

Less is more as EASA puts its house in order

EASA is going halfway back to the drawing board and making fundamental changes in the way it operates following a damning criticism from the European Commission of the mess it has got itself into.

A series of meetings involving the European Commission, EASA and its Board of Management has given birth to a Working Paper on how the Agency will comply with the EC's demand for a change of direction and a reversion to ICAO and JAR rules where it is desirable.

It seems to promise good things for general aviation, with far less detailed nit-picking and a bias towards existing regulations where there is no pressing need to change them. It has, however, identified moves towards a better Instrument Rating as a very high priority, where work will continue as soon as it has managed to clean up the mess it's in on the work it's already taken on.

Rather than confess that the reappraisal is in response to EASA's shortcomings to date, the Working Paper says it comes in response to the

fact that 'the aviation community is faced with the most severe crisis it has ever faced,' and therefore the burdens of new regulation must be reduced. Whatever the reasoning, the outcome is welcome.

EASA is overwhelmed with problems of its own making, having rewritten huge numbers of aviation regulations and sought to introduce new restrictions without any real reason for them. The reaction to its recent Notice of Proposed Amendment on Operations illustrates the problem; EASA has received 17,000 objections from industry.

The EC's patience with EASA has run out. As reported in the August issue of *General Aviation*, Deputy DG TREN director Zoltan Kazatsay wrote an extraordinary letter urging EASA to stop reinventing the wheel, adding: "The Commission believes the time has come to take clear decisions to steer the Agency in a different direction. In this respect it is essential to carefully consider the alternative of going back to the original structure and wording wherever possible of JARs and ICAO

requirements, which should be transposed into Community law."

This Working Paper is in response to that letter. It firmly states its intention that EASA should produce fewer, clearer rules with an explanation as to why each is necessary. On EASA's existing work packages, the Working Paper says: "Taking into account the comments received and the need to adhere to ICAO SARPs, Community law and adopted JARs, the Agency will revise its proposals. During this exercise, due consideration will be given to safety and regulatory principles, to the distribution of text between hard and soft law and to constraints such as:

- changes stemming from the Basic Regulation,
- recent ICAO amendments,



Why the police need GA's help



Co-operation between general aviation, the Borders Agency and the police has resulted in the capture and detention of seven illegal immigrants and a pilot who landed without permission on a private strip in Kent.

A French-registered Cherokee Six landed at Laddingford, a private airfield owned by ten pilot shareholders near Tonbridge in Kent, at 9:15am on a Saturday shortly after the airfield manager David Watts had arrived. The aircraft stopped at the intersection of two runways and Mr Watts saw seven people get out and run towards nearby woods. The Cherokee then did a 180 and looked as though it was about to take off again.

Mr Watts raced over and stood in front of the aircraft's spinning propeller, motioning to the pilot to shut down and get out – which, happily, the pilot did. Mr Watts reached in and took the aircraft keys.

According to the aerodrome planning consultant Peter Kember, who is one of the ten airfield shareholders, the pilot, an Algerian, told Mr Watts he had had engine trouble en route to Biggin Hill and had made an emergency landing. Mr Watts replied that having seen seven people running away he thought this story unlikely and ordered the pilot to await the arrival of the police.

They arrived within ten minutes, and coincidentally Peter Kember arrived a few minutes later. "I saw the police car and mentioned to the occupant that I'd just seen seven Vietnamese walking down Wagon Lane, which was a very unusual thing to see," says

Police approach the immobilised French Cherokee Six at Laddingford

Mr Kember. "He replied, 'All in good time, sir – first we have to take a statement.'" In fact, two of the illegal immigrants were detained an hour later and the remaining five that evening when police stopped at train outside Tonbridge.

The pilot was arrested and, after sticking to his original story for a while, confessed that he'd brought in the Vietnamese immigrants, but claimed he'd done so under duress, having been threatened by gang bosses. Mr Kember says: "It seems that this was organised crime in action – the people had been brought to Europe through Russia, and it seems the Russian Mafia had a hand in it. They all had jobs lined up for them in London in order to pay off the vast sums they'd spent getting here – the flight across the Channel alone is said to have cost them \$5,000 each.

The aircraft, which belonged to a French flying club, had left an airfield near Paris at 7:15 am, and the pilot had filed for Biggin Hill but not activated his flight plan. At the request of the Borders Agency the Laddingford shareholders disabled the Cherokee by removing the plugs and dipstick, but after ten days of being bombarded with calls by the French flying club asking for their plane back, the Borders Agency relented and allowed it to leave.

AOPA's Martin Robinson is involved in a programme arranged with the Association of Chief Police Officers to educate law officers about the way GA works. Martin says: "Congratulations are due the people of Laddingford for providing this fantastic example of how co-operation with GA can pay dividends for the police, and our thanks are due to David Watts for his quite remarkable bravery.

"We have a good relationship with the authorities in security matters, and as a result we have been able to avoid some of the more onerous restrictions on freedom that have been imposed in other countries. The police realise that the general aviation community must be their eyes and ears in security matters – if you see anything suspicious, let them know straight away.

"The point I make to ACPO in the series of lectures I am delivering at the moment is that there are 142 licensed aerodromes and 400 farm strips, and they can't cover them all – and on top of that, you can land in almost any field. They fully recognise the difficulties, and of course they know that the yachting community is even more disparate and far more numerous than general aviation. The task is beyond the security agencies without GA's co-operation, and this is a fine example of it."

One pilot who uses Laddingford said he'd been surprised at the number of agencies involved, the number of people they sent, and they fact that they didn't seem to be talking to each other. The pilot, who doesn't want to be named, said: "This story has had to be told separately to the Borders Agency, to Customs, to the local police, to Special Branch, and it had to be told several times to each because they often sent different people. After several days of repetitious visits we tacitly made it clear they'd overstayed their welcome. But it's clear that there's a lot of bureaucracy, duplication and waste in the current way of doing things."

The illegal immigrants are in a detention centre in Dover and the Algerian pilot is awaiting sentence. ■

- ● alignment with other Community legislation,
 - JAA NPAs which have reached consensus,
 - clarity, legal certainty and enforceability.
- Any necessary deviations to the existing provisions resulting from this revision will have an explanation of the rationale and of their positive impact on safety."



Many undesirable aspects of European lawmaking will be retained – the calendar is god, and they'd rather have law delivered on deadline than better law delivered after reasoned consideration. The timetables for industry response to EASA rulemaking, never generous, will remain unchanged. The paper does, however, say that EASA should have more time to consult with industry on subjects like aerodromes before it gets to the stage of proposing rules, so there should in theory be less friction. Phased implementation will allow member states flexibility to handle the changes. The new proposals explicitly enshrine the neglected principle of proportionality in EASA's rulemaking – it recognises that a 172 is not a 737. The document states flatly that EASA must keep in mind "the requirement to

establish proportionate rules for small and medium enterprises and general aviation to avoid undue burden."

As forecast in the August issue of this magazine, it's back to ICAO and the JARs unless there's a pressing safety case against them. Third country operations, which promises to be a battlefield, goes to the back of the queue.

While praising EASA for its efforts, the Management Board said that any proposed rules needed to be comprehensive and clear, and lessons needed to be learned from what has been done to date to avoid similar problems in future. This meant keeping processes as simple as possible and building the work around existing material and expertise. EASA's rulemaking has to date been designed to meet European legal requirements rather than to explain its requirements to users, and is sometimes so wordy as to be impenetrable.

EASA was asked to create a priorities list which provided for 'the necessary balance in

terms of safety and level playing field' and which needed to be based on safety risks, whether uniform rules are already established at European level, the size and type of the affected 'stakeholder community', the progress already made by EASA in certain fields, and the resources available.

As far as priorities go, commercial air transport goes to the head of the queue and GA regulation will take a back seat. The technical requirements of Part-OPS will be separated into dedicated stand-alone parts for CAT, other operations like aerial work, training flights and test flights, non-commercial operations and special approvals.

The Working Paper stresses the need to stick to established deadlines set out in the 'Basic Regulation', which is the foundation stone of all EASA rulemaking, but adds that this can be done through the setting of priorities and by offering members states appropriate transitional measures beyond the dates set by the Basic Regulation.

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Chief executive's diary:

A road map for regulation

Let's start by looking ahead, for a change, because it will probably have happened by the time you read this – I've got a very positive meeting coming up on September 30 with EC Transport Commissioner Daniel Calleja di Crespo at which IAOPA will be offering to make available to the European Commission the facilities of the AOPA-US Air Safety Foundation for the analysis of data on general aviation in Europe.

Sounds a bit dry, but in fact this would put in place a foundation stone on which Europe's whole approach to GA could be based. The problem is that so little is known about GA in Europe; some states keep very little information, some keep none at all. When they talk about 'proportionality' in regulation, the question arises, 'proportionate to what?' And the answer has to be, proportionate first to risk, then to cost. But Europe doesn't even know how many GA aircraft there are in Italy, or how many people in Poland have pilots' licences. When they look at accident figures, they have no idea what sort of percentages or trends they indicate.

Contrast this with America, where AOPA's Air Safety Foundation crunches a massive amount of data about GA before cross-referencing it with incident data to establish levels of risk, patterns of accidents and unwelcome trends to produce a clear picture of what's going on and what problems need to be addressed. I've seen this process at work – it produces the annual Nall Report on aviation safety – and it's extremely sophisticated and very useful, with the computers identifying trends which analysts can then look at in detail.

IAOPA is now offering these tools to Europe, with the aim of cutting down the burden of unnecessary regulation where there is low risk and disproportionate cost. To give you one small example, EASA is proposing that all helicopters that fly out of autorotation distance of land should be forced to be fitted with floats. An individual in an office in Cologne thinks he knows what the issues are and says this is a bright idea, but there is no data to which this person can refer to tell him that it's actually pretty silly – there have been few or no fatal accidents ascribed to absence of floats, the risk is negligible and the cost would be horrendous. There are thousands of similar scraps of legislation that could be given a 'nonsense test' before they ever get onto an NPA, if only we could analyse the data.

