



*Fédération
Aéronautique
Internationale*

Progress Report

of the

FAI Regulation Expert Group - REG

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Report by Otto Lagarhus

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Temporary Point of Contact for REG

Background

The FAI Regulation Expert Group was established in May 2012. In order to establish good working processes and get used to the working methodology, an initial set of tasks were given to the nominated Experts. Otto Lagarhus (EB Director) functions as the interim Point of Contact (PoC) latest until the FAI General Conference (OCT 2012), at which point a PoC will be nominated from one of the selected Experts. The PoC also participated in the discussions, and attempted to stimulate discussion by providing specific suggestions as ideas, and by posing provocative questions to raise debate.

Conclusions appear at the end of the report, in red.

Tasks assigned to the REG

The following tasks were assigned:

In the opinion of the REG, provide answers to the following questions :

- a) **What 3 potential regulatory changes that the REG is aware of pose the potential for causing the most damage to air sports by creating unnecessary restrictions or increase in cost ?**
- b) **What actions are suggested by REG to minimize the effects of the regulatory changes identified in a. above ?**

Additionally, the REG should provide a suggestion for further tasks, based on their experience and expertise, and their current assessment of the regulatory challenges facing air sport activities.

Supplemental Info re. inputs discussion

Some main issues - Expert A:

User Fees: Already fuel costs (and the taxes that go with them) reduce the amount of flying time for pilots. When you add extra fees, simple economics indicates that people will fly less. That ends up harming pilot proficiency which of course harms safety. Instead of pilots taking many smaller trips, they may choose to take fewer trips which may be longer so that they get 'more bang for the buck.' User fees also disproportionately hurt younger and poorer pilots if they are getting charged the same fees as larger aircraft.

UAVs: UAVs by themselves can be a useful tool for the military and the police. However, right now UAVs are limited in their flights. They must be within line-of-site of the operator in order to see and avoid other traffic. The UAV companies do not like this restriction and want to change the rules from

see-and-avoid to detect-and-avoid. In order for detect-and-avoid to work means that everything flying must have some kind of transponder indicating its position. The expense for that technology and its maintenance will have to be funded by the individual aircraft owners. Being forced to fly with that kind of transponder for sport flying also has privacy implications since government and anyone else will be able to track people flying for sport.

NextGen/Sky-SES: This issue ties closely to the UAV issue above. But certain sport fliers like gliders, paragliders, skydivers and ultralights don't always have electrical systems. The cost and installation challenges for that kind of equipment for sport fliers is forecast to be prohibitive at this point. In the USA, sport aviation so far isn't being required to use NextGen. However, it is under discussion with some in the government.

Some main issues - Expert B:

Environmental Pressure Group Activity

Additional to the 3 most potential damaging regulation changes named, there is also another regulatory issue we will increasingly face: Environmental protection groups are forcing our authorities to be more and more restrictive when it comes to our aviation freedoms. Very impressive is the following example from Switzerland, which is the cradle of air rescue. Landing with fixed wing aircraft on Swiss glaciers is part of our nations heritage. Mountain Wilderness and the Swiss Alpine Club are being forced to close down the landing sites in the mountains. Our authorities do little or nothing in order to support the needs of our pilots to train on these landing sites.

Some main issues - Expert C:

We (FAI) should oppose regulations implying increased cost; only significant cost advantages should justify cost increases. A risk assessment (by someone suitably qualified) should be required if it felt that costs would have an adverse effect on sports aviation.

However, we should not be seen to oppose regulation just for the sake of it, or we could loose credibility! Likewise, we should not jump on ' regulation band-wagon' just for the sake of it.

Additional suggestions of critical regulating issues emanating during discussions:

- Increased requirement for formal training for the air sports person (hours, tests, recurrent, etc.)
- Personnel licensing requirements for the air sports person (stricter, more comprehensive)
- Complicated and costly maintenance requirements for our aircraft/ equipment (ARC, CAME etc.)
- Strict medical requirements for the air sports person (unnecessary, cumbersome, costly)

Example of discussion/work process

Here the PoC supplies some provocative questions, which is being answered by an REG Experts (example):

"Is our resistance to equipment actually hindering more freedom, more safety?"

It is not the equipment that aircraft owners oppose, it is the costs that go with it – and I specifically talk about certification costs and bureaucracy. Also it has not been proved, that more equipment leads to more freedom. So aircraft owners are typically skeptic about it, rightfully so.

"Is it not true that an inexpensive piece of equipment. showing position and giving collision protection, will ensure and improve our freedom..?"

True, but if the requirement for installing such equipment goes along with more costs and bureaucracy, as well as many other new requirements and regulations; we are approaching a limit that is of obstructive nature for many pilots and owners.

"Have our resistance to accepting/promoting regulation, requiring inexpensive equipment enabling ATC tracking, actually been counter productive..?"

I am not aware of the fact that we did hinder the authorities in implementing such equipment. We are doing our best, though, to prevent the authorities to establish a new and more complex airspace structure that makes such equipment necessary.

"Is harmonization of regulations just an excuse to bring regulations into areas/fields where it is not needed..e.g. the EASA experience?"

It is probably not an excuse, but the authorities do not realize beforehand (even though they could), that harmonization brings difficulties of greater scope to areas, where regulation was different or inexistent beforehand.

Comments by PoC:

Very relevant answers/comments; the cost issue and the paperwork to go with it are highlighted. Furthermore, the Expert is highlighting the issue of "reaching the limit" in regulations and requirements, stifling growth of air sports. Generally, the answers to the questions must be interpreted as a fairly strong argument for being restrictive in pushing for equipment, which may well introduce further regulations and restrictions, e.g. the arguments in the NextGen issue.

PRELIMINARY CONCLUSION

Task 1:

What three potential regulatory changes that the REG is aware of pose the potential for causing the most damage to air sports by creating unnecessary restrictions or increase in cost ?

It is hard to limit this to three only. The REG discussions resulted in the following *five* issues that should be addressed with force:

- * The increase in user fees and/or the increased application of user fees**
- * The broad introduction of UAVs (imposing uncritical limitations on other activities)**
- * Equipment requirement resulting from NextGen/SES implementation**
- * Uncritical application of environmental issues**
- * Increased requirements for formal licensing of air sports persons to carry out their activities (medical, training, experience etc.)**

Task 2:

What actions are suggested by REG to minimize the effects of the regulatory changes identified in 1. above ?

The REG is of the opinion that the constant presence of the FAI views and lobbying at various levels of applicable regulators/organizations must be ensured.

Failure to ensure effective FAI presence/lobbying at international and regional levels may prove to be detrimental to air sport.

Stimulating NACs to lobby national authorities will also be an important success factor in ensuring our freedom to practice air sports.

FAI management (EB/ASCs/RVPs) must ensure relevant actions.

*******17AUG2012*******