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2009 World hang-gliding championships Montagne de Chabre, Haute Alpes

News in this issue:

Recast of the EASA Basic Regulation: Improvements on all fronts	2
EAS proposal on Microlight MTOW - EASA BR Annex 1	3
DTO regulation on very short final	4
SPI regulation revision - EASA to deliver a draft Notice of Proposed Amendment	5
Regulation of Unmanned Aircraft	6
Part-ML and Part-CAO	6
EAS Strategy and finances - Part 1	7
European Hang- and Paraglider Union's (EHPU) 2017 Annual General Meeting	9
People	9
Key Contacts	11
Sign up for the newsletter!	11

This Newsletter includes reports on the proceedings at the Europe Air Sports General Conference, held in Berlin in March, and also the latest developments on topics that are currently in progress.

Read on to find out more!

RECAST OF THE EASA BASIC REGULATION: IMPROVEMENTS ON ALL FRONTS

Our political adviser Timo Schubert reports

Over the past months Europe Air Sports has been extremely active and successful in defending its position on the proposed updates to the EASA Basic Regulation. Activities took place in parallel at the level of the European Parliament (EP), the Council of Ministers (Member States), the European Commission and EASA.

The EP and the Council have adopted provisional first reading positions, both containing considerable improvements for our sector and negotiations will start soon in order to find common ground. EAS will continue to defend its positions as this process continues.

Here is the current status of the issues of most concern:

- Annex I (previously Annex II) – aircraft subject only to national control

At this point it is uncertain what the final outcome could be. However it is likely that at least a moderate improvement to the mass limits will be agreed.

- Amateur built aircraft

The EP has adopted an amendment which better defines amateur-built aircraft. In order to qualify, the aircraft has to be built by amateurs to the extent of 51% or 300 hours, whichever is less. The chances for this to be agreed are realistic.

- Model flying

The EP has adopted an amendment which recognises the great safety record of model flying organisations. It insists that in the transition from national to European rules no privileges must be lost. This will be key to ensuring no negative impact on model flying through the introduction of EU rules on drones. The chances for this to be agreed are rather good.

- Commercial Air Transport

The definition of CAT is key to ensuring that clubs can organise open days and cost-share flights. The definition has been subject to debate at EP and Council level. Both institutions are trying to recognise the very different nature of cost-share flights compared to those offered by airlines or business aviation. We hope that a good compromise can be found.

The political debate on Microlight weight limits – a very short summary

Since our last update in December 2016, the debate currently focuses strongly on microlight aircraft.

At a workshop at AERO in Friedrichshafen earlier this month, EAS President David Roberts and EU policy adviser Timo Schubert spoke on the complexities of political bargaining, which characterises the EU's law-making process applying to the Basic Regulation. They also underlined EAS's achievements at the EP and Council level. We are successful because we offer constructive solutions to the political decision-makers.

To recall, the EP wants to replace the confusion of Annex I mass limits and to replace them with a category up to 600 Kg, a maximum empty mass of 350 Kg and a stall speed not exceeding 45 knots. The EP also asks the European Commission and EASA to develop more proportionate rules for recreational aviation aircraft and mutual recognition of microlight certificates and licences, to enable smooth travel across EU borders.

The Council is reluctant to accept a meaningful increase in the mass limits. In its provisional position, Member States agreed on an increased maximum take-off mass in Annex I (currently Annex II) of 500 Kg with a 35 knots stall speed (which may create a problem, as stall speed increases with mass).

On 12 April Member State Representatives discussed the position and a group of Member States made a new attempt for supporting 600 Kg MTOM, 350 Kg Maximum Empty Weight and a 45 knots stall speed. Some Member States as well as the European Commission opposed this proposal.