Daniel Calleja has already agreed that obtaining data on GA is vital, and the same sentiment is echoed in the European White Paper on GA and on the MEPs comments on the issue. But there's been no clear notion of what they would do with it if they had it. Now we can show them the way forward. Also at the meeting will be John Sheehan, director general of IAOPA, who can speak for the Air Safety Foundation. I'm very encouraged by this, and I hope we can get the European states to collect the input information to create a road map for better regulation of GA. The analytical tool is tried and tested, it's available now, it's a no-cost option, and especially at a time when EASA's new Working Paper once again stresses the issue of proportionality, it can do a great deal of good.

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Anyway, going back into the past, since I last wrote this diary I've been to two meetings of the CAA's Finance Advisory Committee, one of which threatened another vast increase in CAA fees and charges, and the latest of which established that instead, CAA fees for 2010/11 would be frozen at their 2009 levels. That will come as some comfort to struggling GA businesses who've been battered from pillar to post by the CAA's Joint Review Team.

On July 14th I went to a meeting of the General Aviation Consultative Committee at the CAA, which lasted for many hours and was only partly relevant to most of the people there. GA is such a broad church that some segments are going to nod off if you spend an hour discussion hang gliding provisions or whatever, and I think the Committee could usefully be broken up into fields of interest and expertise. My own suggestion is that it be divided into two – those who pay CAA fees, and those who do not. Only about one third of GA pays for the upkeep of the CAA, so matters with cost implications are vitally important to that third, and are of little concern to those with no financial stake.

On the 16th we had the AOPA Executive Committee meeting, where we run through the housekeeping. Membership is down a bit, but not as much as we feared during this recession; nonetheless it hampers our ability to represent GA pilots at every forum in which we need to be present.

At the first Finance Advisory Committee meeting on July 21st, British Airways again complained that the full provisions of the JRT had not yet been implemented – the JRT, you'll remember, was an airline-dominated body from which AOPA was specifically excluded which decided the airlines should pay lower CAA bills, and GA higher. The

In the paper, the Management Board and the EASA Committee expressed the view that Pilot Licensing and Commercial Air Transport should be the top priorities. 'Accordingly,' it says, 'the Commission and the Agency offer to concentrate available resources on them.' The priority for work packages is:

1. Flight Crew Licensing
2. Commercial Air Transport
3. Medical requirements for pilots and cabin crew
4. Other operations such as aerial work, training flights and test flights
5. Non-commercial operations
6. Operational Suitability Data and Safety Directives
7. Safety assessment of aircraft
8. Third Country Operators

In all its deliberations, EASA is told: "it is of the utmost importance that the Agency presents proposals based on existing standards and safety criteria."

In a list of tasks which the Working Paper says should only be started after EASA has submitted its proposals on these issues, the Instrument Rating is deemed to be the second highest priority. ■

Give us a call...

Air traffic controllers at Exeter airport are making a plea for all pilots flying within 15 miles of them to contact them on radio to help them shift commercial flights that are currently subject to sometimes lengthy delays.

Exeter's plans to apply for Class D airspace seem to have been put on hold, and while movements at the airport are down on last year, they're still running at more than 1,000 a week, 65 percent of them general aviation.

Controllers must leave at least five nautical miles of clearance between CAT using Exeter and unknown traffic passing legitimately outside the zone, which sometimes leads to disruption. A senior controller who flies an Arrow out of Exeter says: "We've recorded 121 instances of delay caused by such conflicts in the last four months, and on one occasion recently I had to hold an incoming Flybe Embraer for 20 minutes while two microlights flew by rather slowly, and entirely legitimately, just outside the Exeter zone. If they'd been in contact with us and we'd known what height they were at, we could have brought the jet straight in."

The busy GA airfield at Dunkeswell sits just outside the Exeter zone, and while local pilots are fully aware of the problems, visitors to Dunkeswell are less au fait – hence the request.

In the longer term, it seems unlikely that Exeter has abandoned its ambitions for Class D airspace. Class D has become a sore point with pilots because promises that GA would not unreasonably be excluded from it have proved hollow at places like Southampton, which now has a well-earned reputation for denying GA a crossing when its controllers simply can't be bothered. The risk is always there that once Class D is established, controllers will treat it as an exclusion zone.

The CAA's is currently encouraging airfields to apply for Transponder Mandatory Zones as a "solution to infringements", which is even worse news for GA.

CAA said GA's bills were going to have to rise again and produced a horrendous percentage figure for the NPPL. I pointed out that the CAA's recent decision to allow PPL holders to exercise the privileges of the NPPL if they lost their medical and got the okay from their doctor, while welcome, kicked the business plan for the NPPL into a skip, and it was a stone from which no more blood could be squeezed. If they needed to find money, why not abolish their medical department and let AMEs handle the business – that along would save £2.1 million a year. There was some muttering about this, and I have to say it seems an unlikely gain.

On the following day I was in Brussels for a meeting of the Industry Consultation Body, before which I had a useful meeting with Chris Barks the FAA representative in Europe. We discussed ways in which we can work together through IAOPA on vital issues like third country registrations, where we have a lot of common interests.

The ICB itself raised once again the spectre of en route charging for sub-two tonne aircraft which are currently exempt. Europe is moving towards 'Functional Airspace Blocks' which are huge areas of airspace which transcend national boundaries and stretch from the ground to the edge of space, and each block would be administered by a single ANSP. Problem is, each ANSP would be allowed to choose how it made its money; sure as eggs, some of them would hit on GA. IAOPA is committed to retaining the sub-two tonne exemption across Europe.

On the 23rd I was in the office hosting a meeting between an AOPA member accused of an airspace infringement and a CAA investigator; hopefully I can say more about that in the near future. The investigator, Terry Knight, is very thorough and does his job impressively. It's not that I'm buttering him up, it's just that he seems to be a lateral thinker with a great grasp of detail. As you

know, AOPA is urging the CAA to crack down hard on multiple negligent infringers by taking their licenses away, while remaining flexible for the perpetrator of the occasional minor misjudgement.

Late July and early August is generally a less busy time for me, with a lot of people on holiday, and I was on leave in Spain towards the end of the July, and very nice it was, too. On August 4th I was back at the CAA for another Finance Advisory Committee meeting, and the following day I had a telecon with representatives of Jeppesen and others who are interested in working with AOPA. On the 15th we had the Members Working Group at Duxford – see reports elsewhere in this issue – and on the 24th I hosted another meeting in the office between two members accused of an airspace infringement and a CAA investigator – again, Terry Knights. Hopefully this issue will be resolved fairly soon, at which time I'll be able to say more.

On the 25th I attended the first meeting of the Airspace Safety Initiative Co-ordination Group, which looks after ATSOCAS; coincidentally I'd had a complaint that day from a helicopter pilot member who'd been refused a Traffic service when such a service would have been a great enhancement to safety and refusal was not warranted. The problem with ATSOCAS is that it hasn't provided the consistency that it aimed for; the Basic Service, which most GA pilots ask for or are offered, can be anything or nothing.

On the 27th I went with our chairman George Done to Marshall of Cambridge to give them the AOPA aerodrome award; more details in the next issue. (Incidentally, on the way there I was offered a Basic Service but given a de facto Traffic Service.) On the following day I was up at 5am to go to Ireland, where I met with members of AOPA Ireland and gave them a presentation on the work of IAOPA. I took a few days off

to visit my mum – you didn't know I was Irish, did you – then on September 7th I was at the DfT to discuss the new Security Charging initiative from the EC – see the story in these pages. Everyone seems to agree this is an unnecessary piece of regulation and we'll have to ensure that it impacts on GA as softly as possible.

That afternoon I hosted another meeting in the office between a CAA investigator and a member accused of low flying; without going into detail, the member chucked away a landing at an unlicensed strip because of cock pheasant on the threshold, then went round and landed off a circuit – he was reported by a passer-by. More details when I can tell the story.

On September 9th I was at RAF Henlow to address the Association of Chief Police Officers on GA security; they were full of Chinese whispers about the incident at Laddingford described on page 5, but they'd got all the details hopelessly twisted and I was able to set them straight. The Border Agency believes that as it bears down on major airports, so general aviation and yachting will be the resort of those desperate to get into the country; trouble was, everybody – the police, the Agency, Customs – wanted to take credit for the Laddingford job, and I was able to stress that the credit was due to David Watts and the GA people at Laddingford. One point that came out was that the Borders Agency is putting GARs that have been incorrectly filled in under the microscope.

And on the 10th, we had the Finance Advisory Committee again – and this time the CAA announced it was freezing next year's charges to GA at this year's levels. Well done to the CAA for listening; I think they recognise that we're all in the toils, and the back of the camel is reaching breaking point.

Martin Robinson

Developments in EASA Part M

By George Done

The CAA recently organised three seminars on EASA Part M aimed at informing representatives from Approved Maintenance Organisations and other interested parties of the current state of play and the latest developments in this thorny subject. Why AOPA, in looking after the interests of pilots and owners, should be interested in this is because Part M has introduced an extra layer of burdensome administrative detail leading to disproportionate (to the scale of the business) initial approval and subsequent ongoing costs to be borne by the maintainers, which, in turn, if the maintainer is to remain successful in business, must be ultimately passed on to the aircraft owner. The three seminars attracted 250 participants in total, and in terms of attendance were extremely successful. The chief organiser, John Nicholas, Head of Applications and Approvals at the CAA, had found the meetings held at the AOPA office earlier in the year (see "Part M – the CAA is listening" in the April *General Aviation*), attended by himself and Mike



McKenna, Head of Policy and Standards, was very clear that such manufacturer's stipulations had no legal enforceability, and the situation could be avoided by simply agreeing with the maintainer an appropriate approved amendment of the LAMP. This was the first time, by all accounts, such knowledge became publicly aired, unfortunately too late for many owners who have gone to great lengths and cost to comply. EASA apparently has a working group examining manufacturer's recommendations, in particular, engine life.

