



FAI REGULATION EXPERT GROUP (REG)

Report to FAI General Conference 2013

The FAI Regulation Expert Group consists of the following appointed experts:

**Jan FRIDRICH, CZE
Roy BEISSWENGER, USA
Philip BÄRTSCHI, SUI
Richard FORTIER, CAN
Mary Anne STEVENS, CAN
Robert W COOK, AUS
Ronald SCHNITKER, NED**

**Point of contact (PoC):
Otto Lagarhus, EB
(temporary, PoC appointment in process)**

General

The Regulation Expert Group (SEG) has had moderate activity, in the form of exchange of e-mails concerning the various tasks, as well as 2 meetings using the GoToMeeting (GTM) electronic format. Results are considered satisfactory for the amount of work and effort invested.

The experience from the REG this year sends two important messages to the FAI (and hence the EB):

- The scheduled electronic meetings (as practiced with the two GTM meetings held) is a cost-effective way of elevating the discussions to a level above the exchange of e-mails and documents. It is therefore suggested that regular electronic meetings be scheduled, as the e-mail exchanges have a tendency to involve only a few persons, and to «fade out» unless someone is actively pursuing and managing the discussion process.
- The appointment of a Point of Contact with adequate time and suitable expertise is considered a major success factor. It is the intention of the present temporary PoC to find a replacement this fall.

In our opinion, the result of the work performed will in the course of the next year have impact on the FAI work with regulations, inasmuch as documented FAI positions (with some rationale) in the most critical areas will be available for use by our NACs, ASCs, the FAI Head Office and any person involved in air sports and recreational flying.

On the following pages, please find the status reports of the Task of the REG, which also includes the first draft of the FAI Critical Regulations Position Document.

Task 1 - Status Report:

The FAI Critical Regulations Position Document.

This document is intended to be a useful tool for FAI to utilize in contacts (meetings/discussions/lobbying) with authorities and organizations in regulation matters, and is based on the assumption that FAI needs to increase its influence in regulatory matters, in order to stop or reduce the negative effects of the flow of new and stricter regulations. The Position Document (something like an «FAI Policy») will ensure a coherent, structured influencing of regulatory decision-makers at various levels, from ICAO through the regional and national authorities down to representatives of local communities and airfields. The document is intended to be a useful tool for the FAI President, the EB, ASCs, RVPs, NACs, ASCs, the FAI HO, and others as applicable.

Background

In 2012, the REG worked on the task of identifying the three potential regulatory changes that the REG is aware of pose the potential for causing the most damage to air sports and recreational flying by creating unnecessary restrictions or increase in cost .

It proved hard to limit these to three only, and the REG discussions resulted in five issues that should be addressed with force. These five issues have undergone some minor changes in heading description, but without altering the intended scope of each area.

Description of document

The FAA Critical Regulations Position Document provides the FAI position («policy») and supporting rationale for five issues identified by the REG in 2012 as the most critical for air sports and recreational flying. They are:

1. **The increase in user fees and/or the increased application of user fees**
2. **The broad introduction of UAVs (imposing uncritical limitations on other activities)**
3. **Equipment requirement resulting from NextGen/SES implementation**
4. **Uncritical application of environmental restrictions/charges**
5. **Increased requirements for formal licensing/certification applying to air sports activities and recreational flying. (medical, checking, training, experience, certification of facilities/aircraft etc.)**

REG experts were allocated to each of the five areas above, and provided input (examples below)) to the PoC, who also participated in this work.

The layout of the FAI Regulations Position Document is a combination of FAI position(s) plus some supporting rationale. ***The FAI position (or policy) appears in bold/italic.***

Some information from discussions

The REG members showed strong enthusiasm for the task, and to highlight this, an example is included in the form of a checklist provided by a REG member working on area no. 5 of our Task, but it is of course applicable to the entire regulation area

- **Items suggested for check when new/additional regulation is proposed.**
 - What specifically are the proposed additional medical, training and experience requirements?
 - What are the objective data justifying the increased requirements?
 - What are the specific fears – increase in accident rate, violation of controlled airspace (VCA), deficient standards, deficient self-regulation? (These are normally not rectified by harsher state regulation, but by improvements in self-regulation, training, education under the current system).
 - Are accident statistics justifying this?
 - What effect/limitations will they have on recreational aviation activity?
 - Would a review and amendment of the FAI standards for recreational aviation medical, training, experience be a solution to the perceived problem?
 - Check ICAO Annex 1 and other relevant Annexes.
 - Which countries are supporting this? Why?
 - Check country's recreational aviation commitment statements regarding recreational freedom to fly.
 - Are regulatory bodies under pressure – political, public, other – to impose stricter standards?
 - Are advances in technology a factor?
 - Is the aging of participants a factor?
 - Is the increasing number of participants a factor?
 - Other?

Additionally, we include a couple of examples of input giving direct useful information to facilitate the REG process:

- «Another reason for this is additional expenses of the owner/operator for the purpose of maintenance and continued airworthiness. Costs for a CAMO are such, that many former A-to-A operators (sightseeing flights) have had to discontinue with their operation and give up business».
- «In recent years, GA-flying has become more and more expensive. Costs for operating smaller airplane rise evidently. Our national GA-stakeholders have the common understanding that this development is due to the bureaucracy and overregulation that came with JAA and later with EASA/EU. The regulation results in increasing costs, which on the other hand results in decreasing flight time of GA pilots».

These are just intended as examples, but it shows the dedication of the participants and the quality of the information and work which has contributed to the development of the FAI Critical Regulations Position Document, the initial draft of which appears below.

