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Title	Implementing Rules for Pilot Licensing - Explanatory Note and Appendices
NPA Number	NPA 2008-17a

British Gliding Association (office@gliding.co.uk) has placed **9** unique comments on this NPA:

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49	(General Comments)	0	The comments in this reponse to NPA17a represent the formal response of the UK British Gliding Association.	
3	A. Explanatory Note - IV. Content of the draft opinion and decision - Background	4 - 7		
4	A. Explanatory Note - IV. Content of the draft opinion and decision - Background	4 - 7	<p>Page 7 of 85 Medical certificates are issued by aeromedical centres or aeromedical examiners and, additionally, for the leisure pilot licence 10 , a general medical practitioner, if so permitted by national law.</p> <p><i>Comment: The BGA agrees and strongly supports this approach.</i></p> <p><i>It is recognised that the authorisation of GMPs to issue medical certificates is controversial in many countries.</i></p> <p><i>However this arises by reason of commercial interests rather than any evidence of safety outcomes. The Basic Law 216/2008 clearly recognises (Article 7, para 2) that the advantage of the GMP is the knowledge of the applicant. As will be re-stated in later comments, that essential principle in 216/2008 has been lost in this NPA. All European nations have developed health care systems, children are examined, vision tested and glasses prescribed when needed, diseases are diagnosed and treated. All this will be recorded somewhere. The BGA initiated the practice of requiring a GMP with access to previous records to endorse the medical history of the applicant after an accident in the 1960's in which an epileptic gliding instructor killed himself and a pupil. His PPL(A) had been obtained without disclosure of his disease. Honesty has not improved as was shown in a recent report [1] from the USA. In the scientific literature, undeclared and disqualifying therapy has been reported.[2] It has been the experience of the BGA that</i></p>	

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			<p>validation by a GMP offers greater security than following examination by an AME who must rely upon the unsupported self declaration provided by the applicant. A GMP is not a second rate AME. Assurance of pilot fitness is obtained through a different methodology.</p> <p>BGA Proposal: Where adequate records exist, a GMP should be permitted to certify pilots without further examination. This follows in principle the arrangements for the continuing airworthiness of aircraft where either a continuing relationship can be established with a maintenance organisation or a full and independent survey conducted. As will be commented later in 17c, the proposals for the LPL are far too complex and the medical form in use by the New Zealand Gliding Association is recommended [3]. This offers an option of either examination or approval from records. It must be confirmed that certificates issued by GMPs will be recognised outside their national borders, whatever the national law in the country visited.</p> <p>References:</p> <ol style="list-style-type: none"> 1. United States House of Representatives; Committee on Transportation and Infrastructure. FAA oversight of falsifications on airmen medical certificate applications. released March 27, 2007. 2. Ahmet Sen, Ahmet Akin, Dennis V Cranfield and Arvin K, Medical histories of 61 aviation accident pilots with post mortem SSRI antidepressant residues. Aviat Space Environ Med 2007; 78:1055-59. 3. www.gliding.co.nz/Operations/MOAP/Ops/Forms/OPS01%20Medical%20declaration.pdf 	
50	A. Explanatory Note - IV. Content of the draft opinion and decision - Transition measures	16 - 18	<p>NPA 17a, Page 17, Para 48</p> <p>Comment:</p> <p>In the UK sailplane pilot skill and knowledge requirements have been developed over many decades utilising the sport's expertise and resulting in an almost universal acceptance of requirements exceeding or equivalent to ICAO Annex 1, the Glider Pilot Licence. Various countries have their own licensing mechanisms which have served their purpose well in ensuring sailplane pilots are suitably qualified. Not all of these have 'legal' status. NPA 17 has taken a very pragmatic approach that conversion could be "on the basis of a conversion report developed by the national authorities". We are very supportive of this and recommend that the guiding principle for sailplane pilots should be that their training and skill level is ICAO GPL compliant.</p> <p>BGA Proposal</p>	

