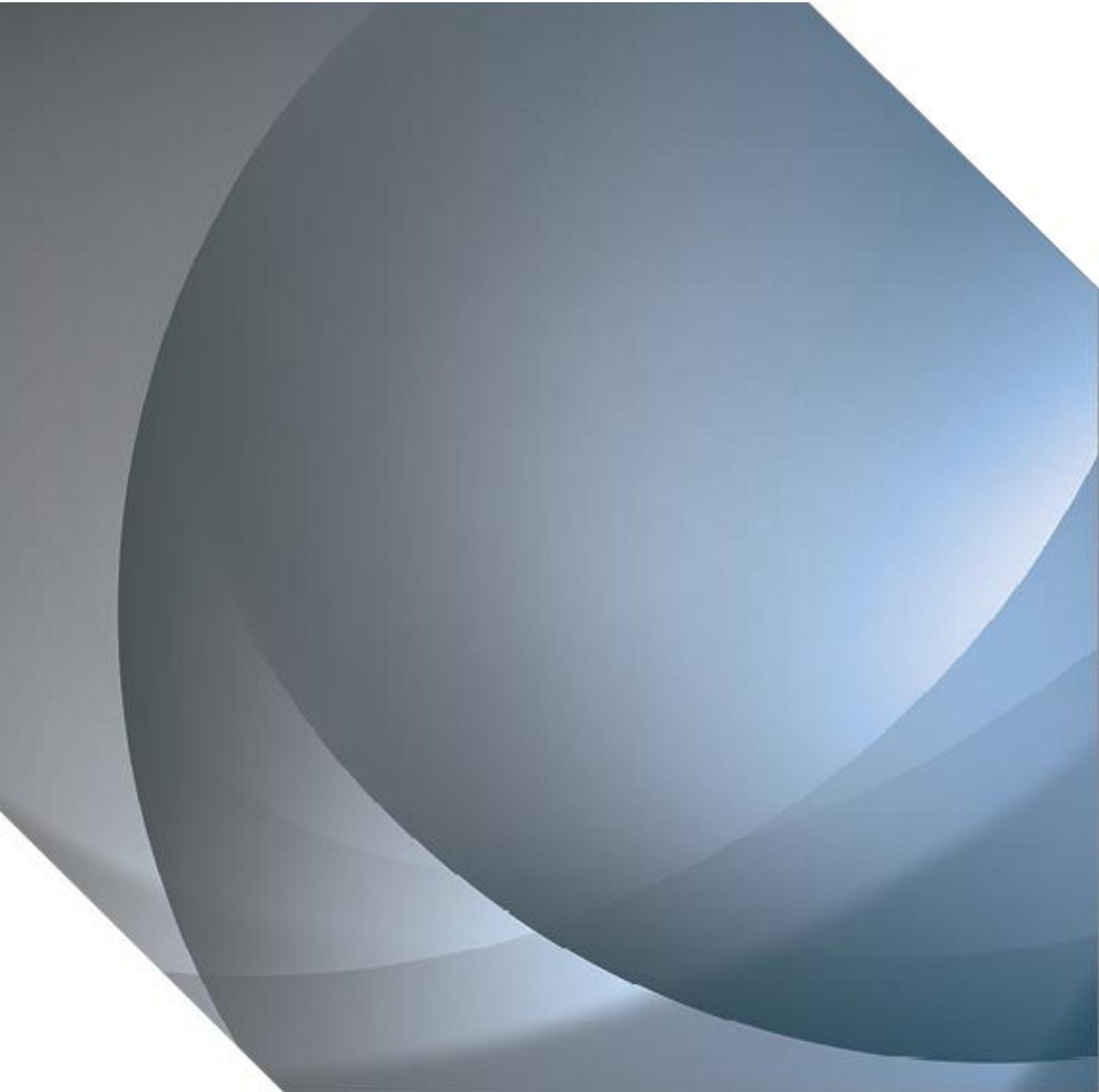


General Aviation no gold plating consultation: CAA response

CAP 1337



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Contents

Introduction	4
Chapter 1	
Gold plating suggestions being addressed	5
Airworthiness	5
Personnel licensing	6
Stakeholder engagement	6
Airspace	7
Aerodromes	7
Chapter 2	
Other concerns raised by GA	8
Airworthiness	8
Medical	11
Personnel licensing	11
Airspace	13

Introduction

In September 2014 we published an open letter to the aviation community from Andrew Haines, our Chief Executive and Martin Robinson, Chief Executive of Aircraft Owners and Pilots Association (AOPA) reaffirming our commitment not to gold-plate European aviation regulations, and to act quickly and efficiently to remove gold-plating that already exists. The CAA made this public commitment previously in response to the General Aviation (GA) Red Tape Challenge (RTC).