Another item worth reporting on here that came up at the seminars is the subject of the recent AIRCOM 2009/07, which describes an alleviation to some parts of Part M that allows an independent Part 66 licensed aircraft engineer to permit release to service following an annual check for every two years out of three (the third involving a Subpart G organisation) for two new categories of aircraft, namely ELA1 (European Light Aircraft) and LSA (Light Sports Aircraft). The first, which has a Maximum Take Off Mass (MTOM) of less than 1000 kg, is probably of more concern to AOPA members than the second, of MTOM not exceeding 600 kg. This alleviation (some refer to it as Part M Lite) has been welcomed in

some quarters including a few owners, but it is likely to have negligible impact on those maintainers who have already gained approvals. The choice of 1000kg as a cut-off is particularly moronic, as much of the huge UK PA28 fleet is just below this figure, and the rest above; likewise, much of the equally large C172 fleet is only just above. Must have been a lawyer, not an aviation person, who dreamt this figure up. A promise was made that the figure would be changed to something more sensible, but no indication was given of when this might happen.

The numbers of mainly GA organisations approved for Subpart G were given as 47 (large aircraft), 69 (business aircraft), and 198 (light). This suggests that there is now sufficient capability available to cover the UK fleet. The numbers of Subpart F organisations offering maintenance to light aircraft were given as 41, with a further 55 Part 145 organisations available. What this implies for the future viability of the remaining (old style) M3 organisations is hard to predict at present.

When the full details of the seminars become available, a more detailed and definitive account aimed at informing aircraft owners will be published in *General Aviation*.

Right: Part M has introduced disproportionate costs which must be passed on to owners

Swann, Airworthiness Surveyor, of the CAA, three maintainers, John Eagles, Roger Kimbell and Paul Lazely, and George Done and Martin Robinson of AOPA to be a helpful stimulus in setting up the seminars.

Although copies of the presentations and summaries of the main pronouncements were promised, nothing has yet materialised, so the brief notes following cannot be taken as gospel.

Several owners of Cessna aircraft have complained to AOPA that under the EASA maintenance regime 'lifer' items are a major headache, the most common cause for complaint being seat belts, which have a manufacturer's calendar life of 10 years, regardless of the actual flying hours accumulated over the same period. Under this requirement, belts on a lightly used aircraft would have to be replaced even if they were showing hardly any signs of wear and tear. Jim



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The IMC must not die of ignorance

AOPA is moving to ensure that EASA lives up to its promise, made in January 2008, that the UK IMC rating can continue in its present form in Britain even if the rest of Europe rejects it.

The IMC rating is probably the biggest single contribution to general aviation safety in the UK in modern times. More than 25,000 ratings have been achieved, and in almost three decades, the CAA says only one fatal accident has befallen an IMC rating holder in IMC. The number of lives saved can only be guessed at; I know that mine is one of them.

IMCR holders fall into two camps. The first – the majority? – fly in IMC only to obtain the rating, to practice and be examined for its renewal, and when they're caught out. For them, the IMCR is the last line of defence when they inadvertently fly into clag; they will be able to keep control and get back on the ground, shaken but at least alive. Pilots from continental

Europe come to the UK to take the IMC course for this purpose, even though they cannot use

the rating at home.

The second group – more experienced, some perhaps with instructor ratings – take advantage of the reduced minima and approach privileges granted by the CAA in the light of positive experience with the rating down the decades.

There has been a vast amount of misinformation about the IMC rating across Europe, much of which has been impossible to counter, and ignorance remains profound. It is widely believed, still, that it is a 'poor man's instrument rating' which allows access to controlled airspace and will clutter the ILSs of Europe with light singles, and the commercial end of the market is particularly entrenched against it. Some take refuge in the fact that in certain European countries it is illegal to fly in IMC outside controlled airspace, therefore the IMC rating could not be taught or used. But this should not dictate pan-European law. If European law dictates that a pilot be condemned to crash and die for blundering into IMC, then European law is an ass and harmonisation is a false god. Bad law must

not drive out good; bureaucratic tidiness has its place, but pilots' lives must not be sacrificed to it.

There has been a visceral reaction against the IMC rating at FCL-008, the EASA working group considering the way forward on these issues. FCL-008 has been keen to continue the work begun by the JAA, and encouraged by EASA, to drastically reduce the nonsense quotient in the European instrument rating, cutting out the most bizarre of the theoretical knowledge requirements, and AOPA continues to back this effort to the hilt. Given the past history of attempts to make the IR attainable, AOPA believes no concessions should be made until an acceptable IR is set in stone; there are too many corpses on that battlefield to take anything for granted.

But FCL-008 has refused to give the IMC rating house-room. IAOPA's representative on FCL-008, Dr Michael Erb of AOPA Germany, attempted to get the group to develop a follow-up to the IMC rating when it met in Cologne on May 28th, but FCL-008 refused. Instead, it has flown off on a baffling tangent



Why saving the IMC is vital

Nick Wilcock, a member of the AOPA Instructor Committee, of the GAPAN Education and Training Committee, and Chairman of the NPPL Policy and Steering Committee, sets out AOPA's stance on the IMC rating*

Those who attended the joint EASA/CAA briefing at CAA Kingsway back in January 2008 will no doubt recall that the topic of the UK IMC Rating formed the basis, as they say, 'of much robust discussion'. However, I was able to reveal to the meeting that, thanks to the efforts of Timothy Kirkhope MEP, no less a person than Jacques Barrot, the Vice-President of the European Commission with responsibility for all transport matters, had been keen to stress his full support for the UK IMCR.

This came as a bit of a surprise to both the CAA and EASA representatives as they hadn't been aware of such a high level of interest or support. Following the meeting, steps were taken to form a working group to make recommendations towards the future of instrument flying requirements in EC member states; later this became formalised as the EASA FCL.008 group.

However, although many people felt reassured that the interests of the UK IMCR holder would surely be looked after by UK representation on the FCL.008 group, concern was growing that little was known about what was actually being proposed. At an AOPA Instructor Committee meeting earlier this year, we stated our concern that even the 'official' AOPA view on the future of the IMCR wasn't perhaps as clear to its members as it should be. So I undertook to try to clarify matters.

At around the same time, it became clear

just what the FCL.008 group were proposing. This consisted of two main strands:

- A more easily attainable PPL/IR with more relevant, proportionate theoretical knowledge requirements.
- An 'En-route Instrument Rating' (EIR) *without* instrument approach privileges, but with the same theoretical knowledge requirements as the PPL/IR.

The PPL/IR would effectively be a European version of the FAA IR, as far as could reasonably be achieved. This is clearly a very laudable aim which AOPA fully supports. However, there was absolutely no mention of the UK IMCR beyond the suggestion that IMCR holders might enjoy an 'outstanding opportunity' to upgrade to a PPL/IR with 'quite modest' additional requirements.

Turning to the EIR, frankly I have to query the sanity of anyone who would advocate an instrument qualification which assumes that 'the associated weather limitations would be such as to make it almost certain that a departure and arrival could be conducted under VFR'. Since when has there ever been anything 'almost certain' about UK weather? The main proponent of the EIR readily admits that there would be losers – basically all those IMCR holders who depart into IMC intending to land from an instrument approach procedure.

Presumably they would be losers because, with this ridiculous Chocolate Teapot Rating,

they would be very tempted to scud-run and would soon become a CFIT statistic – something which the UK IMCR has successfully managed to prevent over the many years of its history.

A practical example. Recently I had to attend a 1130 local meeting; the TAF for the closest available aerodrome was given as 23012 9999 OVC008 PROB40 TEMPO 0600 7000 BEC0911 SCT025. So, a bit gloomy, but due to cheer up later on. However, the 0650Z METAR gave 21009 6000 BKN007 OVC010 16/15. Rather worse than the forecast and with only one degree between temperature and dew point.

Off I went, faithfully following the magenta line on my trusty Garmin, which also showed that my ETA would be comfortably in time for the meeting. However, as I headed further east, I noticed that the clouds were sitting on the hills and that it had started to rain quite heavily. Visibility certainly wasn't 6000, let alone 9999! As I passed a hilltop upon which a mast poked up into the cloud, I was very glad that I was in fact in a car, not an aeroplane!

Had I been flying with an IMCR, it would still have been no particular problem. Simple enough departure, then a traffic or deconfliction service on the way outside CAS and either a cloudbreak to visual or, if still IMC at safety altitude, an instrument approach nearby. But with a so-called EIR? Based upon the METAR and TAF, if I was very stupid I might have been tempted into a low-level navigation trip trusting to God and Garmin. Until I met that hill with the mast, that is, whereupon I would have had to have flown a 'low level abort'. Full power, pull up, climb you little sod... now let's try to find someone to talk to if I can just find the right frequency... but

by introducing the idea of an En-Route Instrument Qualification proposed by Jim Thorpe of Europe Air Sports which would allow a pilot to fly in IMC on airways, but would not allow him to land other than in full VFR conditions. FCL-008 says this will "meet the needs" that are covered by the IMC rating. The minutes of the meeting note: "An agreement was reached that there is no need to open the discussion on this issue again. No further change was proposed."

Even if the airlines are prepared to accept the En Route IR, which is doubtful, it is torturing credulity to say that the En-Route IR fits the requirements of the IMC rating holder. To qualify for it an IMC holder would have to take a new training course, and then all he would be allowed to do would be to fly straight and level in IMC in the cruise, and only on airways. The refusal to allow him to make an instrument approach is an abrogation of the prime purpose of the IMC rating, which is to return him safely to the earth. For those IMC holders whose flying patterns don't fit the airways, whose aircraft won't take them there, and who are more interested in staying alive than in convenient long-distance flying, the comparison is an insult.

As any examiner will tell you, straight and level flight is the least important facet of the IMC rating. By far the most important thing is that a pilot can demonstrate sound instrument flying ability, including departures and arrivals in IMC. Recovery from unusual attitudes on limited panel while wearing an IF visor is an



why has the sky turned green and started revolving?

