

[You can save this page as HTML and then open it in Microsoft Word for further editing.](#)

|                   |   |
|-------------------|---|
| <b>Title</b>      | Implementing Rules for Pilot Licensing - Part-Medical |
| <b>NPA Number</b> | NPA 2008-17c  |

**Deutscher Aero Club** has placed **9** unique comments on this NPA:

| <b>Cmt#</b> | <b>Segment description</b>  | <b>Page</b> | <b>Comment</b>   | <b>Attachments</b> |
|-------------|---|-------------|--|--------------------|
| 1658        | (General Comments)  | 0           | <p>General comment:</p> <p>The German aero club (DAeC) representing 100,000 pilots throughout Germany, strongly supports the FCL proposal to introduce differential medical standards and medical validation processes appropriate to air sport necessities. DAeC is supportive of the principles embodied in the LPL medical standards, which will enable a significant number of air sport pilots to exercise their right to fly, or continue to fly, with absolutely minimal risk to others. This principle is in accordance with the Commission's stated view, endorsed by the Transport Committee of the EU Parliament, of the need for proportionate regulation relative to risk."</p> |                    |
| 1668        | (General Comments)  | 0           | <p>Absence of a board of Appeal</p> <p>Although the basic law in 216/2008 introduces mechanisms for appeal in other areas of certification, this does not apply to medical decisions. To establish an EASA medical appeal board would reduce the possibility of discontented individuals going to law and the probability of diverse judgments setting unwelcome precedents.</p> <p>DAeC Proposal:</p> <p>That EASA establish an independent medical appeal board and that this be available initially through national escalation process.</p>  |                    |
| 1659        | C. Draft Opinion Part-MED - Subpart A: General Requirements - Section 2: Issuance, revalidation and renewal | 6 - 7       | <p>Comment: This provision appears contrary to the European Directive on data protection and to normal medical ethics. While AMEs are recognised as agents of the Authority, GMPs are unlikely to open their medical records collected for clinical purposes to the authority. It removes any possibility of co-operation by GMPs and is also unnecessary. DAeC does not see any influence of such a rule on the risk hazard for</p>   |                    |

| Cmt# | Segment description  | Page | Comment  | Attachments |
|------|--|------|--|-------------|
|      | of medical certificates - MED.A.050: Obligations of AeMC, AME and GMP  |      | <p>pilots requesting for the LPL medical standard.</p> <p>DAeC Proposal:<br/>That MED.A.050 (e) be deleted.</p> <p>Reference: Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995.</p>   |             |
| 1660 | C. Draft Opinion Part-MED - Subpart A: General Requirements - Section 3: Suspension and revocation - MED.A.060: Suspension of exercise of privileges | 8    | <p>(c) LPL medical certificates</p> <p>Holders of a LPL medical certificate shall inform their doctor or vision care specialist that they are licence holders before they are examined. If pilots are told that the condition from which they are suffering may make it unsafe to perform their duties, they shall not exercise the privileges of their licence until advised to do so by a GMP or an AME.</p> <p>Comment: This rule is not necessary as a practitioner is obliged to inform the patient about any possible disabilities induced by the observed diagnosis or treatments anyway. This represents good clinical practice. Therefore this rule represents a unnecessary double regulation.</p> <p>DAeC Proposal:<br/>That MED.A.060 (c) be deleted.</p>  |             |
| 1661 | C. Draft Opinion Part-MED - Subpart C: Aero Medical Examiners (AMES) - MED.C.010: Requirements for the issue of an AME certificate                   | 19   | <p>Comment:</p> <p>The requirements for AMEs are set out in the basic regulation, 216/2008. In addition to aeromedical training, it is a requirement that they "have acquired practical knowledge and experience of the conditions in which pilots carry out their duties." This has been omitted from the NPA and no implementing rule exists except as an option for GMPs. This omission needs addressing. It is interesting that Many complaints have been made in the past by pilots against denial of certification and these often arose because of a lack of knowledge by doctors of the piloting task.</p> <p>DAeC Proposal:<br/>That an Implementing Rule be drafted defining how this basic law is to be enabled eg: the past or current possession of a pilot licence as in MED.D.001. It is accepted that many current AMEs do not comply with the basic law and 'grandfather rights' would have</p> |             |

