



Comment Form

*Comment nr.....
(for EASA use only)*

A-NPA-14-2006

(end of comment date: 16-10-2006)

1a. **COMMENT TO: NPA 14/2006, A concept for better regulation in General Aviation**

- Explanatory Note
- Draft Decision
- Appendices
- General Comment(s)

1b. **AFFECTED PARAGRAPH :**

Question 7

2. **PROPOSED TEXT/COMMENT:**

The general opinion of DAeC is negative, unless the rules resulting from the NPA were to be relaxed sufficiently to encourage communities covered by the current Annex 2 to view EASA regulation in a different light. This would strongly depend on the amount of relaxation and the aircraft category concerned. It is very doubtful whether it is advisable to tackle this issue in the current timeframe.

Nevertheless DAeC would appreciate the introduction of a high-performance microlight class (600 kg MTOM) similar to the rules of the US LSA concept. This new class should be under EU legislation.

Beside the NPA the DAeC is concerned about the change from 80 kg structure mass to 80 kg empty mass related to microlight gliders proposed by COM 579. Admitted that structure mass is not well defined it covers less (e.g. airframe without instruments) than the definition of empty mass. Therefore microlight gliders have an empty mass of more than 80 kg today. DAeC suggests including microlight gliders up to 120 kg empty mass in Annex II.

3. **JUSTIFICATION:**

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED PARAGRAPH :**

Question 1

2. **PROPOSED TEXT/COMMENT:**

The German Aero Club (DAeC) fully supports the concept proposed by the Agency to introduce different levels of responsibilities and the sharing of responsibilities and regulatory measures amongst the stakeholders, user organisations and authorities were required. As a general precondition to the comments, DAeC strongly proposes consistently 2000 kg or less as an additional dividing line for the mass of aircraft which should be regulated by this "better regulation". Aircraft above 2000 kg up to 5,7 t are generally not the aircraft used in airports and recreational, non-commercial operation.

Concerning Initial Airworthiness DAeC believes Option one to be the optimum option for the time being. While we agree that more creative approaches and solutions in that field of rulemaking may be desirable and favourable for the development of GA in Europe we believe that a relaxation of the strict rules, especially in respect of modifications and repairs, is the acceptable compromise allowing a dynamic development of GA. But modification of aircraft under the responsibility of the owner would go too far.

DAeC also likes to propose that EASA actively should influence ICAO standards introducing the European better rulemaking concept to ICAO, amending and improving the respective ICAO annexes by adopting the new and modern European rules to the International aviation community.

3. **JUSTIFICATION:**

The relaxation of the present rules should follow the principle of assessing the potential risk according to the complexity and mass of the aircraft concerned. The rules should be tailored to suit aeroplanes, gliders including motor gliders, powered sailplanes and balloons below 2000 kg MTOM.

DAeC feared that too relaxed rules (Option 2 for continuing and Option 3 for initial airworthiness could have negative influence on insurability and safety.

The DAeC prefers to follow the more relaxed rules of the envisaged concept, but don't want to have a closed door for flying outside of EU. Therefore EASA/EU should influence ICAO.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED PARAGRAPH :**

Question 2

2. **PROPOSED TEXT/COMMENT:**

DAeC endorses the system of assessment bodies for issuing and administering licenses to pilots and maintenance personal. To gain the advantage of free movement inside EU, assessment bodies should follow European standards.

On the question of one-man assessment bodies EAS thinks that this is acceptable for introduction of a concept similar to the US LSA, provided that the quality can be guaranteed adequately.

Issuing individual certificates of airworthiness and the follow on inspection procedures and processes for continuing airworthiness may be executed by assessment bodies. Except for an concept similar to the US LSA, DAeC has the opinion that the issuance of initial type certificates (of a new type) should be exclusively within EASA legal and technical competence.

3. **JUSTIFICATION:**

In Germany, self administration has attested for many years by hard evidence that user organisations can fulfil criteria and complete the tasks with the necessary competence and responsibility without any detrimental effect on safety. The self administration tends to be better accepted by the citizens because the higher credibility of a dedicated organisation run by the own experts.

Introducing assessment bodies will support the European Union's and the Member States efforts to reduce governance exercised by the state power.

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1b. **AFFECTED PARAGRAPH :**

Question 3

2. **PROPOSED TEXT/COMMENT:**

DAeC strongly supports the importance of the 2000 kg limit for aircraft to be covered by the lighter regulation proposals covered by this NPA. DAeC has a firm opinion on the weight limit and endorses 2000 kg mass as the upper dividing line of light aircraft. Above 2000 kg aircraft are operated to a much lesser extent in non commercial airports and recreational operation. We do not object to review the regulations for aircraft above 2 to 5.7 t tailored to a proper risk assessment. As DAeC represents a wide spread of aviators and members interests it is acceptable that DAeC supports and endorses as single opinion in general Option 1.