AOPA UK has stated that it does not accept the proposed EIR as a replacement for the UK IMCR. As a member of IAOPA, AOPA UK perhaps finds itself in a difficult position to go further than this by formally rejecting the EIR. But I believe that it should; if the EIR were to be adopted by EASA then it would be very difficult for the UK to dig its heels in and file a difference in order to retain the IMCR. Even if it did, there would be nothing to prevent 'almost certain VFR' scud-runners from holding EIRs and using them in marginal conditions in the UK. Many IMCR holders currently take advantage of their privileges to operate in VFR and SVFR conditions which are below those permitted for 'plain vanilla' PPL holders, secure in the knowledge that if it all turns to worms, they can at least climb up into IMC and descend to land again quite safely from an instrument approach. However, as far as I can deduce from NPA17b, the more restrictive VFR limits applied to PPL holders without IMCRs will no longer apply under part-FCL. The spectre of low-hour VFR pilots blundering about in 1.5 km visibility underneath a low cloud base with no safe escape is not something which I care to contemplate particularly – I'd far sooner they could climb safely out of the murk before landing safely rather than colliding with the countryside.

And in any case, just what is meant by 'almost certain'? In today's yellow-jacketed, health-and-safety dominated aviation world, who on earth is going to be brave enough to attempt that definition?

So what is the alternative to the EIR? Well, actually it's relatively simple in concept. EASA

element of the test which is more demanding than *any* part of the full IR. Indeed, the CAA no longer grants IMC privileges to multi-pilot IR holders because their IR revalidation tests do not include such a demanding element. Some Europeans say nobody should be allowed to make instrument approaches with 15 hours' training; why not? We've been doing it here for 30 years, and we've got a better safety record than they have, despite our unique weather. If they don't want it, that's their loss, but don't deny it to the UK – it's not a matter of 'privileges' for us, it's a matter of life and death.

AOPA's answer to these issues is to maintain the IMCR as a national rating, valid (as now) only in the UK, and to allow those countries who wish to adopt it, and whose national law permits it, to offer the rating to their own pilots. The precedent for this lies in EASA's medical regulations, in which the phrase "where national law allows" finesses several issues. AOPA has no wish to foist the IMC rating on Europe. The UK will continue to welcome foreign pilots who take the rating because they see the lifesaving value of it. AOPA is not prepared to accept the simple granting of 'grandfather rights' to UK IMCR holders; it wishes to preserve the teaching of these life-saving skills for the next generation of pilots, even in some bright future where the IR is as attainable as that of the FAA. Similarly, if EASA wants to adopt an En Route

Instrument Qualification, it's welcome to do so, although it seems a pointless distraction – but don't confuse it with the

has already proposed that certain regulatory proposals should apply 'where so permitted under national law', so

AOPA considers that the very same principle should apply to the IMCR. Within Europe, there are widespread differences both as regards categories of airspace and the flight rules which pertain within such airspace. For example, flight in IMC outside CAS is forbidden in certain member states, whereas flight under IFR is mandatory at night in the UK. There is no uniformity, neither is there likely to be for many years. Even if airspace categories were simplified and unified across the EC, there is no guarantee that the flight rules applicable within such airspace would be. Hence AOPA's position is that there should be a part-FCL Rating, with privileges no less than those of the UK IMCR, which could be used in member states 'where so permitted under national law'. In other words, if a non-UK EASA PPL holder wants to fly in the UK using such a Rating in Class G airspace, he or she would be quite welcome to do so subject to possessing adequate English language proficiency. But if a UK pilot wanted to visit a country which had decided not to accept the Rating in their airspace for whatever reason, then that would be entirely that nation's right. No-one would be 'forcing the UK IMCR on Europe'; instead they would be offering it as a model of a safe sub-ICAO instrument qualification which member states might wish to consider accepting in appropriate areas of their national airspace.

There is also another factor to consider. The June 5th 2009 letter from the EC's Directorate-General for Energy and Transport to EASA was written in terms rather more

IMC rating, and don't think for one second that it's an alternative to it.

As General Aviation reported in April 2008, a meeting was held at the CAA offices in Kingsway in January that year to discuss the future of the IMC rating. EASA representatives at the meeting clearly understood that the loss of the IMCR would be a major retrograde step in GA safety in the UK. Ben Alcott, then head of the CAA's Personnel Licensing Department, said statistics proved the IMC was a lifesaver, and added: "We are disappointed at being unable to convince our European colleagues that it is a boon to safety."

EASA's Deputy Head of Rulemaking Eric Sivel told the meeting that the final recourse for the UK was Article 10(v) of the EC Regulation 1592/2002 (which sets out EASA's remit) which allows nations to put forward an "equivalent safety case" and effectively adopt an amended system from the rest. He added: "Our recommendation is to keep Article 10(v) as a last resort if in three and a half years you see that we are not making headway." Any such application would have to be approved by the Council of Europe committee that oversees EASA and there is no absolute guarantee that they would approve it, but Mr Sivel told the meeting that if the worst came to the worst, EASA would support Britain's application. This process has taken on a new urgency because of EASA's decision to give priority to instrument flying issues. AOPA is now beginning the process of invoking Article 10(v), for the preservation of life. – *Pat Malone*

**Over the page: AOPA members have their say on the IMC rating*

reminiscent of Margaret Thatcher than Sir Humphrey Appleby and was certainly a handbagging of which the Baroness herself might well have been proud. With any luck EASA might now decide that, in order to meet the deadlines required by the EC, the pragmatic solution would be to restrict its attention henceforth to ICAO level matters only and to devolve sub-ICAO licensing matters to national aviation authorities under that well-known European principle of 'subsidiarity'. So perhaps the UK IMCR, BCPL and NPPL could well continue as they are without EASA's let or hindrance?

In summary, the AOPA UK position is:

- AOPA UK supports the concept of an EASA part-FCL ICAO-level IR, including proportionate theoretical knowledge requirements.
- AOPA UK does not support any proposal which would lead to the demise of the UK IMCR.
- AOPA recommends adoption of an EASA part-FCL Rating, with privileges no less than those of the UK IMCR, restricted to airspace conditions and language proficiency requirements in accordance with national law.

**Nick Wilcock learned to fly at Cranfield in 1968 and was a pilot in the RAF until he retired in 2003, having been operational on the Vulcan, Phantom and VC10K. A tour as QFI on the Bulldog was broken by six months on VC10Ks in Gulf War 1, and he later became an A2 QFI on the VC10K, IRE, AAR instructor, air test pilot and CFI of the VC10/VC10K training flight. He was a BCPL/Fl at the Brize Norton Flying Club from 1992 before obtaining his ATPL, then CFI and Examiner from 1998. He has flown some 9400 hours and is an aviation consultant in the military AAR field.*

IMC – AOPA members have their say

In the last issue of General Aviation we discussed the proposals for an en-route instrument rating as a replacement for the IMC rating and asked for members' opinions. The response was overwhelming: preserve the IMC at all costs, and don't allow EASA to believe the en-route rating is an acceptable substitute. Here are some of your comments:

Lifeline

"Having just completed my IMC revalidation it was obvious that the emphasis was on instrument approaches, as of the 90 minutes flying about 15 - 20 were taken up with IMC handling and the rest was spent on two instrument approaches. Although I have only ever done two real IMC approaches I feel the emphasis is correct and practice on approaches is vital. Most IMC pilots will be more current on handling than approaches. Although I have not really used my IMC for approaches I would consider it useless if I was unable to do so. To just 'fly on top' is fine but

you still need the ability and legality to complete an approach through IMC. The current advances in GPS approaches are widening the scope for IMC pilots giving us another lifeline, because that is what the IMC is all about. I don't want to deliberately plan a flight in IMC so I am not interested in either of the IR

options. Mr. Thorpe is entitled to his opinion, but I hope EASA does not think he speaks for the rest of the UK pilots."

John Richardson

No-brainer

"The facility in UK weather to climb to sector safe and then do a controlled cloud break to landing is so obviously a good thing that I am amazed there is any dispute - it is a total no-brainer. I remember a very hairy flight in northern France where I could not climb and fly IMC and I ended up dodging masts etc. in the murk wishing I was anywhere else but in the plane - a climb into IMC would have been ideal but was not allowed. Not great flight planning, I accept, to get myself into the position but it is easily done as I was flying I believed into improving conditions. The IMC rating is an indispensable additional qualification for aviation in the UK. To keep current to operate reasonably competently to IMC rating minima is not too difficult, as has been shown by our experience over many years. However, to keep current to operate to full IR limits is rather more difficult and quite frankly if one has to operate to those limits, probably the weather is rather too poor for

flying the average club spam can anyway. What evidence is there that the IMC rated pilot is a danger? I haven't heard of too many mid-air collisions involving IMC rated pilots - VFR seems to be a different story. Working from the adage that if it ain't bust, etc., for heaven's sake convince the authorities to leave the IMC rating alone. I am sure you are giving it all you can and I wish you the best of luck."

Howard Rutherford.

Life-saver

"When I had few hours in my log book (but I did have an IMC rating) I joined a fly-out to Scotland which was advertised as 'ideal for newly qualified PPLs'. In the event we ended up in clag in the Western Isles - not a good place for scud running! I doubt if I would still be here if I hadn't had the ability to fly on instruments for the quarter of an hour necessary to get clear of the islands for a safe descent over open water. In my experience, flying in the UK, if you wish to go places as opposed to merely flying around the local area, an IMC rating is essential. The weather is usually better than forecast but it is sometimes a good deal worse. At the least an IMC rating enables one to reach one's intended destination instead of returning, or diverting, and on occasion is a life saver."

Roger Bunbury

Madness

"In my opinion, going out of sight of the surface without the ability to carry out an instrument approach is unsafe. As an IMC holder I have used it many times to fly above cloud rather than scud-running. My intention is usually to descend back through a suitable hole in the cloud near my destination. However, I always have an alternative airport with approach facilities selected and carry up to date charts for it just in case. I do not believe that any evidence exists to show that IMC qualified pilots flying instrument approaches are unsafe. Therefore I would like to know on what basis EASA believes this should be removed? As one who flies regularly in Europe I am happy that when I do so I am limited to VFR only. Were I not, I would have trained for a full IR. The IMC exists in the UK

for good reason. This is a typical example of trying to 'fix something which ain't broke'. Standardisation should be welcomed when it brings benefits and removes red tape. It should not be used to remove privileges people already have. I can only hope that the CAA sees the madness of the proposals and keep the IMC as a national rating. I agree whole heartedly with the stance AOPA is taking and I would urge AOPA to continue the fight to prevent the loss of a valuable rating for UK pilots."

