

# EASA

## TERMS OF REFERENCE

**TOR Nr:** MDM.032

**Issue:** Issue 1

**Date:** 13 February 2006

### Regulatory reference:

- REGULATION (EC) No 1592/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, as amended.
- COMMISSION REGULATION (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, as amended.
- COMMISSION REGULATION (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

### Reference documents:

- OPINION No 3/2004 OF THE EUROPEAN AVIATION SAFETY AGENCY for amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, to extend its scope to the regulation, 15 December 2004.
- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, "Extending the tasks of the European Aviation Safety Agency – An Agenda for 2010", COM(2005)578 final, 15 November 2005.
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (presented by the Commission), COM(2005)579 final, 16 November 2005.

#### 1. Subject:

Regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities

#### 2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

In Opinion No 3/2004 the Agency recognised that the current JAR-FCL PPL may be too demanding for flying only simple aircraft in a simple air traffic environment and considered it appropriate to create an additional level of licence for these types of activities. As a consequence the Agency has proposed the creation of a new category of private pilot licence, a Recreational PPL, as an alternative to the existing JAR-FCL PPL that may be issued by assessment bodies. The holders of such a licence will not be authorised to fly complex motor-powered aircraft or to engage in commercial aviation. The related implementing rule, need to be developed.

In addition, in Opinion No 3/2004 the Agency reached the view that the operation of general aviation aircraft shall be regulated through implementing rules adapted to the complexity of the aircraft rather than to the type of activity. In the case of non-complex aircraft not engaged in commercial activities these implementing rules would most probably be limited to the use of airspace or of requirements related to certain types of technical areas, such as emergency and radio equipments.

These implementing rules should therefore cover interoperability issues (use of airspace) to ensure the safety of aircraft sharing a same airspace. As such they are applicable to all aircraft, including third country aircraft when they are in Member States' territory.

In addition, by design, these implementing rules may also include elements that are common to the implementing rules dedicated to other types of operations. The right balance will have to found between consistency of requirements favouring a single text and ease of use by regulated persons that may prefer a single text covering all what they need to do.

These implementing rules will be directly applicable and compliance verified by Member States without

the need for neither certification nor declaration. Here again this implementing rule, need to be developed.

Furthermore, during the consultation that took place for the preparation of this Opinion, the views expressed by stakeholders showed that there appeared to be several issues that also needed to be addressed. Above all, the majority of stakeholders feel that they are already over regulated and do not want to be faced with the same situation when the OPS and FCL regulatory framework is transferred to EASA. They consider that this is one of the reasons for the poor development of European general aviation. This has led many associations, sports aircraft, glider and Microlight aircraft, to express the will to be or to remain excluded from the scope of EASA. This clearly poses the problem of aircraft that are almost identical in design and performance being regulated by different bodies which may create inequalities that would be unacceptable. In contrast, including more aircraft under EASA's scope of competence can only be envisaged if the regulations are re-thought and adapted to the complexity of the aircraft.

The Agency is concerned about the situation highlighted during the consultation and ensuing meetings with this segment of aviation and therefore wishes to address this issue as a whole to ensure a coherent system adapted to the needs of this segment of civil aviation.

In the recitals of its legislative proposal COM (2005) 579 final, the Commission expressed the view that:  
*(5) Consideration should notably be given to aeroplanes and helicopters with a low maximum take-off mass and whose performance is increasing, can circulate all over the Community and are produced in an industrial manner, which therefore might be better regulated at Community level to provide for the necessary uniform level of safety and environmental protection.*

Taking into account the above, the Agency has decided to address all the issues raised above in a single activity that will focus mainly on this community as a whole. This will avoid, as is often the case that the solutions that are initially found for commercial air transport of large aircraft are then later generalised to the rest of the aviation community. The Agency feels that this is one of the reasons for what could be over burdensome rules. The proposed activity will be similar to the one that led to the US Light Sport Aircraft rule (applicable to aircraft of less than 560kg) and will address all aspects of non-complex aircraft when not engaged in commercial operations (design, maintenance, operations and licensing). This may lead to appropriate adaptation of existing JAA material, such as draft JAR OPS 0 and 2, as well as to revised implementing rules for airworthiness and continuing airworthiness.

### **3.Objective:**

Propose new concept for regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities and draft the associated NPAs

### **4. Specific tasks and interface issues (Deliverables):**

- Develop a concept for the regulation of aircraft other than complex motor powered aircraft when used in non-commercial activities after a review of:
  - Current regulatory system and implementation measures applied to that segment of aviation today
  - Other approaches to that segment of aviation that have been put in place in other countries
  - In service experience.

In developing this concept the group may wish to consider;

- the possibility of creating sub-categories of aircraft in this segment of aviation
- the possibility of using industry standards
- Develop implementing rules for the issue of recreational private pilot licence
- Develop general implementing rules for the operations of the concerned aircraft [
- Rethink the implementation means today applied to these aircraft in airworthiness. This may lead to modifications to the Basic Regulation, slight adjustments to the essential requirements and the development of different implementing rules for airworthiness and continuing airworthiness.
- Finally, based on the new implementing measures proposed, the content of Annex II could be reviewed in order to better adapt it to the actual needs of the concerned segment of civil aviation.

The group shall maintain adequate interfaces with other groups working on operations and licensing and with the group developing the follow-up of NPA 7/2005 on Part-M

The group shall remain informed of the discussions relative to the definition of complex aircraft that will occur during the legislative process relative to the extension of scope of the Basic regulation.

**5. Working Methods** (in addition to the applicable EASA procedures):

The work shall be carried out by a rulemaking group.

The initial meeting should be held early enough so as to allow meeting the task within the required timescale.

Meetings shall be held at the Agency in Cologne.

The group will be chaired by the Agency

**6. Time scale, milestones:**

Start of work in March 2006.

Publish interim report on the concept for regulatory system and implementation measures July 2006. The interim report will be circulated as an A-NPA in accordance with article 14 of the Rulemaking procedures

Opinion to modify regulation (EC) 1592/2002 to introduce the new concept for airworthiness shall be issued by March 2007 following accelerated consultation process.

Opinion to modify airworthiness implementing rules not linked to the change to regulation (EC) 1592/2002 shall be issued by March 2007 following accelerated consultation process.

Elements for NPA for recreational private pilot licence rules shall be ready by September 2007.

Elements for NPA for general operational rules shall be ready by September 2007.

NPA to change airworthiness implementing rules and associated AMC linked to the change to regulation (EC) 1592/2002 shall be ready by September 2007.

# EASA DRAFTING GROUP

## GROUP COMPOSITION

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**Composition:**

**Chairman:**

Leroy, Alain – EASA Certification

**Secretary:**

Altmann, Jürgen – EASA

**Members:**

Akerstedt, Hans - EAS

Fridrich, Jan - EAS

Newby, Graham - EAS

Roberts, David - EAS

Stuck, Roland - EAS

Schuegraf, Rudi - EAS

Taddei, Bertrand - EAS

Konrad, Jo - IAOPA

Pedersen, Jacob - IAOPA

Wilson, Mark - ECOGAS

Daney, Claude Alain - ECOGAS

Barratt, Reinert Christie - CAA Norway

Le Cardinal, Hugues - DGAC France

Forbes, Graham - CAA UK

Morier, Yves - EASA Rulemaking

Sivel, Eric - EASA Rulemaking