1st, 2012."

That means that if you're doing your PPL or other licence now, if you can hold off asking for it until July 1st 2012 it's worth thinking about doing so. Up to then you'll be paying for a JAR licence which is valid for five years, after which you'll have to chop it in for an EASA licence, and there will be another charge.

Another headline issue is that you must be completely prepared when you decide to chop in your current licence for an EASA version, because any ratings on your licence which are not valid on that date will be dropped by EASA. For instance, if you have an MEP rating and it's not valid when you apply, your EASA licence will come back with no such rating on it.

Lion's den

Mr Whittaker was clearly a little nervous about facing a potentially hostile crowd, but in the event the bad news was received with polite resignation. He started off by saying he was an aerodynamicist by training and had spent 15 years in industry as a designer, followed by 16 years at the CAA. He cautioned that while he was 'pretty confident' of what he was saying, the legislation wasn't finalised so things could change. Much of what he said on licensing was presented clearly and concisely by AOPA's Nick Wilcock in the last issue of General Aviation, a guide which was subsequently reprinted in Flyer magazine and can now be read on the IAOPA-Europe website at www.iaopa.eu – the August issue of the magazine can be found there.

The general principle, Mr Whittaker said, is to make the rules the same across Europe, with everyone holding European licenses. You'll either have an EASA licence, or a validation of a non-European licence. The validation will last for only one year and cannot be renewed, although it can be extended if the holder can prove he is training for a European licence.

Pilots who have been flying on, say, an FAA instrument rating might now have to go back to school and pay thousands of euros to obtain an EASA instrument rating before they are allowed to carry on doing what they've been doing safely, often for decades, in N-registered aircraft in Europe. With the increasing costs of flying bearing down on us all and the regulations becoming a bewildering bureaucrats' playpen, if you needed an excuse to give up you've got one right there.

Mr Whittaker outlined the effect of the 'validation' requirement on the industry, where it will hit, for example, Canadian pilots who come to Europe to fly charter operations at busy times. They will be able to validate their Canadian licences, but only for one year – so they can only fly for one season. For private flight after 2014 the pilot will have to be licensed by the state of the operator – but it is not yet clear who the 'operator' of a private flight might be.

For many UK pilots, it is the effect on the N-register, and in particular the FAA instrument rating, that concerns them most. Mr Whittaker said that it was hoped that by the time push came to shove, there would be a bilateral agreement between Europe and America on the reciprocal acceptance of each other's licenses. FAR 61 says that you can fly an N-registered aircraft on the licence of another country, but only in that country. After 2014 you'll have to have an EASA licence, but the US only recognises the state of issue – Europe is not a state. So there is a fundamental conflict between FAR 61 and the European Commission's proposals… and given that any bilateral is some way off, it's not clear how it will be resolved. IAOPA-Europe is working with AOPA-US to try to accelerate the bilateral process but there are many obstacles, and the current European stance, which is to introduce sweeping new regulations then blame the Americans for backsliding, won't wash.

For those who wish to fly purely for

leisure, trading down is an increasingly attractive option as EASA's writ does not run there yet – nor will it, Mr Whittaker said, for the foreseeable future. If you have an old UK PPL, issued by the CAA before 1999, you can carry on flying non-EASA aircraft as if none of this half-thought-through upheaval was happening. You cannot, however, fly an EASA aircraft. Aircraft which are outside EASA's remit include microlights, vintage and historic aircraft, state, police and military aircraft… a full list of what's EASA and what's not is set out in CAP 747, 'Mandatory Requirements for Airworthiness', available on the CAA website. It's worth being absolutely certain of your status – a single-engined Piper Cherokee is an EASA aircraft while a twin-engined Piper Apache 160 is not; a Beagle Pup is an EASA aircraft, a Bulldog is not.

EASA will introduce some new ratings, such as the Mountain Rating, the Aerobatic Rating, the Flight Test Rating – it's far from clear what the safety justification is for all of this, but it's going to be more bureaucratic and more expensive, and if at the end of it you are no safer, at least you'll have ticked the right boxes.