Gordon MacKenzie BEng CEng MRAEs

Respect and pride

"I have been fortunate to fly out of Southampton and Bournemouth for the past 10 years. IMC has been essential to get in, with an IFR clearance, with the very variable south coast weather. It takes the uncertainty out of being able to return from France. To have an IMC without the privilege of using approaches is ludicrous. I'd happily upgrade to long awaited PPL IR but despite the excellent preparatory work by AOPA's team we are still frustrated by EU slowness. Quite frankly I and many of my flying buddies would quite possibly give up our licenses on renewal because without IMC and approach privileges, cross channel touring becomes unreliable. In all cases I know, IMC has made us more professional pilots who know our limitations and treat our IMC privilege with great respect and pride."

Robert Hill ■



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EASA Ops – the holes in the plot

Consultation on EASA's OPS-NPA closed on the last day of July, and IAOPA has made almost 50 critical observations on the proposals. The response document has been collated by Jacob Pedersen of AOPA-Denmark, who sat on the 001 Working Group which supposedly wrote the document. Jacob has often pointed out that despite this, new proposals kept creeping in of which 001 had no knowledge.

Among the most important responses is the fact that the document is so badly written that it is almost impossible to follow. To find the answer on a single regulation, the pilot of a non-commercial complex aircraft must look

up nine different places in the document. The document is written to satisfy lawyers, not to explain the rules, and EASA's online tool is no substitute for clear regulation. In addition, regulations should always be proportional, and those which require one-man operators of small aircraft to hire consultants to audit their operations should be abandoned. Regulations which would require non-commercial operators to carry greater fuel reserves than commercial flights should also be revisited. Other fundamental problems IAOPA has highlighted include the requirement to carry oxygen above 10,000 feet, which would force pilots in the

mountains to fly dangerously low in areas where they have operated safely for years; the proposals that VFR aircraft should carry certain equipment and conform to restricted minima when there is no demonstrated safety gain; the new regulations' repudiation of the concept of 'VFR on top' would be a dangerous retrograde step; accelerate-stop distances as set out in the proposals are meaningless for single-engine aircraft for which the concept of a 'V1' speed is meaningless; PLBs should be an acceptable alternative to ELTs; and the proposal that helicopters should be forbidden from flying beyond autorotational distance from land without having floats fitted is nonsense in the absence of any safety case for it.

The full list of IAOPA observations on the OPS NPA can be read on the IAOPA-Europe website at www.iaopa.eu ■

More sign up to Strasser Scheme

Norwich International Airport and Spanhoe Airfield have joined Charles Strasser's scheme on behalf of AOPA to get all airfields to accept the recommendations of CAA CAP 667 9.2(c) and not to charge GA aircraft making emergency or precautionary diversion landings.

No fewer than 203 airfields have signed up to this potentially life saving measure, including 168 civil aerodromes and all 35 military airfields. In recognition of its appreciation of their contribution to general aviation safety, AOPA has presented a Flight Safety Award Certificate to each of the 203 participants.

The idea as set out in CAP 667 is that pilots may sometimes continue flying when they really ought to be landing at the first opportunity because they are deterred by the potential cost of putting down. Decision-making is not always logical when stress and fear play a part in it, and the Strasser Scheme seeks to take the cost factor out of the equation altogether.

CAP 667 9.2 (c) says: "There were a number of fatal accidents where a timely diversion or precautionary landing could have avoided an accident. In the UK there is a culture of pressing on and hoping

for the best rather accepting the inconvenience and cost of a diversion. This culture needs to be changed, firstly by educating pilots and secondly by persuading aerodrome owners that there should be no charge for emergency landings or diversions. It is recommended that all aerodrome owners be persuaded to adopt a policy that there should be no charges for emergency landings or diversions by general aviation aircraft."

Beyond publishing the recommendation the CAA took no action, so Charles Strasser, chairman of AOPA's Channel islands region, decided AOPA should turn words into deeds. As well as signing up aerodromes, Charles arbitrates in case of dispute, but the number of disagreements is very small – pilots realise that the integrity of this life-saving scheme depends on it not being abused. Charles points out that CAP 667 also covers the responsibility of pilots to avoid getting themselves into trouble in the first place by good flight planning before take-off.

Unfortunately nine aerodromes have decided they will not participate in the Strasser Scheme, although the number is reducing, and it is to be hoped that they will have a change of heart and join in this laudable initiative. They are Belfast International, Biggin Hill, Birmingham, Cardiff, Carlisle, Filton, Leeds/Bradford, Luton and Manchester. Three airports have not been approached – London Heathrow, City and Gatwick.

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Farnborough 'warnings' log

Farnborough LARS has been keeping a log of incidents where controllers intervened to warn an aircraft that they thought it was about to infringe controlled airspace. Over the period of a year from April 2008 to April 2009 it logged a total of 406 such warnings. It accepts that whether an infringement was prevented is a subjective judgement, but in many cases it certainly helped to prevent an unfortunate incident, and in 11 of the 406 cases, controlled airspace had already been infringed.

Farnborough covers the London, Gatwick and Stansted CTRs, which together make up the most infringed airspace in the UK. While Farnborough West, covering airspace west of Heathrow and Gatwick, has been operational for many years, Farnborough East, covering the area north and east of Gatwick, came on line in 2007 and Farnborough North, covering Luton and Stansted, was added in 2008. GA Traffic on these new frequencies has been building steadily to the point where Farnborough handles well over 10,000 calls a month.

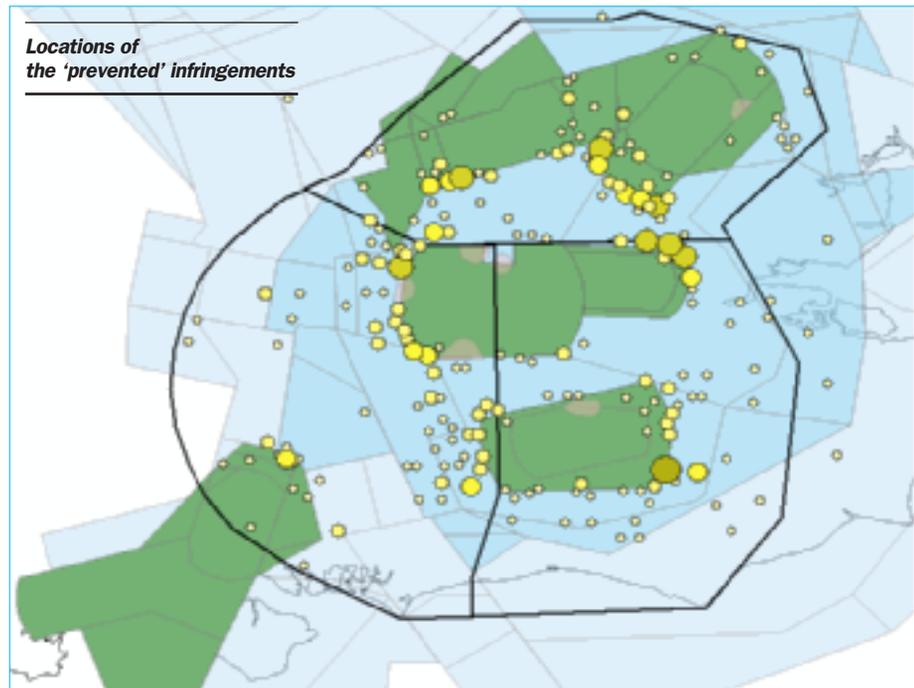
While this puts the 406 warnings per annum into perspective, the fact remains that the number of infringements is too high, and most of them result from poor pre-flight planning. Farnborough says that of the 406 warnings, 226 aircraft were required to alter their heading to avoid an infringement, 94 aircraft were advised instructed to make a level change, 19 aircraft were reminded of controlled airspace boundaries and as previously mentioned, 11 aircraft had already crossed the line.

The Farnborough log shows that aircraft

destined for Elstree, Fairoaks and Biggin Hill were cited in most warning reports, and the majority covered aircraft between 2000 and 3000 feet. Hotspots were the southern edge of the Stansted CTR now covered by the new TMZ, the western edge of the Heathrow CTR, the north-east corner of the City zone and the

western and eastern edges of Gatwick.

*All of these areas are covered by 'listening squawks' so if you're flying nearby and you don't want a service, tune to their frequency and dial in the appropriate squawk. Once they see that they'll know you're listening, and they'll call you if they have to. The squawks and frequencies in the London area are 0012/126.825 for Gatwick, 0012/132.7 for City, 0013/129.55 for Luton and 0013/120.625 for Stansted. Don't forget to change your squawk when you move away or leave the frequency. ■



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VORs on the way out

NATS is proposing to decommission 28 VORs across the UK and is sounding out opinions across the aviation industry to gauge reactions to the move.

The VORs it proposes to remove are Barkway, Benbecula, Biggin Hill, Bovington, Brecon, Brookman's Park, Cranfield, Daventry, Dean Cross, Detling, Dover, Gamston, Glasgow, Goodwood, Inverness, Jersey, Lambourn, London, Lydd, Macrahanish, Manchester, Mayfield, Midhurst, Ockham, Perth, Southampton, Trent and Turnberry.

NATS – or its subsidiary NERL, which is responsible for the upkeep of the beacons – says VORs should ultimately follow NDBs into

reached beyond 2020 when NDB and VOR will no longer be required at all, and DME/DME fixing, possibly with on-board inertial reference systems, will provide a short-term fallback if satellite navigation is not available. It adds that VORs are not expected to be phased out entirely until a second satellite system is available.

