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| <b>Title</b>      | Implementing Rules for Air Operations of Community Operators - Part-OPS |
| <b>NPA Number</b> | NPA 2009-02b  |

Version 2 Final

**British Gliding Association** (bgaopseasawg@aol.com) has placed **8** unique comments on this NPA:

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| 1022 | TITLE PAGE   | 1       | <p>These comments are the view of the British Gliding Association.</p> <p>EASA operational regulations, which will replace existing rules for commercial and complex aircraft, are not relevant to the sport of gliding within which appropriate, requirements have been uniformly developed through international bodies, for example the IGC and FAI. We know of no safety or operational case for the application of these implementing rules to gliding. The requirements are disproportional and will introduce an unacceptable layer of bureaucracy and increased costs. All comments within this response are made with this position in mind.</p> |             |
| 1021 | B. I. Draft Opinion - Part-OPS - Subpart A - Section I - OPS.GEN.001 Competent authority                         | 22      |   |             |
| 999  | B. I. Draft Opinion - Part-OPS - Subpart A - Section II - OPS.GEN.147 Visual Flight Rules (VFR) Operating minima | 32 - 33 | <p>Many European sailplane pilots currently have the privilege of flying close to and in, cloud. In many parts of Europe, and in particular North Western Europe where maritime air masses are prevalent, European glider pilots can only fly in thermals and mountain wave by flying close to cloud. This aspect of gliding is the basis of participating in sport gliding and achieving international sporting awards.</p> <p>There is no known safety case that should</p>   |             |

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|      |                     |      | <p>prevent sailplane pilots from flying within 300m (1000') vertically and 1500m horizontally of cloud</p> <p>Cloud base within many European countries is invariably between 3,000ft and 4,500ft AMSL during summer cross-country flying days. The proposed VFR limits would effectively present an operational ceiling for sailplanes of between 2,000ft and 3,500ft AMSL.</p> <p>The direct negative impact on safety that the IR proposal will have on gliding will be to;</p> <ul style="list-style-type: none"> <li>• Increase the amount of sailplane traffic in a smaller vertical layer – that which is predominantly flown in by the largest proportion of the GA community – thus increasing the risk of collisions</li> <li>• Increase already high cockpit workloads</li> <li>• Increase the risk of out-landing</li> <li>• Force pilots to focus primarily on selecting suitable out-landing fields to the detriment of flying the sailplane</li> </ul> <p>In addition, the ongoing social and economic impact would include;</p> <ul style="list-style-type: none"> <li>• Limit the enjoyment and value of the sport</li> <li>• Negative financial impact on the gliding industry in Europe</li> <li>• Negative impact on sporting participation</li> <li>• Negative impact on the value of sailplanes which are generally owned and operated by tax paying private citizens</li> </ul> <p>A blanket application of ICAO VFR above 3000' to sailplane flying rather than ensuring European gliding as a major aviation stakeholder has an appropriate and</p> |             |

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|      |  |         | <p>proportional VFR requirement will unwittingly reduce overall levels of safety. Indeed, there is compelling evidence to demonstrate that such a restriction would actually decrease safety. This is clearly not the intention of the proposed IR.</p> <p>It is the qualified view of the BGA that the retained ability of sailplane pilots to fly close to cloud actually supports an improved safety case for future European aviation.</p> <p>Therefore, the BGA propose that the wording of OPS.GEN.147 Visual Flight Rules (VFR) Operating minima is modified as follows;</p> <p><i>(a) Visual flight rules (VFR) flights by aeroplanes and helicopters shall be conducted in accordance with the Visual Flight Rules and table 1.</i></p> <p><b>And...</b></p> <p><i>Sailplanes</i></p> <p><i>(e) Visual flight rules (VFR) flights by sailplanes in airspace classes A, B, C, D and E shall be conducted in accordance with the Visual Flight Rules and table 1. Visual flight rules (VFR) flights by sailplanes in airspace classes F and G shall be conducted clear of cloud and in sight of the surface</i></p> |             |
| 2645 | B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.415 Flight instruments and equipment - VFR night flights and IFR flights | 43 - 44 | <p>OPS GEN 415 presents a number of technical and operational difficulties and indeed impossibilities for sailplanes, which of course cannot generate electrical power.</p> <p>Sailplanes very occasionally fly at night. Sailplanes that operate at night carry position lights and the BGA supports that continued requirement.</p> <p>For operational, safety and sporting reasons and where airspace classifications allow, sailplanes can and do fly non-VFR when en-route. Sailplanes do not take off or land non-VFR. When operating non-VFR, sailplanes do not carry the equipment or lights described in this IR and there is no known safety case</p>  |             |

