

IF YOU ARE A GLIDER PILOT, IT IS VERY IMPORTANT THAT YOU READ AND RESPOND TO THIS NOTE RE EASA NPA 2011-16 – PROPOSALS FOR IMC FLIGHT

There can be few UK glider pilots not jaded by the tsunami of new regulations, proposed and actual, that are coming our way. The BGA, with others, has spent years working to modify or minimise their effects.

Very occasionally, the Association has asked members to add their weight to counter something particularly threatening: last time was for Mode S, resulting in a more sensible outcome.

These calls for action are rare, but one is needed now; not to protest at something this time, but to support the EASA proposal for glider cloud flying within NPA 2011-16. The BGA does not regard this proposal as perfect, but the alternatives could have been far worse. The BGA therefore strongly supports the cloud flying proposal.

We are aware that there are those, primarily with commercial interests, who would be happy to see gliders excluded from all flight within and near cloud. If their lobbying could carry enough weight, this EASA proposal might be lost and with it UK gliding's historic, safe privileges.

Those opposed to this rating have every right to respond to the proposal. *Silence from the UK gliding community would provide no counter.*

The BGA therefore requests that every single interested member of a BGA club responds to support this proposal before the 23rd December deadline

What Can You Do to Help?

1. Take a look at the relevant part of the NPA document.

The NPA is published on the EASA web site via this link (Google finds it just fine);

<http://www.easa.eu.int/rulemaking/docs/npa/2011/NPA%202011-16.pdf>

BGA guidance including page references is supplied below.

2. Respond using the EASA comment Response Tool

Here is the link to EASA's Comment Response Tool (CRT). Registering to use this CRT is not difficult. <http://hub.easa.europa.eu/crt>

Please note;

- EASA will ignore abuse and/or responses that are obviously cut & paste.
- Concise responses with positive proposals carry more weight.

BGA GUIDANCE IN A LITTLE MORE DETAIL

You will be aware that the UK is required comply with European Law requiring that glider pilots hold licences. In many respects, the EASA glider pilot licensing requirements, applicable to us from 2015, will do little more than formalise gliding's current good practice.

It has taken a serious piece of work by BGA and others along with EASA to ensure that the privilege of flying in cloud is not swept away by EASA pilot licensing rules. The outcome of that work is described within NPA 2011-16 as EASA's proposals for cloud flying in gliders. The BGA recognises that defending our existing privileges is a crucial issue for the sport. The cloud flying proposals within NPA 2011-16 do not present us with significant issues and as such will be supported by the BGA. However, as it is likely that not all airspace users view our privileges in the same way we do, it is critically important that EASA's cloud flying proposals receive the widest possible written support.

Separate airspace rules – nothing to do with this NPA - will determine where the cloud flying rating may be used.

You may note in reading the NPA that in addition to the sailplane cloud flying rating, a restricted rating that would permit IMC flight clear of cloud where airspace rules require an additional rating to be held to do so was proposed to EASA. Unfortunately EASA did not feel able to pursue this item that was only supported by the UK and therefore has not included it within the NPA 2011-16 proposals. The BGA is seeking to continue with this existing privilege if necessary through other means. More information will be made available in due course.

You will note our comments in the BGA response to NPA 2011-16 re TMG's. The issue here is that EASA is concerned about a sailplane cloud flying rating being used to legally short-circuit an instrument rating requirement for IFR cruising flight by TMG's. The BGA shares that view but at the same time we do not want to jeopardise using TMG's to train for the SCFR. They are a crucially important training tool.

If you have time to read only a few lines of the NPA, focus on the Implementing Regulation itself and Acceptable Means of Compliance (index below).