A compromise paper submitted by Europe Air Sports was seen by some Member State delegations as a possible deal-maker. The adoption of a position along the lines of our paper would still enable EU Member States to regulate aircraft up to 600 Kg nationally, but they would need to notify the European Commission explicitly if they wish to do so. This solution could be more acceptable to the Commission and those Member States that currently oppose the 600 Kg idea. As a next step Malta, which currently holds the Council Presidency, will aim to reconcile the opposing views. The Europe Air Sports' position will feed into this process.

Once the Council has finally agreed its position, negotiations with the EP can start. And in these negotiations Council will be faced with a clear demand by the EP for the 600 Kg.

It is nearly impossible to predict the further timing for these processes. At best we anticipate an informal agreement before the summer but delays are always possible.

EAS PROPOSAL ON MICROLIGHT MTOM - EASA BR ANNEX 1

Andrea Anesini, EAS Vice President, explains the technical details

Europe Air Sports' Board has taken part in recent months in the discussion with EASA on the revision of the General Aviation elements of the Basic Regulation, following with great attention the issue of the maximum take-off mass – MTOM of the micro light aircraft.

What are the reasons for such interest? What is the final compromise proposal drawn up by the EAS? These are the reasons:

1) *The technological quantum leap*

The present microlight MTOM (450 Kg) was established in the eighties and nineties, when the available technologies (engines, materials, avionics) were absolutely basic, and it was appropriate to respect the limits. Technological and market evolution of the last 30 years now offer totally different aircraft, safer, faster, but inevitably heavier.



2) *The increasing number of M/L pilots everywhere in Europe*

According to the figures presented by European Microlight Federation (EMF), an EAS Member, the number of European Microlight Pilots registered in the EMF Associations now exceeds 60,000. Twenty-four countries, representing a total of twenty-seven organisations, are members of the EMF. It should also take into account an additional number of at least 15,000 pilot/aeroplane owners, flying autonomously without joining any association. The relatively low cost of these aircraft and their maintenance, and especially the low fuel consumption with mogas, have ensured the success of the microlight class.

3) *Safety vs Payload*

A 450 Kg (or lower) Maximum Take Off Mass (MTOM) limit for two-seat aircraft has a counter-intuitive effect on safety. For some types with high empty mass, there is not enough payload for two adult occupants and fuel. Many if not most such aircraft are probably flown overweight.

4) *The ineffectiveness of CS-LSA*

Under the current BR, in order to produce an aircraft with a higher maximum take-off mass, manufacturers must invest a great deal of time, money and resource in demonstrating compliance under the EASA certification regime. Over the last five years

only a tiny number of light sports aircraft (LSA) have been certified under EASA's CS-LSA (which covers aircraft of between 450 Kg and 600 Kg MTOM). The certification cost directly undermines the competitiveness of the European light aviation industry.

5) The push to innovation from many European countries

There is considerable enthusiasm, evidenced by CZ, PL, DE, I and SL supporting increases to Annex I mass limits, for allowing national regulatory solutions to this issue. Other states may not wish to do so; there is nothing in the EAS proposed compromise which would force them to do so.

Finally here is the EAS compromise proposal:

EAS aims to allow European countries to accept the increased MTOM of Microlights up to 600kg, to recognise this new limit, applying it to their national jurisdiction (which EASA currently only allows up to 450 + 22.5 Kg for a parachute system). However, we believe that it should be respected that some European countries want to take a different position and maintain the current limits of MTOM. Those who use this freedom will do so transparently, recognised by the future Annex 1 of the EASA Basic Regulation; those who decide to defend the old limits of MTOM will continue on the old road.

DTO REGULATION ON VERY SHORT FINAL – a report from Jean-Pierre Delmas

DTO (Declared Training Organisation) regulation should deliver a sustainable orientation for many small organisations which have been delivering private pilot training successfully and safely for decades. The regulation is expected to come into force in summer 2017.

Then existing Registered Facilities within the scope of DTO, still operating under JAR-FCL regulation, will have until 8 April 2018 to “declare” their training activities to their national aviation authority according to DTO regulation and procedures.