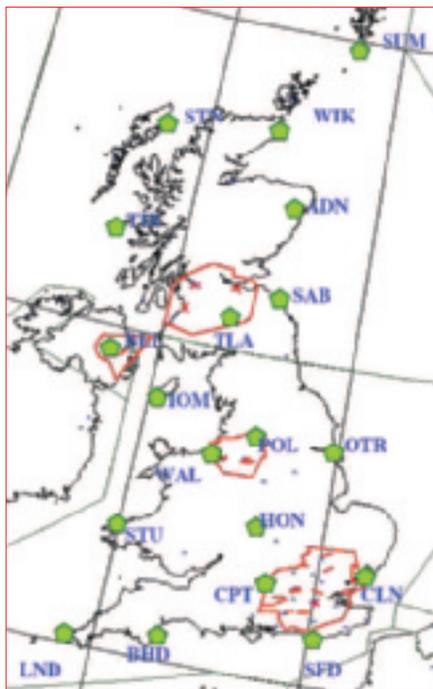
NERL – NATS En Route Ltd – is required to operate and maintain the UK's en-route navigation infrastructure, which currently comprises 46 VORs, 44 DMEs and 10 NDBs. The network is paid for by en-route charges paid by the airlines and GA aircraft above two tonnes in the IFR system.

While the move towards decommissioning VORs has been on the European agenda for at least ten years, push is now coming to shove, and concerns have been expressed that the loss of VORs might lead to more infringements of controlled airspace, particularly given the number around the London TMA that are

scheduled for the chop. Owners and pilots are particularly aggrieved that the vast amounts of money invested in FM Immunity for on-board VOR equipment might have been better spent. (FM immunity reduced interference from commercial radio on nearby VORs).

VORs will still be in use for many years yet, probably for decades. When it has been fighting off the regular airline-backed moves to force general aviation to pay en-route charges, IAOPA has always argued that VORs and similar aids were established for the benefit of airlines and were used by GA in the interests of safety – avoiding infringements. GA could not possibly bear the cost of the VOR network, especially as NERL says its 46 ageing Racal Mk IIA VOR beacons are on the verge of obsolescence, are no longer supported by the manufacturer, and will have to be replaced.

The European Commission is looking to a seven-year transition out of VORs, and will not abandon them altogether until after its own Galileo satellite system is in place. Contrary to its initial plans, it intends to provide the basic Galileo signal free of charge. ■



The proposed VOR network post rationalisation

oblivion as aerial navigation increasingly moves from ground-based to space-based systems. NDBs will be gone by 2015, NERL says, and thereafter only enough VORs should be left to allow aircraft to conform to B-RNAV standards. It assumes that the use of satellite navigation for all phases of flight will become progressively more dominant until a point is

'Pay as you talk' safety blow

Telecoms regulator Ofcom is coming back with new proposals to charge for the use of radio spectrum, having been sent away to think again after its first attempt last year.

The regulator has published detailed proposals to hammer maritime users with 'incentive pricing' but is holding back on its plans for aviation VHF frequencies pending discussions with the CAA. It says it intends to publish them before the end of the year.

Radio spectrum pricing is a thinly-disguised stealth tax being driven by the Treasury and dressed up by Ofcom as a device to improve efficiency. Ofcom says: "Spectrum is a finite resource, in that its use for one purpose denies its availability to other users. Demand can sometimes exceed supply. Administered Incentive Pricing is intended to apply market disciplines to the holding and use of spectrum rights by prompting users to consider their spectrum needs in the light of the AIP fees payable."

In other words if you're not prepared to pay whatever they demand, somebody else will, and if paying for your airfield's VHF frequency is beyond you, then Ofcom will flog it to a local taxi firm who'll be happy to stump up. The argument ignores the fact that aviation frequencies are protected by international treaty and cannot simply be offered to the highest bidder.

When it first announced its plans last year Ofcom said it would be levying a fee of £126,000 a year for every DME, £115,000 for every VOR and ILS and £4,950 for every .25 MHz comms radio frequency at an airfield. The ridiculous notion of taxing an ILS and flogging it off if an airfield couldn't pay forced Ofcom to go back to the drawing board. In its new proposals, it says it intends: "not to apply AIP to the operators or aeronautical and maritime radar systems and aeronautical navigation aids at this time." It goes on to say, "We are instead proposing revised arrangements under which governments would undertake a new strategic management role with respect to the spectrum used by these systems." Sounds like more bureaucracy, more cost, and no efficiency.

Ofcom intends, it says, to set new tariffs for VHF frequencies in its upcoming aviation proposals, which will be subject once again to consultation.

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A change in the weather

The Met Office has set up a general aviation focus group to find out where we think it could improve its delivery of forecasts to GA, and has begun compiling a dossier of improvements proposed by an ad hoc panel of pilots which met for the first time in August. If you have any suggestions, speak up now.

The focus group came about at the instigation of Robert Seaman, a senior Met Office scientist who is also a part-time flying instructor at Richard Bristowe's Aviation South West at Exeter. Rob suggested that communication between the Met Office and

the GA industry could be improved, and Richard agreed to get together a group from various aspects of GA to discuss how best to proceed.

The first meeting, at Met Office HQ in Exeter, was attended by a dozen interested parties who had plenty of observations to make, and who all

learned something new about Met Office systems and procedures. They included Capt Steve Oddy, representing the chief CAA examiner, and several AOPA members – Instructor Committee member Chris Martin, corporate member Richard Bristowe, and Pat Malone, editor of this august journal. For geographical reasons there was a preponderance of West Country folk, although Steve Oddy and Jeremy Diack of *Flight Training News* came down from Oxford. The Met Office fielded Rob Seaman and their aviation marketing manager John Harrison, who explained they're looking to upgrade the service to aviation next year and want feedback from industry.

There was a refreshing absence of the finger-pointing which often characterises meetings like this; they don't deliberately get the forecast wrong, and it's not their decision to charge money for it – the Met Office is a 'trading fund' of the Ministry of Defence and it has to pay for itself. We'd all like it to be free because it's safety critical, but flight instruction is safety critical and that's not free either.

Only two of the attendees subscribed to the paid-for service at £56 a year; both thought it well worthwhile, largely for the surface-level visibility forecasts and the mesoscale cloud, pressure and precipitation forecast. The CAA pays for the very basic information the Met Office gives away by statute, but it's debatable whether this is sufficient even for basic local VFR flying. It was generally thought that people didn't subscribe because they didn't know what was in there.

The basic themes were – too much code

and not enough clarity, insufficient precision, clunky website. The CAA's Steve Oddy pointed out that even IR candidates coming to him for examination could not decipher the Chinese opposite the Forms 214/215, which was not a Good Thing. The room concurred that plain English had a lot to commend it. As far as TAFs and METARs go, the codes exist by international treaty in order that everyone can understand them whatever their language, but there was thought to be no reason why English should not be provided as an alternative.

Given that he plays both sides of the street, Rob Seaman had some good insights. For instance, he was able to tell us that the Met Office's 'change groups' for cloud cover meant that if a TAF gave a 5,000-foot cloudbase, it was not until it lowered to 1,500 feet that the Met Office was constrained to put up a replacement TAF. So the TAF could say 5,000, the METAR could say 1,600, and there was deemed to be no anomaly. Theatrical gasps of horror around the room! That's something that surely can be changed quickly, to the benefit of all.

Rob also made mention of the way in which students are taught to understand Met; don't dive straight for the TAFs, look at the synoptic first, get the big picture, add the 214, and come to the TAFs and actuals last. Everyone in the room does this, in fact; some remarked

Below: the Met Office wants to know how it can improve its service to general aviation



that they started with the basic public forecast with the little cloud symbols and the raindrops, then worked down from there. Forecasts on the BBC are avidly followed, particularly those of David Braine, Britain's best TV weatherman, pretty much the only one who talks to viewers as if they had opposable thumbs.

Proposals included colour-coding the hieroglyphics and the map on the 215s – red for risk, green for hunky-dory – stretching the 215 above FL100 for twin traffic, sub-dividing it into areas, animating it, and adding a cloud cover overlay to the rainfall radar (which pretty much happens with the mesoscale presentation). Lack of joined-up forecasting within the Met Office was pointed up – major changes in the METARs don't find their way into the TAFs, and different branches in the forecasting world say different things. Instructor Terry Earl, from Perranporth in Cornwall, said he always started out with the inshore waters forecast, which generally gave a much more accurate picture than the TAFs for nearby Newquay.

But generally, people thought rather than tinkering with the current web presentation, it would be better to take a clean-sheet approach and start from the end – what would GA like, and how can it be achieved? How would it be if you could put a route and a time into the website and get a 3D pictorial representation of the weather en-route? How long is it before we'll be able to uplink it to the cockpit? Can airfield webcams be incorporated into forecasts?

This was an extremely useful exchange of information and will be followed by more similar meetings in future. Richard Bristowe thanked the Met Office chaps and asked that the very first thing to be attended to was the 'change group' on cloudbases to introduce

gradations between 5,000 and 1,000 feet.