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|      |   |         | <p>that would require them to do so. The proposed requirement is disproportional.</p> <p>The total power drain from the equipment required under OPS GEN 415, ie. navigation/position lights, adequate illumination for all instruments and equipment essential to the safe operation of the aircraft, a landing light and illumination in all passenger compartments would preclude a sailplane from operating other than in day VFR flight. Clearly this is not the intention of this IR.</p> <p>The BGA propose that the wording of OPS.GEN 415 (c ) should be modified as follows;</p> <p><i>SAILPLANES</i><br/> <i>(c) Sailplanes operating VFR or IFR night flights shall comply with (a) (5), (9) and (10) inclusive.</i></p>  |             |
| 2673 | B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.430 Emergency Locator Transmitter (ELT) | 45 - 46 | <p>ELT's are designed to alert the SAR/emergency services of an aircraft crash and are permanently installed. An ELT installation, whether or not aircraft modification is required, is a relatively expensive purchase for sporting clubs, and clearly a disproportional requirement when they do not operate aeroplanes in areas designated by member states as those in which search and rescue would be especially difficult. Sailplane towing aeroplanes, for example, invariably operate in sight of and within a few km's of the base airfield.</p> <p>The BGA supports a proportional approach to flight safety improvements. Therefore we propose that the wording of OPS.GEN.430 Emergency Locator Transmitter (ELT) as applicable to aeroplanes should be modified as follows;</p> <p><i>AEROPLANES</i><br/> <i>(a) Aeroplanes <u>operated in areas designated by member states as those in which search and rescue would be especially difficult and first issued with an individual certificate of airworthiness before and including 1 July</u></i></p> |             |

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|      |   |      | <p>2008 shall be equipped with an Emergency Locator Transmitter (ELT) of any type.<br/> <b>(b) Aeroplanes <u>operated in areas designated by member states as those in which search and rescue would be especially difficult</u> and first issued with an individual certificate of airworthiness after 1 July 2008 shall be equipped with an automatic ELT.</b></p>  |             |
| 3276 | B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.435 Survival equipment – Motor-powered aircraft | 46   | <p>The occupants of motor powered sailplanes carry emergency parachutes. In the event of an accident, whether or not in areas in which search and rescue would be especially difficult, the occupants may well abandon the aircraft. An ELT would be of little assistance in this case. CS22 motor powered sailplanes are not designed with ELT installation in mind. In addition, an ELT installation, whether or not aircraft modification is required, is a relatively expensive purchase for an owner, and clearly a disproportional requirement where they do not operate the aircraft in areas in which search and rescue would be especially difficult.</p> <p>The BGA propose that the wording of OPS.GEN 435 Motor-powered aircraft (b) should be modified as follows;</p> <p><i>Sailplanes</i></p> <p><b>(c) Powered sailplanes shall comply with (a) (1) and (3). Additionally, each occupant shall each carry a personal locator beacon (PLB)</b></p> |             |
| 998  | B. I. Draft Opinion - Part-OPS - Subpart A - Section IV - OPS.GEN.520 Flight crew interphone system               | 53   | <p>There is no requirement for an interphone system in a sailplane. It is a quiet environment. Additionally, the BGA also questions the need to regulate this requirement in single crew powered aircraft, regardless of use – if cockpit noise requires it, in single crew aeroplanes the pilot and the passenger(s) or student(s) use interphone systems as required to achieve the flight objectives.</p> <p>The BGA proposes that sailplanes should be excluded from this requirement and proposes that the wording of OPS.GEN.520 Flight crew interphone system (a) is modified</p>  |             |

