

IMC: 'Hung out to dry by our own side'

The battle to save the IMC rating has entered a new phase, with the EASA working group charged with examining the issue having dodged its responsibilities while seeking to hammer another nail in the rating's coffin. Despite its terms of reference the group, called FCL-008, has wound up without addressing the issue of the IMC rating and now believes it to be a dead duck. AOPA maintains the rating is a lifesaving qualification which is in large measure responsible for the UK's excellent GA safety record, despite Britain's notoriously changeable weather, and must be preserved.

AOPA has arranged an urgent meeting with EASA's Deputy Head of Rulemaking Eric Sivel on December 2nd to ensure there are no further misconceptions about the rating, and has begun a programme of lobbying in Europe and the UK to support its retention. In particular, it is pointing out how FCL-008 failed in the task it was set, and is asking EASA and the CAA to clear away the confusion that



Above: the only person to try to get a serious discussion of the IMC rating going was Dr Michael Erb of AOPA Germany

surrounds the issue of whether a European country can create a one-state rating and attach it to an EASA licence, which would allow the CAA to maintain the IMC rating in the UK. EASA personnel have given conflicting advice on this, and the CAA is equivocal, but it's become too important to allow such fudging.

Some 25,000 IMC ratings have been achieved, and 23,000 IMC holders still had valid medicals as of 2008. The CAA says that in 27 years, only one IMC rating holder has been killed in actual IMC. AOPA has received unqualified support for its campaign to save the IMC rating from the British Air Line Pilots Association, the Guild of Air Pilots and Air Navigators, the RAF Flying Clubs Association and other organisations, but non-UK delegates at FCL-008 have gained the impression that Britain does not care about it because the IMC rating has been misleadingly portrayed to them.

The Europeans have mistakenly gained the impression that the IMC rating is equivalent to an Instrument Rating with one fifth of the training, that few people in the UK support it,

and that British pilots will prefer a proposed 'En Route Instrument Rating' for which a course of theoretical exams must be passed before the holder is allowed to fly in the cruise in IMC, with no approach and landing training or privileges – a travesty of what the IMC rating seeks to do.

FCL-008's terms of reference were headed 'Qualifications for Flying in Instrument Meteorological Conditions' and included under section 3, Objectives: 'Review the requirements of the UK IMC rating and other national qualifications for flying in IMC and consider whether there is a need to develop an additional European rating to fly in IMC with less training, but also with limited privileges.'

However, in a letter seeking explaining his position to AOPA, delegate Jim Thorpe of Europe Air Sports claimed it was never tasked to look at the IMC rating. "The terms of reference of FCL 008 have always been public," wrote Mr Thorpe, chairman of PPL-IR. "They might be summarised as proposing a more practical and accessible system for private pilots to fly IFR in Europe. While they are informed by the UK IMC experience it was never within the group's remit to consider the IMC within the UK." This runs directly counter to the stated understanding of Eric Sivel, EASA's Deputy Head of Rulemaking, who told IAOPA in an open meeting in October that FCL-008 had been tasked to look at the IMC rating situation and the proposal for a simplified IR, and if it did not produce a workable solution to the IMC problem, then it had failed in its purpose.

In his letter, Mr Thorpe goes on to make a number of assertions about the IMC rating which, while highly dubious, have become the accepted view at FCL-008.

- "the IMC rating essentially offers the same privileges as an IR on the basis of 20% of the training."
- "the position where its privileges are essentially the same as a full IR but the CAA has consistently advised pilots not to use the privileges they have themselves granted is ludicrous"
- "most of the arguments in (the IMC rating's) favour, such as its role in enhancing safety and the unique nature of UK weather cannot be credibly substantiated by the facts."

Antipathy

The background to the setting up of the FCL-008 Working Group is worth reviewing. Those invited to take part were Morten Keller of the Danish CAA, Mike Dobson of the UK CAA, Mathieu Burgers of the Netherlands CAA, Raimund Neuhold of an association called IAAPS, Jean-Benoit Toulouse of the European Cockpit Association, Jim Thorpe of Europe Air Sports (and PPL-IR) Andrew Miller of Europe Air Sports (and British Gliding Association) Pierre Podeur of Europe Air Sports, and Dr Michael Erb of AOPA Germany. The secretary was Matthias Borgmeier of EASA.

AOPA UK was not informed until after the places had been filled. Before FCL-008's first meeting, Mr Thorpe asked for a meeting with Martin Robinson of AOPA UK to make sure he did not object to Europe Air Sports, an umbrella group of aviation organisations, having so many representatives on FCL-008 while AOPA UK had none and IAOPA only one. At that meeting

he gave no indication of any antipathy to the IMC rating. Martin Robinson told him AOPA UK would not object to the number of Europe Air Sports people on the group (which would have been a fruitless exercise anyway), but reminded him that the IMC rating was vital to the UK and there should be no move to undermine it. AOPA UK, he added, was not seeking to foist the IMC rating on the rest of Europe, as some had claimed, but it was extremely concerned to retain it, or else adopt a rating with almost identical privileges, in Britain.

In the event, the only person to try to get a serious discussion of the IMC rating going was Dr Michael Erb of AOPA Germany who, briefed by AOPA UK, tried to have the matter



Above: AOPA has arranged an urgent meeting with EASA's Deputy Head of Rulemaking Eric Sivel to ensure there are no further misconceptions about the rating

reopened on several occasions. He got no support from the UK delegates, and it was decided to give the IMC rating no further consideration. Dr Erb felt unable to press the issue of a UK rating further in the face of opposition from UK delegates.

Mr Thorpe maintains that despite the fact that AOPA UK did not have a seat on FCL-008, responsibility for supporting the IMC rating fell solely to AOPA and was nothing to do with him. In his letter he says. "From the start it has been AOPA's responsibility to lobby for the retention of the IMC." But where else was the rating officially under discussion?

He goes on to attack the IMC rating in uncompromising terms. "I believe that most of the arguments in its favour such as its role in enhancing safety and the unique nature of UK weather cannot be credibly substantiated by the facts. Nevertheless pilots and flying schools like the rating and it can equally be said that negative impacts are also anecdotal. The position where its privileges are essentially



the same as a full IR but the CAA has consistently advised pilots not to use the privileges they have themselves granted is ludicrous. It is in the great British tradition of daft compromises. It has been cobbled together over time ending with something that no one would ever have designed from first principals (sic) but which somehow works."

Prejudice

Martin Robinson says: "The idea that the privileges of the IMC rating are essentially the same as those of the IR is so wide of the mark that IMC rating holders must be aghast. Many of those things that have been presented to FCL-008 as 'facts' are nothing more than prejudices masquerading as truth; there's been no research, no intellectual rigour, nothing more than assumption piled on presumption, which would be comical if it wasn't for the fact that consigning the IMC rating to history would put pilots in danger. It cannot be allowed to happen.

"When Mr Thorpe says claims that the IMC rating improves safety 'are not supported by the

facts', what facts is he talking about? If he would like to meet some pilots who owe their lives to the rating, I can provide them. The purpose of the IMC rating, to save pilots who inadvertently fly into IMC by helping them gain control of their aircraft and returning them safely to the ground, has been utterly misrepresented to FCL-008 and to Europe.

"The notion that no-one in Europe supports the IMC rating is also misplaced. I believe it stems from German opposition to the Instrument Weather Rating proposed under the JAA, and has become a truism. Many NAAs and pilot groups around Europe would welcome an IMC equivalent – they've simply never been asked.

"Furthermore, given that under EC airspace proposals it would be possible for states to decide whether an IMC rating was useable in their own airspace, it seems that FCL-008's decision to dismiss it out of hand is particularly unfortunate. It would have been far better to present the truth and try to change

some minds. Some opposition to the IMC rating was expected, but we didn't expect to be hung out to dry by our own side.

"This issue needs to be put in context. EASA has publicly stated its commitment to banish the N-register from Europe, and one of the major reasons so many people fly N-reg aircraft on FAA licences is that the FAA IR is far more sensible and achievable than the European equivalent. Change needs to come in pursuit of EASA's stated aim. At the same time, noisy opposition to the IMC rating has come from the European Cockpit Association and some NAAs. It would have been an act of political courage for EASA to go against it – far better to create a Working Group that would kill off the rating and carry the can, then EASA could shrug its shoulders and say it did its best.

"The question now is exactly how to save the IMC rating. Our first step is to sit down with Eric Sivel early in December to clear up any misconceptions he may have about the UK

Many of those things that have been presented to FCL-008 as 'facts' are nothing more than prejudices masquerading as truth



Chief executive's diary: Meetings, meetings, meetings...

Sometimes it feels like I walk out of one meeting and straight into another, and at the end of the day, men in suits standing at podiums swim before my eyes when I try to sleep. I'm afraid that some meetings I go to, and a lot that I decline to go to, are talking shops where nothing substantial is decided. I gave up on the General Aviation Strategic Forum a long time ago because it took up a whole day and just floundered around in circles. Perhaps the General Aviation Consultative Committee is going the same way – too many people, not enough clarity.

Anyway, here's a run-down of the meetings I've been at since I last wrote up my diary. Make no mistake, some of them are immensely useful, well-chaired, pertinent and constructive, and some of them are even highly enjoyable! Not enough, though.

