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By Email

BRITISH GLIDING ASSOCIATION RESPONSE TO THE DfT CONSULTATION ON THE EXTENSION OF EASA REMIT – SAFETY OF AERODROMES, AIR TRAFFIC MANAGEMENT AND AIR NAVIGATION SERVICES

Q1. Do you agree in principle with the proposed extension to the scope of the EASA Regulation to include the safety of aerodromes, air traffic management and air navigation services?

It is the BGA view that aerodromes that are not open for commercial air transport use should not be subject to Community Legislation other than to protect their existence. Inappropriate wording of Essential Requirements, despite the best of intentions, may result in disproportional levels of regulation on recreation and sporting aviation aerodromes resulting in unacceptable administrative burden and economic impact, the cost of which is borne by sporting aviation participants.

European glider pilots, including those in the UK as members of the British Gliding Association, feel that all regulation should be objective based and proportionate to the type of activity, to the complexity of the aircraft used, and to the risk to the public. Any unnecessary regulation should be carefully avoided and regulation should only be considered where there is a clear safety imperative as identified by the historic and present situation. The primary objective of the rule-makers should be to protect third parties and not to unduly protect individuals against themselves. Regulation should, as frequently identified by the Agency, be kept to the minimum necessary to minimise risks to third parties. The BGA can provide statistics that demonstrate the very low level of public risk historically associated with the operation of gliders and supporting activity at aerodromes.

The BGA considers that extending the scope of EASA regulation to include the safety of aerodromes, air traffic management and air navigation services is only appropriate for commercial air transport of 2730 kg and above.

Q2. Do you agree with the definitions set out in the amended Article 3? If not, please suggest how these definitions could be improved.

There is a need to exclude recreational and sporting aviation including club operations.

Q3. Have you got any comments on the essential requirements for aerodromes and air traffic management and air navigation services, as set out in Annex V?

These ER's are clearly designed with Commercial Air Transport in mind in which case the BGA is unqualified to propose any changes. Where gliding takes place on an aerodrome from which Commercial Air Transport also operates and therefore brings the aerodrome in the scope of the regulation, it is clear that it is necessary to ensure that the air sport operation co-located with

commercial air transport can continue as safely and effectively as present without adopting disproportionate regulation.

It is of some concern, taking into consideration the intent to monitor the safety needs of recreational aviation and revisit the scope of this regulatory activity in future, that there is no provision that would allow a Qualified Entity to act as a certifying body. However, as the ER's within the proposed amendment are totally inappropriate to air sport, it is clear that a major revision would be required in the event of extending any scope to airports aerodromes. In that case the use of QE's should be revisited.

The BGA, along with its European partners in the European Gliding Union (EGU) is prepared if necessary to provide recommendations, based on good practice that have been developed successfully over many years in consultation with European NAA's and NGB's that could form the basis of Essential Requirements for aerodrome safety management appropriate to gliding aerodromes and in the context of the existing proposal, to aerodromes where gliding and commercial air transport is co-located.

Q4. Do you agree with the proposed definition that 'aerodromes open to public use' should mean aerodromes that are included in the official Aeronautical Information Service publication and offer services to any user without discrimination? If not, please suggest an alternative definition, e.g. 'open to commercial air transport', or 'commercial operations'.

Not entirely. It's important to ensure what are known in the UK as ordinary licensed aerodromes are excluded. The stated definition of aerodromes open to public use should mean aerodromes available to commercial air transport where the hours of availability of the aerodrome must be notified in the and the aerodrome must be available to all persons (users) permitted to use it on equal terms and conditions.

Q5. Do you agree that all 'aerodromes open to public use', which can serve traffic conducted in accordance with instrument flight rules or aircraft with a maximum take-off mass of 2730 kg or more should be subject to Community requirements? If not, please suggest an alternative licensing/certification threshold.

No. The reference to aerodromes which can serve traffic conducted in accordance with the instrument flight rules is unclear. Theoretically any aerodrome can serve traffic which has been conducted in accordance with IFR. The article should be amended to specify that the proposed regulation should be applied to aerodromes with a published approach procedure. Thus our proposal is that the threshold is identified as;

Aerodromes open to public use, including equipment, located in the territory subject to the provisions of the Treaty, with a published instrument approach procedure or which serve aircraft with a maximum take-off mass of 2730 kg or more shall comply with this Regulation. Personnel and organisations involved in the operation of these aerodromes shall comply with this Regulation."