Picture from FFA publication FFA-A-Vous-Les Commandes

The DTO option will be available for providers of training towards private pilot (i.e. non-commercial) licences, LAPL, PPL, SPL and BPL, including class ratings (aeroplanes) and type ratings (helicopters) as well as other GA ratings (such as night rating, towing rating). The training scope will also encompass training towards sailplane and balloon instructor certificates and, subject to prior approval, examiner certificates.

It is a major achievement for Europe Air Sports. For years, EAS warned European bodies about the excessive burden and requirements of the ATO on small and medium size training organisations. Compared with the ATO regulation, there is no initial audit or bureaucratic burden imposed by DTO regulation.

What has not changed since Registered Facility time?

A registered training organisation has always been required:

- to comply at all times with applicable regulation (Part-DTO, Part-OPS, etc.);
- to provide training by certified flight instructors;
- to manage safety issues in a practical and efficient manner.

What has changed?

The DTO will be required:

- to use a Training Programme, verified by the authority;
- to have a safety policy;
- to run an Annual Review of training adequacy and efficiency and completeness of its own Safety Policy and to make an Activity Report.

Applying GA Safety Strategy principles, there is no prescribed format for the safety policy or reports, no imposed methods or detailed procedures. There is greater trust in people working in the field and committed to developing private flying. Because of our work, the organisation has authority to set up internal procedures tailored to its size and real activity, in order to meet safety and quality of training targets rather than compliancy objectives.

Verification of the Training Programme (which can be an 'off-the-shelf' training programme already verified by authority) will be done within a 6-month period and is not a prerequisite for the DTO before commencing activity. Using a Training Programme is in the interests of student pilots for a private licence, for practical reasons: the student pilot might take a long time to achieve all training items and he can have successive flight instructors during that period.

An annual activity report is not uncommon for commercial flying schools or associations and running an annual review is part of the development and promotion of safety culture in flying organisations as a long term plan to remove bad habits and behaviours.

Finally, existing ATOs can revert to Declared Training Organisation status by filing a declaration form, mentioning existing Training Programmes already in use and deemed to be verified according to DTO concept.

SPI* REGULATION REVISION - EASA TO DELIVER A DRAFT NOTICE OF PROPOSED AMENDMENT (NPA) BY JUNE - *Michel Rocca reports*

- *SPI – Surveillance Performance and Interoperability – e.g. carriage of transponders and similar equipment*

Threats and opportunities of a possible ADS-B mandate for General Aviation have been identified previously. Quite a few other points must be brought to your attention.

1) *EASA versus Eurocontrol as technical support*

EASA is now assisting the Commission on interoperability issues but still seeks expertise from Eurocontrol. The Commission and EASA appear more pragmatic on this issue than Eurocontrol which was seen as dogmatic on similar issues (e.g. 8.33 kHz radios).

Because of the GA Safety Strategy, EASA is apparently open-minded to all airspace users, while Eurocontrol continues to develop high level concepts not accessible to everyone.

2) *ADS-B versus radar as surveillance technology*

European Air Navigation Service Providers (ANSPs) will not replace all their radar stations by ADS-B stations, saying that they have good reasons for keeping radars in their investment plans. Experts now consider that the replacement of one secondary radar station by one ADS-B station will not be feasible. Several ADS-B antennas will be required to ensure the coverage of a single radar antenna. So the economic benefits are not of the magnitude expected.

3) *CAAs versus GA organisations for data sourcing*

For the regulatory impact assessment of the different options, as much data as possible needs to be collected from the impacted stakeholders. EASA receives sufficient data from airlines and civil ANSPs, but insufficient data from recreational and sport aviation, so the quality of the regulatory impact assessment might be poor.

This shows the well-known diversity of GA stakeholders across disciplines but also across countries. This also shows the urgent need for EASA to create an EU database for the sake of the performance-based regulation we are promoting.

We will keep you updated after the next meeting of the rulemaking task in early May.

