



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2009-02G1**

**for an Agency Opinion on a Commission Regulation establishing the Implementing
Rules for air operations of Community operators**

and

**draft Decision of the Executive Director of the European Aviation Safety Agency on
Acceptable Means of Compliance and Guidance Material related to the Implementing
Rules for air operations of Community operators**

“Corrigendum to Regulatory Impact Assessment”

CRD c.3 – Comments received on NPA 2009-02g1

I. Comments received on NPA 2009-02g1**RIA- 2.3 Problem analysis - 2.3.2 OPS Safety level in Europe - 2.3.2.7
Sailplanes and balloons**

p. 3

comment

3

comment by: *Graham HALLETT*

These figures show how safe ballooning is. There is an average of 17 accidents per year in the whole of Europe. Of which less than 14 are attributable to FCL issues, less than 2 to OPS, so presumably the remaining less than 2 to Airworthiness matters. Although it is stated that there is a possibility of under-reporting, it must be acknowledged that any un-reported accidents are likely to be of much less consequence.

The European Parliament resolution of 3 February 2009 on an Agenda for Sustainable Future in General and Business Aviation adopted the resolution including the following text:

...

2. Stresses the need to take into account the interests and specificities of general and business aviation in the development of future air transport policy initiatives, with a view to strengthening its competitiveness; in this respect calls on the Commission to ensure the application of the proportionality and subsidiarity principles in the design and implementation of both existing and future aviation legislation;

....

4. Calls on the Commission when adopting implementing rules on aviation safety, to ensure that they are proportionate and commensurate to the complexity of the respective category of aircraft and operation;

It must be clear, therefore, that ballooning needs minimal further regulatory oversight and that most of NPA-2009-02 could be prefixed with 'Except balloons' with no loss of safety.

comment

4

comment by: *European Sailplane Manufacturers*

The European sailplane manufacturers do not agree with the RIA in regard to sailplanes.

Adding additional layers of regulation will not improve flight safety or lower accident rates.

Contrary to commercially driven variants of aviation the only really sustainable effect to get improvement in recreational aviation is by motivation and not by punishment.

Quite contrary adding new regulation will demotivate the most important people like the flight instructors, club presidents and other persons instrumental for looking after safety issues.

If the effort and money spent for regarding rulemaking and law enforcement actions would be spent into efforts to inform about safety aspects and to create incentives to promote safety this would have a much better impact than any type of new regulation.

As long as only the options "do nothing" and "regulate more" are compared always the "do nothing" variant will not be favoured.
(Because who wants to be accused of doing nothing?)
Therefore a "promote something" option should be added.

Forseeing all the money, efforts, frustration and uselessness in creating more and more regulations the manufacturers cannot agree with this RIA and the proposed regulations in the OPS NPA 2009-02.

If the European Community, the European Commission and the EASA are really interested to promote small aviation including gliding in order to give aviation a better position they should decide to assist by adding incentives and not to hinder by adding regulation.

If EASA claims that it can only add new regulation then it should be considered either to give EASA the option also to offer incentives or to give the job to another type of organisation.

RIA - 2.3 Problem analysis - 2.3.2 OPS Safety level in Europe - 2.3.2.9 Cost of safety events

p. 5-7

comment

1

comment by: *jack froggatt*

I have a Robinson R44 helicopter. Floats are expensive to buy and install, then there is the cost of maintenance. I believe they would be of very limited value should a water landing be required. Installations are usually large inflatable balloon-type structures which attach to the skids on each side of the helicopter together with electronics and buttons in the cockpit to activate them and compressed air or similar gas bottle in the body of the helicopter. They should work perfectly in order for them to perform but should one fail then the helicopter would roll over in the water and lie beneath the float which had worked.

A portable ELT is already carried and therefore it is not necessary to have an additional one.

comment

2

comment by: *bmi REGIONAL*

It is the opinion of bmi regional that EASA should seriously consider the recently submitted comments made by the CAA and those of the AEA and we align our opinion with those submitted by these organisations.