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			<p>It is proposed that conversion of sailplane pilots to EASA-FCL requirements should take place on the basis of a conversion by national authorities recognising that;</p> <p>a. Sailplane pilots holding a pilot qualification that is identified as ICAO equivalent by the national authorities should be automatically recognised as qualified for the SPL and the LPL(S).</p> <p>b. Sailplane pilots holding a pilot qualification that is identified as sub-ICAO by the national authorities should be automatically recognised as qualified for the LPL(S).</p> <p>c. The right to exercise the privileges of an SPL or LAPL(S) is dependent on the medical standard that is met by the pilot.</p>	
367	Appendix I: Explanatory Memorandum to Part-FCL - Subpart B	21 - 23	<p><i>Para 19</i> <i>"As mentioned before for the other aircraft categories, a regular proficiency check is required every 6 years"</i></p> <p>Comment: The BGA believes that the 6 year proficiency check with an examiner is over-burdensome in that it requires an examiner rather than an instructor. So far, the common practice in the UK & most European Member States has been a flight with an instructor (not examiner!) at the beginning of every flying season. We do not see why gliding, which is a sporting activity, should have to comply with the stringent rules derived from JAR-FCL, which have been established for pilots wanting to start a career in commercial aviation.</p> <p><u>EGU Proposal:</u> biennial (i.e. every two years) flight with an instructor.</p>	
48	Appendix I: Explanatory Memorandum to Part-FCL - Subpart I	28 - 29	<p>NPA 17a, Subpart J, para 48, Page 29</p> <p>Subpart I Para 48 - Finally the Agency considers it necessary to refer here to the more general issue of . . . (IMC). . . The Agency decided furthermore not to develop a specific cloud flying rating for sailplanes which exists in several Member States. . . . It is envisaged to include this issue when drafting the ToR for the new task mentioned here above (<i>ie: FCL008</i>).</p> <p>Comment: <i>Removal of existing privileges through EASA rulemaking is inappropriate and does not represent better regulation practice.</i></p>	<p>BGA NPA 17 Cloud Flying v5.pdf (28.2kb)</p> 

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			<p><i>The removal of the existing privileges to fly non-VFR will have a serious impact on gliding and especially in the Northern European weather conditions. The removal of the privilege to fly close to, or where appropriate or necessary in cloud will have negative consequences on safety, operations and the economic viability of the sport. A supporting paper outlining these factors and our detailed proposal for such a qualification is attached.</i></p>	
51	Appendix I: Explanatory Memorandum to Part-FCL - Subpart J	29 - 30	<p>NPA 17a, Subpart J, para 49, Page 29</p> <p>Subpart J 49. Subpart J contains requirements for instructors , the existing category of the flight instructor (FI) was extended to include the privilege to conduct flight instruction on airships, sailplanes and balloons, based on already existing national requirements in different Member States. The remaining categories of instructor already existed in JARFCL 1 and 2, and the provisions of this Subpart follow closely the JAR system in as much as possible to take into account the extension of scope and some differences created by the Basic Regulation.</p> <p><i>Comment:</i> <i>The BGA is disappointed that the UK Sailplane Basic Instructor rating was overlooked during the extension of the LAFI and FI rating to include the privilege to instruct in sailplanes based on existing national requirements. This limited and simple instructor rating ensures that high volume first flying lessons can be provided safely and effectively without the volunteer instructor needing to attend an expensive and time consuming course to gain the instructing skills required by the small percentage of participants who move on to complete the flight training syllabus. The BGA has 450 Basic Instructors who play an important role in encouraging newcomers to the sport.</i></p> <p><i>The LPL(S) and SPL proposals appear to provide the necessary 'first flight' piloting resource so important to all gliding clubs. However, the BGA would like to discuss with EASA how it can cross credit into EASA FCL the instructing experience of its existing Basic Instructors based on existing national requirements.</i></p>	
5	Appendix II: Explanatory Memorandum to Part-Medical - Subpart B	34 - 36	<p>Page 34 of 85 9. MED.A.055 deals with the validity periods of medical certificates and one difference with JARFCL 3 ...</p> <p><i>Comment: This periodicity for Class 2 accords with ICAO but differs in respect of the</i></p>	

