

LAW IS IN THE AIR



EU Air Law and the General Aviation

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Your speaker

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JJJ is specialised in aviation and – besides his activities as author and instructor - represents many "stakeholders" (like air carriers, aircraft owners, pilots, maintenance organisations, aerodromes etc...).

Furthermore JJJ is the founder and head of the **Institute for Austrian and International Air Law** and author of many articles in journals.

In the years 2014 - 2016, JJJ has successfully completed the studies of "Traffic Accident Research – Aviation Safety" at the Technical University of Graz.

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Definition "General Aviation" ("GA")

- all aviation which is not commercial
- ▼ including all training activities which are not company related
 - ⇒not: training for Flight Crews according to Part-ORO.FC
- ▼ within the scope of European Air Law
 - namely the Basic Regulation (Reg. (EU) 2018/1139)
 - ⇒not: "Annex I"-aircraft
- ▼ domains:
 - Air Crew
 - Airworthiness
 - Air Operations
 - Reporting / Accident and Incident Investigation

General remarks

- liberalisation of the market → requires common rules
- 4 freedoms of the common market also for GA
- ▼ extreme "flood" of rules
 - ▼ **example:** initial version of Part-NCO + in 9 years:
 - 12 amendments in 10 year
 - 11 corrigenda
 - 15 amendments to the AMC/GM to Part-NCO
 - rules → cost (class 1 medical: EUR 1.500,00)
- ▼ "artificial problems"
 - example: "KSA 100"
- ▼ slow in re-adjusting rules to a proper level
 - ▼ **example:**
 - Part-M (2003) → Part-ML (2019)
 - commercial aviation: "Age-60"-Rule

Definitions

▼ complex definitions

▼ example:

- "**commercial operation**": "shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator;"
 - Article 3 lit (i) Regulation (EC) No 216/2008 ← Article 140 (2)(a) Reg. (EU) 2018/1139
 - until 12.09.2023

▼ not very helpful definitions:

▼ example:

- "**aircraft operator**": "means any legal or natural person, operating or proposing to operate one or more aircraft;"
 - Article 3 (13) Reg. (EU) 2018/1139

Domain "Airworthiness"

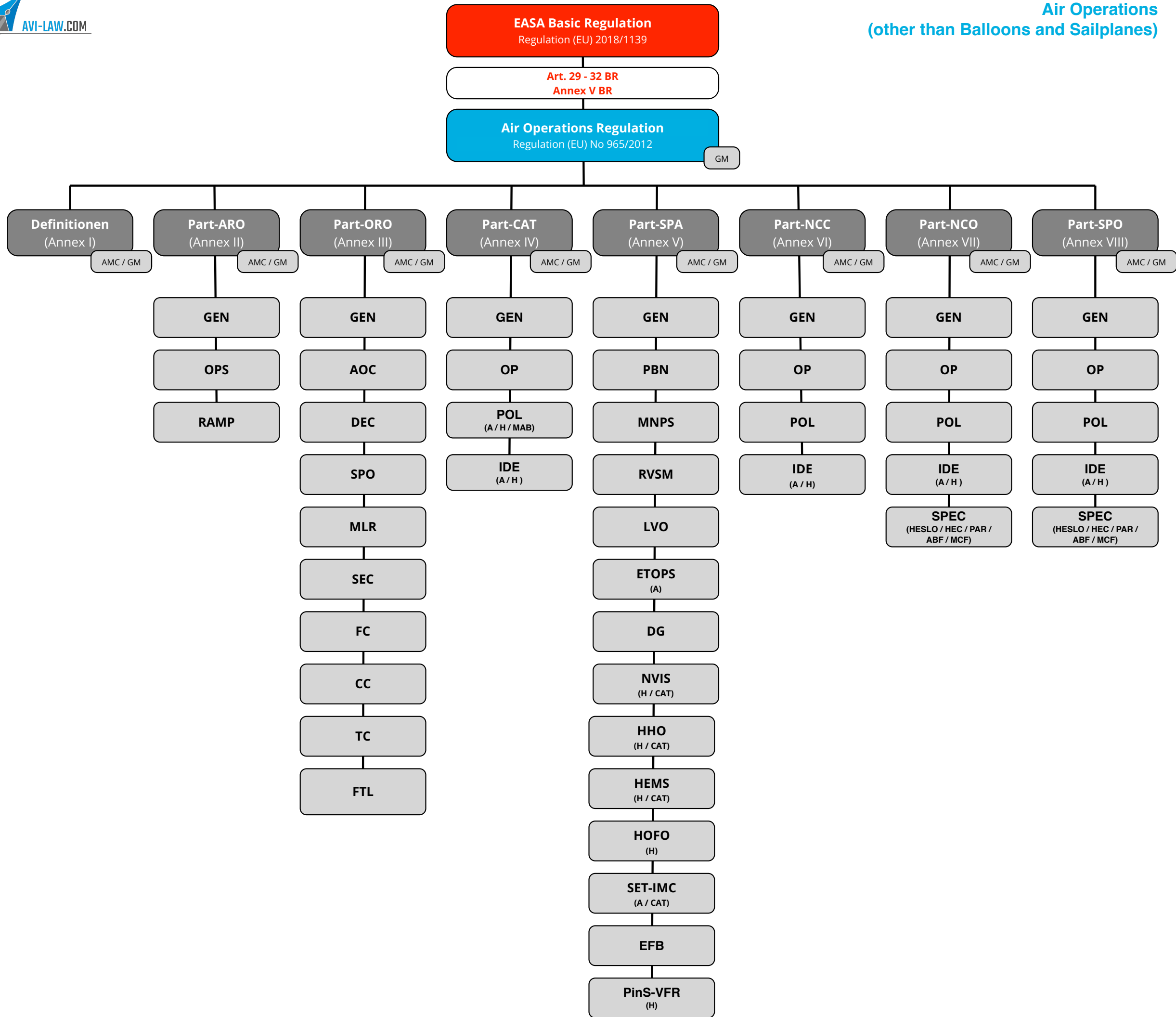
Pros	Cons
registration of aircraft	different interpretation of rules example: Cessna SBs
maintenance of aircraft	
mobility of property on aircraft	

