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Title	Implementing Rules for Air Operations of Community Operators - Regulatory Impact Assessment (RIA)
NPA Number	NPA 2009-02g

BGA Final v1

British Gliding Association has placed **1** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
193	G. 2. REGULATORY IMPACT ASSESSMENT - 2.9 Non-commercial air operations with other than complex motor-powered aircraft - 2.9.2 Target group and number of entities concerned	81 - 82	<p>These comments are the view of the British Gliding Association.</p> <p>2.9.2 from page 81 identifies that data is not available re non-commercial non-complex operations. The RIA then goes on to justify application of ICAO SARPs based on supposition.</p> <p>The BGA understands that good rulemaking can only occur when endemic safety issues are identified and subsequently mitigated through rules. Rather than attempt to understand what safety issue EASA needs to mitigate through application of the NPA 2009-02 operations rules to the operation of non-commercial, non complex aircraft, the rulemaking drafting group appears to use supposition and guesswork to achieve what appears to be a preconceived outcome, ie option 4A.</p> <p>The BGA believes that this is an entirely inappropriate approach and underlines some of the very significant concerns that industry - including the sailplane community - has over the development and delivery of appropriate and proportionate rulemaking affecting sporting aviation and gliding in particular.</p> <p>The BGA proposes that EASA rejects this RIA as incomplete and inappropriate. EASA should re-appraise the regulatory impact based on real data rather than inaccurate supposition.</p> <p>The BGA additionally makes the following specific observations and proposals regarding this RIA;</p> <p>2.9.2.1 Competent Authorities "<i>The Agency assumes that Member States already have non-commercial operations with other than complex motor-powered aircraft included in their oversight programme. Therefore, Article 10 may not have any impact on NAAs</i>"</p> <p>But it will have in some cases. Within the UK, for example, the regulatory oversight of gliding has always been derogated to the British Gliding Association. Any requirement for increased NAA oversight will certainly result in a significant negative economic impact on</p>	

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			<p>operators of sailplanes.</p> <p>2.9.3 Safety Impact</p> <p><i>"... the absence of specific OPS requirements, e.g. more specific equipment carriage and specific minimum fuel requirements may have a medium negative impact on safety..."</i></p> <p>This is a common misconception. Specific requirements and mandated equipment can increase safety in Commercial Air Transport and other professional flying activity where costs can be recovered through commercial activity. However, in General and Sporting aviation such requirements add directly to the costs for pilots and so reduce the amount of flying practice they can achieve. Therefore the absence of such requirements can increase safety.</p> <p><i>"Nevertheless, it (4A) could well contribute to the prevention of accidents linked to fuel causal factors."</i> This is interesting. The BGA is interested in seeing the data used by the drafting group to support this statement.</p> <p><i>"Overall, this option (4A) would have the strongest safety impact"</i> This statement is based on the assumptions made earlier rather than accurate data. The statement should be removed from the proposal.</p> <p><u>2.9.5.3 Regulatory cost for the operators (recurrent)</u> <i>"... As a result, the total regulatory cost of aero clubs is assumed to be 3.4M€ per year and the total regulatory costs of owner/pilots would amount to 10M€ per year. The Agency assumes that Member States already have non-commercial operations with noncomplex aircraft included in their oversight programme. Therefore, no additional costs are assumed for operators."</i> The inaccurate assumption of pilot/owner costs in the second sentence results in a subsequent incorrect assumption. The statement should be removed from the proposal.</p> <p><u>2.9.5.4 Regulatory cost for the operators (non recurrent)</u> <i>"In case of option 4A, 26,000 motor-powered aircraft would need to be equipped with an ELT. The Agency estimates that installing an ELT may cost on average around 2,000 €. The total investment cost would amount to 52M€. Assuming that this investment would be depreciated over a period of 5 years, the annual total depreciation costs would amount to 13.0M€.</i> Private owner/pilots will have to meet the price in full on installation from their own funds. Depreciation does not apply in this case. The statement should be modified accordingly.</p>	

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			<p><u>2.9.5.6 Additional demand</u> <i>"Conversely, option 4A will create an additional demand of 13.0M€ per year, and a related additional tax of (20 %) 2.6M€ per year."</i> Gliding operations are funded from participants taxable earned income. Their spending power is limited. The BGA strongly believes every € spent on additional equipment and ton additional related taxation results in less being spent on the ultimate safety benefit - flying practice. This important point is overlooked within the RIA.</p> <p><u>2.9.6 Social Impact</u> <i>"Option 4A may have a minor positive social impact resulting from the need to invest in retrofit equipment."</i> The BGA would like this 'minor social impact' to be quantified within the RIA.</p> <p><u>2.9.8 Multi Criteria Analysis (MC) and recommended option</u> <i>"From Table 58 above it can be observed that option 4C is clearly negative, in particular, from the safety perspective. Among the remaining two, option 4A scores significantly higher than 4B. 4A is therefore the preferred option."</i> The 'safety' issues are based on flawed hypothesis and supposition. The RIA should be rejected by EASA.</p>	