From October 1st to 5th I chaired the IAOPA-Europe Regional Meeting in Barcelona and attended the 'FIRA' sir show at Barcelona's GA airfield, Sabadell. A great deal was discussed, but the proceedings of those days are reported in these pages at great length so I won't expend any more ink on them. On the day I got back, I had a working lunch with Steve Read, chief executive of Cabair, where the discussion was dominated by the recession and its effect on the industry. We agree that GA was late going into a recession and therefore will be late coming out.

On the 13th I attended a meeting at the US embassy with the newly appointed FAA representative to London for a discussion on Europe's Emissions Trading Scheme with Mr Steven Boyle of the Department for

Transport. The main point of the discussion was to make sure that operators affected by ETS are made aware of what's going on. My visit coincided with the newly-appointed Ambassador to London Louis Susman being invited by the Queen to present his credentials. A regal occasion for everyone.

That afternoon I had a meeting with Frank Bannister of Besso to continue a discussion we've been having about insuring the proposed Mentoring Scheme. Frank, who is managing director of the insurer's aviation division, is a strong AOPA supporter and has been a great help in many areas down the years. He's identified a number of problems which must be solved, some of them thrown up by the state of the economy and the current position of the insurance market.

On October 15th the AOPA Executive Committee met, and on the 16th I attended a meeting of the Airspace Safety Initiative Coordinators Group (ASICG). This was my first meeting with this group which has the coordinating function between the various groups, including the CAA, NATS and GA.

The Aerodrome Owners Association had its Business and General Aviation group meeting on the 20th. Most AOA members operate GA aerodromes, and this group includes organisations like AOPA and has a primary objective of sharing information and supporting common goals. Tom Needham and Robert Siddle of the AOA executive both play an active role in this group, which meets twice a year.

Then on the 22nd I was in Brussels to



attend the joint NATO / Eurocontrol air traffic management security working group. Shhhh! This one's all a bit hush-hush... but seriously, we are looking at how GA may be used to disrupt CAT and ATM. On the 26th I attended the AOPA Flying Instructors' committee, which is now chaired by Geoffrey Boot. The committee also has some new members, and Geoffrey is working

to re-energise it, which is great to see. On the 28th NATMAC had only its second meeting of 2009. Among the issues discussed were Ofcom and the pending VHF consultation, while GAPAN raised the question about the future of VORs, the proposed abandonment of which was reported in the last issue of *General Aviation*. AOPA's position is that we wish to see the development of a properly considered transition plan from today's current terrestrial-based navigation infrastructure to a space-based system.

On the 29th I presented Timothy Kirkhope MEP with the AOPA Award for Individual Merit. There's a separate story and picture on this elsewhere in these pages. On the following day I was at the Association of Chief Police Officers' group which is looking into the security risks surrounding GA and the Olympic Games – again, there's a longer report on that over the page. Which brings us to November...

On the 2nd I went to Swanwick where NATS was hosting the first meeting of the reformed Airspace Infringements Working Group. As the name suggests, the focus of discussion is infringements and what can be done to reduce the numbers. For my own part I think it would be helpful to really crack down on serious infringers while treating technical infringements which once would

position on the rating and to point up the fact that FCL-008 has not done its job. At the same time, AOPA is working at the European Parliament and the European Commission to marshal support for the rating, and we have already had positive responses from the most senior figures in the EC's transport department and a number of MEPs. In particular, the CAA needs to stand up and be counted. It's no use trying to be all things to all men – that's one of EASA's problems. Were it not for EASA, the CAA would not be sitting down and discussing the need to kill the IMC rating – why do they acquiesce to this? We need an unqualified expression of support from the CAA, and I would also like to ask Europe Air Sports whether their delegate actually speaks for them.

"The FCL-008 proposals will be transformed by EASA into a Notice of Proposed Amendment, at which point consultation will be invited and we will be ready. AOPA's postbag in support of the IMC rating is bigger than any it has had before, and at the correct time we will mobilise that support in a targeted letter-writing campaign. I believe that despite the obstacles it is possible to reverse the situation and I will expend any effort to do so." ■

have been ignored proportionately. Again, this is reported on in more detail here.

On the 3rd I attended a Regulation 6 appeal on behalf of an AOPA member at the CAA offices in Kingsway. A Reg 6 appeal is the only avenue open to a pilot who feels that he has been unjustly deprived of his licence, and possibly his livelihood, by CAA staff. Sadly for the applicant in this case, the Board upheld the original decision of the Personnel Licensing Department. I can't go into detail here for legal reasons but I can say that I hate injustice, and I intend to continue to seek justice in this case.

On November 4th I went to the AOPA Summit in Tampa, Florida. IAOPA had a booth which was well attended. Craig Fuller, the President, put on an excellent show and I was able to do some very useful networking. It's clear the economic situation in America is no different from here, but there was a creditable turnout despite the difficulties. I was back on the 9th, and on the 10th I attended the CAA's General Aviation Consultative Committee hosted by the Safety Regulation Group at Gatwick. This is a large and unwieldy group, and when you consider the number of attendees and the man-hours involved, I personally doubt its value.

On the 12th AOPA hosted a meeting between the CAA and a group of Stampe owners who are seeking to change current CofA arrangements for a permit system. Looking ahead, I've got meetings of the AOPA Members Working Group and the British Women Pilots Association, the European Commission's Industry Consultation Body in Brussels, a special meeting with EASA in Cologne, the EASA Advisory Board, the Airspace Infringement Working Group (again) and the CAA's Directorate of Airspace Policy discussion on Class F airspace. Can't wait. –

Martin Robinson

Roll up for the five-ring circus

AOPA is involved with the security forces in a group which aims to assess the risk to the London Olympic Games in 2012 from a number of possible sources, including general aviation. The Olympic Risk Assessment Working Group, chaired by a senior Metropolitan Police officer, aims to identify as many potential risks as possible, evaluate them and take measures to mitigate them. By its nature, it is given to 'blue sky' thinking and the pondering of 'what-ifs', so there's little in its deliberations that should be taken as a concrete proposal or a hard-and-fast plan. The group seems to be open to argument and keen to see that counter-measures are truly proportionate to risk.

Martin Robinson went to the first meeting of the group near Scotland Yard at the end of October. Most members were police or security officers of some sort; the only other GA figure was Terry Yeomans of the BBGA, with whom AOPA has a long and productive liaison on this issue. The primary concern at the first meeting was the potential hijacking of a chartered jet, and many possible permutations and scenarios were postulated. In fact, the UK does have a problem with chartered jets coming into the London area for the Olympics. Heathrow refuses to handle them, even if they have heads of state on board, unless they are on official state visits. This means the aircraft, probably up to 40 a day, will be spread around the Home Counties.

Farnborough has applied unsuccessfully to have the severe restrictions on movements at the airfield relaxed for the Games, so the burden falls on Luton, Stansted, London City, perhaps Biggin Hill and Southend. Exacerbating the problem is the fact that by 2012, a European regulation will require airports handling aircraft between 15 and 45 tonnes to implement a National Aviation Security Plan, an expensive procedure which involves fencing and locks, security personnel, complete segregation of CAT and GA and more. It's possible that for some airports the NASP will be a further disincentive to keep facilitating GA.

As far as VIP movements at the Olympics is concerned, the security situation is made worse by the complete lack of helicopter facilities. There is no helipad in the vicinity of the Olympic Stadium, and no helicopters will

be allowed over the Olympic Village. This means that heads of state and other vulnerable targets will be stuck in traffic jams, the worst possible security situation. AOPA is urging a rethink on helicopter operations.

The government has promised 'business as usual' during the Olympics, and AOPA is keen to ensure that as far as possible, that includes GA. No details have yet been given of restricted areas over East London or the other Olympic sites around the country, such as the yachting base at Weymouth, but some will certainly cover GA airfields. Proposals have been mooted to ensure there are designated entry and exit lanes, although they may only be open to prearranged flights, and aircraft with transponders.

AOPA wants to ensure that current nonsensical 'security' arrangements, like restricted areas around nuclear power stations or forcing airline captains to hand over their toothpaste, are not writ large during the Olympics. There is somewhere a security committee discussing the concept of 'weaponised GA', a concept illustrated by the notion of a C172 being flown into a 747 bearing the athletes of a country you don't like. AOPA's role is to introduce a sense of proportion when these risks are discussed. When someone suggests that if a 172 would find it difficult, a jet warbird like an L39 might be used, somebody has to be there to say, yes, but...

Martin Robinson says: "The work of the group is very important for security at the Olympics but the process of leaving no stone unturned identifies some very remote risks. We aim to strike a balance so that flight training, aerial work and personal transport operations are not severely affected during the three weeks of the Games.

"There is an onus on all of us in general aviation to be security conscious and keep our eyes and ears open for anything suspicious. The apprehension of illegal immigrants at Laddingford illustrates what can be done if we join the police in a 'neighbourhood watch' system for GA airfields, and everyone must play a full part." ■

VIP movements at the Olympics; the security situation is made worse by the complete lack of helicopter facilities



The nations unite

There seems to be a Europe-wide move towards less central diktat in aviation affairs and more local flexibility, if the official presentations to the 121st Regional Meeting of IAOPA Europe in Barcelona in October are anything to go by. The European Commission's airspace plans show a system below FL195 that is largely decided by national authorities, subject to Brussels' guidelines on local consultation, while even EASA is talking of keeping unbreakable rules to a minimum, and allowing national CAAs to interpret most regulations in their own way.



