EASA

TERMS OF REFERENCE

TOR Nr: MDM.032

Issue: Draft 2 **Date:** 17 October 2005

Regulatory reference:

- REGULATION (EC) No 1592/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency
- COMMISSION REGULATION (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations
- COMMISSION REGULATION (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Reference documents:

 OPINION No 3/2004 OF THE EUROPEAN AVIATION SAFETY AGENCY for amending Regulation (EC) No 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, to extend its scope to the regulation

1.Subject:

Regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities

2.Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

In Opinion No 3/2004 the Agency recognised that the current JAR-FCL PPL may be too demanding for flying only simple aircraft in a simple air traffic environment and considered it appropriate to create an additional level of licence for these types of activities. As a consequence the Agency has proposed the creation of a new category of private pilot licence, a Recreational PPL, as an alternative to the existing JAR-FCL PPL that may be issued by assessment bodies. The holders of such a licence will not be authorised to fly complex motor-powered aircraft or to engage in commercial aviation. The related implementing rule ,need to be developed.

In addition, in Opinion No 3/2004 the Agency reached the view that the operation of general aviation aircraft shall be regulated through implementing rules adapted to the complexity of the aircraft rather than to the type of activity. In the case of non-complex aircraft not engaged in commercial activities these implementing rules would most probably be limited to the use of airspace or of requirements related to certain types of activities, such as emergency and radio equipments. These implementing rules will be directly applicable and compliance verified by Member Sates without the need for neither certification nor declaration. Here again this implementing rule, need to be developed.

Furthermore, during the consultation that took place for the preparation of this Opinion, the views expressed by stakeholders showed that there appeared to be several issues that also needed to be addressed. Above all, the majority of stakeholders feel that they are already over regulated and do not want to be faced with the same situation when the OPS and FCL regulatory framework is transferred to EASA. They consider that this is one of the reasons for the poor development of European general aviation. This has led many associations, sports aircraft, glider and Microlight aircraft, to express the will to be or to remain excluded from the scope of EASA. This clearly poses the problem of aircraft that are almost identical in design and performance being regulated by different bodies which may create inequalities that would be unacceptable. In contrast, including more aircraft in EASA's scope can only be envisaged if the regulations are re-thought and adapted to the complexity of the aircraft.

The Agency is concerned about the situation highlighted during the consultation and ensuing meetings

with this segment of aviation and therefore wishes to address this issue as a whole to ensure a coherent system adapted to the needs of this segment of civil aviation.

Taking into account the above, the Agency has decided to address all the issues raised above in a single activity that will focus mainly on this community as a whole. This will avoid, as is often the case that the solutions that are initially found for commercial air transport of large aircraft are then later generalised to the rest of the aviation community. The Agency feels that this is one of the reasons for what could be over burdensome rules. The proposed activity will be similar to the one that led to the US Light Sport Aircraft rule and will address all aspects of non-complex aircraft when not engaged in commercial operations (design, maintenance, operations and licensing). This may lead to appropriate adaptation of existing JAA material, such as draft JAR OPS 0 and 2, as well as to revised implementing rules for airworthiness and continuing airworthiness.

3.Objective:

Propose new concept for regulation of aircraft other than complex motor powered aircraft, used in non-commercial activities and draft the associated NPAs

4. Specific tasks and interface issues (Deliverables):

- Develop a concept for the regulation of aircraft other than complex motor powered aircraft when used in non-commercial activities after a review of:
 - Current regulatory system and implementation measures applied to that segment of aviation today
 - Other approaches to that segment of aviation that have been put in place in other countries
 - o In service experience.

In developing this concept the group may wish to consider;

- o the possibility of creating sub-categories of aircraft in this segment of aviation
- the possibility of using industry standards
- Develop implementing rules for the issue of recreational private pilot licence
- Develop general implementing rules for the operations of the concerned aircraft [
- Rethink the implementation means today applied to these aircraft in airworthiness. This may lead to modifications to the Basic Regulation, slight adjustments to the essential requirements and the development of different implementing rules for airworthiness and continuing airworthiness.
- Finally, based on the new implementing measures proposed, the content of Annex II could be reviewed in order to better adapt it to the actual needs of the concerned segment of civil aviation.

The group shall maintain adequate interfaces with other groups working on operations and licensing

5. Working Methods (in addition to the applicable EASA procedures):

The work shall be carried out by a rulemaking group.

The initial meeting should be held early enough so as to allow meeting the task within the required timescale.

Meetings shall be held at the Agency in Cologne.

The group will be chaired by the Agency

6. Time scale, milestones:

Start of work in January 2006.

Publish interim report on the concept for regulatory system and implementation measures June 2006

Publish NPA for recreational private pilot licence rules September 2007

Publish NPA for general operational rules September 2007

Publish NPA to change airworthiness requirements March 2007

EASA DRAFTING GROUP

GROUP COMPOSITION

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Subject:	
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Composition:	
Members:	