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|      |  |      | <p>to read;</p> <p><i>(a) Where implementing rules require operation by more than one flight crew member, Aeroplanes and helicopters shall be equipped with a flight crew interphone system, including headsets and microphones for use by all flight crew members.</i></p>   |             |
| 1000 | B. I. Draft Opinion - Part-OPS - Subpart A - Section V - OPS.GEN.600 Documents and information to be carried on all aircraft | 56   | <p>Sailplane flights, unlike most aeroplane flights, are planned so that the sailplane lands back at its take-off site. A very small percentage of the total land away from the take-off site. In addition, as sailplanes are designed for optimal aerodynamic efficiency and minimum cross section, there is little space for storage.</p> <p>Original documents can become worn and damaged in use. Replacements are very expensive in member states where NAA's recover a financial surplus on their regulatory activities (eg the UK CAA).</p> <p>The BGA offers the following observations relating to the carriage of those documents in sailplanes in general;</p> <p>(1) the Aircraft Flight Manual or equivalent documents;<br/>This important pre-flight reference document cannot be referred to in flight. There is no safety or operational need to carry this document in a sailplane.</p> <p>(2) the Certificate of Airworthiness;<br/>It is assumed here that the agency is referring to the Airworthiness Review Certificate, which can only be held where a Certificate of Airworthiness exists. Pilots of club sailplanes in particular need to be aware of validity of the airworthiness certificate. Unfortunately Part M rules require that this can only be assured through the ARC format described within Part M. The BGA agrees therefore that until Part M is modified appropriately, an exact copy or the original ARC should be carried in the sailplane. There is however no safety or operational need to carry the Certificate of Airworthiness in a sailplane.</p> |             |

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|      |                     |      | <p>(3) the Certificate of Registration;<br/>The BGA believes that there is no safety or operational need to carry this document in a sailplane.</p> <p>(4) the original or copy of the Noise Certificate, if applicable;<br/>The BGA believes that there is no safety or operational need to carry this document in a sailplane.</p> <p>(5) the original or copy of the third party liability Insurance Certificate;<br/>As it is possible for a sailplane to make an out-landing where third party property can be affected, the BGA agrees that a copy of the aircraft insurance certificate carried in the sailplane will be of assistance.</p> <p>(6) the journey log book for the aircraft;<br/>The BGA believes that there is no safety or operational need to carry this document in a sailplane.</p> <p>(7) current and suitable aeronautical charts for the route of the proposed flight and all routes along which it is reasonable to expect that the flight may be diverted;<br/>The BGA agrees that these documents should be carried in a sailplane</p> <p>(8) procedures and visual signals for use by intercepting and intercepted aircraft which shall be easily accessible to the flight crew;<br/>As interception requirements are learnt during FCL theoretical knowledge training. There is no safety or operational need to carry this documentation in a sailplane.</p> <p>and (9) any other documentation which may be pertinent to the flight or is required by the States concerned with the flight.<br/>The BGA finds it difficult to comment on such an ambiguous statement.</p> <p>The BGA finds no justification for the disproportional approach taken within this proposed IR.</p> |             |

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|      |                     |      | <p>The BGA therefore proposes the following wording change for OPS.GEN.600 Documents and information to be carried on all aircraft;</p> <p><b><i>OPS.GEN.600 Documents and information to be carried on all aircraft</i></b><br/> <i>(a) On any aeroplane or helicopter, the following documents shall be carried on each flight:</i></p> <p><i>(1) the Aircraft Flight Manual or equivalent documents;</i><br/> <i>(2) <u>the original or copy</u> of the Airworthiness Review Certificate;</i><br/> <i>(3) <u>the original or copy</u> of the Certificate of Registration;</i><br/> <i>(4) <u>the original or copy</u> of the Noise Certificate, if applicable;</i><br/> <i>(5) the original or copy of the third party liability Insurance Certificate;</i><br/> <i>(6) the journey log book for the aircraft;</i><br/> <i>(7) current and suitable aeronautical charts for the route of the proposed flight and all routes along which it is reasonable to expect that the flight may be diverted;</i><br/> <i>(8) procedures and visual signals for use by intercepting and intercepted aircraft which shall be easily accessible to the flight crew; and</i><br/> <i>(9) any other documentation which may be pertinent to the flight or is required by the States concerned with the flight.</i></p> <p><i>(b) On any sailplane or powered sailplane, the following documents shall be carried on each flight:</i></p> <p><i>(1) <u>the original or copy</u> of the Airworthiness Review Certificate;</i><br/> <i>(2) the original or copy of the third party liability Insurance Certificate;</i><br/> <i>(3) current and suitable aeronautical charts for the route of the proposed flight and all routes along which it is reasonable to expect that the flight may be diverted;</i></p> |             |