REGULATION OF UNMANNED AIRCRAFT (EASA RMT 0230) - by Dave Phipps

The work of the 'Expert Group' working with EASA to refine the proposed regulations for unmanned aircraft concluded in early March. Members of the 'Expert Group' submitted a lot of comments in response to the draft NPA and EASA is now preparing the NPA for publication which is currently scheduled for the 4th May. Once published, the NPA will be open to feedback for a period of three months.



The draft version of the NPA incorporated some important changes to what had been published as the 'Prototype Rules' (the Commission Regulation on Unmanned Aircraft Operations, published by EASA in August 2016) and these are summarised as follows:

> New recognition of Model Clubs/Associations in the Recital:

(9) Taking into account the good safety record achieved, dedicated provisions for recreational flight activities conducted in the framework of model clubs and associations should be also provided, in order to ensure a level playing field for all UAS operators.

> Model flying is now possible within the Open Category (A3) where it was not possible within the terms of the 'Prototype Rules' due to technical requirements which were inappropriate for conventional model aircraft. The proposals do include some restrictions in terms of registration requirements (for both pilot and aircraft), verification of pilot competence and a 400ft height limit.

- > Model flying is also possible under Article 16 (previously Article 15 in the 'Prototype Rules') for Model Club/Association members with an authorisation issued by the 'Competent Authority' (usually the NAA). The terms of Article 16 provide the 'Competent Authority' with some flexibility to determine the details and any deviations from the requirements at national level (such as registration requirements and height restrictions).
- > Model flying is also possible under Article 14 within 'Zones' with operational parameters defined by the Member State. Zones designated in this way could include exemptions from 'Open Category' requirements, no requirement for a 'Specific Category' authorisation and/or with extension of operational limitations (such as max height).

Regardless of all this, our preference would have been to place model flying within Annex II of the current Basic Regulation, but there was insufficient political support for this option.

We await receipt of the NPA and will provide a further update in due course.

PART-ML AND PART-CAO

Diana King summarises Juan Anton's Conference presentation

At the EAS General Conference, Juan Anton, Maintenance Regulations Section Manager in the Flight Standards Directorate of EASA, gave a presentation on the current situation with Part M Light (Part-ML) and Part CAO (Combined Airworthiness Organisation). The Opinion on this topic was published in April 2016 and the content was generally agreed by the

European Commission and Member States later in 2016. It is expected that it will be voted before this summer and could be adopted by the Commission in the first half of 2018.

Part-ML is applicable to private and commercial operations of:

- aeroplanes up to 2730 Kg MTOM,
- other ELA2 aircraft (that is up to 2000 Kg MTOM) and
- helicopters up to 4 occupants and 1200 Kg MTOM.

provided they are not complex motor-powered aircraft as defined by EU regulation. This means that Part-ML covers all sailplanes and balloons, even if they carry passengers.

Part-ML is not applicable to Commercial Air Transport, in the sense of licensed air carriers. They must use Part-M. Any aircraft that changes to CAT operations must move from Part-ML to Part-M; its maintenance programme must then be approved by the National Aviation Authority, a CAMO or NAA must do an airworthiness review and a new Airworthiness Review Certificate (ARC) must be issued. Additional maintenance may be needed.

Within Part-ML, aircraft used for commercial operations must be managed by a CAMO or CAO, which is responsible for approving the Approved Maintenance Programme (AMP). The CAMO or CAO must provide justifications to the owner for any deviations from the manufacturer's recommendations.

For aircraft used for non-commercial operations, the AMP is declared by the owner and deviations from the manufacturer's recommendations do not have to be justified. The NAA authorises independent certifying inspectors, who hold a Part-66 or national qualification, to issue the ARC and complete annual or 100 hour inspections. A Part-66 licence entitles the holder to issue ARCs on any EU registered aircraft, but a national qualification only covers aircraft registered in that country.