FAI Critical Regulations Position Document

- Version d1 (Initial Draft) -

The FAI Regulation Expert Group (REG) has identified the following five critical areas negatively affected by regulations, with resulting reduction in activities, and destruction of development and growth. For each area we have developed an FAI Position (*in bold/italic*) and supporting rationale, as follows:

- **The increase in user fees and/or the increased application of user fees**
 - The air sports activities are very sensitive to user fees, both by their size and their application. During the last 5-10 years, significant increases in both the application of fees and the fees themselves have given negative effects on air sports and recreational flying, resulting in a decrease of activities in most disciplines.
 - FAI believes that this development to a certain extent is due to bureaucracy and overregulation.
 - Another reason for the increase of costs is the fact that the aviation infrastructure runs short of facing the overwhelming needs of commercial air transport. Many larger airports prevent air sports and recreational pilots from using the infrastructure by means of prohibitive high fees. Plans for further increase of fees are already announced and in the pipeline for implementation.
 - The various authorities and regulators must realize that the increase in fees are hurting the air sports community and stifling activities that are not only important for sports and recreation, but are also the source of recruitment to important commercial aviation activities, be it to air transport companies, aerospace engineering, maintenance companies etc.
 - ***It is the FAI position that user fees for air sports and recreational flying should be at a minimum. Many fees should be subject to reduction, and we are against any increase in fees, as well as introduction of new fees affecting air sports activities and recreational flying.***

- **The broad introduction of UAVs**
 - It is the opinion of the FAI that introduction of UAVs (also named Remotely Piloted Aircraft Systems - RPAS) can negatively affect air sports activities and recreational flying, especially in airspace where traffic separation is based on the principle of “see and avoid”, and where the responsibility of traffic avoidance solely rests with the pilot/air sports person.
 - ***As a consequence, it is the FAI position that the responsible aviation authorities/regulators shall require equipment and/or apply restrictions for UAVs to ensure adequate separation from air sports and recreational flying activities, even safeguarding those not fitted with cooperative collision avoidance equipment.***
 - ***The FAI supports the following three crucial requirements to permit UAV operation in airspace by air sports***
 - ***Safety of flight must not be impaired, and there shall be no increase in risk for mid-air collisions***
 - ***Detect and avoid systems mandated/used by UAVs must work with uncooperative aircraft***
 - ***UAVs should be required to be clearly to enable visual detectability***

- **Equipment/restrictions resulting from NextGen/SES implementation**
 - The FAI is closely monitoring the NextGen/SES implementation in order to ensure that the interest of the air sports and recreational flying will not suffer through increased cost or restrictions as a result of these programs
 - The FAI urges the authorities/regulators controlling/managing the NextGen/SES programs to ensure that the interests of air sports activities and recreational flying are taken into account in all areas where such activities are affected
 - ***It is the FAI position that the improvements in safety, capacity and cost-effectiveness of the NextGen/SES programs can be achieved without adding significant cost and restrictions to air sports activities and recreational flying.***

- **Uncritical application of environmental restrictions**
 - The air sports activities and recreational flying are minuscule contributors of pollution to the environment, be it by emission of harmful gases or noise.
 - It is also evident that the air sports activities give incentives to «zero emissions» flying (hang- and para-gliding) and to useful research with great potential for significant positive environmental effects (man- and solar powered aircraft etc.)
 - There are great advances made in the use of battery powered aircraft utilized for air sports and recreational flying, and the noise pollution of the various aircraft (GA, microlights etc.) are at a steady and rapid decrease.
 - In spite of the rationale above, there is a tendency for authorities/regulators to uncritically apply restrictions and/or environmentally based charges to air sports activities and recreational flying.
 - ***It is the FAI position that the negative impact on the environment resulting from air sports and recreational flying has proven to be minuscule, and even decreasing at a rate surpassing most other activities. Any restrictions or charges should reflect this fact, and therefore authorities/regulators should evaluate the relevance of such restrictions/charges, and refrain from introducing any new.***

- **Increased requirements for formal licensing/certification applying to air sports activities and recreational flying (medical, checking, training, experience, certification of facilities/aircraft etc.).**
 - The FAI has observed an increasing tendency by regulators to introduce additional formal licensing requirements for air sports persons and recreational pilots, or to increase requirements and/or frequencies of present license or checking activities, often accompanied by significant cost increases.
 - ***It is the FAI position that formal licensing/certification requirements for air sports activities and recreational flying should be kept to a minimum, mainly considering safety and effective airspace utilization.***
 - Where licensing systems have been/are implemented, the requirements to training, medical fitness and experience should be at an acceptable level («simple and affordable»), not burdening such activities with unnecessary requirements resulting in increased cost and bureaucracy.
 - FAI would like to underline the need to simplify certification requirements for air sports and recreational aircraft, and urge the aviation authorities/regulators to accept that air sports and recreational flying need special treatment and specific rules in order to reduce cost and facilitate future growth. The same goes for certification of maintenance programs or facilities serving such operations.

Further work planned:

- This report and the suggested The FAI Critical Regulations Position Document will be evaluated at the EB meeting 22-24 August 2013, and the report will then be presented at the FAI General Conference in KUL early October 2013.
- Based on the outcome of the EB meeting, and the feedback from the CG presentation, the REG will propose further action/progress.

Note:

The REG has utilized some of the work has that been performed in the regulations area by Europe Air Sports (EAS) in its work with EASA and national civil aviation authorities in Europe. We would like to thank EAS for the open and frank exchange of information between FAI and EAS in regulation matters.