As well as IAOPA-Europe delegates, the meeting was attended by EASA's Deputy Head of Rulemaking Eric Sivel and the EC Transport Department's Administrator of Air Traffic Management Jyrki Paajanen, who made very useful contributions to the debate. John Sheehan, Director General of IAOPA, was joined by Melissa Rudinger, recently appointed as Head of Government and Technical Affairs for AOPA US, which betokens a greater emphasis on the international nature of general aviation's problems from the biggest AOPA of all, under its new President Craig Fuller. Despite the serious knock GA has taken in the current recession – sales of avgas are down some 40 percent across Europe – the atmosphere was fairly upbeat. How's this for good news; Vladimir Turin of AOPA Russia reports that he no longer has to give his wife a ticket before taking her flying, a concession achieved by AOPA after a long battle with a multi-tentacled bureaucracy. But progress is made of small victories, and each is to be celebrated.

John Sheehan reported briefly on a series of meetings he and IAOPA Senior Vice President Martin Robinson had had in Brussels before

the Barcelona gathering, which included contact with the top FAA official in Brussels, an 'outsider' who, John said, could give a useful independent overview of what was going on around him. "We spent the rest of the day with the chief economist for SESAR, the guy who controls the purse strings, a very important man. We also met with Snr Daniel Calleja, the European Commission's Air Transport Commissioner, someone who is very well informed about general aviation and is open and approachable."

John gave a short account of the work done by IAOPA's representative at ICAO in Montreal, Frank Hofmann, who, he said, was finding a degree of support for the idea that not every airport in the world needed to be certified, which brought with it all the expensive baggage of rigorous personnel, rescue and firefighting standards. "It's pleasing that we're getting support on this from the EC and EASA," he added.

The fight was continuing to make the English language proficiency standards less rigorous for GA pilots. "Implementation has been spotty around Europe," John said. "Some have embraced it, others give you a blank stare." It was pointed out from the floor that the Chinese have given all their commercial pilots a Level 6 – expert English linguist, need never be renewed – certification as of right, which would tend to indicate that the intent had been lost in the translation. Other ICAO-level campaigns, John added, included allowing PLBs in place of fixed ELTs, which again was attracting support from states.

Martin Robinson has been getting around Europe in pursuit of his intention to impress on

all AOPAs what work was being done at European level and how it was paid for. He had been to the AGMs of the Dutch and Danish AOPAs, and to Athens for meetings with the Greek CAA, and to attend an EASA conference on safety, where he was able to discuss rulemaking procedures and cost-benefit analyses with the Agency's Rulemaking Director Jules Kneepkens. He had also visited AOPA Ireland, which was largely dormant but which may be energised. Additional European diary dates had included meetings of the EC's Industry Consultation Body and Eurocontrol's group discussing airspace changes. "Lest this sound like I'm doing all the work," he said, "I have to stress that much of the burden falls on others, like Michael Erb on the SESAR Joint Undertaking, Pam Cambell on FCL, and Jacob Pedersen on Ops."

Melissa Rudinger, who is known to some European AOPA members from the World Assembly in Athens in 2008, has taken over from Andy Cebula at government affairs, a field in which she has worked for most of her life. A pilot since 1982, she has been working for AOPA since 1991. "AOPA President Craig Fuller has an interest and a plan which he has asked me to implement," she said. "We are going to fund an IAOPA representative in Brussels and are talking with consultancies and other people, and working on a strategy. We expect to have someone installed by January 2010."

Martin Robinson said it was going to be very exciting to have a high quality lobbyist in Brussels to raise the profile of IAOPA. "We hear the same refrain from David McMillan at Eurocontrol, from Daniel Calleja and his executives at the EC, and from elsewhere – GA must raise its voice. We're grateful that Craig recognises that by raising our voice, we can do more useful work and bring our members more benefits." ■

Delegates from 16 countries attended the IAOPA-Europe Regional Meeting in Barcelona





TRANSAIR

Pilot's Flight Equipment

Visit our 4 great shops!

- Shoreham Airport
- Gloucester Airport
- Coventry Airport
- London SW1



Garmin Aera 500 GPS

This is the next generation in aviation portables. The aera 500 has a touch screen and easy transition from flying to driving with an intuitive, icon-driven user interface.

Features a crisp 4.3" QVGA widescreen

£619.95 Inc VAT
£539.09 Exc VAT



FREE!!
Catalogue



Bose Aviation X

If you have high expectations of your equipment.....

Then this ANR headset will certainly not let you down!

Foam Ear Cushions
Flexible Mic Boom

£765.00 Inc VAT

£665.22 Exc VAT

David Clark H10-13.4



£269.95 Inc VAT
£234.74 Exc VAT

Sennheiser HME 95



£169.95 Inc VAT
£147.78 Exc VAT

Telex Airman 850



£379.95 Inc VAT
£330.39 Exc VAT

icom A6E Transceiver



£199.99 Inc VAT
£173.90 Exc VAT

FREE Cockpit Bag or Headset Case! With every GPS or Headset

Garmin GPSMap 695

- Large 7" diagonal WVGA sunlight readable display
- Size: 144W x 196H x 51Dmm
- 5 Hz High sensitivity GPS receiver
- 3 hours of battery life with full backlight
- Upto 50 flight plans with 300 points each
- 3,000 user waypoints

Save!
£250!

£1,799.95 Inc VAT
£1,565.17 Exc VAT

Garmin GPSMap 495



Save!
£200!

£949.00 Inc VAT
£825.22 Exc VAT

AirBox Freedom Clarity



£599.00 Inc VAT
£520.87 Exc VAT

Aircraft Fire Extinguishers



£239.00 Inc VAT
From **£207.83** Exc VAT

FastFind MaxG EPIRB



£339.95 Inc VAT
£295.61 Exc VAT

Becker BXP6403

Mode S Transponder



- VFR Class 2 Mode S Transponder
- Designed for slide mounting
- Width: (160mm) Height: (41mm)

£2,349.00 Inc VAT
£2,042.61 Exc VAT

Pilots Atlas - Europe



£24.95 Inc VAT

Transair Folding Kneeboard



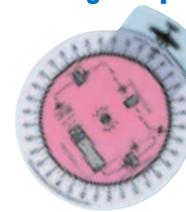
£29.95 Inc VAT

Transair PPL Log Book



£13.99 Inc VAT

Transair Landing Computer



£12.99 Inc VAT

Transair Flight Case

- Professional Pilot's Flight Case
- Quality Embossing Detailing
- Chrome Combination & Key Locks



Christmas Special!

Save!
£20!

- Re-reinforced Base with Metal Studs
- Lockable Chart Pouches at Both Ends

£139.95 Inc VAT
£119.95 Exc VAT

AirNav Radar Box



Track flights in real time!

£379.95 Inc VAT

RAF Leather Flying Gloves



£29.95 Inc VAT

Transair PPL Leather Licence Cover



£19.95 Inc VAT

Hamilton Pilot Watches



From **£379.95** Inc VAT

**99% of orders despatched
Same Day!**

Tel: 01273 466000
www.transair.co.uk

EASA makes bricks without straw

EASA is like a blind man trying to bake a cake in a strange kitchen; he can find the cupboards and drawers, he can reach the utensils and the tins, but he can't tell salt from sugar, he can't see the scales and the ingredients are pot luck. Some of the cakes EASA is baking don't look too pretty, and you certainly wouldn't want to eat them.

EASA freely admits it doesn't have the ingredients to do the job properly – by which it means it has no information or data on general aviation to allow it to work out what's safe and what's not. It is making regulations aimed at curbing accidents which are not happening; similarly, it may be neglecting to make rules which would improve safety. But almost nothing is known about general aviation in Europe – how many pilots there are, how many hours they fly, how many aircraft they have, how many 'incidents' they experience, what kind of accidents they have. Some countries collect no data; others collect a small amount, some collect quite a lot, but not the same data as anybody else. Furthermore, they all feel a sovereign entitlement to keep that data to themselves; even at the airline level, EASA finds it difficult to extract data from European states. And given that regulations are supposed to be 'risk-based' – each one should address a specific, identified problem – the lack of data makes rulemaking a hit-and-miss affair.



"Real data is our biggest problem," EASA's deputy head of rulemaking Eric Sivel admitted at the IAOPA-Europe Regional Meeting in Barcelona in October. "We have 15 people in a department called Safety Analysis in Cologne, and when we ask them a question the answer more often than not is 'We don't know'. We get very little data on traffic, and we're still not getting good data on incidents. It's tough to do risk-based regulation when there are no numbers with which to quantify risk."

IAOPA-Europe Senior Vice President Martin Robinson suggested that the making of regulations be put off until EASA had enough data to cut down the guesswork, and knew where the accidents were happening and why. Both Eric Sivel and Jyrki Paajanen, the European Commission's representative at the Regional Meeting, said that the European deadline of April 28th, 2012 was inviolate and had to be respected. The cake must be baked by that date, whether or not the industry chokes on it.

