EUROPE AIR SPORTS
The Association representing European National Aero Clubs and Air Sports Organizations in Regulatory Matters with European Authorities and Institutions.
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EASA Part M Review Conference, 27th October 2011, Cologne

Introduction to Europe Air Sports' presentation by David Roberts, President, EAS

Europe Air Sports

Briefly, for those here today who may not know, Europe Air Sports is a pan-EU non-profit making organisation which represents the interests of air sports pilots and owners, solely in respect of regulatory matters. We cover aeroplanes including vintage, historic and amateur-built ones, gliders / sailplanes, balloons, helicopters, hang-gliders, para-gliders, microlights, parachuting, and model aircraft. Generally the MTOM limit we cover is up to 2,000 kg, and primarily for non-commercial use. Four of these aircraft categories are within the scope of Part M.

Our membership base is the national aero clubs of Europe and the pan-EU air sports unions for each main activity. In all around 600,000 people. We have existed since 1988 and EAS is run by elected volunteers with a large group of subject matter experts available to us. We have a professional programme manager, René Meier, and we engage the services of a professional adviser or lobbyist in Brussels.

A little bit of history of Part M

What I am about to say is not criticism of individuals in EASA. Our comments are aimed at the environment and framework established by the European Union in the field aviation safety, and to some extent the 'corporate thinking' within EASA and how it is meeting the task given to it by the Commission and Parliament.

Almost six years ago we held a conference with EASA on the original Part M. We criticised it heavily. As a result of that EASA set up a working group M.017 to formulate a version of Part M applicable to light, non-commercial aviation. That is what we are dealing with now since its implementation two to three years ago.

The result of M.017 was a 'lighter' Part M, but not a 'Light Part M'. It went some way to meeting our needs, but not far enough. And that was not the fault generally of the industry members of M.017, nor I suspect the fault of EASA officials in many cases, being bound as EASA is by the straight-jacket of the legislative framework.

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But it is worth recalling some of the things that the previous Rule-making Director said six years ago, and I quote:

"The reason for Part M is the necessity to replace national regulations to compensate for the transfer of authority to the Community. Safety reasons are not a driver. It is a legal obligation. The objective is that this regulation should not affect current practices."

Further, in response to questions on 5th November 2005, the following statements were made by senior EASA officials:

"A CAMO need not to be registered, nor have permanent staff, and for small numbers not a full-time staff. If there are fewer than 10 staff members there is no need for a quality system, audits, manual - a subpart F will do."

"A maintenance programme may be per aircraft type (with an addendum for each aircraft); it may be defined by reference. It is not necessary to copy all documents. The maintenance programme can be based on a manufacturer's or TC Holder's or Member State's recommendations. If there is a subpart G (CAMO) then no approval of a maintenance programme is needed."

"Approvals of modifications/repairs are bound by Part-21 and therefore by EASA. A solution can be found to include regular minor modifications / repairs as "maintenance data" which are included in the manual as maintenance handling."

"Technicians doing maintenance repairs currently will be allowed to continue to do so for life (i.e. grandfather rights)."

"In Part-66 there is no component licence"

Now between November 2005 and through the M.017 discussions leading to the adoption of the current Part M, some of these intentions - I suppose we cannot call them promises - seem to have been lost. Which is mainly why we are here today.

Overall observations

Of course, we have complained for many years now that much of what has been imposed on the GA community by the agenda of the European Union is in the name of standardisation, and that as a consequence the safety objective has often been subordinated to the aim of 'one size fits all'.

Because in each member state - to a greater or lesser degree - we have had to go through a process of substantial change for change's sake without regard in

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many instances to an underlying safety case for change. That is the crying shame, as it has placed unnecessary challenges on organisations and individuals.

Many communities in air sports in particular (e.g. gliding / ballooning) were largely 'self sufficient' within clubs / national frameworks to manage continuing airworthiness and maintenance without any heavy involvement of National Aviation Authorities.

The separation of responsibilities between the maintenance / continuing airworthiness organisations or individuals, under previous systems, and the new CAMO (sub part G) has created extra paperwork and bureaucracy and cost.

Of course, those organisations and individuals - hundreds of thousands of them - have made the transition to Part M in order to remain legally compliant. But at what cost? There has been a huge transition cost in time and hard cash. And there is a continuing recurring cost to owners and pilots. I have not heard of one case where the costs of complying with Part M have decreased compared with the previous national regimes.

We have yet to see any quantifiable benefits. Of course the benefits should be measured in terms of safety outcome - i.e. the accident rates. But therein lies a difficulty because of the lack of comprehensive pan-European accident data sets even at the most basic level, let alone data sets which have quality causal analyses that would reveal whether continuing airworthiness or maintenance is an increasing or decreasing problem. So we shall probably never be able to measure reliably the outcome of Part M in safety terms.

However, I think it is generally accepted in the light GA sector that fatal or serious accidents ascribed primarily to failures in maintenance and continuing airworthiness are the third lowest factor after medical incapacitation and original airworthiness. Which perhaps just goes to show that Part M was a solution looking for a problem.

The resources applied by EASA in creating and across member states in implementing Part M, if alternatively applied to finding solutions to the more prevalent causes of GA accidents would have been time and money better spent.

<u>What to do in the future?</u>

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But now that Part M has been implemented, what can we do to improve it? That is what we must address today. I would suggest that the objectives of an improvement agenda should be:

(a) To reduce the recurring cost
(b) To alleviate the unnecessary burdens in some of the rules
(c) To give more responsibility to and place more trust in the 'industry' and individuals who are the real experts in this field in order to reduce bureaucracy and oversight costs of National Aviation Authorities
(d) To detach finally and completely non-commercial light aviation from the regulatory framework of commercial air transport

Now I know that some of these objectives would require a fundamental change in the Basic Regulation. But that can start with EASA buying in to these objectives, whilst we persuade the Commission likewise.

As the Agency, you have asked us to try and distinguish in our criticisms and suggestions where the Implementing Rules need changing and, secondly, where Member States are perhaps misinterpreting the intentions in the rules, and perhaps 'gold plating' the rules.

It is often difficult to distinguish the two factors. Sometimes we suspect the variations in interpretation lie in the translations of the rules to national languages - the vocabularies do not always provide the precise answer. And of course the AMC and GM texts are not translated from English to other languages. But we are also worried that in some countries the historic 'control mentality' of National Aviation Authorities is not being relaxed enough.

It is also clear that some maintenance organisations - particularly for aeroplanes and helicopters - have used Part M as the excuse to increase charges to owners beyond what is reasonable for inflation. Maybe they had some justification for the transition costs alone.

If one were to draw a parallel with the industrial and commercial world, in my experience when one launches a major change programme one of the most important aspects is to communicate and oversee the transition phase to ensure that everyone is buying in in the right way. That does not happen with regulatory change. EASA's standardisation unit is a 'post-event' audit function, whereas maybe there is a role for it to be proactive during the transition phase. Maybe this would alleviate many of the problems we shall hear about today.

Europe Air Sports made a substantial input some years ago to the Commission's Communication 'An Agenda for a Sustainable Future for Business and General

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Aviation'. That has set the scene and objective for greater proportionality in regulation. Let's see today if we can live up to the ideals set out in that document.

I shall now hand over to René Meier who will present a brief summary of the findings of an EAS survey, in no more than 20 minutes whereas many of our survey results were covered fully in Juan Anton's 75 minute presentation.

David Roberts
President
Europe Air Sports