

Bringing new light aircraft between 450-600kg under national regulation

Consultation Response Document

CAP 1920

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Executive Summary

- This paper outlines the CAA's response to a consultation undertaken in Autumn 2019 on whether the CAA should directly regulate categories of aeroplanes, helicopters and sailplanes of a greater weight than currently allowed by EU regulation.
- The proposal is for the UK to consider an 'opt out' from current European regulation in favour of national regulation. In the consultation, we asked whether the UK should opt out of this provision, and for aeroplanes, if these should be defined as 'microlights' or as 'light sport aircraft'.
- We received 1,379 responses, of which 91% (1,254) supported the opt-out choice. Based on this feedback, we undertook further analysis which has also led us to the following conclusions:
 - **Aeroplanes:** exercising this opt-out would increase the weight boundary that currently exists between national and EASA regulation from 450 to 600kg. We believe this would improve the availability to the UK market of many modern light two-seat single-engine aeroplanes that are currently certified up to 450kg Maximum Take-Off Mass (MTOM) but may be capable of operating up to 600kg MTOM. This streamlining of regulation should enhance the aeroplane market, and the benefits include modernising, refreshing and enlarging the UK light aeroplane fleet for pilots, operators and businesses.
 - **Sailplanes:** we do not intend to opt-out for sailplanes. There were no strong views expressed in the consultation, there was no inflexibility created by the current regulation of the sort we identified for aeroplanes, and we recognised that opting out would unintentionally deregulate a proportion of two-seat sailplanes. Finally, any benefits could be realised through other regulatory means.
 - **Helicopters:** we intend to opt out for this category. The UK does not currently have a sub-600kg helicopter fleet, so although there are no existing market distortions, there are no unintended consequences either, and opting out would permit future development of this market with minimal regulatory changes.
 - **Aeroplane category choice:** we intend to develop a revised 'microlight' definition, rather than introduce a new light sport aircraft category. This was strongly supported in the consultation, and we recognise that this choice would be simpler to implement in both legal, airworthiness and flight crew licensing terms.
- We are now developing a plan to implement these regulatory reforms at the earliest practical opportunity.

Chapter 1

Purpose and overall background

Purpose of this document

- 1.1 In October 2019, the CAA sought your views on whether it should directly regulate categories of aeroplanes, helicopters and sailplanes of a weight greater than currently allowed by EU regulation.
- 1.2 This paper explains how we have responded to your feedback to that consultation, and how we intend to progress this project. It is not seeking further views.

Background

- 1.3 The European Civil Aviation Basic Regulation [hereafter referred to as the 'EU Basic Regulation']¹ contains a provision allowing EU member states to voluntarily extend their national certification and oversight to a larger fleet of light aircraft². Those member states would in effect be 'opting out' of a set of specific aircraft categories from the scope of the EU Basic Regulation, as set out in the following table.

Aircraft under scope of national regulation	Current situation	Addition to national certification under the 'opt out' (new types only)
Aeroplanes (two seat)	Maximum Take-Off Mass (MTOM) up to 450kg Stalling speed in landing configuration (V_{SO}) of not more than 35 knots	MTOM: up to 600kg V_{SO} of not more than 45 knots.
Helicopters (two seat)	MTOM up to 450kg	MTOM up to 600kg
Additional weight allowance for water operations: aeroplanes or helicopters	45kg	50kg
Sailplanes (two seat)	MTOM up to 400kg	MTOM up to 600kg

- 1.4 The purpose of this change is to help simplify the regulation of smaller aircraft by bringing them under the direct oversight of the national regulator. It only applies to

¹ Regulation (EU) 2018/1139 of the European Parliament and the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, published in Official Journal 22 Aug 2018, entered into force 11 Sep 2018.

² EU Basic Regulation, article 2(8).

new types that do not already hold an existing certificate under the EU Basic Regulation (either existing or former) – ostensibly new designs. This means that existing EASA types remain regulated by EASA, regardless of whether the member state has chosen to opt that aircraft category out of EASA regulation.

- 1.5 The execution of this opt-out is still relevant despite the UK's decision to leave the EU. Parliament has passed an Act that will retain the EU Basic Regulation into national, domestic law, with modifications to reflect the UK's departure from the EU and this will come into force after the end of the transition period and last for at least the short term thereafter.
- 1.6 It is worth noting that, when a member state has opted-out, a manufacturer based in that member state could independently choose to 'opt back in' for the purpose of obtaining an EASA type certificate³.
- 1.7 To date, five EU member states have formally taken up the opt-out provision for at least one category of aircraft⁴. We understand that several more states have indicated an intention to opt out and are in various stages of implementation.
- 1.8 To help us develop this consultation, we convened a working group of key General Aviation community representatives. They assisted us in reviewing this opt-out provision and its respective pros and cons.⁵
- 1.9 Between 18 October and 29 November 2019, we undertook a public consultation investigating the merits of the opportunities presented by this opt-out provision. The purpose of the consultation was to seek views on:
 - a) whether the UK should take up this opt-out provision for aeroplanes, helicopters and sailplanes; and if so
 - b) for aeroplanes, whether these should be defined as microlights or light sport aircraft.
- 1.10 This paper sets out the results of these two areas, our response, and our proposed next steps, starting in the next chapter with the decision to opt out.

³ EU basic regulation, article 2(9).

⁴ For an updated list of Member States that have enacted the 'Opt-Out', see 'EASA List of Art.2(8) of Regulation 2018/1139':
<https://www.easa.europa.eu/opt-out-article-28-211#group-easa-downloads>

⁵ A list of these representative organisations is set out in Appendix B.