There are dozens of examples where proposed EASA legislation makes no sense when risk and benefit are balanced. Take the proposal to force all helicopters flying out of autorotational distance of land to be fitted with floats. This would cost owners millions of euros, and many helicopters cannot be retrofitted with floats at all. Yet we do not see helicopters plopping into the sea left and right. Eric Sivel accepts this rule is a problem, but says EASA has just copied the requirement



IAOPA General Secretary John Sheehan explains a point from the chair

from ICAO Annex 6 – ignoring the fact that Annex 6 applies only to commercial aircraft, whereas EASA proposes to impose rules designed for 24-seat oil rig service helicopters to two-seat private machines which cannot physically comply with them. The requirement

Plus ça change, plus c'est la même chose?

EASA's deputy head of rulemaking Eric Sivel gave an explanation of the joint EASA/EC Working Paper on the future direction of EASA, and his interpretation of why the paper came about might be seen as being somewhat one-sided. Rarely in the past can a body have had its knuckles rapped by the EC the way EASA has; M Sivel's explanation was that the Working Paper was in response to the financial meltdown rather than to any shortcomings at the agency.

The Working Paper, and the change it represents, gives GA an opportunity to get behind EASA in a way it hasn't since the earliest days of the Agency, when it promised a bright future of unified and harmonised regulation, where rules were proportionate to risk and services were delivered at reasonable cost. But Eric Sivel's message was that not much has changed, and what has changed hasn't changed much. The Working Paper, he said, just goes back to what EASA had originally intended before it was distracted by lobbying. The intention was to make as little 'hard' law as possible, and to introduce a great deal of flexibility by allowing as many Alternative Means of Compliance (AMCs) as possible.

M Sivel comes across as an aggrieved and misunderstood rulemaker whose work has been unfairly received by a GA industry which simply doesn't understand what he's trying to do. What was he trying to do with Part M and the CAMO system, he was asked? Part M, he said, was an attempt to take responsibility for much of GA maintenance away from states,

and give it to industry. Delegates vied with each other to illustrate the problem with ever-more bloodcurdling stories of enormous amounts of work going back 20 years that had to be rechecked, and vast sums demanded by national aviation authorities for pieces of paper, but Mr Sivel said it was never intended that both the engineers and the state would have to be paid. "When we developed Part M, the idea was no longer to go through states, but to go through industry," he said. "In the rules, it was clearly given back to industry. The member states weren't supposed to do that. It was supposed to take them out of the picture. They should not be doing that."

How would it be fixed? The question was left hanging. "Part M illustrates that making too much 'hard' law is undesirable," M Sivel said. "You have to go through a legal process to change it."

The way of the future is to have a relatively small number of Implementing Rules which states must obey – the 'hard' law. Below that, the AMCs – the 'soft' law – would allow states to introduce their own interpretations of the overall intention. EASA had wanted to do this all along, M Sivel said, and in fact was responsible for much of the positive content of the Working Paper. "We don't want too many Implementing Rules because they are inflexible. We want to be able to deviate from the IRs – fix the hard law with a safety objective. States and organisations like IAOPA can propose alternative means of compliance, and pass these AMCs up to

EASA. If we find them valuable, they can be adopted across Europe.

"Hard law cannot encompass proportionality – this will have to come in the form of tailored solutions in the AMCs," M Sivel said. "You can start deviating from a standard on a local basis, then pass it up." This would tend to indicate that states can unilaterally introduce deviations for later affirmation by EASA.

EASA has been ordered by the EC to revert to existing JAA and ICAO texts where possible, but it wasn't as simple as that, M Sivel added. The JARs could not be regarded as existing regulations because they were interpreted and implemented differently by 31 countries, and whose version were they to choose? Similarly, so many differences had been filed with ICAO standards by European countries that there was no consensus on where to start, and even those countries which hadn't filed differences with ICAO implemented its standards differently.

EASA is currently grappling with the reaction to its Notice of Proposed Amendment on Ops, to which there have been some 13,000 objections. Doesn't such a huge volume of response, from an industry with much more pressing matters to deal with than ploughing through EASA NPAs, indicate that not all is well in rulemaking? "In fact there were only 2,000 real submissions," M Sivel said. "The other 11,000 were just 'cut and paste'. We won't answer each comment – we will make changes that we think are useful and cross-refer to the comment. We

for all aircraft to be retrofitted with counter-drum pointer altimeters is another example, as is the ban on flying above 10,000 feet without having oxygen plumbed into the aircraft. What risk justifies the enormous expense entailed? EASA is just guessing.

For years IAOPA has been pressing for data on GA to be collected and collated in Europe. IAOPA Secretary General John Sheehan's phrase "If you can't measure it, you can't manage it" has been heard in offices in Brussels, Cologne, Strasbourg and elsewhere. For the European Commission, Jyrki Pajanen told the Regional Meeting that Eurostat, the Commission's statistical office, was about to begin collecting data on general aviation activity and incidents. EASA has tried to do so and had been rebuffed by the states; Eurostat stood a better chance as it collected data on so many fronts. "We will agree on the content of the data required in November," Jyrki said, "and it will probably include hours flown, types of licences, and safety-related information. Eurostat will ask states to collect this data – a weak point is that it will be left up to them how they do it. It's voluntary, and everyone will do it differently. You will probably be contacted by your own state next year. We hope to assemble robust data, despite the difficulties."

A suggestion from the IAOPA delegates that in the absence of data, more weight should be lent to industry's views on these topics elicited a shrug from M Sivel.

It was proposed that IAOPA should be able to provide a great deal of solid data from around the world on GA – John Sheehan said the services of the AOPA-US Air Safety Foundation had been offered to EASA's safety analysis people, but had not been welcomed with open arms. The data was collected from about 40 countries, and although some of it was two years old and some of it was classed as estimated, it was better than much of the material EASA was working with.

The EC and the European Parliament have looked separately at general aviation and arrived at similar conclusions – whatever GA is, it's in trouble. Jyrki Pajanen said it was clear that "the cost-benefit analysis was negative for GA and the military, positive for airlines and air navigation service providers" and that some way had to be found to mitigate the additional costs to GA. "That's not a promise of money," he added hastily. The EC was, however, involved in issues like better frequency allocation to postpone 8.33 until it can be done with forward fitting, and AIS portal development, the better to facilitate cross-border flights. ■



EASA's Deputy Head of Rulemaking Eric Sivel, EC airspace administrator Jyrki Pajanen and Melissa Rudinger, Head of Government Affairs for AOPA US

don't have the time to reply to every comment because we must respect the timeframe." But he added: "The technical requirements for Ops are too complicated. EASA proposes to go back to having just one section for CAT, one for GA, one for other ops, and one for special ops.

Jacob Pedersen of AOPA Denmark gave a short report on IAOPA's response to the NPA on Ops, which contains 50 specific items. One over-arching concern is the complexity of the language, which is written to satisfy European lawyers and not to explain what the rules are. For instance, Jacob said, a pilot would have to look in nine different sections of a 1,000-page document to find out whether he needed an ELT or not. EASA had added an online tool designed to help pilots navigate through the verbiage, but it

was no use.

Eric Sivel said the online tool was a prototype, and the real thing was being worked on and would be much better. It was likely to be available before Christmas. Jacob said IAOPA's preference was for a well-edited compilation to explain the rules for each class of pilot. Other issues included mandatory floats for helicopters, counter-drum altimeters for all aircraft, ELTs and PLBs, VFR on top, rigid oxygen requirements, and accelerate-stop distances for all complex aircraft which, inexplicably, require that a single-engine aircraft "be able to continue take-off" beyond a certain point if the engine fails. M Sivel said it wasn't clear which of these comments referred to mistakes or whether the intent was deliberate, and this would be worked out during the comment response phase. ■

Licenses of the future take shape

EASA's work on responding to the 11,000 comments it received on its flight crew licensing proposals, originally meant to be completed in June, is unlikely to be published until next March, nine months behind schedule, M Sivel said. The deadline for implementation, however, will not change – it remains as April 28th, 2012.

Hot issues include new systems for examination of pilots, which are strongly opposed by certain authorities and examiners. The proposal was for a system in which examiners were not designated by member states and were not numbers-limited, and there is a strong opposition lobby. Similarly, the adoption of the Basic Light Aircraft Pilots Licence – similar to the French *Brevet de Base*, which allows flight with a passenger in the local area after 10 hours of solo time – is not popular with national authorities. Frequencies of proficiency checks for private licences, which were to be every two years, have attracted objections, as has the situation regarding credits for experience on Annex 2 aircraft, those outside EASA's scope. Conversion of national licences is an issue – a way of transferring national licence must be established. As regards third country training, EASA doesn't intend to ban it, but it will be licensed in the same way as operations in Europe. Again, implementation of all of this is slated for April 28th, 2012, but it hasn't been decided how long the transition period will be.

The medical for the Light Aircraft Pilots Licence is a hot potato, M Sivel went on – the idea of having a family doctor affirm fitness to fly is not going down well with the AMEs or the national authorities, most of whom want an AME to do the work. The lobby against this is very strong, he said. "Apart from the UK, everyone is against it."

