



## EUROPE AIR SPORTS

The Association representing European National Aero Clubs and Air Sports Organizations in Regulatory Matters with European Authorities and Institutions.

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### COMMENTS OF EUROPE AIR SPORTS ON THE DISCUSSION PAPER ON THE OPERATION OF REGULATION (EC) 785/2004 ON INSURANCE REQUIREMENTS FOR AIR CARRIERS AND AIRCRAFT OPERATORS.

Europe Air Sports is pleased that the problem has been recognized and is accurately expressed in the paper. We appreciate to be in apposition to submit our comments.

Q2. what has been the economic impact of the regulation on general aviation operators?

**Comment: In some countries leisure aircraft operators were obliged to ground part of their fleet due to the excessive cost burden. The impact on training gliders was substantial.**

Q3. Does the insurance market provide reasonable cover for historic aircraft, etc.

**Comment: In particular it is agreed that there is a real risk that some of the heavier historic aircraft are at risk of being grounded unless some relief is found. As indicated in the paper, it would be helpful if greater allowance could be made for the stringent conditions under which these aircraft are operated, their low utilisation and the low risk of third party damage.**

**An issue that is not identified in the paper, but which is a major part of the problem is the way that the table of Categories and associated Required Levels of Insurance under Regulation 785/2004 is constructed. The first four categories of MTOM and associated required insurance levels advance in small steps. But the gaps between Categories 4 and 5 and between 5 and 6 take much larger steps of MTOM and hence insurance level:**

<b>Category 4</b>	<b>MTOM less than 6,000 kg</b>	<b>7 million SDRs</b>
<b>Category 5</b>	<b>MTOM less than 12,000 kg</b>	<b>18 million SDRs</b>
<b>Category 6</b>	<b>MTOM less than 25,000 kg</b>	<b>80 million SDRs</b>

**If intermediate categories could be set at, say MTOMs of 9,000 kg and 18,000 kg, that would be a way of mitigating the problem without departing from the logic of the weight-based requirements.**

**Additional mitigation might be provide by allowing a concession to genuinely historic aircraft that are operated primarily for heritage and display purposes for the public good to be allowed to operate at one category below that which their weight would indicate.**



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Q4. Is there still a need for the requirement for aircraft operators to have insurance cover for damage to third parties due to risk of war or terrorism in respect of non-commercial operations?

**Comment: The requirement for insuring light aeroplanes, sailplanes and balloons against the risk of terrorism and war is completely unrealistic and unnecessary.**

**We propose to change article 2 sub 1 g to read as follows:**

**“aircraft, including gliders, with a MTOM of less than 2000 kg, and microlight aircraft in so far as the insurance obligations under this Regulation relating to the risks of war and terrorism are concerned.”**

Q5. Is there a need to introduce specific rules for the insurance requirements for damage caused by unlawful interference while the aircraft is still at the airport etc.

**Comment: We see no need for leisure aircraft and especially gliders.**

Q11. Is the Regulation still necessary to ensure a level playing field etc.

**Comment: It should be ensured that such requirements if established, do not impact leisure aircraft that have no bearing with a level playing field. In some countries insurance requirements are the same for two seat gliders and large commercial aircraft.**

Q14. Is there scope for simplification of the Regulation.

Q15. Is it still seen necessary to have harmonized requirements for non-commercial aircraft operators etc.

**Comment: Any simplification would be welcome. Europe Air Sports would be willing to participate in an effort to simplify the Regulation for non-commercial aircraft operators or exempt these from the scope of the Regulation.**

Yours sincerely,

Harry Schoevers, Secretary-General Europe Air Sports.