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Title	European Commission policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008
NPA Number	A-NPA 2014-12

AOPA Sweden (torgny.bramberg@aopa.se) has placed **13** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
2198	2. Background – 2.2. The need for change	4 - 5	<p>AOPA – Sweden proposes a different development path for European Civil Aviation Authorities.</p> <p>EASA should be given a role tailored for a EU which is not a single country but a union of countries. Europe does not need a new higher level replica of national aviation authorities, with an added level of yet more regulators. Instead;</p> <p><i>EASA should set conditions for institutional competition, i.e. between national authorities – based on harmonized implementation of EASA regulation. This would encourage specializations and efficient handling of e.g. certificates, special aircraft type airworthiness, specialized oversight etc. Such a system would also encourage new clusters of industrial and administrative excellence.</i></p> <p>The experience to date from EASA regulation is, as could be expected, a mixed scene. Worst effects of EU regulation may hopefully, but only partly - be remedied by the GA Road Map. EASA training and maintenance regulations for GA are destructive. The charges resulting from a rigid system of cost based fees results in GA having to pay for a regulatory structure sized for commercial aviation (CAT) needs. Security issues to protect CAT make airports costly and inaccessible to GA. Responsibility for the factual effect of regulation is diluted as EASA and national authorities pass the blame on the other</p> <p>A significant problem in EU aviation policy is the actual level, unpredictability and underlying principles for fees and charges. In Sweden we have seen trebling or more of certain fees as a result of internal cost analysis and revised cost allocations within the authority. The consequences for GA in Sweden</p>	

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			<p>are dire to the point of threatening the sector as a whole. Sweden is a sparsely populated country with fragile GA markets in remote areas where GA is, or should be an essential means of communications.</p> <p>After EU/EASAs´ first ten years of management of GA regulation - the pilot population is halved and airports are closing.</p> <p>AOPA – Sweden welcomes the initiative and intentions behind this A-NPA. Regulation should, on a regular basis be subject to revisions and corrections. To borrow terminology from the A-NPA; regulation as such should be subject to a <i>performance based approach</i>. From our perspective all but the GA Road Map of the topics raised in this A-NPA are at the present time decidedly secondary to the more important issues related to national interpretation, implementation and cost efficiency of most of the EASA regulation already established. Any change in basic regulation widening the scope and/or authority of EASA must be preceded by a review of how current regulations add unnecessary cost to operations. At a national level the experience indicates that an already burdensome EASA system often is aggravated by national authorities. Are EASA intentions met on a national level? Are the economic and operational consequences balanced with regard to the safety level actually achieved? Is harmonization achieved?</p> <p>AOPA-Sweden agrees with the observation in this A-NPA; <i>The current system is not sufficiently responsive in order to adapt to a changing market and technologies.</i></p> <p>Particularly the adoption of new technology is lagging. AOPA Sweden would welcome the leadership by EASA in an international effort together with FAA to streamline, inter alia, the certification procedures. New and better technology is now effectively, in practice, barred from usage in GA. Present system protects legacy products with glaringly overpriced old technology. Pilots now forego panel mounted certified navigation instruments for i-PADs with vastly improved situational awareness. Most GA engines are technically more than half a century behind the automotive industry causing unnecessary</p>	

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			<p>environmental damage.</p> <p>AOPA-Sweden welcomes and support the general direction of regulation presented in the <i>GA Road Map</i>. We are pleased to notice that the road map descriptions of the problems are in general the view shared by the industry as a whole. The severely negative consequences from ill conceived and/or excessive regulation now suffered by European GA motivate a high priority and ambitious targets for the project.</p> <p>AOPA Sweden strongly favors a necessary revision of current regulation focused on cost and improved efficiency for pilots and operators which should take precedence over any mayor change in regulatory paradigm, mayor new tasks assigned - or transfer of current national responsibilities - to EASA.</p> <p>AOPA Sweden disagrees with allusions to a lack of sufficient level of expertise at national level as a motive for the transfer of responsibility to EASA. Any passage of oversight and responsibility from national to EU level will require the formation of new clusters of knowledge. The highest level of competence and expertise in complex areas is achieved only through decades of step by step learning and hard won experiences. The recruitment of new experts of highest repute cannot replace the national clusters of knowledge and EASA should rather refrain from assuming responsibility if it requires the ab initio formation of state of the art expertise.</p>	
2204	Question 3.1.1.1. — If yes, please identify possible policy options: (2) What measures could be taken to best address these issues?	7	<p>The legacy system which draws on experiences from, accidents and incidents for tuning of the regulation has served us well and should be guarded as a treasure. The sharing of experiences and mistakes without risking sanctions must also be protected as a cornerstone of the conceptual thinking behind the rules for aviation.</p> <p>Much of what is now in the industry deemed to be undue burdensome in current regulation could be traced back to authorities making forays into intended <i>proactive regulation</i>. Against this background, and seeing that the proposal encompasses system development and new reporting at unknown cost, AOPA Sweden does not support the proposed - <i>proactive, even predictive system</i>. AOPA Sweden wishes to promote the concept of evidence based regulation. The suggested;</p>	