The question must be asked, will be LAPL be stillborn? If the medical requirements are the same as those for the full licence, that could be a nail in the coffin of this laudable proposal.

On the positive side, EASA is starting work on a mutual recognition pact with Canada to allow relatively seamless transitions on both sides of the Atlantic. A similar pact with the United States may come in time, but the USA does not like signing mutual recognition pacts and it won't be simple. EASA is in contact with Australia, New Zealand, South Africa and other areas to facilitate mutual recognition.

To the satisfaction of countries like Spain, where the theoretical exams for the PPL are particularly onerous, M Sivel said they were looking to a uniform syllabus across Europe, with a databank of questions available online. There were, he said, significant objections to this from some member states who thought a question bank led to rote learning and low standards, and that the questions should be secret. But several million euros were being invested in it – the tender is out now for the creation of the databank – and it should be available within two years. ■

Leave lower level airspace to states – EC

Airspace issues in Europe are immensely complicated because the 27 countries of the EU have not hitherto had a dedicated air traffic control organisation which could make hard and fast decisions for the whole community. Eurocontrol is not an EC body but one which covers 38 countries in and around Europe, and it must perform miracles of political juggling to get anything substantive done. But the EC has taken responsibility for air traffic management and is producing a template for the whole of the EU – working together with EASA, Eurocontrol and ICAO, of course.

Jyrki Paajanen, an Administrator of Air Traffic Management at the EC's Air Transport Directorate, told the Regional Meeting that the EC did not intend to micro-manage airspace issues across Europe, and that airspace below

FL195 would remain the responsibility of individual states. Above FL195 everything was Class C.

There had originally been a plan to reduce the seven ICAO airspace categories to just three, and eventually to two –

'known' and 'unknown' – but there was significant opposition to this plan and it had been decided to stick with ICAO. "Our plan is to transpose the ICAO annexes into community law – to take the whole lot," Jyrki said. "This will not be done piecemeal; we are looking at the big picture." At the same time, he added, AIS would be "brought into the information age".

While the ICAO standards would pertain across Europe, there were many ways in which states implemented ICAO rules differently, and these would not necessarily all change. "There are a few things we will do on a community level," Jyrki said. "We set out the rules themselves, there's a bit of description of how you do things, routes are planned on a community level, but the rest is national – it is for the states to decide where you have military, controlled, uncontrolled airspace. One important new stipulation for some states is that they have to do this in consultation with the airspace users – it's an obligation in law that it 'shall involve full consultation'. There are states who are reluctant to talk to users about the design of airspace, but they must do so."

As far as general aviation was concerned, the way in which classes of airspace worked would be harmonised. He quoted the example of a German pilot flying in Special Class G+ airspace in Finland, blissfully unaware that under local rules, he should have been in radio contact. "It works magnificently for us in Finland," he said. "It's a really good flexible system, but it's impossible for someone who hasn't been born and bred to that system."

There was a caveat: almost every state had filed differences from ICAO, and many applied the standards differently without officially notifying ICAO. "It's clear that ICAO is not sufficient to cover all airspace needs, and if everyone says we need to differ, perhaps we

need to differ," Jyrki said.

Many of the deviations from ICAO were because of similar problems which could be addressed. He quoted the case of airfields which have only occasional commercial air transport movements, where air traffic control went home after the scheduled traffic had gone and the controlled airspace was rendered sterile. "It may be that the category of airspace should change at different times of day to allow VFR traffic unhindered access when it is not being used by CAT," Jyrki said.

"While controlled airspace should be kept to a minimum, there are also cases where a controller should have an idea of what's happening immediately outside the zone, and there are various ways to address this, with radio or transponder zones or listening watch areas. But the additional tools should be as

several big consultations coming up in the next 12 months to help decide how to implement this, and general aviation must shout very loud to make its voice heard – there are a lot of other interested parties with good representation."

Several delegates expressed concern that decisions on lower level airspace would be left to states which had previously proven themselves to be careless of GA's concerns – Massimo Levy of AOPA Italy mentioned the Milan zone, which is larger than that of New York while having one tenth the traffic. But Jyrki said it would be impossible to write a single law to cover all circumstances. "I know there are excesses," he added, "but the legal requirement for consultation means people will have to explain why they want these changes and there will be a genuine opportunity to

dispute them." Joachim Janezic of AOPA Austria said that transparency was vital – there had to be good reasons for local decisions, and they had to be made public. Jyrki repeated that this was the intention.

There was some discussion of the complexities of lower-level airspace, and the difficulties of coping with them. Philippe Chenevier of AOPA France pointed out that while IFR traffic had the best-trained pilots it got the easiest ride, while VFR traffic, made up of the least experienced pilots, had to navigate through a labyrinth. "The heaviest burden falls on the least trained guy," Philippe said. "The average VFR pilot in France flies 12 hours a year, yet his airspace is a patchwork and assistance is absent."

Lars Hjelmberg of AOPA Sweden pointed out that north-south routes in the lower levels of the airways were virtually impossible to negotiate. Hours could be spent finding a route that the validator would accept. Jacob Pedersen of AOPA Denmark said Eurocontrol

had available a system whereby if a user entered his point of origin and destination, the computer would design a route that the validator would accept. But this was not available because Eurocontrol said it would overload the server. "But how much more computer power is used when someone spends three hours trying to find a route the computer will accept?" he asked. "And of course, as soon as you're in the air the route is forgotten and you negotiate direct. We are submitting flight plans with no intention of following them, just to play the computer's game."

IAOPA general secretary John Sheehan said IAOPA wanted to put on record its thanks to the EC for listening to stakeholders' concerns in shelving plans to abandon the ICAO airspace classifications, something which, he said, would have cost GA a lot of privileges. IAOPA Senior Vice President Martin Robinson reported that the two-tonne exemption for IFR traffic from en route charges would remain, and praised the EC's air traffic management programme as one which saw consultation not just as a legalistic chore to be got out of the way, but as a genuine tool for better regulation. ■



IAOPA Denmark's Jacob Pedersen, IAOPA's point man on NPA-Ops, with Philippe Chenevier of AOPA France

IAOPA General Secretary John Sheehan talks to AOPA Spain's Carles Marti during the break



few as possible, and the way in which they work must be harmonised.

"We haven't written the proposals yet, but these are ideas that are floating about. There are a lot of options and we're not decided. However, everybody has to give in order to get something in return. We cannot include all the national variations in the community law... it would not be understandable. There are

IMC rating: the fight has just begun

EASA's deputy head of rulemaking Eric Sivel agreed that given British weather, the IMC Rating was as important to the UK as the Mountain Rating is to Switzerland, and some way had to be found to maintain current safety levels under EASA.

Despite its 27-year success record in the UK, much of Europe does not want the IMC Rating, partly because of a mistaken belief that it allows IFR flight and gives access to controlled airspace. Further, in some countries it is illegal to fly in IMC outside controlled airspace. Possible avenues of approach put forward include a proviso which made such a rating useable only "where national law allows", as has been done with medical certification; an appeal under the provisions of an "equivalent safety case" allowed for in EASA's articles; or an airspace solution. All of these approaches face serious problems.

M Sivel said the EASA Working Group 008 had been set up to look at the IMC Rating and the proposal for a simplified IR, and if it did not produce a workable solution to the IMC problem, then it had failed in its purpose. Asked whether the simplified IR was a realistic possibility, he said he did not know. "There is a lot of opposition to it. The pilots unions and the airlines say don't touch it – if anything, make it more difficult."

FCL 008 has inexplicably proposed the creation of an 'en route' instrument rating, for which the holder would have to have successfully completed the theoretical knowledge requirements for the full IR in order to be allowed to fly in IMC in the lower reaches of the airways. It would not allow instrument approaches and landings, which defeats the very purpose of the IMC Rating – it's designed to get a pilot safely back onto the ground when he or she inadvertently encounters IMC conditions.

Because the 'en route' instrument rating has been proposed by the UK representative on FCL 008, who speaks for Europe Air Sports, other European countries have gained the impression that the UK is not prepared to fight for the IMC Rating. AOPA UK was at pains to disabuse them of this notion. All European AOPAs are unanimous in supporting the UK's claim to the continuation of the IMC Rating, not as a privilege but as a foundation stone of Britain's

excellent safety record in general aviation.

The question of how it is to be done is a vexed one. The possibility remains open that the IMC Rating be adopted "where national law allows." This device has been used to get around national differences in terms of medical certification. But Eric Sivel said the device was enshrined in the Basic Regulation as relating only to medical matters. (The Basic Regulation is the skeleton framework of law which EASA puts flesh on, and is considered to be inviolate). IAOPA is checking the wording of the Basic Regulations to see what opportunities remain open.

The second avenue revolves around the UK CAA making an 'equivalent safety case' to EASA. This was the route suggested by M Sivel when he came to Britain in January 2008 to reassure the UK that everything possible was being done to save the IMC Rating. Some changes had been made to EASA's articles since then, M Sivel said, but it didn't alter the basic substance. Under what he says is now Article 14 (6) any member state can file for an



IAOPA Europe Senior Vice President Martin Robinson and AOPA UK's Mandy Nelson

equivalent safety case. It would notify EASA and the EC, and the case would have to undergo the 'comitology' process. If a majority of member states agree, the equivalent safety case would apply. But this looks like a blind alley if, as M Sivel seemed to indicate, all



states are then obliged to adopt the agreed rating. Why, if they are set against the IMC rating now, would they change their minds on appeal? IAOPA is seeking to establish unequivocally what options are available under EASA for one-state ratings and single-nation regulations. No answer has yet been forthcoming.

