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Title	Implementing Rules for Air Operations of Community Operators - Explanatory Note and Appendices
NPA Number	NPA 2009-02a

IAOPA Europe (info@iaopa-eur.org) has placed **6** unique comments on this NPA:

Cmt #	Segment description	Page	Comment	Attachments
371	A. IV. Content of the draft Opinions and Decisions - Structure	10 - 17	<p>The structure of the regulation is extremely complex and is not well suited for aviation use. Where the JAR regulation was developed and structured to make it directly useful for operators and pilots, it seems the current structure is primarily the result of legal considerations on how the aviation law can be fitted into the EU legal framework.</p> <p>The result is a collection of documents which is more suitable for lawyers than for pilots. To find the answer on any particular item (for instance carriage of ELT) the pilot of a non-commercial complex aircraft must now look up nine different places in the regulation.</p> <ol style="list-style-type: none"> 1. First he must consult the basic regulation 2. Then he must consult the relevant section of the general regulation applicable to all aircraft types 3. Then he must consult the relevant section of the general regulation for his particular aircraft category 4. Then he must consult the relevant section for complex aircraft of all aircraft types 5. The he must consult the relevant section for complex aircraft for his particular aircraft category 6-9 After this he must consult the AMCs for the four previous lookups 	

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			<p>On top of this he must himself track all ammendments to any regulation where just the differences are published and not new consolidated documents.</p> <p>This is a completely overwhelming task for a pilot who does not have the backing of a legal department .</p> <p>What is needed is regulation targeted at the end-user of the regulation: The pilot of an aircraft of a particular category. Be it a ballon, aeroplane, glider etc.</p> <p>The ballon pilot who used to have a set of regulations of maybe 5-10 pages written for ballon-operations must now read through around 1000 pages of regulations, where most of the references to ballons comes in the form the phrase "except for ballons". That makes it impossible to do text-searches since almost all matches will be "except for ballons".</p> <p>The new online tool (the socalled ruelmaking handbook) is a very poor substitute for a rule-manual compiled for the end user.</p> <p>For instance using the tool to find applicable rules for air-operations on non-commercial ballon operations return more than 100 pdf documents including titles such as "Airborne Collission Avoidance System (ACAS)", "Securing of passenger cabins and galleys", "ground proximity detection", "noise abatement" etc.</p> <p>These more than 100 references to items which are clearly irrelevant to the non-commercial operation of a ballon can never replace a well-compiled set of regulation written particularly for the balloon pilot, and the same goes for all other sectors of aviation.</p>	

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			The most likely outcome of the proposed structure will be that many pilots will simply give up trying to understand the new regulation which therefore completely misses its original goal of promoting safety.	
372	A. IV. Content of the draft Opinions and Decisions - Content	17 - 23	IAOPA strongly supports EASAs proposal to a further review of the rules to check their proportionality for VLJ operations. IAOPA finds that the current proposal is completely disproportionate for the small non-commercial one-man operator of a complex aircraft.	
373	A. IV. Content of the draft Opinions and Decisions - Differences with ICAO	23 - 24	Referring to note 76 it is unacceptable that "the proposed provisions do not allow operations in IMC conditions with single propeller-driven aeroplanes". The framework for such basic IFR operations must be clear from the beginning and postponing such an essential issue till 2011 will create uncertainty for operators.	
374	A. IV. Content of the draft Opinions and Decisions - Differences with ICAO	23 - 24	Referring to section 80, justification is given for not requiring a counter drum pointer altimeter for helicopters since they mainly operate below FL 100. Exactly the same justification goes for non-pressurised fixed wing aircraft. For these aircraft exchanging a functioning altimeter with a counter drum pointer altimeter does not make economic sense and the benefit safety wise is almost non-existing since they very seldom operate above FL 100.	
375	A. VI. Appendices - Appendix I: Explanatory memorandum to Part-OPS - Subpart OPS.GEN: General Operating and Flight Rules - Section IV: Instruments, Data and Equipment (OPS.GEN.400)	31 - 34	Referring to item 40: Since VFR by definition implies that the attitude is maintained by visual references out of the cockpit and in VMC there is no provision for additional equipment requirements. Instead compliance with ICAO requirements should be kept.	
377	A. VI. Appendices - Appendix I: Explanatory memorandum to Part-OPS - Subpart OPS.CAT: Commercial Air Transport - Section III: Aircraft Performance and Operating Limitations	35 - 38	Referring to section 76 The rigid limit to 10.000 ft for flights without supplemental oxygen is a recipe for disaster.	

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	(OPS.CAT.300)		<p>Particularly in mountaineous regions it will make flying less safe since it will force pilots to cross mountain tops with less clearing than what is advicable. It will give the pilot less options in case of an engine failure over hostile terrain and it will force the pilot to fly into potential dangerous down-drafts and weather which could be avoided if the pilot was allowed to climb to a higher and more safe altitude for a short duration of time.</p> <p>This rigid limitation will inevitably lead to accidents and it prevents the pilot from taking the safest decision which could be to higher for a short duration of time.</p>	