



Hawk Information Services Ltd

Templehurst House
48 New Street
Chipping Norton
Oxfordshire
OX75LJ, United Kingdom
Tel: +44 (0)1608 643281
Fax: +44 (0)1608 641159

22nd February 2010

Dominique Méreuze - President European Microlight Federation
96 Bis Rue Marc Sangnier
F-94700 Maisons Alfort
France

Dear M. Méreuze

EASA study of microlight regulation within Europe

Hawk Information Services Ltd has been contracted by the European Aviation Safety Agency (EASA) to undertake a study with a view to understanding the current national regulations applying to microlight aircraft within different Member States of the EU.

The range of regulatory matters that the study will cover includes original airworthiness, continuing airworthiness (including maintainance), pilot training and licensing and medical requirements, operations, airspace access and related topics.

It is important to note that the objective of this study is **not** to affect the Annex II status of the microlight class, but to extract the best features of the microlight regulations currently used by Member States for their eventual application to ELA1 – (see definition in the Annexe).

The consequences of the existing regulations across the various member States in terms of accident rates, participation numbers and economic activity will then be compared to the features in the EU regulated frameworks. The results will then be used as a basis for us to recommend possible modifications of the regulations for the proposed ELA1 category.

Establishing accurate information and data is essential to a meaningful outcome of the study and we therefore wish to seek the help of stakeholders such as yourself. We also wish to consult on not only that information, but also on subjective views of 'how the system works', what the advantages are and what may be some of the disadvantages of the regulatory framework within which you currently operate. We shall also be interested in the cost factors in microlighting, in order to provide comparison with the EASA regulated light aviation sector.

The background to this study and further information is attached as an annexe to this letter.

If you would like to assist with this study and contribute your views and opinions we would start by sending you a list of a questions that would form the basis of a personal discussion and then arrange to meet you for discussion fairly shortly thereafter.

As an initial step we would be grateful if you can respond to the undersigned, by email, indicating your willingness to participate, after which we shall communicate further with you with the written questionnaires we are preparing.

Yours sincerely,
for Hawk Information Services Ltd.

Richard Thwaites
Director
richard.thwaites@dsl.pipex.com

Annexe

Background to the study

When the first Basic Regulation for EU civil aviation was adopted in 2002 (Regulation 1592/2002), microlight aircraft were excluded from the scope of EU regulations and EASA rulemaking proposals by including them in Annex II – the exemptions. As we are sure you know, the definitions for inclusion in Annex II were single seat < 300kg MTOM and two-seat < 450kg MTOM.

These exclusions were maintained through Annex II of the revised Basic Regulation, 216/2008, but with amendments to cater for aircraft parachute systems, which increased the MTOM thresholds to 315kg and 472.5kg respectively.

In the Terms of Reference (TOR) for the study, EASA quotes the following:

“Recital 5 of the Basic Regulation (Regulation (EC) N°. 216/2008 issued by the European Parliament and Council, indicates that consideration should be given to regulate at Community level aeroplanes and helicopters with a low maximum take-off mass and whose performance is increasing, that can circulate all over the Community and are produced in an industrial manner. To address this recital 5, a study is necessary to identify how such aircraft are regulated today in Member States and evaluate possible options at Community level taking into account in particular safety, economic, environmental, social impacts.”

It goes on further to say:

“It would not be appropriate to subject all aircraft to common rules, in particular aircraft that are of simple design or operate mainly on a local basis, and those that are home-built or particularly rare or only exist in a small number; such aircraft should therefore remain under the regulatory control of the Member States, without any obligation under this Regulation on other Member States to recognise such national arrangements. However, proportionate measures should be taken to increase generally the level of safety of recreational aviation. Consideration should in particular be given to aeroplanes and helicopters with a low maximum take-off mass and whose performance is increasing, which can circulate all over the Community and which are produced in an industrial manner. They therefore can be better regulated at Community level to provide for the necessary uniform level of safety and environmental protection.”

It should be emphasised at this point that the above statements do not lead automatically to a conclusion that current microlights should be removed from Annex II, as is feared by many within the microlight community. It could, however, be interpreted as pointing to the issue of ‘heavy’ microlights which are produced in Europe, but presently can only be marketed outside Europe, unless they are EASA certified.

EASA has provided Hawk with a written statement as follows: “the Agency wishes to clarify that it has no intentions to modify the present Annex II in particular in relation to micro-lights.”