A more promising avenue would be to take advantage of the European Commission's plans on airspace classification – see separate story in these pages. Under EC regulations, airspace below FL195 would be the responsibility of individual states. The 'default case' would be the seven ICAO classifications, under which flight in IMC in Class G airspace is allowed. But on top of these basic levels, there would be 'tools' with which airspace could be enhanced at the discretion of the state. What these tools would be has not been decided, but one of Eurocontrol's proposals has been to allow states to forbid IMC flight in Class G. This would probably be taken up by the three states which already forbid it – Germany, Hungary and Austria – so if a Europe-wide IMC Rating equivalent were adopted, states would be free to make it unusable in their own airspace with a stroke of a pen, without having to ask EASA, the EC or anybody else. Surely no country could then block the adoption of a rating which would save lives in another state.

The United Kingdom has the most capricious and unpredictable weather in Europe, and it cannot be robbed the best weapon it has to keep pilots alive in its own unique circumstances. ■

GET FOUND WITH FAST FIND

Your connection to the Global 406 MHz international search and rescue system



NEW

Find out more: www.fastfindplb.com

IAOPA-Europe Regional Meeting

The saving of Sabadell

The Regional Meeting coincided with the Red Bull air race in Barcelona – an event so popular that an estimated one million people lined the seafront to watch. Barcelona’s biggest GA airfield, Sabadell, hosted an aerofair on the same day, and IAOPA-Europe representatives were invited.

A few years ago Sabadell was under threat from developers who seemed to have the ear of the City Fathers, but it has been saved largely through the efforts of AOPA-Spain President Carles Marti, who is also President of Sabadell Aero Club. Carles and his band of supporters worked tirelessly to bring TV, newspapers and Barcelona’s movers and shakers onside, organising street protests and

impressing on the population the fact that 1,000 jobs were at stake, many of them in high-tech GA support industries.

IAOPA was asked for help, and Martin Robinson made a presentation to the Mayor’s office on the economic value of general aviation. Martin says: “Barcelona is very keen to attract and retain jobs in the technology sector, and they were clearly receptive to the argument that GA makes a significant contribution in this area. Of course, Spain also has a great opportunity to develop its GA sector – I pointed out that Spain today matches where the UK was in 1972, in terms of GA activity, so there is enormous room for improvement.”

A decision was made by the Mayor’s office that Sabadell should be saved for general aviation. At the aerofair, John Sheehan and Martin Robinson accepted an award from the Mayor of Barcelona, Snr Jordi Hereu, for IAOPA’s part in helping save Sabadell.

Martin Robinson says: “Sabadell stands as a monument to the efforts of Carles Marti and his supporters, who have worked incredibly hard to overcome the obstacles they faced. It was useful for them to have an international dimension to their arguments, but the credit for saving Sabadell belongs to them. If you’re flying in that part of Spain, think of visiting Sabadell – it has great facilities and very welcoming people.” ■



IAOPA General Secretary John Sheehan accepts an award from barcelona Mayor Jordi Hereu (centre) as Martin Robinson looks on



Barcelona Mayor Jordi Hereu (left) watches the Red Bull air races with IAOPA Senior Vice President Martin Robinson



Any other business...

In a round-up session at the end of the day, delegates discussed issues as diverse as internal communications, Polish VFR charts and proposals on UAVs. IAOPA Europe is communicating with its members better than

ever before through a monthly enews as well as on a national basis, but more can be done. Martin Robinson pointed out: “Communication is everything – in order to get your members to stay with you, to pay for the work and to help attract new members, you have to tell them exactly what you’re doing, where the money goes, and what your achievements are.”

● Pawel Korzec of AOPA Poland displayed the new VFR guide to his country, together with new VFR charts. Together, these provide a vast amount of data on flying in Poland, as well as clear charts and information on 133 general aviation airfields. They’re available from Transair, and you can check out the details at

<http://dlapilota.pl/poland-air-atlas-2009>.

● Vladimir Turin of AOPA Russia reported that the Russian authorities have proposed legislation to allow UAV flights in the Open FIR, something which will soon affect us all. Melissa Rudinger said they were also operating in the USA under strict controls – they had to have a chase plane, for instance – and IAOPA was closely involved in ICAO’s UAS working group, which was expected to produce guidelines within a year.

● The IAOPA World Assembly will be held in Tel Aviv between June 6th and 11th next year. For details see www.iaopa.org and click on the World Assembly logo. ■



Left: Vladimir Turin of AOPA Russia with IAOPA General Secretary John Sheehan

Right: UAV flights are operating in the USA under strict controls – they have to have a chase plane



NASA

Making the rounds in Brussels

In the days leading up to the Barcelona Regional Meeting IAOPA's Martin Robinson and John Sheehan held a number of meetings in Brussels with senior figures at the European Commission and Eurocontrol, including EC Air Transport Commissioner Daniel Calleja di Crespo and Eurocontrol's Director General David McMillan. Discussions went on for two days and covered a wide range of topics, from EASA to SESAR and other important acronyms.

FAA

The first meeting was with Christopher Barks, who is the chief FAA representative in Brussels. Mr Barks was previously the FAA's man in London and is well known to Martin Robinson; they have worked together down the years to try to preserve N-reg rights in the UK and Europe. Mr Barks gives a useful 'outsider view' of what's going on in Brussels, and his analysis is always acute. At the moment, the actions of both the USA and Europe don't quite harmonise with the spirit of their stated intentions. The Americans are upset because EASA wants to charge fees to maintenance organisations in America which work on European aircraft; the FAA believes reciprocal agreements should cover American engineering shops, and in retaliation, Congress is proposing a requirement that all maintenance outfits which look after American aircraft in Europe should be subject to FAA inspections. This is a major concern for airlines and their engineers.

At the meeting it was suggested that a 'dummy's guide' to N-reg aircraft in Europe be produced for the information of people in government. There are many misconceptions among civil servants, some of them sedulously fostered by vested interests. Some believe, erroneously, that foreign-registered aircraft are not subject to the laws of the land in which they fly, and if an N-reg aircraft crashed on a UK school, the CAA and EASA could disclaim responsibility. AOPA has been working hard for years to dispel these myths, but they are



Eurocontrol Director General David McMillan and Martin Robinson at Eurocontrol HQ in Brussels



IAOPA's Martin Robinson and John Sheehan flank EC Aviation Commissioner Daniel Calleja di Crespo in his Brussels office

well entrenched.

The big issue at the moment is how SESAR will dovetail with NexGen, which is the American version of the same thing – the ATC system of the future. Both sides want them to be as interoperable as possible, and the FAA is looking to sign a binding Memorandum of Understanding with the European Union. Before that happens, a lot of technical matters will have to be resolved. Will it be based on Mode-S or ADS-B? That's just one of many questions. The maintenance and SESAR issues are taking up most of Mr Barks's time, and there is little movement on the third-country registrations front.

SESAR

Martin and John went on to a meeting with Alain Siebert, Chief of Economics and Environment at SESAR. IAOPA has bought in to the implementation phase of SESAR and has sent UK airspace expert Ben Stanley to look after GA's interests. Despite his name, Alain Siebert is German, and is well known to Dr Michael Erb, managing director of AOPA Germany, who is overseeing IAOPA's work at the SESAR Joint Undertaking. A lot of work must be undertaken on SESAR at significant cost to IAOPA; Alan Siebert has identified 300 work packages for the Joint Undertaking, and IAOPA is involved in 60 of them.

ICB

There followed an afternoon meeting of the EC's Industry Consultation Body, on which IAOPA represents all of general aviation. The ICB is dominated by IATA and the European airlines for airborne matters, and by the privatised ATC services for ground equipment. GA is often an afterthought when these important issues are debated. Martin Robinson says: "It's vital to be there to make sure GA isn't cut out altogether, but often the meetings can be like watching paint dry."

European Commission

A meeting with Daniel Calleja, the EC Air Transport Commissioner, was almost postponed because of the Commissioner's workload, but went ahead as planned. Martin

Robinson says: "Snr Calleja has a commitment to general aviation, as he has demonstrated several times, and the industry is not treated as an afterthought at his level.

"Our discussions revolved around the changes that have been made at EASA following the joint EC/EASA Working Paper on the Agency's practises. Snr Calleja is very keen that EASA be allowed a period of peace in which to implement these changes, and we in turn are anxious to give EASA all the support we can, as long as it demonstrates that it is taking these issues seriously."

Eurocontrol

The future size and shape of Eurocontrol, and general aviation's place in the scheme of things, was later discussed at a meeting with its Director General, David McMillan. The plan is to separate out the regulatory functions of Eurocontrol from the operational aspects, but it's a Gordian Knot that cannot be cut. Eurocontrol, next year celebrating its 50th anniversary, is jointly run by 38 member states, of whom 27 are in the EU, and is heavily influenced by the 44 countries of the European Civil Aviation Conference. Martin Robinson says: "David McMillan is one of the most astute managers and political operators in aviation at the moment, but he faces an unenviable task in trying to resolve the issues he faces. Not only does he answer to his member states, but he must consider ECAC while co-operating with EASA and the EC in planning his strategy.