The term 'gold-plating' means many things to many people. In the European Commission's words it is 'exceeding the requirements of European Union (EU) legislation when transposing Directives into national law'. We have also included EU regulations, which include the Implementing Rules, Acceptable Means of Compliance (AMCs), and Guidance Material (GM). In the case of GA we have also committed that we will not impose higher standards than those consistent with EU rules.

Andrew and Martin's letter invited the GA community to identify where they perceived gold-plating had taken place through additional regulation or through the information and guidance published, detailing how we may have gold-plated and how the issue could be rectified.

All the responses have been assessed by us and AOPA and any possible solutions discussed.

Overall responses showed a wide range of areas of concern. Whether they met the gold plating criteria or not we recognise there are areas where we can help to alleviate the burden on GA. This document outlines areas we are working on. Responses of a similar nature have been combined and summarised.

Some comments suggest more general changes to regulations or interventions that might in future be reformed. This response does not address those suggestions individually but they are all being considered as part of our extensive GA change programme.

This consultation has taken place in an environment of positive change for the GA community, through our GA Unit's change programme and in EASA, where significant work is taking place on areas such as maintenance requirements where other positive steps are being taken to alleviate the burden on GA.

Thank you to all who responded. We hope you find this response positive and constructive.

Martin Robinson
CEO AOPA

Philip Clarke
Manager Safety Policy CAA

Chapter 1

Gold plating suggestions being addressed

Airworthiness

Comment: Sample audits of insurance cover to check compliance with EC 785/2004 appear unnecessary. What level of detail of insurance cover is checked?

CAA response: Unlike many other national or EU regulations, the regulations requiring mandatory minimum levels of insurance cover for third party and passenger liability place a statutory obligation on the UK to monitor compliance. When it came into force in 2005 the CAA was tasked by government with undertaking this monitoring.

Although a number of other countries require aircraft owners to provide an annual proof of insurance the CAA currently conducts the minimum level of compliance monitoring allowed – which is a check at least every three to four years.

When an aircraft is entered on the register, or goes through a change of registered ownership, evidence of insurance has to be supplied as part of the application process and so we can meet our obligation. For aircraft that have not been through the registration process for three to four years we send the registered owner a request for them to supply a copy of their insurance.

Although we have to obtain the information we are actively seeking to reduce the burden on individual aircraft owners. We can now accept scanned and emailed copies of all documents and in April 2015 we amended our IT system to allow us to obtain insurance policy data direct from brokers and underwriters. A number of brokers are sending data to us regularly and we therefore hope to significantly reduce the number of audit letters that we need to send out.

You can see more information on this subject at <http://www.caa.co.uk/default.aspx?catid=56&pagetype=70&gid=864>.

Comment: The GY80 Horizon aircraft which was considered an orphan in 2003 was previously placed on the Annex II list. However it is now stated as an EASA aircraft. This means it is a type without an effective Aircraft Type Certificate holder, with no spares support and no technical support. Keeping the aircraft in flying condition has become difficult and costly to satisfy EASA CofA requirements.

CAA response: We've successfully lobbied EASA to allow the Horizon to operate on an EASA permit, administered by the Light Aircraft Association. At that stage owners of other EASA types in similar situations may be able to take advantage of the EASA permit option.

Personnel licensing

Comment: Radiotelephony (RT) Examiners are appointed by the CAA on a regional basis to conduct tests and examinations for the UK Flight Radiotelephony Operator's Licence (FRTOL). People seeking authorisation as a RT examiner are required to obtain sponsorship of either a Flying Training Organisation (FTO); Registered Facility (RF); an Approved Training Organisation (ATO); an educational establishment; or an Air Traffic Service Unit (ATSU), where the testing is to take place. Under EASA, examiners are not required to be sponsored by a FTO, RF, or ATO. This requirement appears to have remained for national authorisations such as RT examiners.

