



**Kongelig Dansk Aeroklub**  
Danmarks Luftsports-Forbund

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**EMNE: EC Regulation COM (2012) 776 Final**

Kære Henrik Dam Kristensen

Vedhæftet denne meddelelse vil du finde et 7 sider langt "position paper" fra Europe Air Sports (EAS), der er fritidsflyvningens "talerør" til EASA, EU-kommissionen m.fl.

Jeg skal prøve at spare dig for en længere rejse igennem dette dokument, der for uindviede kan være ganske uforståeligt, men i korte sætninger forklare KDA's ærinde.

Der er i EU-kommissionen fremsat forslag om at alle, selv mindre og ubetydelige, hændelser/oplevelser der relaterer sig til luftfart, skal indberettes til et centralt register indenfor 72 timer. Det gælder alle former for luftfartøjer, hvad enten det er en Airbus 380 eller et UL-fly, et svævefly eller en ballon, og hvad enten det er i kommercielt øjemed eller det blot er for egen fornøjelse.

Pligten til indberetning omfatter alle former for hvad der af forslagsstillerne opfattes som uregelmæssigheder, men som i mange tilfælde er helt normale i det mønster som f.eks. svævefly og balloner helt kontrolleret bevæger sig for optimal udnyttelse af vejrforholdene.

Der er desuden pligt til at foretage denne indberetning inden 72 timer efter en sådan hændelse, hvilket i mange tilfælde vil være helt umuligt i mange klubber, der drives som foreninger kun med frivillig indsats. Endvidere skal indberetningen også foretages, selv om der i andre bestemmelser er pligt til at foretage indberetning om samme forhold via andre kanaler.

Hverken EAS eller KDA er imod der skal foretages indberetninger om uregelmæssigheder, men skal vi kunne formå vore medlemmer til at følge reglerne herom, skal der være proportionalitet i forholdene, og vi skal indtrængende bede dig gøre din indflydelse gældende, således dette forslag enten tages af bordet eller gøres til genstand for en omfattende revision inden det vedtages.

Med venlig hilsen  
**Kongelig Dansk Aeroklub**

  
Høge Hald  
formand

Medlem af *Fédération Aéronautique Internationale*





## EUROPE AIR SPORTS

The Association representing European National Aero Clubs and Air Sports Organizations in Regulatory Matters with European Authorities and Institutions.

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26 March 2013

### Position Paper

#### Comments on the proposal for a regulation on occurrence reporting in civil aviation – COM(2012) 776 final 2012/0361 (COD)

#### EXECUTIVE SUMMARY & PROPOSALS

##### Scope

The scope of the proposed Regulation is wider than its predecessor Directive 2003/42/EC, in that it now covers “(all) aircraft” compared to “turbine-powered or public transport aircraft” in the Directive. The widening of scope happened, as far as is known, subsequent to the consultation with stakeholders and without any impact assessment that addressed the widening of scope.

The scope of the proposed Regulation as drafted includes “all aircraft” including Annex II of Regulation 216/2008. It would be more effective and targeted **if limited only to those aircraft within the scope of EASA** – i.e. exclude certain Annex II aircraft such as hang-gliders, amateur-built aircraft, microlight aircraft etc.

##### Support for proportionate occurrence reporting

Europe Air Sports supports, in general, the recording of occurrences, on the basis that evidence-based rulemaking and other safety initiatives require empirical evidence on which to base these activities. However, such evidence gathering needs to be properly focused **and proportionate** to the potential risks.

##### Administrative burden

Generating occurrence data is administratively time consuming. Therefore the benefits need to be clear, and data should not be collected “just for the sake of it”. Whilst the Regulation addresses the issue, a well designed end-to-end process is necessary to convert data into effective safety initiatives.

##### One size does not fit all

The “one size fits all” approach is not appropriate to cover the whole range of civil aviation. It is disproportionate and questionable in terms of safety benefit, and not in line with the European GA Safety Strategy.

##### Annex I examples are for CAT

The examples of occurrences in Annex I of the proposed regulation are designed primarily for Commercial Air Transport (CAT) and IFR operations. If the mandatory list is to be applied to air sports / recreational / private non-commercial aviation, the number of reports would grow exponentially (assuming full compliance) and the data handling organisation(s) would be flooded with data, much of which would be of little practical safety use.



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### Other regulations and occurrence reporting

Occurrence and incident (as opposed to accident) reporting is built into other European aviation legislation such as Part M, Part ORA relating to Approved Training Organisations. The current proposed regulation needs to be dovetailed and tailored accordingly so as to avoid overlap reporting actions and responsibilities.