Implementing Regulation	FCL.830	pages 18-19
Acceptable Means of Compliance		
Theoretical knowledge & flight instruction	AMC1 FCL.830	pages 190-191
Skill Test & Proficiency Check	AMC2 FCL.830	pages 191-192
Supporting Elements:		
Executive Summary		page 2
Explanatory Note		pages 11&14
How to comment		page 15
Regulatory Impact Assessment		pages 228-239

THE BGA RESPONSE TO NPA 2011-16 AS SUBMITTED TO THE EASA CRT

The British Gliding Association (BGA) is the governing body for gliding within the UK. The BGA currently has derogated responsibility for the safety management of UK gliding as a self-regulated sport flying activity. As such, the BGA has historically carried out and continues to carry many of the functions which are now being gathered by Part-FCL, Part-OPS and others.

These functions, under the oversight of the UK CAA, have been carried out successfully for over half a century, giving the BGA unique experience in regulating flying activity. In general, the achieved level of safety is equivalent to nationally regulated gliding activity in other Member States. In certain aspects, a higher level of safety is achieved because the self-regulation is recognised - importantly - by participants as relevant and necessary. The UK CAA has frequently stated that there is no reason to regulate UK gliding activity. Put simply, 35 years of detailed national and BGA accident and incident data identifies that additional regulation is unnecessary. However, the BGA accepts that a regulatory framework is in place, that Part FCL has been established and as such, the proposals within NPA 2011-16 are welcome as an essential extension of Part FCL.

Flight within cloud has always been an integral part of UK glider flying; it is an integral part of this Member State's safety record. The extras hazards that would be introduced by exclusion from cloud are well established; they have been previously stated by the gliding community and reflected by the EASA FCL008 working group.

The BGA welcomes this NPA and supports, strongly, the main thrust of the proposed Sailplane Cloud Flying Rating. We offer four responses:

1. LAPL(S) & SPL

- The SCFR is vital for safe glider flying in the UK.
- This NPA indicates that it will be available to both LAPL(S) and SPL holders.
- The BGA considers it essential that this privilege is retained and therefore that the SCFR is established within the regulation resulting from this NPA.

2. Dual Flight Training Requirement

- With a specified skill test in place, this qualification is competency based, a welcome contrast to much of the rest of Part-FCL that is welcomed by the BGA.
- The requirement for a specific minimum of dual flight instruction of 5hrs is excessive.
- Doubtless, some pilots will need to fly more than this minimum. Their training will be directed by gaining the skills to pass the test.
- Others, perhaps having done other instrument training elsewhere, will be able to pass the test after less than 5hrs training. For these, the 5hr requirement is an unfair, unnecessary, extra expense.
- The BGA has a safe record of glider cloud flying: it has never needed to specify any minimum amount of training.
- We do, however, recognise the realities of negotiating this sort of figure and could accept, as a poor compromise, a 3hr dual flight instruction minimum.

3. TMGs

- The BGA is in sympathy with the concerns expressed by the UK CAA and others about the privileges of the rating including use in TMGs.
- It is essential, however, that training for this rating be possible in TMGs.
- Every TMG of which we are aware is restricted, by its Flight Manual, to VFR only.
- We would not recommend that any TMG pilot should fly under IFR.
- We would be content if use of the SCFR rating were to be prohibited in TMGs, but must repeat:
- It is essential that training for the SCFR be possible in TMGs.

Recommendation

We recommend that the following be added to FCL.830;

“(d) The privileges of the Sailplane Cloud Flying Rating may not be exercised in a TMG”

4. Restricted SCFR

- The BGA had proposed that, in addition to the SCFR, a Restricted SCFR be made available for flight under IFR but clear of cloud.
- This RSCFR would need no new flying skills for a licence holder, but would require the Theoretical Knowledge training from the SCFR.
- We are still of the view that there could be airspace categories where such RSCFR would be important, and are disappointed that the group did not include it.

Summary

The BGA:

1. Strongly supports the SCFR & considers it essential that the rating be available to both LAPL(S) & SPL holders
2. Recommends that the requirement for 5 hrs dual flight instruction be removed – if a minimum training time requirement can be justified, then in our view that time should not exceed 3hrs.
3. Recommends that training in TMGs is essential for the SCFR, but would be content to see pilots prohibited from exercising the privileges of an SCFR in TMGs.
4. Recommends that the RSCFR option is re-considered by EASA.