CAA response: We issue these licences via national regulations rather than via EASA. We are currently reviewing all radio examination procedures and can confirm that the sponsorship and regional basis rules will be withdrawn. The present requirement is for the examiner to acknowledge that the premises and facilities to be used are suitable to conduct the practical test.

Comment: Class rating instructors conducting the biennial instruction flights with licence holders, are not able to sign the licence revalidation pages to validate the rating.

CAA response: Authorised instructors are now able to revalidate certain class ratings by experience. For further information, see <http://www.caa.co.uk/docs/33/InformationNotice2015034.pdf>

Stakeholder engagement

Comment: Many alerts are completely irrelevant to those who receive them. Additionally the format of the notices is legal but not informative, which leads to many of the notices being ignored and valuable information missed.

CAA response: We have a number of projects underway (including a new website and transaction portal) that will enable us to provide better, more up to date information for stakeholders. One key initiative, due later this year, is to replace the current system of safety and information notices and publication alerts with a new system called Skywise. This will provide much more targeted, easily accessible and direct alerts via the web or a free mobile app for iOS or Android – phone or tablet plus tailored emails. Stakeholders can subscribe to an extensive set of targeted categories to receive updates about specific areas. Airworthiness Directives will remain unchanged for now.

Comment: Applications forms throughout the CAA have become unbelievably complex and take too long to complete.

CAA response: We recognise there have been issues with application forms. Changes to forms have taken place in recent years, aimed to standardise the style across the CAA and simultaneously reduce their numbers. The result is that the existing forms are quite long, but they are multi-purpose and only certain sections of the form will be applicable when making a submission.

New IT systems and an online customer portal, which is currently in development, will simplify the application process.

Airspace

Comment: Upgrade to 8.33kHz spacing will create an unnecessary and significant burden for GA.

CAA response: This European change aims to increase the capacity of the VHF voice network by making more frequencies available and in doing so address a shortage of radio frequencies available for aviation.

Throughout summer 2015 we have engaged with GA industry associations to gain an understanding of the key issues to be considered for the different GA sectors and to work with them to come up with a feasible implementation plan for the transition.

We will publish more communications about this along with details of the various options being pursued by both the CAA and industry to assist with the transition to 8.33kHz for GA.

Aerodromes

Comment: Only licensed aerodromes are allowed to publish data in the AIP.

CAA response: We recognise that there can be a benefit in providing information on unlicensed airfields in the AIP and have included details of this in our General Aviation Air Navigation Order consultation ([see link](#)).

Chapter 2

Other concerns raised by GA

Airworthiness

Comment: An imported glider with a non-expiring Certificate of Airworthiness (C of A) and valid Airworthiness Review Certificate (ARC) was required to apply for a new C of A and ARC with the CAA, why was this necessary?

CAA response: Under European regulations a C of A becomes invalid when an aircraft is moved to a foreign register and a new C of A must be issued by the new country. This is the case in all European Member States so any aircraft owner in Europe would be required to apply for a new C of A if they move the aircraft to a different register.

We will review the ARC in the course of issuing of the new C of A. If the ARC issued by the previous country is still valid then we will make a simple amendment to the aircraft registration on the certificate in order to ensure it remains valid and check to ensure that a Continuing Airworthiness Management Organisation (CAMO) has been contracted (which in the UK is most likely to be the British Gliding Association). A new aircraft inspection or survey is not normally required.

The expiry date of the ARC issued by the previous country is kept. We make a standard charge for the issue of a C of A/ARC that lasts 12 months. So, unless the ARC for a glider was issued immediately before the application, you may be entitled to a refund for the difference. Once your application has been successfully processed, to request a refund please contact our Shared Services Centre on 01293 768374 or apply@caa.co.uk

Comment: CAA surveyors insisted on dual use 8130-3 forms from jointly approved FAA and EASA Part 145 companies. This prevents owner/operators from buying the spares they need from these companies. Neither EASA or FAA appear to state that new parts must have a 8130-3 dual release forms, and for repaired overhauled parts it is discretionary, subject to the approved aviation authority publishing a policy on the matter.