### Separate annex(es) for non complex aircraft occurrences?

The Regulation would be far more effective in its aim **if the sports and recreational end of General Aviation had a tailored annex of examples, sub-divided into**

(a) aeroplanes

(b) helicopters

(c) sailplanes / gliders and

(d) balloons and airships.

Where the division between the “lower end of GA” and the higher levels is open to discussion, but maybe one criteria is “non-complex” aircraft as defined in BR 216.

In the time available since these issues became apparent to Europe Air Sports, it has not been possible to provide a proposed comprehensive alternative annex listing of occurrence examples, divided into the four principle aircraft categories. **Such a list deserves proper consideration and process, which we can probably achieve as a proposal in a relatively short time-scale of, say, 2 months – by early June 2013.**

Nevertheless, the attached annex is a sample of a more limited list of examples for Annex I of the Regulation, for aeroplanes and balloons (sailplanes list still being worked on).

### Impractical Articles

Article 6, point 1, last sentence, **will be impossible to implement** without disproportionate additional costs, in small organisations which are typical in the light aviation sector and **often run purely by volunteers.**

Equally, the burden placed on them by **Article 13 is totally disproportionate** in relation to the light aviation sector.

The reporting deadline of within 72 hours (**Annex II item 1**) is **totally unrealistic for many organisations** in the light aviation sector, particularly where the operation is run by volunteers.



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### EUROPE AIR SPORTS

Europe Air Sports (EAS) is the voice of sports and recreational aviation in Europe, representing the interests of an estimated 650.000 active sports and recreational aviation participants.

Established in 1988 as a non-profit organisation, and since 1994 affiliated to the global Fédération Aéronautique Internationale (FAI), our objective is the long-term promotion and protection of sports and recreational aviation in Europe.

EAS supports a European regulatory environment that is proportionate to the complexity of aircraft and the nature of flight operation. A minimal amount of regulation to ensure flight safety, access to airspace, free movement and efficient and cost-effective organisation for operations, are of paramount importance for air sports to survive and thrive.

EAS believes that the developing European regulatory framework for civil aviation should allow for the continuation of all flying activities which are currently possible under national legislation.

EAS membership embraces the National Aero Clubs of 22 countries, including most of the Member States of the European Union, together with the pan-European representative air sports organisations, specializing in the various recreational flying activities: gliding, hang-gliding and paragliding, parachuting, powered (aeroplane) and microlight (ultralight) aircraft flying, and ballooning. The interests represented also include aeromodelling.

### COMMENTS ON COM(2012) 776 final 2012/0361 (COD)

The Commission proposes a new regulation on occurrence reporting, with the overall objective to “improve aviation safety by ensuring that relevant civil aviation safety information is reported, collected, stored, protected, exchanged, disseminated, analysed and that safety actions are taken on the basis of the information collected where appropriate” (Article 1). The proposal builds on the existing Directive on Occurrence Reporting (2003/42/EC), which applies to “turbine-powered or a public transport aircraft”.

The Commission’s proposal applies to “occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person” (Article 3). This wording significantly widens reporting obligations, to include all of sports and recreational aviation. **This widening of scope was however not addressed in the stakeholder consultation organised by the Commission before the adoption of the proposal.**

While a solid system of occurrence reporting appears appropriate for commercial aviation, including in particular Commercial Air Transport (airlines) and Business Aviation, EAS takes the view that a more proportionate system is required for sports and recreational aviation. This would reflect the principles established by the Communication on Sustainable Future for General and Business Aviation (COM(2007) 869 final, and the Parliament’s Resolution 2008/2134(INI). These principles were underlined in 2012 by the EASA Management Board sub-group’s European General Aviation Safety Strategy, which



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promotes more proportional rulemaking for recreational aviation and includes a risk hierarchy for aviation, particularly as regards the risk exposure to third parties.

Sports and recreational aviation entails flying activities by private individuals for pleasure, which are in principle similar to hobbies such as horse riding, skiing, yachting, or motorcycling. These activities are completely different from commercial flying activities, which typically involve the transportation of passengers or cargo for remuneration.

Safety is a top priority for every single private pilot. EAS therefore supports an occurrence supporting system, which generates useful data, while at the same time not overburdening pilots, aeroclubs and not the least the Member States civil aviation authorities.