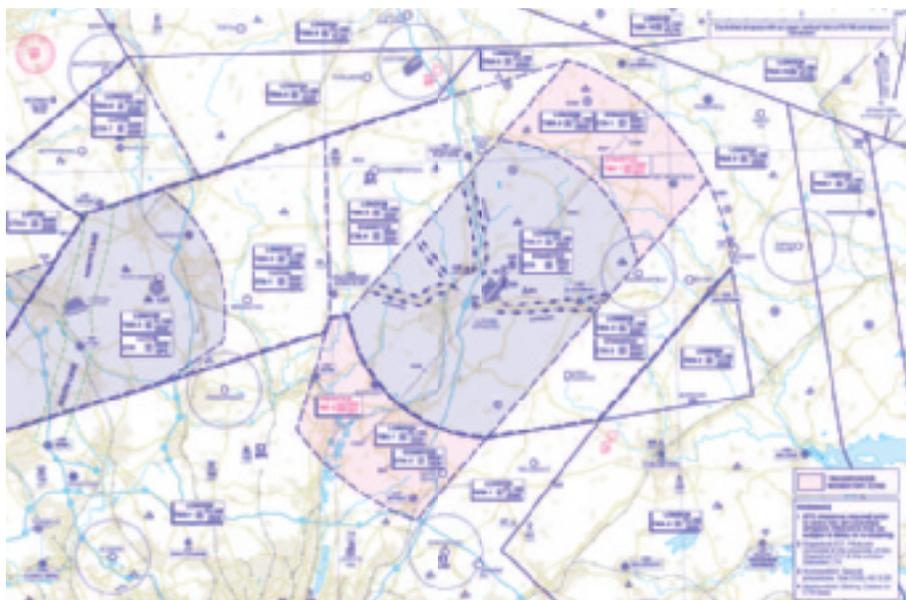
The fact is that weather forecasting for GA has come on tremendously since the days when it was disseminated on pornography-rate phone lines. Today, everybody at least has it, whether or not they (a) understand it fully or (b) make correct decisions based on it. We're talking about making a decent service better. If you have something you'd like to contribute, let me know – pat@richmondaviation.co.uk – or email the responsible figure at the Met Office – john.harrison@metoffice.gov.uk – or, if you want to make a representation in person, email Richard Bristowe – info@egte.com – and ask him if you can come to the next meeting. All blinding insights welcome. – Pat Malone ■



Medical break renewed

AOPA has received confirmation that as forecast by Tony Purton in the last issue of this magazine, they have decided to continue the exemption whereby if you fail your Class 2 medical you can continue flying with a 'self-certified' medical signed by your GP as long as you restrict yourself to the privileges of the NPPL. A statement from the CAA's Personnel Licensing Department says: "General Exemption No. 711, promulgated via Official Record Series 4 Misc, ANO and dealing with the acceptance of a Medical Declaration of Fitness associated with a UK/JAA PPL(A) to allow the licence holder to exercise the limited privileges of an NPPL has now been renewed with the same terms and conditions and now remains valid until 31 August 2010. An appropriate update of the CAA Official Record Series will appear on the CAA website www.caa.co.uk shortly."

Stansted TMZ now in force



The new Transponder Mandatory Zone at Stansted came into effect on September 24th and covers the extended centrelines of the airport underneath the end stubs of the CTA with an area of Class G airspace in which an altitude-encoding transponder is required. The effect of the TMZ is to take the 1500 ft to 3500 ft stubs down to the ground for aircraft without Mode C or Mode S transponders. Special local arrangements have been made for aerodromes and landing strips affected by the restrictions,

but the details had not been promulgated by the time *General Aviation* went to press despite the fact that imposition was just ten days away.

The TMZ follows a NATS consultation earlier this year during which a number of concessions were obtained. NATS had originally wanted additional TMZs down the east and west sides of the CTR, but AOPA pointed out that while this would effectively enlarge the Stansted zone for a lot of pilots, it would do nothing for safety – the dangerous

infringements at Stansted are all on the extended centreline. NATS eventually accepted this argument, but it did not accept AOPA's argument that an alternative to the TMZ could be a 'radio mandatory zone' in which aircraft had to be in contact with ATC through Farnborough Radar, Essex Radar or Stansted itself. AOPA remains somewhat skeptical of the NATS position; servicing the requirement of a radio mandatory zone would mean hiring more controllers, while a TMZ is relatively passive and the cost falls on the pilot.

According to the CAA, the TMZ will also be available to aircraft without transponders whose commanders have received permission to enter from Farnborough, Essex or Stansted – making it effectively a radio mandatory zone anyway. It remains to be seen how this will work in practice.

It was difficult to argue that the status quo was acceptable. Stansted's airspace is the most infringed in the UK, possibly because of the lack of prominent geographical features around its boundaries, and watching the radar traces of some of them would make the hairs stand up on the back of your neck. Up to September 24th it was possible for a non-transponder equipped aircraft to cross the extended centreline just below the glideslope, and when the traces merged, ATC simply had to assume it was at the correct altitude. In too many cases, separation at that critical point was lost.

Phil Roberts, Assistant Director at the CAA's Directorate of Airspace Policy, said: "Airspace infringements continue to be one of the most significant safety risks in UK airspace. The CAA has therefore approved NATS' proposal to implement the TMZs around one of the worst affected areas of airspace at Stansted with the aim of helping to reduce infringements." ■

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So, farewell then...

Sir Roy McNulty stepped down as Chairman of the Civil Aviation Authority at the end of July after six years at the helm. Pat Malone sums up his legacy for general aviation.

Whatever else Sir Roy McNulty did during his tenure at the CAA, general aviation will remember him for the Joint Review Team which started the process of taking money from GA and rebating it to the airlines. The vast increases in CAA charges to GA – some fourfold, sixfold, even tenfold – overshadows anything he sought to do to relieve pressure on the sector and help it survive in the face of foreign competition. The answer to the question 'is UK GA better off as a result of Sir Roy McNulty's chairmanship of the CAA?' is a resounding 'no'.



In the plus column, there are a few positives; he nodded through the NPPL, he allowed tentative steps towards establishing GPS approaches. But overwhelmingly, his best work was done on behalf of the CAA itself. At a time when the Authority feared, and GA hoped, that

EASA would supersede national aviation authorities, replacing 27 bodies with one regulator providing realistic low-cost oversight of the industry, Sir Roy worked hard to ensure that the UK CAA would survive virtually unchanged, and that the European industry would end up with not one regulator but 28. Helped by EASA's propensity for shooting itself in the foot, he flew around Europe rallying the NAAs to his banner and made a major contribution to the situation we find ourselves in today with jobs, responsibilities, functions and salaries at the CAA far less affected than they should have been.

AOPA's CEO Martin Robinson says: "Sir Roy's colleagues speak of him as a very capable chairman and have a lot of good things to say about his dealings on the political front. He did a lot to retain the status of the CAA, particularly with regard to EASA. I first met him at the 50th NATMAC meeting, at which he spoke just a few days after he took up his appointment, and he confessed that he knew very little about GA but added 'I will make it my business to learn'. Sadly, on a scale of one to ten, his knowledge never topped three.

"He initiated the strategic and regulatory reviews of GA, but these turn out to have been a way of kicking the issues into the long grass. In six years I managed to have only one face to face meeting with him, at which I stressed that we must find ways to remove some of the burdens of regulation that were heaping new and increased charges on the industry. He threw us a few talking shops that made no

progress but which gave him a political refuge when questions were asked. In effect, the reviews achieved nothing. They gave us hope that the government was to study our problems, and in particular to make a statement on the desirability of maintaining a viable network of airfields in the UK, but after four years nothing has come of it, and the blows of the Joint Review Team have never been mitigated."

The Joint Review Team came about after British Airways CEO Rod Eddington approached Sir Roy about BA's contribution to CAA costs. Eddington was too smart simply to ask for a cut; instead he said the airlines were paying too great a proportion, and GA too little. This tired old 'cross-subsidy' argument had been dismissed by many previous CAA chairmen, but the new man took it on board. He ordered a review, the JRT, but it was stacked against GA; dominated by the airlines, it found room for only one GA body, GAMTA. AOPA lobbied hard for a place, but was rebuffed. Unsurprisingly, the JRT found in favour of the airlines, and the programme of fee increases to GA was instigated.

Unlike his predecessors, Sir Roy never understood that there are two different aviation industries in the UK. One is the airline business – overwhelmingly a leisure industry, with more than 75 percent of passengers flying for fun. The airline sector is massively subsidised, paying no fuel tax, enjoying exemption from VAT on tickets, obtaining cheap aircraft thanks to government support to manufacturers, profiting from bilateral deals which stifle competition, able to monopolise aerodrome slots and even cashing in on passenger departure tax, which it banks for 90 days before passing on.

The second industry is general aviation – everything apart from airlines and the military. This is primarily business-orientated, with more than 70 percent of flights being for business or training. It pays a full measure of fuel tax and VAT on everything it buys. Its overheads are huge, its margins are tiny, its salary levels a fraction of those of the airlines, and it is shrinking. Its flight training component, once a world-beater, finds it ever more difficult to compete against flight schools in countries with identical safety standards but far lower regulatory costs.

It takes a great deal of contrivance, manipulation of figures and self-delusion to say that airlines subsidise GA – rather the opposite, as the airlines call on GA to provide a



pool of pilots, trained at no expense to the airlines. But Sir Roy swallowed it and ordered that charges of £5 million per annum be shifted from airlines to GA. Given that only one third of GA pays CAA charges, the results have been devastating for some operators, particularly small AOC holders, whose charges rose in some cases by tens of thousands of pounds. The CAA's own figures show that 18 AOCs were handed back last year – there are aircraft and pilots able to do commercial work, but idle because the CAA's charges would tip them hopelessly into loss. The CAA's staff continue to do GA work on airline salaries.

Sir Roy was clearly bruised by the JRT experience when he was interviewed by this magazine in 2007, and it's questionable whether if he had his time over, he'd take the same tack. He made all the right noises – "Neither we nor the government had given enough attention to general aviation, something we now seek to rectify" – but it's hard to see how anything was ever rectified in practice.

In his valedictory speech at the CAA Sir Roy said: "Inevitably, there have been lots of challenges, but I believe that the CAA has dealt effectively with everything that came in its path, and I was especially pleased that the independent Pilling Report on the CAA recognised the view of our stakeholders that the CAA is probably the best aviation regulator in the world.

"I believe the CAA's achievements and reputation are due in large measure to the skills and professionalism of its staff. But these achievements and the CAA's strong reputation stem also from the co-operative relationships which exist between the CAA and its key stakeholders - UK aviation (commercial, military and general aviation), the UK Government and politicians and European and other international institutions... I have no doubt that the CAA's new leadership team will be able to build on that co-operation to help meet the aviation challenges of the future."

The new leadership team comprises Dame Deirdre Hutton as Chairman and Andrew Haines as CEO, Sir Roy's responsibilities having been split. They can only benefit from the hopelessly low expectations GA has of any real improvement.

*So farewell then, also, Dave Chapman, head of the Safety Regulation Group for only four months before announcing his resignation and going off to pastures new in the Middle East; he is working out his three months notice period. The CAA usually fills the £170,000 a year post from within. ■

Members only

AOPA has been unable to help a former member who is under investigation by the CAA over air experience flights offered on a website by allegedly unauthorised persons, because his plea for help came almost four years after his membership expired.