Q6. Do you agree that an aerodrome's design, including its infrastructure, should be certificated separately from its operations, or do you consider that a single certificate covering both the aerodrome's design and operations would be more appropriate?

Logically it would be appropriate for separate licenses to be issued for design and operations. In terms of airports, where airfield design and infrastructure needs are very basic, and operational safety oversight and regulation is very specific to the activity, there is no requirement for certification

other than where co-located airport and commercial air transport activity takes place. In that case it could be assumed that certification includes appropriate mitigation of the co-located activity.

Q7. Do you agree that 'aerodrome equipment' should be subject to dedicated certification schemes? If so, what types of aerodrome equipment do you think should be included in such schemes, e.g. visual docking guidance systems or runway friction measuring equipment?

The BGA is only qualified to comment on airport related aerodrome equipment. Gliding does not require aerodrome equipment other than a wind direction indicator which clearly requires no regulation. If it is identified that certain equipment should be regulated to ensure an appropriate standard, the equipment should be regulated in co-operation with industry experts and end users.

Q8. Do you agree that the implementing rules should put obligations on bodies such as planning authorities to protect aerodromes against activities and developments, which may cause unacceptable risks to aviation in their surroundings?

Yes. Additionally, the BGA believes that within any planning issue the NAA should be obliged on request to consider the operational safety needs of *all* flying activity that takes place from *any* recognized aerodromes and advise planning authorities accordingly.

Q9. Do you agree with the new definition of ATM / ANS as proposed in the amendments to Article 3? If not, please suggest an alternative definition.

Unable to comment.

Q10. ATM / ANS providers will be required to hold a certificate. Do you consider that a) providers of flight information services and b) apron management services should also be required to demonstrate their capabilities, or is self-certification sufficient?

Unable to comment.

Q11. Paragraph 4 of Article 8b proposes that organisations engaged in the design, manufacture and maintenance of ATM / ANS systems, parts and appliances should be certificated. Do you agree that these organisations should be approved by the competent authority?

Unable to comment.

Q12. Do you agree that ATM/ANS systems, parts and appliances should be subject to dedicated certification schemes? If so, which systems, parts and appliances do you think should be included in such schemes?

Unable to comment.

Q13. Do you agree with the concept of accredited bodies, as set out in Article 8d, for the certification of ATM/ANS systems, parts and appliances?

Unable to comment.

Q14. Do you anticipate any difficulties in complying with the principles set out in paragraph 8 of Article 8b regarding airspace management? Do you consider the proposed role for the Agency in sub-paragraph (e) to be appropriate?

It will be important to establish through appropriate expert bodies whether this element of the proposal is appropriate and proportional in light of established airspace development and change procedures. To ensure appropriate development of airspace based on actual rather than optimistically projected need, an additional item is required at Article 8b, Paragraph 8 (e) ie;

() establish mechanisms to avoid that airspace capacity exceeds that needed by air traffic volumes*

Q15. Do you agree that the only ATM / ANS personnel that should be licensed are air traffic controllers, trainers and examiners?

Unable to comment.

Q16. Do you agree that the Agency should have a role in certifying organisations providing ATM/ANS services in more than three Member States? If not, do you envisage an alternative role for the Agency in certifying pan-European systems such as SESAR?

Unable to comment.

Q17. In addition, this consultation provides an opportunity for you to suggest further amendments to Regulation 216/2008, not restricted to the areas covered in the proposal. Do you have any other comments? Please also comment on the potential costs and benefits of the proposal, as well as any possible unintended consequences.

It is the unintended consequences that concern the BGA. It is clear that this regulation is aimed at Commercial Air Transport. However, experience has shown that the wording and interpretation of ER's is crucial to avoid unintended 'regulatory surprises' downstream. Additionally, the BGA is concerned that EASA intend in future to review the scope of the regulation with recreational aviation in mind, while at the same time EASA has identified eg through MDM.032 the need to reduce the regulatory burden on airsport and GA.

Pete Stratten
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