3. **JUSTIFICATION:**

DAeC is concerned that there may be unwanted reactions against a single upper limit of 5.7 t MTOM, linked to the 'Leisure PPL', thereby dismantling the main benefits of the concept of this A-NPA for those aircraft less than 2 t MTOM.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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1b. **AFFECTED PARAGRAPH :**

Question 4

2. **PROPOSED TEXT/COMMENT:**

We consider Assessment Bodies to be vital for the liberalization of sporting and recreational aviation in Europe, and to that end DAeC is hopeful that the proposals in COM 579 and this A-NPA are realized in a way that does not create unnecessary or unjustified barriers to the appointment of suitable assessment bodies. In short, we also believe that EASA should not only lay down the criteria for Assessment Bodies, but should also be responsible for selection and appointment.

4a) The answer is a straightforward: yes.

The present practice in many European countries demonstrates the success of the concept of self-regulation.

4b) The NAAs do not need to play a special or specific role, except quality motoring if not assured by other means and principles.

4c) The answer is a straightforward: yes

The standards can be set as differently, as Certification Specification or Industry Standards depending on Initial Airworthiness requirements and administrative procedures. But they should be adopted to the mass, the category and complexity of the aircraft concerned.

We endorse the intention of this NPA to review and decide whether a Part M light, would be a better way for the effected user community.

4d.) Affirmative. Standard procedures and methods were applied over the last 60 years by the aviation community. The experts for difficult repairs of composite constructions have, especially in the sailplane world, exercised this privilege for decades now to the full satisfaction of authorities, TC holders and owners. Power should be delegated to the assessment bodies of the aircraft category concerned.

4e) --

4f) DAeC believe that it is possible to develop Industry Standards for the Oversight of Continuing Airworthiness. Suitable bodies for establishing the standards and procedures to be followed by industry have to be established in the future.



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3. **JUSTIFICATION:**

It is one of the main issues to reduce the bureaucratic burden which could arise from the different applications and interpretations of Part M in different Member States and which makes the development of simple and light continuing airworthiness procedures and requirements a key element of this A-NPA. Furthermore, it is considered that any simplification contributes to safety, as unnecessary information is not distracting from the content.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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Question 5

2. **PROPOSED TEXT/COMMENT:**

According to DAeC the implementing rules for Air operations (below MTOM of 2000 kg) should be based on the best practises in the various domains of airports and recreational aviation. When developing the Implementing Rules, which should, analogue to Part M, be light rules, the work already done by the JAA AWGAS group might be taken into consideration. Care has to be taken, in connection with the definition of "Commercial Operation", that airports is mostly exercised in non-profit sports organizations. Ideally, all operations in and between airport clubs should be considered as non commercial, except when expressly otherwise declared by the non profit organization.

3. **JUSTIFICATION:**

The airports system, grown over many years, has to rely on certain parameters to fulfil its role as source of motivation for professional aviation careers and for its contribution to the quality of life. If not considered, it will have detrimental effects on aviation as such.

4. **PERSON/ORGANISATION PROVIDING THE COMMENT:**

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Question 6

2. **PROPOSED TEXT/COMMENT:**

DAeC has the following replies on the subparagraphs:

6a.) Non-complex aircraft, engaged in non-commercial operations, with a MTOM of less than 2.000 kg with ratings tailored to the aircraft category and special ratings for various privileges like 6b) Instrument Rating-solo, Flight Instructor/Examiner, Night flight, Aerobatic and Display flight, Glider towing, Paradropping and Multi-engines if it is within the mass limit.

A basic common license with ratings for the different categories of aircrafts is appreciated.

Training organizations should have the training and instruction competence, the standards and requirements based on competence and not only on a set number of training hours flown.

Crosscrediting, bridging procedures and requirements should be developed for the theoretical knowledge and testing as for practical skills, enabling an applicant to step up the ladder into the licensing part of FCL.

6c) The medical standards, which are embodied in a JAR Class 2 and also in ICAO Class 2, have been established within the overall environment of commercial aviation, where the risks to third parties both in the air and on the ground are quite different from the risks associated with recreational and sporting aviation. Different medical standards should be acceptable for recreational aviation so as not to preclude people from enjoying the sport, whilst ensuring a very low level of risk (particularly to third parties) due to medical incapacitation of a pilot. In particular, for pilots who only ever fly solo, only a self-declaration of fitness should be requested.

Validation of medical declaration

A self-declaration may be considered as sufficient in itself, or it can be validated by a physical examination conducted by an authorised medical examiner. Alternatively validation by the general practitioner has the advantage that the applicant cannot conceal disease, but the lower level of aeromedical expertise means that for borderline cases, further advice has to be available.

Experience has shown that this will be needed in 1-2% of all cases.

3. **JUSTIFICATION:**

The overall incidence of medically related accidents of any kind is extremely low – indeed statistically insignificant - and still less for accidents involving risk to innocent third parties. Our



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concern is that sporting and recreational pilots should not be taken out of the air without good reason. The requirements should be proportionate to the risk.

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