Annex I of the Commission's proposal provides an extensive list of occurrences to be reported, many of which are completely inappropriate for sports and recreational aviation. This list has obviously been drafted with commercial air transport in mind, which is typically operated according to the Instrument Flight Rules. EAS can see a safety benefit for a more efficient occurrence reporting system for this segment of aviation.

In contrast many of the occurrences to be reported are in fact part of every day operations in a lower-mass, sport and recreational, non-commercial environment, and in flights operated under the visual flight rules (VFR). Reporting such occurrences will generate no improvement to safety and may even be detrimental to safety, by overburdening non-commercial aviation and the civil aviation authorities with useless data.

Examples of this, using sailplanes (gliders) as the example, are:

- "Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause"

In a sailplane this often happens when leaving a thermal and flying through sinking air; the pilot's intent will be to maintain as much height as possible, but in practice he may not be able to.

- "avoidance maneuvers: risk of collision with another aircraft, terrain or other object....."

Again, flying a sailplane often takes place very close to other sailplanes (e.g. in a thermal) and de facto there is a much higher risk of collision than in other forms of flying. But this is part of the sport, for which pilots are trained, and it is a 'normal' activity to constantly maneuver to avoid other sailplanes.

- "Take-off or landing incidents, including precautionary or forced landings."

Sailplanes often "land out", i.e. land off-airfield when flying cross country and being unable to find rising air to stay airborne. This is quite normal, and would not be regarded by pilots as a reportable occurrence in the safety sense.

- "Rejected take-offs"

Sailplanes frequently have to abandon the launch – especially winch launches – if the



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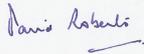
cable breaks, or a wing drops at the beginning of the ground run. These type of incidents are trained for and are "quite normal". Only when something serious goes wrong, resulting in an accident, would it be reported.

The same principles apply to light aeroplanes and balloons, in that the nature of operation does not accord with CAT, and therefore a more tailored list of reportable occurrences would be appropriate.

In view of the above EAS proposes that an additional Annex to the draft regulation, providing a more limited and more proportionate list of occurrences to be reported by sports and recreational aviation.

Furthermore, the scope of the regulation should be adjusted to reflect the competences of EASA, as specified in Regulation 216/2008/EC, the EASA Basic Regulation. In particular, those aircraft listed in Annex II of Regulation 216/2008/EC should not be subject to the reporting obligations of the proposed regulation on occurrence reporting. This would be of fundamental importance to respect the principle of subsidiarity.

EAS would like to offer its assistance to the European legislator, to help work on a list of occurrences, which merit reporting, because they have the potential to improve safety.



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### Annex to Europe Air Sports' submission on EC Regulation COM (2012) 776 Final

#### Some examples of mandatory occurrence reportable events in air operations, tailored for non-complex aircraft

*NOTE: This annex should not be taken as a formal proposal for non-complex aircraft mandatory occurrence reporting, but merely illustrative for the purpose of this paper.*

#### Aeroplanes: Non-complex, single engine pistons, other than Annex II aircraft in 216/2008

A sudden avoidance maneuver required to avoid a collision with another aircraft, terrain or other object, other than normal procedures in a VFR operation

Take-off or landing incidents, in particular forced landings, overrunning or running off the side of runways, landings on incorrect runways and runway incursions at a controlled aerodrome

Loss of control (including partial or temporary) regardless of cause.

Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution

Abnormal vibration of engine, propeller, airframe or controls

Fire, explosion, smoke or toxic or noxious fumes, abnormal smell, even though fires were extinguished.

An event leading to the declaration of an emergency ('Mayday' or 'pan').

Incidents, which have led to significant injury to passengers or crew but which are not considered reportable as an accident.

A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential service.

Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.

An un-commanded thrust/power loss

A fire, explosion, smoke or toxic or noxious fumes.

Incorrect assembly of parts or components of the aeroplane found during an inspection or test procedure not intended for that specific purpose.

Provision of significantly incorrect, inadequate or misleading information from any ground sources, e.g. air traffic service (ATS), automatic terminal information service



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(ATIS), meteorological services, navigation databases, maps, charts, aeronautical information service (AIS), manuals, etc.

### **Sailplanes / Gliders (Non-complex aircraft)**

Examples outstanding – to be advised

### **Balloons**

Dip tube failure on fuel cylinder

Envelope pulley breaking

Control line breaking

Tether rope breaking

Valve seal leak on burner

Valve seal leak on fuel cylinder

Carabiner breaking

Fuel line damage

KOPI