CAA response: This may be a simple misunderstanding. New parts cannot have a dual release FAA form 8130-3 or a dual release EASA Form 1. These are only given to maintained parts. For new components imported from the USA an FAA Form 8130-3 is acceptable. If the part was made by a European organisation an EASA Form 1 is used. The EU-US bilateral safety arrangements do not impose any burden on aircraft owners who purchase new parts from the USA. The arrangements are set out in the Technical Implementation Procedures (TIP) Section V here

<https://easa.europa.eu/system/files/dfu/approvals-and-standardisation-organisation-approvals-docs-part-145-2012-09-05---F1-8130-dual-release-54179.pdf>.

Glider owners may also want to take advantage of the more proportionate provisions for small aircraft set out in Part 21.A.307(c), which allows an aircraft owner to accept certain components installed on their aircraft without any Authorise Release Certificate.

For used components that have been maintained in the USA a dual release 8130-3 is required. There are more than 1,000 organisations in the USA that hold EASA maintenance approvals. For parts maintained in Europe a single release EASA Form 1 will suffice.

Comment: Component and or assemblies completed and certified within British Civil Airworthiness Requirements (BCAR) or similar approvals before the 28th September 2008 should be recognised as airworthy and not be subjected to further expensive investigation in order to comply with subsequent regulations.

CAA response: When EASA's Part M regulation came fully into force in 2008 it ensured that components released to service before this date would continue to remain eligible for installation.

Therefore, serviceable components holding national authorised release documents produced before 2008 can be used providing they do not require any further maintenance before installation.

For components that can be used on non-EASA aircraft, national rules (BCARs) continue to apply. So, there has been no change in the authorised certificate requirements.

Recent changes to EASA rules for non-complex aircraft with a maximum take-off mass of up to 2000kg allow certain non-critical components to be accepted by an aircraft owner without the need for an EASA Form 1.

Comment: The current 28 day maximum stay limit (without prior CAA consent) for foreign registered permit-to-fly aircraft into UK airspace is unnecessarily restrictive. The 1980 ECAC agreement was conceived to allow unrestricted movement of permit-to-fly aircraft between the signatory states. By placing an arbitrary 28 day restriction on visit length, the CAA has gold plated the agreement.

CAA response: A UK General Exemption allows home-built aircraft holding a (non-ICAO) Permit to Fly or equivalent document issued by another ECAC country to fly in the UK without any restrictions other than those stated on the Permit or equivalent document.

The exemption is intended to allow home-built aircraft access to UK airspace for over-flying (without landing) and short visits, without the need to apply for individual exemptions. It is not intended to allow non-UK registered aircraft to be resident in the UK. Hence the

limit of a maximum period of 28 consecutive days for the intended stay. Where there is a need for the aircraft to be in the UK for a period of more than the 28 days that is allowed under the General Exemption a specific exemption will be required.

For aircraft that do not qualify for the General Exemptions for any other reason, an individual exemption is also required.

That being said, the 28 day restriction will be reviewed following the GA Air Navigation Order review consultation.

Comment: The mandatory requirement to follow the recommendations of the type certificate holder for overhauls and inspections seems to be an unnecessary EASA requirement. Additionally CAP 747 mandates a manufacturer's recommendation for piston engine overhaul periods. There is a difference between airworthiness limitations and a recommendation. Where a recommendation is made by a manufacturer this is not a mandatory requirement and it is up to the operator and their maintenance provider to make a reasoned judgement as to the applicability of that recommendation. By mandating a recommendation the CAA is gold plating.

CAA response: The Light Aircraft Maintenance Programme (LAMP) states that overhaul, additional inspections and test periods shall be those recommended by the type certificate (TC) holder. If the TC holder extended these limits, then they would be accepted automatically.

We understand that owners may be frustrated when they only fly a few dozen hours per year and find themselves running up against a calendar life restriction perhaps every few hundred hours, while seeing a published restriction of a few thousand hours which they would prefer to work to. The solution to this is for manufacturers to take account of this in their instructions.

CAP 747 does allow an extension to the manufacturers' recommendation, allowing a level of discretion from the owner and maintenance organisation.

Comment: The EASA minor modification requirement is being applied too rigidly and is too complex and costly. Some responsibility should be given to licensed engineers to make decisions.

CAA response: Since this comment, EASA has reviewed the process and has now published a new approach for changes and repairs (<https://easa.europa.eu/document-library/agency-decisions/ed-decision-2015016r>) not requiring additional design approval by design organisations or EASA, with increased privileges to independent mechanics and maintenance organisations.