"He does not neglect GA, however, and once again his advice is that general aviation must raise its voice, apply more pressure and make sure it is heard in the cacophony of competing vested interests that surrounds aviation in Europe today. The only way we can do that, of course, is to convince more people to join AOPA and fund the work that needs to be done." ■



Plan properly to avoid infringements

The CAA has resurrected the Airspace Infringements Working Group, co-chaired by Chris Finnegan and Phil Roberts, who reports that infringements are approaching the 1,000 mark. While infringements are a very serious issue and need to be tackled, AOPA's opinion is that headline-grabbing figures are counter-productive, and continues to point out that NATS policy is now to report every infringement, even if it's a matter of scraping a wing along a zone. Martin Robinson says: "It used to be the case that an infringer had to threaten to get in somebody's way before a report was logged, and somebody who dipped a wing into

Class D got a phone call from ATC. How many of these 1,000 infringements would have been reported under the old system? We've no way of knowing, but unless a distinction is made between the troublesome infringer and the guy who never got within ten miles of a CAT movement and was going away anyway, the credibility of the system will be lost.

"AOPA is urging the CAA to crack down on serious and repeat infringers, including taking their licenses away, while treating what might be termed technical infringements somewhat differently. The fight against infringements is brought into disrepute if no clear demarcation

is made. Zero tolerance is not good.

"Having said that, every pilot has a duty of care which requires that he plan a flight properly and fly properly. It is GA's responsibility to reduce the unacceptable level of infringements, and we need to concentrate on human factors and training to change the situation."

The pursuit of pilots with transponders, while those without are unmolested, is something that grates on AOPA. A pilot who infringed the London TMA for 90 seconds have been cautioned by the CAA, something which will stay on his record for three years and will be used against him if he transgresses again. A pilot further into the TMA who was on primary radar but not squawking got clean away. "I believe this case should have been dealt with

by a letter rather than a caution," Martin says. "It is counter-productive if pilots think a transponder marks them out for CAA investigation. The CAA say that on the contrary, if they find someone who has a

transponder and is not using it, and he infringed controlled airspace they will throw the book at him – but the whole point is that they're not catching them.

"All pilots must realise that the transponder is a friend, that it could save lives, theirs and others', and it should be switched on, with Alt if you have it."

● **New Red Arrows Boss Sqn Ldr Ben Murphy reports that the campaign to reduce infringements of Reds RATs, supported and abetted by AOPA – see the April 2008 issue of *General Aviation* – seems to have been entirely successful. Only three infringements were reported for the entire airshow season, a record low. It is, however, three too many. In contrast to previous years, all infringers were GA pilots.**



"It is counter-productive if pilots think a transponder marks them out for CAA investigation"

Fly to the Channel Islands on an NPPL

After a long campaign by AOPA's Channel Islands Regional Chairman Charles Strasser, the decision has been taken to allow NPPLs to fly to the Channel Islands, with a number of reasonable stipulations and restrictions. Fergus Woods, Director of Civil Aviation for the Channel Islands, has promulgated exemptions to the ANOs of Jersey and Guernsey to allow the privileges of the NPPL to be exercised in Channel Islands airspace.

Charles Strasser expressed his delight that, after more than four years of talks, correspondence and meetings, this extension of the flying area for NPPL holders has finally been made possible. He says: "Hopefully, all NPPL holders will take advantage of this new availability and enjoy many visits to the Channel Islands."

Because such a trip entails a long sea crossing and entry into the Class A airspace of the CICZ, it is required that 'ab initio' NPPL holders first undertake a familiarisation flight with an FI or CRI. This does not apply to holders who previously held a PPL, but who downgraded to the NPPL for medical reasons. Documents explaining the conditions can be read on the section of the AOPA website dealing with NPPL issues – see

<http://www.aopa.co.uk/scripts/npl.php>

FTO targeted in cash fraud

Flight training organisations are being warned to be aware of an attempted scam that could have left a flying school substantially out of pocket.

The FTO, an AOPA corporate member, received an online query from a potential customer calling himself James Cole who claimed to be domiciled in Prague and to have two sons, whom he wanted to book on six-month PPL course in the UK starting in October 2009. After an exchange of emails, he asked for course prices and suggested he pay for both courses in full in advance, together with the cost of all equipment and accommodation for six months. Payment would be made by credit card, and he asked which cards would be acceptable.

The FTO replied with an explanation of medical requirements and PPL prices, and suggested a number of local accommodation providers. The 'customer' agreed to go ahead with the pre-payment arrangement, and the two boys were enrolled on a PPL course, and the FTO asked the customer to call him to finalise arrangements.

'James Cole' replied that he was currently in the UAE with an oil company and was unable to call, but asked for further information on the documentation required so that he could make a part-payment on his credit card as soon as possible. After getting all the information the FTO could give him, he emailed saying he would pay for 45 hours for each and asking whether he should now

provide his credit card details. He was asked for the usual details and was provided with two invoices for £6,330.

'James Cole' offered part-payment of £1500 for each student, but requested that a further £1,400 be taken off his credit card by the FTO and transferred to the account of an 'accommodation agent' as a deposit on an apartment for the two boys. The apartment owners did not have the facility to take credit cards, and 'Cole' could not make a bank transfer from a computer in the UAE with a generalised IP address.

The FTO offered to visit the apartment and talk to the owner, but 'Cole' said his contract was with an agent and asked for confirmation that the extra £1,400 could be taken from his credit card to be transferred to the agent. At this, the FTO, which had been dubious about the approach from the start, said it could not be involved in the transfer of money to other accounts without knowing more about where the money was coming from and going to. 'Cole' provided his own credit card details, and the name and address of a nearby estate agency, with the webmail address of an agent and his bank account details. When the FTO cross-checked the name and bank details, they did not match.

He said: "When I asked the card processor to check, the name and address given did not match those on file for the card, but if I'd just put the payment through on the terminal it would probably have gone through. I would then have paid the 'accommodation agent' his £1400, only to have the transaction reversed later. I was suspicious from the first but not immediately convinced it couldn't possibly be genuine. It's worth passing a warning to other FTOs because somebody might just fall for it."

Lee on Solent welcomes you

Robert Hill reports on a milestone in a successful campaign to save an important GA airfield

Lee on Solent is back on line for GA thanks to some very dedicated people who have worked long and hard to achieve this result. I claim no involvement whatsoever but since I am now a fortunate beneficiary of their efforts, I am glad to be able to help with the future.

Lee Flying Association (LFA) now occupies Hangar B with an attached clubhouse facility. Briefing rooms, internet, AOPA membership details and refreshments are available. If you join LFA these are available whenever you want (self-service). You can meet up with LFA members on a Wednesday night from 7pm to find out what is going on at the airfield. Why not join us when you can, for one of our winter talk evenings?

On the topic of AOPA membership, I have been surprised by the questions from many experienced pilots. Some hadn't joined because they thought you had to own a plane. A great many had no knowledge whatsoever about the Wings Award. Even fewer knew that

regardless of age, student membership is free! AOPA in the USA has survey evidence proving that if a student PPL joins AOPA they are more likely to complete their training and remain in aviation.

Flying into Lee is not complicated but visitors do need to observe a few mandatory rules.

1. You must get a host to submit your details for a PPR number (this can take a few days). If you don't know anyone on the airfield, then LFA is willing to host you. Remember please, LFA is a volunteer

organisation and one of us will have to actually meet you on landing – not always easy to arrange when we have day jobs, but we try our best.

2. You will have to receive a detailed Joining and Departure Briefing. You will be asked questions to test understanding. Visit www.eghf.co.uk to download the Airfield Procedures Manual. We share the airfield with the Police, Coastguard, gliders, microlights and some 30+ other GA friends. Anyone is welcome to join LFA, pilots, non pilots, locals or just well wishers who want to see a vibrant GA airfield remain on the South Coast. At the same time you can consider joining AOPA. They have been instrumental in the success of keeping Lee open. AOPA is our voice in Brussels and with the CAA to influence aviation legislation ensuring GA friendly policies. The more members, the more authoritative. ■

Lee Flying Association (LFA) now occupies Hangar B at Lee on Solent



Christmas closure

The AOPA office will be closed from December 22nd to January 4th 2010 for the Christmas break. We wish all AOPA members everywhere a Merry Christmas and we look forward to a prosperous New Year.

TIME TO RENEW/REVALIDATE YOUR INSTRUCTOR RATING!!

Register now for the

AOPA FLIGHT INSTRUCTOR SEMINAR

JAR-FCL Flight Instructor Refresher Seminar

conducted by **AOPA** and approved by the CAA

Dates & Venues

23/24 March	Bristol University
20/21 July	Wycombe Air park
16/17 November	Wycombe Air Park

£225 for AOPA members

£250 for non-members

To register for the seminar visit the AOPA website www.aopa.co.uk or phone 020 7834 5631

Mandatory VFR flight plans? No thanks

IAOPA Europe is working with NATO and Eurocontrol to try to satisfy demands for new aviation security measures without imposing damaging restrictions on general aviation.