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			<p><i>upper age group from that which is given in 17c MED.A.055. That section requires an annual revalidation for those over the age of 50. Unfortunately there is no good scientific evidence for any particular time interval between examinations. In addition, the health care systems of European nations ensure that serious disease does not remain undiagnosed or untreated and so must become known to the pilot and their GMP. Indeed, the low frequency of denials suggests that most pilots who become unfit cease flying and do not seek revalidation and a BGA rule has always required a new medical review after serious illness.</i></p> <p><i>Secondly, the LPL has no renewal until age 45 and that has been the case for the UK NPPL. The proposed LPL would permit an initial issue at age 13. However, potentially disqualifying diseases, notably epilepsy and Type 1 diabetes, notoriously commence during the teen-age years and there is a strong case for an additional medical review should the initial medical certificate be available at the proposed age of 13 years.</i></p> <p>Proposal: All Class 2 medical certificates should follow minimum ICAO requirements. For older pilots this would match the biennial flight review. Any initial LPL medical certificate issued before the age of 15ys 11 months should be revalidated after five years.</p>	
6	Appendix II: Explanatory Memorandum to Part-Medical - Subpart B	34 - 36	<p>Page 36 of 85 <i>Subpart B, Section 3</i></p> <p>17. The LPL is a new licence for private flying and is based on requirements for national private pilot licences that exist in some Member States because the medical requirements in JARFCL 3 ...</p> <p><i>Comment: While supportive of the GMP medical proposals, the BGA would like to comment on the requirement for medical certification. The basic law, 216/2008 [1] clearly intended that for simple aircraft, rules should be simple. NPA 17 does not seem to achieve that - the rules as expanded in 17c are far from simple.</i></p> <p><i>Between 1967 and 2003, for solo flying the BGA only required a self declaration to private driving licence standard. Self-declaration is still the sole requirement in the UK for Hang and Para glider pilots and in France for micro-light pilots [1]. For glider pilots this is an integral part of the GMP certification process which has served us very well over many years - it is simple, highly available, and cost effective. Self declaration is an integral component of Class 1 and Class 2 certification. By way of comparison, in the USA, only a valid driver's licence is required for the Sport Pilot Licence which permits the carriage of passengers and because road licences are issued by State, there is even less commonality than in Europe where driving licences are controlled by a Directive [2]. In addition, the medical requirements for French micro-light pilots [3] are based upon self</i></p>	

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			<p><i>declaration and there is no evidence that this has proved unsafe.</i></p> <p><i>The BGA believe EASA should be concerned principally with standards achieved -and the BGA is completely supportive of the standards proposed by the NPA 17 - rather than the method by which standards are achieved. It is written in the NPA that self declaration is not acceptable for legal reasons. However, the BGA see no reason why a mechanism of self declaration supported by a GMP assessment - through either recent medical records OR examination should such records not be available - would not be sufficient and would ask that serious consideration be given to the continuation of this very proven process for glider pilots.</i></p> <p><i>Proposal: Concerning this and some other sections there have been references within EASA to what have been termed 'cover regulations'. These are apparently interpretations by lawyers of points that are considered insufficiently precise in the basic regulation. Without proper democratic control these additional rules created by lawyers are unacceptable to pilot members. Therefore the legal opinion above must be questioned. It is recommended that the role of self declaration as part of the certification process supported by recent medical records where available OR GMP assessment otherwise be re-evaluated with a view to simplifying the process and removing over-burdensome and potentially costly requirements.</i></p> <p><i>References:</i></p> <ol style="list-style-type: none"> <i>1. Regulation (EC) No 216/2008 of the European Parliament and of th Council of 20 February on common rules in the field of civil aviation....</i> <i>2. Council Directive 91/439/EEC of 29 July 1991.</i> <i>3. Fédération Francaise de Planeur Ultra Leger Motorise, www.ffplum.com/</i> 	