Medical

Comment: Colour vision requirements: JAR Med allowed up to 3 Ishihara plates to be missed, however the UK CAA required all plates to be identified.

CAA response: The EASA requirement is that applicants shall pass the Ishihara test for the initial issue of a medical certificate. Applicants who fail to pass in the Ishihara test shall undergo further colour perception testing to establish whether they are colour safe.

And the guidance states “The Ishihara test (24 plate version) is considered passed if the first 15 plates, presented in a random order, are identified without error.”

The need for a new test in aviation from an investigation into the Joint Aviation Authority (JAA) approved colour vision tests, we discovered that several aspects of the tests could be improved.

The Ishihara plates are excellent for screening red-green deficiency, but although the pass criterion within the JAA is standardised to no mistakes, outside JAA this can vary from 2 (Canada, Australia) to 6 (USA) or less mistakes, out of 15 plates, being allowed as a pass. The result of this test is also very much up to the examiner. This test also does not screen for blue-yellow loss.

As a result we commissioned City University to undertake extensive research and were able to provide a new method of assessment and colour vision standards which allowed significantly more applicants to pass the colour vision tests. This was a liberalisation of requirements.

EASA has incorporated our testing method into the list of acceptable tests. In the meantime we are continuing to use an evidence-based approach and have written an Alternative Means of Compliance to allow us to continue to issue medical certificates to people with colour deficiency who we can determine to be ‘colour safe’ for aviation purposes.

Personnel licensing

Comment: Looking at the theoretical examination papers for flight crew, it seems that the questions are trying to catch out the student and are not there to make sure they have a proper understanding of each of the subjects.

CAA response: The principle of any examination is to ensure the appropriate level of knowledge has been attained and to confirm the applicants understanding of the subject. We use external experts to write our examination papers. They ensure the questions cover the syllabus, are set to the right level of knowledge and are understandable.

Together with industry we have also reviewed and reduced the number of examination questions for the LAPL and PPL to the 120 recommended by EASA.

Also with industry we have produced new training syllabi that makes them more appropriate for today's flying environment.

We are in the process of re-writing all the theoretical knowledge questions and are also investigating the possibility of LAPL and PPL theoretical knowledge examinations being online.

Comment: The CAA requires a flight examiner to re-validate by completing a flying test with a suitably qualified examiner and additionally attend an examiner seminar. This examiner seminar is a gold plating addition and does not apply in other EASA countries and it adds cost and time which are unnecessary.

CAA response: EASA requirements in Part FCL do call for examiners to attend refresher seminars. (See Part FCL.1025 Validity, revalidation and renewal of examiner certificates) We receive significant feedback from instructors that these seminars are useful and worthwhile.

Comment: The Radio Operator's Certificate of Competence (ROCC) used to be automatically issued to the holder of a FRTOL on request. However, it is now a requirement to complete a separate written exam, which has reduced the number of FRTOL holders applying for a ROCC.

CAA response: Many pilots will agree that there is inconsistency around the quality of air ground services provided. The change was introduced to allow radio operators an insight into the limitations of the service they are providing, ground to air communication difference and issues that they may not have come across whilst flying, as well as basic R/T differences.

Air ground services are included in the CAA's General Aviation Air Navigation Order consultation ([see link](#)).

Comment: The Competency Based Instrument Rating Module (CBMIR) should not require a new ATO manual as the process for a new trainee is the same as any modular IR.

CAA response: There are similarities between the Instrument Rating (modular) and Competency Based Instrument Rating courses, as there are similarities between the LAPL and PPL.

However, the syllabus theoretical knowledge and minimum training requirements highlight the differences between the two courses. EASA requirements state that a training

programme shall be developed for each type of course offered; therefore the ATO is required to submit the appropriate amendment to their ATO manuals, if they wish to offer other courses.

Airspace

Comment: There is no normal access at London Heathrow inner airspace unless special permission by telephone PPR has been granted. This appears to be a case of gold plating.

CAA response: The recent Airspace Change Proposal presented to us by NATS aims to reduce delays to both Heathrow movements and helicopter operators wishing to use landing sites within the London Control Zone. SVFR/VFR traffic is subject to Prior Permission Required (PPR) to keep delays to all traffic to a minimum.

NATS is required to have robust procedures for the safe integration of all traffic within some of the busiest airspace in the country.

This change is subject to a post implementation review after 12 months.