Part-CAO introduces the 'Combined Airworthiness Organisation', which applies to non-complex non-CAT aircraft. The CAO combines the privileges of a Subpart-F maintenance organisation and a CAMO. CAOs can continue with an existing Quality System (rather than a formal Safety Management System) and can use simplified requirements.

The CAO has simplified systems, including:

- Combined privileges for maintenance, continuing airworthiness management, airworthiness reviews and permit to fly;
- Single exposition document for all activities;
- Simplified approval certificate;
- More privileges for the organisation to manage changes;
- With approved procedures, other aircraft and components can be introduced in the scope of work by the organisation and changes to facilities, tooling, equipment, etc, can be managed by the organisation.

Organisations that currently hold CAMO, Subpart-F or Part-145 approvals can apply for a Part-CAO approval, which will authorise them to continue to work on non-complex non-CAT aircraft. If they wish to continue to work on complex or CAT aircraft, they must keep their CAMO or Part-145 approval.

EAS STRATEGY AND FINANCES - PART 1 by David Roberts, President

EAS was formed in 1988. Our work has become more and more relevant and absolutely necessary since the birth of EASA in 2002-03. EAS exists to influence European (EU)-wide legislators, agencies and regulators in the domain of civil aviation law and rules. In doing so we represent non-commercial light and sporting aviation, aircraft owners, operators and pilots across Europe - and not just the EU. If we did not do this vital work we are not sure anyone else would do it, and the result of regulatory initiatives would be, and would have been, far worse. Further, the law-makers and regulators need to be kept in check, but also supported where they lack the knowledge, expertise and experience of our sector of aviation. Regulators generally have a propensity to over-regulate, but it is pleasing to

note that, due very much to our work and influence over many years, we have changed that to a significant degree, particularly since 2012.

To achieve our objective we conduct research, gather information and intelligence. We monitor emerging regulatory proposals, formulate opinions, policies and desired outcomes, and provide technical expertise through a cadre of, mainly, volunteers. Our experts participate in EASA rule-making and task groups on a wide range of subjects, often in a position of leading and chairing the groups. Our part-time programme manager manages the work flows and assists the board with drafting responses to regulatory proposals. Alongside all the technical work, we interact with the European Commission (EC), Council working groups, and the Parliament and its MEPs, with the expert assistance of our Brussels-based professional adviser Timo Schubert who has been with us for eight years now. We also interface with Eurocontrol on airspace and ATM related matters.

Our successes are many. There is not enough space here to elaborate on them now; maybe in the next newsletter we could do so. But the major and favourable change in approach we saw from the EC and EASA in late 2012 through 2013 was to a large extent due to the lobbying and representational work EAS conducted leading up to the publication of a European General Aviation Safety Strategy by the EC. This has translated into a significantly different approach of proportionate rulemaking and a 'partnership style of relationships'.

To do this work, even as volunteers with the support of only two part-time paid people, needs funding, which comes from the members of EAS, through two routes but from the same underlying participants in GA and air sports - see the diagram.



Several members have dropped out in recent years for a variety of reasons - sometimes economic in their countries - so EAS needs to make some changes to funding that will ensure the work we do continues. At the end of the day, our requirements amount to only about €0.30 per annum for each air sport participant in Europe. Not a high price to pay for effective representation.

Part 2 of this story will be next time. If you would like to see the full presentation on EAS strategy and finance that was made at the Berlin EAS conference in March, please send me an email to the address on page 11.

EUROPEAN HANG- AND PARAGLIDER UNION'S (EHPU) 2017 ANNUAL GENERAL MEETING – A report by René Meier

In January 2017 I attended the EHPU Annual General Meeting in Sibiu (Romania).

The members of EHPU exclusively operate aircraft outside of the EASA world, contained in today's "Annex II", tomorrow's "Annex I" under the new Basic Regulation. EHPU, an important specialised union with some 100,000 members, contributes greatly to Europe Air Sports' funds. At the last three EHPU AGMs, Timo Schubert and I have presented information on the working methods of the European Union, on technical aspects such as electronic conspicuity, and on airspace questions. From now on the increasing drones threat requires continuous surveillance of the airspace where hang- and paragliders operate.