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			<p><i>"Systemic mechanisms, tools and processes to further collect, analyse, exchange and protect safety data"</i></p> <p>--should not be accepted without any information on the scope, consequences and cost of such a, seemingly, comprehensive new scheme. AOPA Sweden concludes that the proposed change of paradigm is not described in a way or in detail which allows a professional to provide an informed opinion. We welcome further information and trust that the concept will not go ahead without proper consultation with the market</p>	
2215	Question 3.1.2. — Please add any further comments in this context!	8	<p>AOPA-Sweden favors the free market solution wherever possible. A comprehensive harmonization of training will be a compromise of many different opinions and thus without regard to different national characteristics. The possibility to adopt best practice will at best be slow, - in an ever faster developing world. Training organizations have been subject to ever stricter and changing rules. The demand on documentation and oversight has added cost. The resulting effect is fewer pilots at higher cost without measurable improvement in any area. Maintenance workshops are now burdened with demand on paperwork and bureaucratic formalities leading to cost increases destroying already fragile markets. We strongly believe that a harmonized approach to training also raises costs and reduces innovation and competition. And it adds barriers to entry into the market, increases the risk of collusion and other highly undesirable inefficiencies.</p>	
2218	Question 3.2.1. — (1) Do you consider that the current regulatory system puts unproportionate burden on General Aviation?	9	<p>AOPA-Sweden welcomes and support the general principles expressed in the GA Road Map.</p> <p>The efficiency and safety of European aviation is not substantially changed since EASA was created. EASA regulation has added vast amounts of regulations and made flying significantly more expensive. The sheer volume of text makes rules less accessible. Thousands of pages of rules that nobody reads, understand or follow, is not the correct way to improve safety. Legislative text must be understandable and possible to follow. Text volume, long sentences, double negation makes rules difficult to follow and understand. Example: Commission regulation 2042/2003 and 1056/2008, Annex 1, Part-M, paragraph M.A.901 g)</p>	
2224	3.2.3. Annex	10 -	A reduction of inconsistencies is one aspect	

Cmt#	Segment description	Page	Comment	Attachments
	II: Review of list of excluded aircraft	11	<p>which may motivate adjustments to the annex. There might be other motives as well to adjust criteria for exclusions. The proposal infers that the expertise available at the national level is somehow not up to what can be expected from a centralized EU level. The opposite may well be the case as expertise formation in general often requires decades of accumulation of knowledge and experience. Experiences from the EASA system until now suggest problems primarily emanate from a disregard to particularities and the application of one-size-fits-all principles for regulation. EASA may serve the industry best by letting this case rest - at least until member states call for change.</p>	
2226	Question 3.2.4. — Please add any further comments in this context!	12	<p>The scope of EASA should as a principle not be extended before current responsibilities are tuned as in, e.g. the GA road map.</p>	
2227	Question 3.2.6. — Please add any further comments in this context!	14	<p>The benefits from a central repository for organizations and certificates are on balance not sufficiently evident to motivate any further steps at this time on this proposal. The communication difficulties and practical consequences, e.g. time delays can be foreseen to complicate operations on the local level. The national authorities have valuable knowledge of local organizations which facilitates oversight and follow up on corrective actions. The principle of subsidiarity has substantial merits which should not be underestimated. A different approach mentioned in 3.4. is the horizontal delegation between countries. AOPA-Sweden proposes further exploration of this concept. (re: framed comment above) Read only access to national databases can probably be arranged after some standardization but responsibility for data should remain on a national level.</p>	
2228	Question 3.3.1.1. — Please add any further comments in this context!	14	<p>EASA:s remit is aviation safety hence the name Safety Agency. Environmental issues are thus not, and should not become, the responsibility of EASA. EASA should not engage in any action on legislative matters regarding the environment. The experience from 2008 serves as deterrent. EASA produced the NPA 2008 – 15 which was an attempt to regulate all aviation activities with respect to the environment. After vigorous protests from many organizations in Europe, including AOPA Sweden, the NPA was withdrawn</p>	

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2230	3.3.2. Aspects of aviation security	15 - 16	The proposal should not go forward. Conditions differ in different countries - in a wide variety of areas. Manifest problems differ. The harmonization of measures will undoubtedly increase demand on many local, perhaps remote areas, where no benefits from this proposal can be expected. This increases cost and, not least, injects bureaucratic procedures with possibly fatal delays where there is urgent demand for action	
2231	3.3.6. Common EU level register for aircraft	18 - 19	At this moment in time this proposal should not go forward. EASA could however contribute to significant efficiency improvements as described above (framed) through the establishment of regulations aimed at fair competition between national authorities.	
2232	3.4. Optimising the use of available resources	20 - 21	This proposal, regarding the "horizontal transfer", is very much in line with the principle described above (framed). A utilization of already existing resources is certainly more cost effective than a transfer of authority which entails new recruitments and new systems	
2236	3.5. Ensuring an adequate and stable EASA funding	21 - 22	As a principle, legislation/rulemaking should be funded by taxes. This entails a recurring scrutiny of budgets which is an essential function to restrain bureaucracy. A tax-like system of surcharges on e.g. air operations to cover costs for rulemaking eases the external pressure on EASA to continuously improve efficiency. A harmonized system should produce savings for the industry. Air traffic growth should result in economies of scale and savings. This proposal indicates the opposite. If a centralized authority adds cost to the aviation system as the question indicates then there is a need for a more comprehensive review of the system – a different approach	
2239	3.6. Further integration of aviation aspects	23	This call for delegation of a seemingly carte blanche to widen its remit at EASA's own discretion is not in line with good and prudent management of the authority. A good governance of any authority requires a well defined role and explicit jurisdiction. Until this further integration is defined and proven motivated, no steps towards development of "further integration" should be taken.	