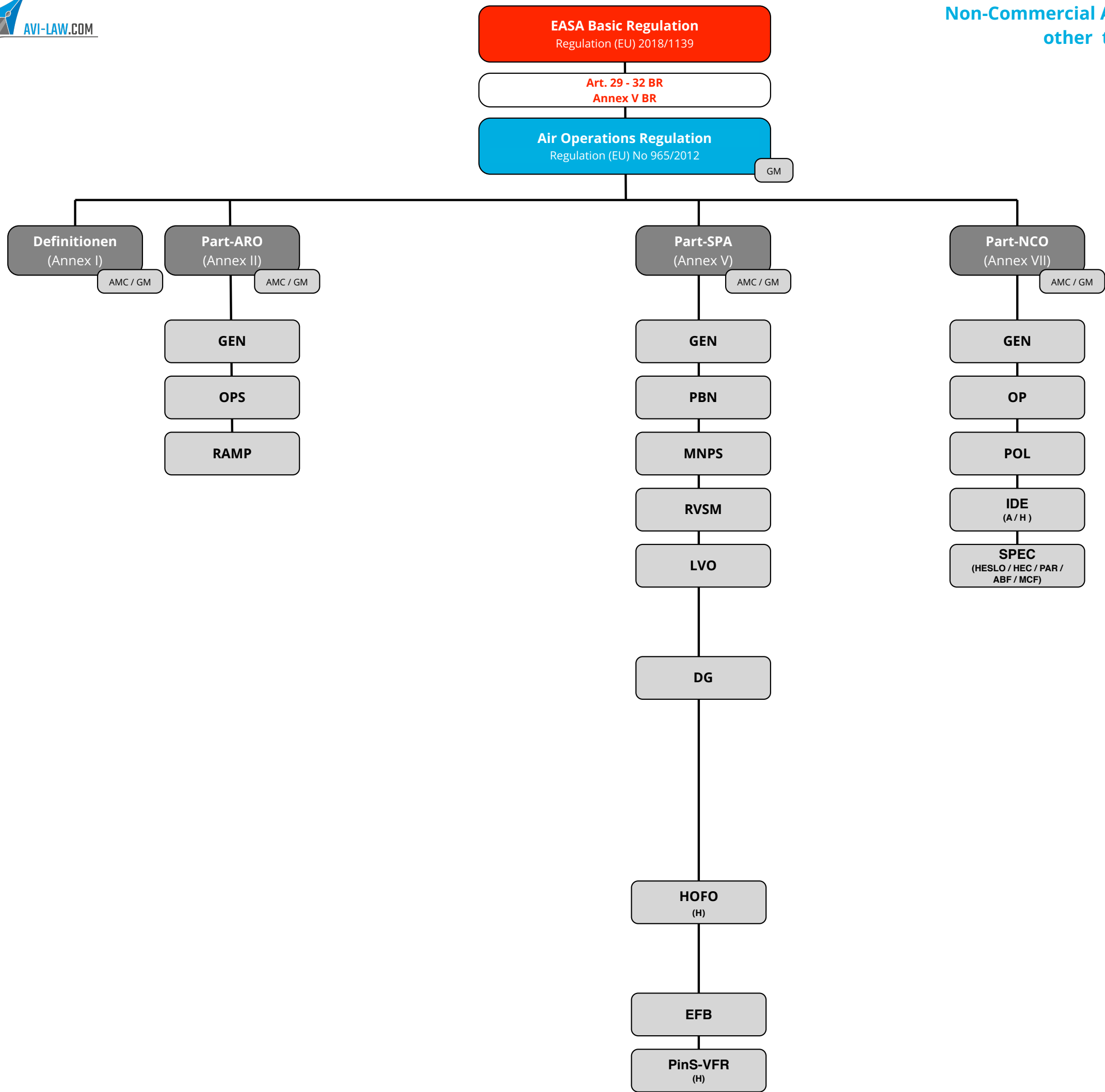
Domain "Air Crew"

Pros	Cons
scope of licenses and ratings	still: national rules for e.g. flight examiners (→ EASA examiner differences document)
training in all European countries equivalent	radio licenses not part of aviation training (=telecommunications)
	language proficiency (2 examiners → EUR 300,00)
	DE: ZÜP
LAPL (-15 hrs → same aircraft) competency based training (CBT)	

Domain "Air Operations"

Pros	Cons
cost shared flights more liberal than in most national laws	cost shared flights no fixed quota
	high complexity of rule-structure





Domain "Reporting / Accident and Incident Investigation"

Pros	Cons
	strong reservation for national (criminal) law
	weak / no protection of sensitive safety information

What do we need to improve / Conclusion

- ▼ clear advantages of European Air Law
 - also for GA
- ▼ "more of Europe"
 - not in terms of number of rules and amendments, but in terms of **standardisation**
 - more flexibility to react on developments "in the wrong direction"
 - strengthen GA initiatives on the level of EASA
 - clear statement of the European Commission as regards the legal character of AMCs
- ▼ "justification" of rules
 - positive safety impact needs to be demonstrated
- ▼ a specific rulebook for the GA
 - good example: balloons and sailplanes

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Thank you very much for your attention!

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