The Study

The Terms of Reference for the study can be found on the EASA website at:

http://easa.europa.eu/ws_prod/g/g_procurement_main.php under the section ‘Closed call for tenders’ with the reference **EASA.2009.OP.22.**

Beyond the referenced recital in the Basic Regulation 216/2008, the TOR explicitly states the purpose of the study to be:

1. *“The study is needed to comply with the above recital 5. Further, the results of the study will be used to support point (1) of 2 below (**in bold**).*
2. *The recommendations are also intended to support a rulemaking task that should start in the second quarter of 2010. This task (BR.010) will address the following points:*
 - (1) ***Propose the necessary modifications to the Basic Regulation and EASA implementing rules to achieve an adapted level of regulation for ELA1 ** for airworthiness, maintenance, operations and licensing.***
 - (2) *Harmonize the above with other authorities*
 - (3) *Improve the approach to orphan aircraft*
 - (4) *Review the essential requirements for airworthiness to avoid any unwanted effects on small aircraft*
 - (5) *Propose that a Type Certificate for engine and propellers is not needed for some ELA aircraft.*
 - (6) *Ensure that self-sustained powered sailplanes equipped with a turbojet are noncomplex aircraft*

****ELA 1** aircraft are included in the present remit of EASA and are intended to be:

1. *An aeroplane, sailplane or powered sailplane with a Maximum Take-Off Mass (MTOM) less than 1200 kg that is not classified as complex motor-powered aircraft.*
2. *A balloon with a maximum design lifting gas or hot air volume of not more than:*
 - *3400 m³ for hot-air balloons*
 - *1050 m³ for gas balloons*
 - *300 m³ for tethered gas balloons*
3. *A non-complex airship designed for not more than four occupants and a maximum design lifting gas or hot-air volume of not more than:*
 - *3400 m³ for hot-air airships*
 - *1000 m³ for gas airships*
4. *An engine installed in aircraft referred to in this paragraph*
5. *A propeller installed in aircraft referred to in this paragraph.”*

Thus the study is designed to address two quite separate but related issues:

- (1) The current national regulations for microlights
- (2) Propose necessary modifications to the Basic Regulation and EASA Implementing Rules to achieve an adapted level of regulation for the aircraft encompassed by the proposed ELA 1 range (as defined above, and in the case of aeroplanes up to 1200kg MTOM, sailplanes in practice up to 850kg, balloons up the specified volumes, and related engines and propellers). The ELA 1 range covers, *inter alia*, the proposed European LSA category.

We have clarified with EASA that microlight helicopters and gyroplanes are excluded from the study.

The Terms of Reference set out a description of the subject and the scope of the work. In summary this is:

1. Undertake a review of existing (national) regulations (of microlights) in a sample of representative countries in Europe and abroad.
2. Analyse the effects of such regulations, in particular on achieved safety levels.
3. Identification of possible regulatory options.
4. Evaluation of the selected options using the EASA Regulatory Impact Assessment (RIA) methodology.
5. Propose recommendations, with a summary of positive and negative impacts

The Hawk team

There are four people in the Hawk team that will conduct the work for this study, all of whom have a background within the light aircraft or microlight sector:

- Richard Thwaites
- David Roberts
- Dr Paul Welsh
- Graham Newby

	Email	Office phone	Mobile phone
Richard Thwaites	richard.thwaites@dsl.pipex.com	+44 (0) 1452 780633	+44 (0) 7721 450984
David Roberts	david@thetallett.co.uk	+44 (0) 1285 770507	+44 (0) 7828 733900
Paul Welsh	fpwelsh@waitrose.com	+44 (0) 1539 431083	+44 (0) 7769 868652
Graham Newby	graham.newby@dsl.pipex.com	+44 (0) 1258 451771	+44 (0) 7747 000475

Independence

It was recognised that EASA needed to select a contractor that understood the microlight sector and the regulatory environment, but at the same time this posed potential difficulties in terms of possible conflicts of interest. It is therefore essential that this study is conducted to the necessary standards of independence. All the Hawk team members have a close involvement in light aviation, in one case a direct involvement in microlighting, and in another case a key role in representing air sports in European regulatory developments.

In the light of this, the company has appointed an independent person to act as the governance of the study, to ensure objectivity throughout the study, its conclusions and recommendations.

Timescales

The study is divided into three phases.

1. The first phase is the gathering of information from the microlight sector and the National Aviation Authorities, where applicable and necessary. During this phase we shall be talking with various stakeholders and making visits to meet with them to discuss a wide range of matters. This phase should be completed by early June 2010.

2. The second phase will comprise the construction of a Regulatory Impact Assessment (RIA), using the EASA standard methodology, setting out the options that we consider as they emerge from the study and our findings. This phase should be completed by September 2010.
3. The final phase will be a Workshop to be held in Cologne, at which we shall present our findings and recommendations. The participants shall include representatives from all interested sectors and stakeholders. Details of that will be communicated in due course, but it is likely to take place in the first two weeks of October 2010.

The Process

The process sequence within the first phase will be as follows:

1. To establish a factual database of actual national regulations and rules (if any, in some cases) for microlight aircraft
2. To establish which organisations in each Member State has what responsibilities.
3. To ascertain the population and activity data for microlight activities.
4. To ascertain what accident statistics data exists for microlight flying.
5. To assemble an overview of the current National regulations and rules in each Member State covered by the study.

The countries to be studied

EASA has agreed with us the following sample list of EU countries for which we should study the microlight sector and its regulations (in alphabetical order):

- Czech Republic
- France
- Germany
- Italy
- Netherlands
- Sweden (or Norway)
- United Kingdom

The above list does not preclude us from studying other countries if this subsequently proves necessary.

We trust that this letter sets out clearly the scope and purpose of the study that the Hawk team will conduct. We hope very much that you will be able to contribute to this study as stakeholders and consultees, and we shall welcome your input.