NATO and Eurocontrol have been asked by European governments to look at all aspects of aviation security, and IAOPA is providing the security panel with expertise in general aviation. Among proposals suggested for review are measures that would require the mandatory filing of flight plans for every VFR flight, mandatory transponders and radios in certain areas, improved low-level radar and more international co-operation to combat the so-called 'threat' of GA-related terrorism.

At a meeting in Brussels in October IAOPA Senior Vice President Martin Robinson said that mandating VFR flight plans would increase the number of flight plans filed by a factor of 15, and unless a huge number of security experts were hired to evaluate each flight plan and follow it up, the proposal would impose an additional workload on GA in order to collect a vast amount of useless information for no purpose.

The security review panel has relatively little

understanding of general aviation but is proving to be reasonable, flexible and refreshingly open to argument. It was suggested that VFR flight plans may be mandatory in the vicinity of major events like the Olympic Games, close to military centres or on designated routes. Martin says: "A Belgian Air Force officer said rather firmly that this is a requirement around events like the Tour de France, but to me it's an example of an empty security measure. The mere fact that machinery has been established to give permission for a flight does not ensure that the flight is safe. I asked whether they weren't just granting permissions to terrorists, and they got the point."

The panel is opposed to the mandatory vetting of GA pilots, as has been introduced in some European countries. It says there's no evidence that background checks improve security, and the practice should not be widely adopted. Martin Robinson says: "As far as I'm aware no-one involved in 9/11, the London Tube bombings or other attacks had any convictions that would have shown up on a background check. Vetting causes great inconvenience to the law-abiding pilot and would do nothing to deter the criminal or terrorist."

The security panel's remit covers airspace issues, control of trading in aircraft, on-board equipment like transponders, and other issues which can be put into perspective, but unfortunately the review documentation contains some sweeping and unsubstantiated claims which are less easy to address. The most worrying is the statement that 'uncontrolled airfields are a security threat since they can be used for criminal and terrorist activities.' Martin Robinson says: "The same could be said for every road, building, field, ship or vehicle. We must convince the authorities that they need to co-opt general aviation as their 'eyes and ears' at GA airfields to ensure that any suspicious activity is made known to them before it ever becomes a threat. This approach is proving successful in the UK.

"Because of the strength of our arguments I expect to have some success in influencing these proposals, but it will be at the expense of a lot of time and effort and no little cash. As always, IAOPA will suffer from the fact that if it is successful, nothing happens – which is not an easy sell to potential members, but they should join and contribute. Without IAOPA, no-one would know of these threats until they became law." ■



Finding a free instructor



Austers are now an orphaned type

A white circular has been issued by the CAA regarding remunerated flight training, and specifically flight tests in permit aircraft. Austers are now an orphaned type, and as such are being forced onto permit. My own Auster went to permit in October. In addition to losing the ability to fly in IMC and at night, I also lose the ability to give or take paid instruction.

Many of the Austers are group-owned. At the moment, under a CofA as instructors we can charge to train and carry out skill tests if we so choose. Reading the AIC, I understand that when it goes onto a permit we can no longer charge – yet it is still exactly the same aircraft – unless the aircraft is sole owned.

'Difficult' aircraft like the Auster need to be taught on the aircraft, not on something else that is 'like an Auster but not quite an Auster'. Additionally, the majority of taildraggers out there are also on a permit, or heading that way.

By requiring owners to find instructors who will teach for free they are shrinking the number of instructors, and as such will either deter people from seeking instruction or force them into instruction on aircraft that don't meet the needs. We are going to end up in a situation where owners of these interesting and difficult-to-fly aircraft are going to have to self-teach to convert onto type when they are unable to find an instructor who will work for free. They may end up flying without ever having the opportunity to spend time with an FI on type.

Is this not actually a retrograde step for safety? – Steve Copeland

● AOPA member Mike Cross has placed this matter on the CAA's Issues Log and is expecting a response shortly. ■

AOPA Lottery winners

July 09

1st Prize £112 Mr C - Overseas
2nd Prize £ 78 Mr M - Middx
3rd Prize £ 34 Mr W - Cambs

August 09

1st Prize £112 Mr S - Dorset
2nd Prize £ 78 Mr E - E Sussex
3rd Prize £ 34 Mr M - N. Yorkshire

September 09

1st Prize £112 Mr C - Overseas
2nd Prize £ 78 Mr B - Beds
3rd Prize £ 34 Mr B - Liverpool

Are you a member of the AOPA Lottery? If not and you are interested in joining please email mandy@aopa.co.uk for an AOPA Lottery form.

ONLY AOPA MEMBERS can take part in the AOPA Lottery



Timothy Kirkhope MEP (left) receives his award from Martin Robinson

Sustainable Future for General Aviation', which was characterised in this magazine as the best news general aviation has had in a generation, setting out a requirement for Europe to support and foster GA. Not only did he start off the process, but he lobbied and cajoled other MEPs into supporting it, and all GA pilots owe him a vote of thanks for his efforts.

Mr Kirkhope shares AOPA's concern that the White Paper should not be allowed to gather dust on a shelf, and that the EC must demonstrate to the Parliament in due course what progress is being made in this direction. Although Mr Kirkhope has relinquished his transport responsibilities to concentrate on his leadership of the

Conservative Group, it has been taken over by Jackie Foster,

Conservative MEP for North West England, a former British Airways employee and trade union official who has an excellent working knowledge of the aviation industry. Mr Kirkhope will continue to take a close interest in general aviation developments.

Martin Robinson says: "Mr Kirkhope is an IMC rating holder and now fully understands the fact that the position of the IMC rating has not been resolved. In fact, it was Mr Kirkhope who went to see Transport Commissioner Jacques Barrot to obtain his support for the continuation of the rating. We will be keeping him abreast of developments." ■



Pilot MEP gets his reward

Timothy Kirkhope MEP, the private pilot who is leader of the Conservative Group in the European Parliament, was given his AOPA special merit award by Martin Robinson during a meeting at which a number of pressing

issues were discussed, including the future of the IMC rating.

Mr Kirkhope, MEP for Yorkshire and the Humber, was the prime mover behind the European Parliament's White Paper on 'A

Parliamo ICAO?

Following the advice in Tony Purton's letter in the August issue of *General Aviation* about language proficiency requirements, I emailed the CAA to see if I could be upgraded from Level 4 to Level 6 – that's important because while a Level 4 qualification has to be renewed every three years, Level 6 is for life. Get a Level 6 assessment and you need never worry about this language nonsense again.

You can get your examiner to assess your English ability when you do your next LPC, or you can download form SRG1199 from the CAA website, fill it in, get an examiner to sign it, and send it off to the Belgrano. The CAA will send you a letter confirming that you have attained Level 6 (Expert) in English, which you'll be able to produce if anybody (who?) questions your ability to speak the mother tongue.

I established this route by first emailing the CAA, as Tony Purton had suggested, and I received a very helpful call from them advising me to follow this procedure. I tried a few oblique tacks first:

Me: "Could I just send you a copy of my English degree instead?"

Them: "That's not good enough, we need form 1199."

Me: "I was a regional finalist in the Times crossword competition and I've got the certificate."

Them: "Very good. Fill in form 1199."

Me: "But the Chinese are giving all their commercial pilots Level 6 automatically."

Them: "Do you have a Chinese licence?"

Me: "No."

Them: "Fill in form 1199."

It has to be said that no blame attaches to the CAA for this silliness; direct your venom to ICAO in Montreal, who have rebuffed every attempt IAOPA has made over the past five years to water down language proficiency

requirements for GA pilots. As a result, a Greek 172 pilot flying to Belgrade cannot do so without first attaining conversational fluency in English or Serbo-Croat. Also as a result, authorities everywhere have contrived to get around the ICAO recommendation, and while much paperwork has been created, the cause of safety has not been advanced one inch. ■

AIP: caveat emptor

The CAA is investigating allegations that versions of the UK Aeronautical Information Publication (AIP) and its constituent parts, including Aeronautical Information Circulars, are being offered for sale as a CD through an online auction website.

The Authority points out that as well as being available online, the AIP is available on a CD produced by NATS. The CDs being offered at auction appear to have been compiled from earlier versions of the UK AIP and are not considered to be current. In some cases, these products are identified as being suitable for private pilots, microlight pilots and pilots under training.

The official AIP is the prime official source of safety information on the UK's airspace and airports and is updated every 28 days. Steven Hill, the CAA manager responsible for the oversight of UK Aeronautical Information Management services, said: "There are regular significant changes to this document including the definition of new airspace, changes of radio frequencies and runway and taxiway alterations. It is therefore vital that anyone using the AIP to plan or undertake a flight uses the latest version of the publication."

The latest official version of the full UK AIP is available free at www.ais.org.uk

Calling all Twits

Ahem. I hesitate to mention this, given that the average age of AOPA members in the UK is 53, but chief executive Martin Robinson is now available on Twitter, where he keeps a microblog under the name of aopapilot. Go to www.twitter.com, type aopapilot into the search field and you can keep abreast of his doings. Feel free to ignore anything about Chelsea FC.