Martin Robinson says: "As I've explained to this pilot, it's unfair to those who pay for AOPA's work for us to get involved on behalf of pilots who make no contribution. There is a tremendous workload on us, and if we got involved in this, something else would have to go by the board. Had he been lapsed for a relatively short time, I might have been able to help, but unfortunately four years has elapsed since he was a member. This is a serious case and I have advised him to contact a specialist aviation lawyer."

Insuring the Mentoring Scheme

AOPA's insurance consultant Frank Bannister of Besso is canvassing underwriters for the AOPA Mentoring Scheme following the receipt of a legal opinion from solicitor Tim Scorer on the details of the scheme.

At the Members Working Group meeting at Duxford in August there was some disquiet over the length of time taken to get a legal opinion, but it was pointed out that it was the detail of the scheme that mattered, and AOPA's lawyer Tim Scorer wasn't able to give an opinion at a time when the Group was still debating such basics as whether to call it a 'mentoring' scheme.

No previous proposal for a 'partnering' scheme at AOPA, nor the LAA's scheme, nor that of AOPA US, is as ambitious in scope as the AOPA Mentoring Scheme. Previous proposals of this nature have foundered at the earliest stage on AOPA's inability to provide the manpower to establish the scheme and make it work, something the Members Working

Group is able to do.

Martin Robinson told the Members Working Group there are no show-stoppers on the legal side, and insurance was being sought to reduce the liabilities to AOPA and its directors to a minimum.

Alan Brown made an interesting contribution, saying that the Institute of Advanced Motorists of which he was a member, has trained observers to sit with people who want to pass their advanced driving test. Although there are clear differences, there are enough similarities to make it worthwhile getting details of their insurance cover.

Wings and things

A proposed joint meeting between the Members Working Group and the Instructors Committee has not so far come off, partly because the instructors are busy at weekends and hold their meetings in midweek, and the

members vice-versa. Active Instructor Committee representative Nick Wilcock has attended every recent MWG meeting, and Martin Robinson said that an open-door policy existed between these groups, and any member who wanted to see the Instructor Committee in action could ask to come along. He was, he said, in the process of reconstituting the Corporate Members Working Group, and again, an open-door policy would apply.

The Members Group welcomed for the first time Caroline Gough Cooper, who like Pauline Vahey is active in the British Women Pilots Association and who also happened to be until recently the World Ladies Helicopter Champion. Caroline is keen to promote the AOPA Wings Scheme within the BWPA. "It strikes me as a really good idea, encouraging flying with a purpose and keeping GA pilots interested." The BWPA organises fly-outs which, she thought, would have an added attraction if they qualified pilots for Wings. She sought clarification on several points, including whether more discounts can be made available to non-members of AOPA who participate. Martin Robinson pointed out that AOPA subsidised the cost of Bronze Wings, which are free to all, member or no, and agreed that he and Caroline would work out where further discounts and incentives might be offered. Nick Wilcock suggested that while Bronze Wings carried no AOPA membership requirement, Silver Wings should be open to members of organisations with corporate AOPA membership. If they subsequently applied for individual AOPA membership within 12 months of applying for Silver Wings, a membership discount could be applied. Gold and Platinum Wings would be available only to applicants who were individual AOPA members. Caroline, Martin and Nick are weighting the options. ■

Southend Airport

I have received three messages of concern regarding this section on Southend in my article 'Aerodromes – AOPA's front line' in the August issue. Whilst what I stated regarding the destruction of the flying club sites is wholly correct, I have learnt since that alternative accommodation is to be provided. One, in particular, AOPA Corporate Member Southend Flying Club, has long-term accommodation away from the area to be flattened and, I am pleased to report they are not affected by the changes. I am encouraged to hear from the airport's Managing Director that all four flying clubs based at Southend will be able to remain for as long as they wish, including Seawing, also in AOPA membership. I wish successful and sustained futures for these organisations and I am sorry if my report – though technically correct – led to some unfortunate misunderstanding. *David Ogilvy*

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Paying for security

AOPA is working to have general aviation exempted from new European Union proposals to harmonise charges made by airports to cover the cost of security, which according to the EU are opaque and diverse and need to be brought into line.

Security costs at airports have rocketed in recent years and the way they are paid for varies from place to place. The EU says

passengers, airlines and other users ought to know exactly what's being charged for security, and fees should be policed by civil servants.

The EU's framework document seems to be fairly loosely drafted, exempting 'private' aviation but saying that all 'commercial' aviation should pay. No definitions are attempted, and given that different grey areas surround these terms in every European

country, AOPA believes the EU should do what it was persuaded to do on its Airports Charging Directive three years ago – exempt all airfields with fewer than 150,000 CAT movements per annum.

Martin Robinson says: "The likely outcome of this is that a security charge will be imposed at major airports, but it is highly unlikely that a compensating cut will be made elsewhere to take account of the fact that security has previously been paid for through a different mechanism which is now redundant. Add to that the administration costs and the bottom line is there will be a further disincentive for GA movements at those airports.

"The floor of 150,000 CAT movements has worked well with the ACD regulation and we hope the EU will also introduce it for security charges. In a meeting I had with the UK DfT in early September to discuss this issue we seemed to be in agreement that this was desirable." ■

Flight Instructor Committee changes

At the last meeting of the AOPA flight Instructor Committee David Scouller, who has chaired the Committee for the last eight years, stood down and Geoffrey Boot, AOPA's Vice Chairman and also previous Deputy Chairman of the AOPA Instructor Committee, took the chair.

Geoffrey is well known to many pilots as co founder of Flyer magazine and writer of many aviation articles. He is currently a UK and FAA commercial pilot with instrument and flight instructor ratings with aerobatic and instruments endorsements. In addition to his AOPA work he is also Chairman of the Royal Aero Club RRR with whom he races his Siai Marchetti SF260 with his wife Suzie as his navigator. He currently holds 28 world records and has won the European Air Racing Championship, King's Cup and many other prestigious air racing trophies.

He also sits on the UK Airprox Board and the CAA's General Aviation Safety Review Working Group.

Geoffrey paid tribute to David Scouller's much-valued contribution to the Instructor Committee. David took over during difficult circumstances after the previous chairman, Ted Girdler, died in an air display at Eastbourne. During his time at the helm David has had to deal with JAR, and latterly the deluge of work created by EASA and the ongoing NPAs in consultation. He has also been instrumental in producing the AOPA Aerobatics syllabus and the innovative Wings scheme, encouraging pilots to improve their skills and hopefully stay in general aviation.

David will continue as Vice Chairman of the Committee and an active member, as well as being the lead on the AOPA Instructor Renewal Seminars.

Geoffrey's take on matters is, steady as she goes, but he is hoping to steer the Committee into being more proactive in the future. The Committee could benefit from some new blood so if there are any instructors out there with a reasonable depth of experience who might be interested in serving on the Committee please contact Geoffrey through AOPA's website.



Geoffrey and Suzie Boot in their Siai Marchetti SF260



Going Dutch

AOPA member Mike Perry has had a bill from Eurocontrol slashed from €147 to €13.23 following publication of an article in the last General Aviation magazine about charges introduced by the Dutch authorities for taking off from certain airports.

The Dutch have imposed charges for taking off from Maastricht, Amsterdam, Groningen and Rotterdam and have delegated responsibility for collection to Eurocontrol. In Mike Perry's case the 'take-off' invoice from Maastricht (which came on top of a €60 landing and parking bill) amounted to €147. He called Eurocontrol to query it but was told the charge was correct.

Following publication of his story AOPA member Timothy Nathan pointed out that the charge should have been €14.08, and Eurocontrol reissued an invoice for €13.23 without further explanation. Mike Perry says: "Someone in Eurocontrol cannot do their sums. If the Dutch are going to impose these unjustified charges, they should at least ensure that their debt-collectors play straight. Given all the nonsense in the Netherlands about Mode-S and fixed ELTs, and their huge fuel charges, Holland is certainly a place I'll avoid where possible."

Mike, who flies a Commander 114B and runs a flying school on Guernsey, travels in Europe a good deal and is conscious that at every turn, new charges and taxes are being forced on general aviation. "As an example, Dinard has decided to charge for parking," he says. "Hitherto it's been free, but now you get one hour free, thereafter €0.35 per hour per ton or part thereof, so a 1.5 ton aircraft is €16.80 per day, or about £15. C'est la vie.

"I recently visited Menorca with a minority of Commanders and have just received my BP account for the fuel. It's £176 for 173 litres of avgas – plus another £117.34 in taxes and charges, including excise duty, VAT, airport fees, and a 'hook-up charge' of £9.32, whatever that is. So avgas advertised at £1.02 a litre ends up costing £1.70 a litre when it goes in the tank! How's that for encouraging GA, and business generally."

Afpex update

Further to my June article on Afplex I am delighted to report that NATS at Swanwick are planning some improvements to make Afplex a bit more user-friendly:

1. The pass-phrase at log-in will be removed.
2. The compulsory JAVA download is to be removed. Once the download is on your computer, log-in will be much improved.
3. Auto-addressing of departure and arrival country FIRs using the departure and arrival airfield codes. However, that probably won't include auto repeat addressing of French airfields with ZPZX, and it will certainly not include the Box 18 listed FIRs of any countries you will overfly en-route without landing, although this might be possible in the longer term.
4. A compilation of Frequently Asked Questions will provide the answers to most of the common problems experienced with the system.
5. A training programme is under development which is available in draft form on www.myafplex.co.uk

An all-embracing Flight Planning/Briefing System integrated to your flight plan and delivered to your hand might be developed by Swanwick in the near future.

One comprehensive on-line flight planning system that is available free of charge in the UK right now is 'XWind', developed by Tony Griffiths, a White Waltham based pilot. You can access it on <http://homepage.nflworld.com/tony.griffiths1/aviation/index.html>. It will not, however, file your flight plan for you automatically.

If you have any problems or doubts about Afplex phone the Helpline on 01489 612 792. – Tony Purton