How it works

Mr Whittaker set out the rulemaking process, which is interesting in itself. There's a form of consultation (sadly lacking) after which a Notice of Proposed Amendment is published, then after a 'consultation response document' is released and any errors corrected, a 'draft opinion' goes from EASA to the European Commission, which makes the rules. The EASA Committee, made up of representatives of the transport ministries of each state, either passes it or throws it back, and the European Parliament gets a sniff of it as it flashes past. Part FCL and Part MED have gone through the EASA Committee, Mr Whittaker said, and first version will be published as law in November. However, this will be amended before it is introduced, in March next year. So nobody will be really sure what it means until then. "The CAA has to worry about issuing these new licenses, then about how we can convert licenses to meet the deadlines, and finally there has to be something coherent for aircraft and pilots outside EASA," he said.

In order to avoid having to licence everybody twice, once for EASA aircraft and again for non-EASA aircraft, the CAA will amend the ANO to say that an EASA licence is valid for a non-EASA aircraft of the same class. There are still some problems to be ironed out with some individual aircraft, Mr Whittaker said – for example, ex-military and homebuilt helicopters like the RotorWay cannot be put on an EASA licence, so the CAA faces having to reverse regulations it introduced ten years ago to accommodate them.

Problems will arise in the flight training field, where in Britain we currently have training organisations and 'registered facilities'. All FTOs will remain approved, and registered facilities will be allowed to stay in business until 2015, after which they'll have to conform to new operating rules which will be more bureaucratic and more expensive. Exactly what will be required of them is not yet clear, but it seems they will have to produce operating manuals and safety systems, and again, the safety rationale for this is not obvious.

All of EASA's regulation-setting was complicated by the fact that SERA, the Single European Sky Rules of the Air, was being debated separately. Airspace definitions were likely to change, and some countries were likely to have to restructure their airspace at some point. "These things will have to sort themselves out in the longer term," Mr Whittaker said in response to a question. "My worry at the moment is being able to issue licenses next year."

One of the original attractions of the EASA concept was that after harmonisation, pilots and owners would be able to shop around Europe for the best deals on engineering and maintenance, flight training, licence issue and so forth – but much of that has been stamped on. "There is concern about the potential for training tourism," Mr Whittaker said. "Can a student come to the UK who's done theory work in Cyprus, can he do a flight exam in Spain? We would be a bit uncomfortable with a guy doing two hours here, two hours in Germany, theoretical knowledge in Denmark, where nobody's managed his training… You must do all your theoretical knowledge in one place, and the country that issues your licence must be the one that has your medical records.

"Examiners with an EASA authorisation can examine every European pilot, but examiners must be briefed by the national authority of that country… which forms need to be completed, what the fee is, where to send it, and what has to be supplied… if someone is doing a PPL here in the UK, a guy from Poland can do his test and sign him off, then send it to us – but the examiner has to be briefed by us before he does the test." As an example, this means that Jerez will be the responsibility of Spain, but in theory the examiner will have to be briefed by the national authority of whichever student he is examining, be they Polish, British, Italian or whatever.

The question of why the CAA has to charge so much for licenses and ratings elicited the usual response – user pays, it costs money to do, we can't get public money, the airlines are complaining about cross-subsidies. But general aviation is paying because the regulators are moving the goalposts – we didn't want JAR licenses, we don't want EASA licenses, we have a gun put to our heads and we are forced to have them – for the CAA to charge us for this smacks of the quaint Chinese practice of forcing a condemned man to pay for the bullet that kills him. User pays… Conversion fees, Mr Whittaker said, will be 'less than you think'.

He concluded that EASA's regulations were not always models of clarity. "We have people writing the rules in an odd form of English and the timescale is too short. All I can say is that we will do our best. We're going to get it wrong in places, but we'll try to fix it as quick as we can. I appreciate it's not welcome. It'll cause you a lot of problems, and we'll do our best."

AOPA Chairman George Done thanked Cliff Whittaker for coming along and said it was clear that he recognised our difficulties as we understood his, and we would have to work together to make the best of it. ■

In case of fire…

During Cliff Whittaker's presentation the fire alarm went off and we were required to evacuate the AirSpace hangar. We trooped down the stairs into the car park where Mr Whittaker held an informal question-and-answer session, looking at first like a cornered fox but relaxing as it became clear he wasn't going to be eaten. After ten minutes the all-clear sounded and we trooped back up again to resume his formal talk.