| Cmt# | Segment description  | Page    | Comment  | Attachments |
|------|--|---------|--|-------------|
|      |  |         | <p>to be permitted.</p> <p>Reference: Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation... Annex 111, 4.b.1. (iii).</p>   |             |
| 1663 | <p>C. Draft Decision Part-MED - Subpart A: General Requirements - Section 2: Issuance, revalidation and renewal of medical certificates - AMC to MED.A.040: Requirements for the issue, revalidation and renewal of medical certificates - Limitations to LPL medical certificates</p> | 22 - 29 | <p>Comment:</p> <p>In their comments the BGA proposes a list of possible limitations and associated codes coming from JAR-FCL 3. These are satisfactory and cover all possible contingencies. However they do apply to all medical certificates and should be in a general section. Limitations provide the tool by which mitigating measures described in 216/2008 are implemented. Rules and guidance are also needed on the application of these limitations.</p> <p>DAeC Proposal:</p> <p>DAeC supports the limitations and associated codes proposed by the BGA</p>   |             |
| 1664 | <p>C. Draft Decision Part-MED - Subpart A: General Requirements - Section 2: Issuance, revalidation and renewal of medical certificates - AMC to MED.A.040: Requirements for the issue, revalidation and renewal of medical certificates - Limitations to LPL medical certificates</p> | 22 - 29 | <p>Comment:</p> <p>This lengthy report form for the LPL does not meet the requirement in the preamble of 216/2008 to achieve simple measures for non commercial activities. The medical form proposed for the LPL is complicated in the extreme.</p> <p>The DAeC is very concerned that the complexity and thereby potential cost of the process for an applicant to obtain medical clearance through a GMP will create a significant barrier to entry to the sport of gliding for young people, and indeed a barrier to older, retired people on lower incomes to continue in gliding, where the periodicity of medical renewal decreases with age. DAeC see a risk, that the acceptance of the LPL medical is decreased due to high level of complexity and the acceptance by applicants and practitioners is diminished .</p> <p>DAeC Proposals:</p> <p>1. That the proposed LPL form be simplified and permits either validation by reference to records or by</p> |             |

| Cmt#        | Segment description   | Page                        | Comment   | Attachments |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
|-------------|---|-----------------------------|---|-------------|----|----------------------|-------------|----|--|---------|----|--|-------------|----|--|-----|----|-----------------------------|---------|-----|-----------------------------|--|
|             |   |                             | <p>a physical examination.</p> <p>2. That when records are not available and a physical examination is required, the EASA Class 2 form is used.</p> <p>3. That separate guidance material is prepared.</p>  |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| 1666        | C. Draft Decision Part-MED - Subpart B: Requirements for Medical Certificates | 31                          | <p>Comment:</p> <p>This long section fills the same function as Chapter 6 of ICAO Annex 1 in that it sets out disqualifying conditions. However while ICAO uses the term 'likely to interfere with the performance of duties', in most cases the NPA requires reference to a specialist. This avoids the question of quantifying unfitness. While defects of function are tested in training, the risk of sudden incapacity remains a medical problem. Following a classic paper by Peter Chapman, the JAR-FCL 3 defined aeromedical risk as the chance of incapacity occurring during the next year. By comparison with other airworthiness standards, the limit was set at 1% for both Class 1 and 2. Another reason for using numerical standards is that after a period of time, accident and incident data can confirm whether intended standards have actually been met.</p> <p>DAeC Proposal:</p> <p>1. That the risk of sudden incapacity be defined in numerical terms and limits be set. Suggested limits are</p> <table data-bbox="502 1265 1236 1568"> <tr> <td>Class 1</td> <td>1%</td> <td>(Existing JAA level)</td> </tr> <tr> <td>Class 1 OML</td> <td>2%</td> <td></td> </tr> <tr> <td>Class 2</td> <td>2%</td> <td></td> </tr> <tr> <td>Class 2 OPL</td> <td>5%</td> <td></td> </tr> <tr> <td>LPL</td> <td>2%</td> <td>(Group 2 drivers in the UK)</td> </tr> <tr> <td>LPL OPL</td> <td>20%</td> <td>(Group 1 drivers in the UK)</td> </tr> </table> <p>References:</p> <p>1. Chapman P.J.C. (1984). The consequences of in flight incapacitation in civil aviation medicine. Journal of Aviation and Space Environmental Medicine, 55, 497-500</p> | Class 1     | 1% | (Existing JAA level) | Class 1 OML | 2% |  | Class 2 | 2% |  | Class 2 OPL | 5% |  | LPL | 2% | (Group 2 drivers in the UK) | LPL OPL | 20% | (Group 1 drivers in the UK) |  |
| Class 1     | 1%  | (Existing JAA level)        |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| Class 1 OML | 2%  |                             |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| Class 2     | 2%  |                             |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| Class 2 OPL | 5%  |                             |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| LPL         | 2%  | (Group 2 drivers in the UK) |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| LPL OPL     | 20%   | (Group 1 drivers in the UK) |   |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |
| 1667        | C. Draft Decision Part-MED - Subpart D: General                               | 66                          | <p>Comment:</p> <p>The intent of this paragraph is not obvious. If, as proposed, the qualification of a GMP is to have access to prior records, then in a few cases it might also be appropriate for other specialists with access to clinical</p>  |             |    |                      |             |    |  |         |    |  |             |    |  |     |    |                             |         |     |                             |  |

| Cmt# | Segment description   | Page | Comment   | Attachments |
|------|---|------|---|-------------|
|      | Medical Practitioners (GMPS) - AMC to MED.D.001: Requirements for general medical practitioners |      | records to provide certification.<br><br>DAeC Proposal:<br>An in depth briefing about the air sport concerned shall make the GMP ready to perform medical examinations. |             |

Page viewed on 2009-02-23 12:14:49 GMT

Copyright © 2005-2009 [EASA](http://www.easa.europa.eu)