As in all other sports and recreational aviation organisations, money is an important point leading to questions on how and why contributions have to be paid. My personal view is that value for money counts more than ever. Members are entitled to learn what organisations achieve, and how these achievements mirror privileges as regards use of airspace, flight crew licencing, aircraft equipment and maintenance, occurrence reporting, to name just a few of the many well-known topics.

Europe Air Sports, as the major European sports and recreational aviation organisation, has worked with EHPU to enable hang- and paragliding to continue to operate outside the EASA framework regulating flight crew licencing, aircraft equipment and maintenance. A special effort was required to do so as well for occurrence reporting.

Flying with a minimum of restrictions with an optimum of free airspace is what hang- and paragliders have always wanted. There is wide consensus on that within all our communities. Hang- and paragliding is also subject to the Standardised Rules of the Air which contain provisions not appropriate to this activity; to correct this we support EHPU.

ANNUAL GENERAL MEETING AND BOARD ELECTIONS

Elections to the Board took place at the Europe Air Sports Annual General Meeting held in March in Berlin. Four places on the board were proposed and four candidates presented themselves for election:

Mrs. Rieteke Van Luijt

Mr. Andrea Anesini

Mr. Michel Rocca

Mr. Rudolph Schuegraf.

The four candidates were unanimously accepted and elected for a three-year mandate as EAS Board members. Congratulations to all.

PEOPLE

Rieteke van Luijt – new member of EAS Board



Rieteke van Luijt was educated in the Netherlands and the USA and for the last twenty years has owned and managed software companies. She started flying in 1997. She became a member of the club "ULV Westerwolde", and represents the club at the KNVvL (Royal Netherlands Aeronautical Association). In 2002 Rieteke took on the role of international affairs for the KNVvL and became a member of the Microlight Working Group of Europe Air Sports. In 2010, she was appointed to represent the Netherlands at EAS. Rieteke joined the Board of the European Microlight Federation when it was founded

in 2004, and has fulfilled several different functions since then. In 2010 she became Treasurer of EMF and in 2015 she was appointed as EMF President.

An active microlight pilot, Rieteke is the author of the booklet MLA Flying in Europe, which is consulted by many pilots. She flies a Remos microlight, which she shares with her husband Pieter. Describing herself as 'not stubborn but determined', Rieteke's role on the EAS Board will be to focus on communications and membership retention and recruitment.

Marcel Felten

Günter Bertram writes: With the retirement of Marcel Felten from the board, Europe Air Sports is losing a long-standing contributor to its work. As both a Technical Officer and a Board member Marcel's special area of interest was the airspace domain and therefore he attended different working groups at Eurocontrol. He had a huge advantage in operating in Brussels, because as a Luxembourg native and with a very long business relationship in Brussels he speaks French, English and German absolutely fluently. The successful defence of the ICAO airspace classification and the introduction of the airspace Tool Box will always be linked to his name.

The EAS board wishes Marcel all the best.

David Roberts, EAS President, presenting Marcel with a Certificate of Appreciation from Europe Air Sports (Photo Timo Schubert)

David adds:

As President I have greatly valued Marcel's contribution, both as a technical expert and a board member. He always used his insight into, and perception of, the wider influences in the European regulatory scene to inform the EAS approach to many difficult challenges. These included the core issues of access to airspace and related equipment requirements, which have often threatened the continuity of air sports activities. The EAS community will greatly miss his invaluable work in furthering the interests of air sports and General Aviation in Europe.



Patrick Pauwels – an appreciation by Roland Stuck

Patrick Pauwels, a former Board member of Europe Air Sports, has been awarded the prestigious Lilienthal Gliding Medal by the International Gliding Commission of the FAI.

Patrick started gliding in 1974 and has been a member of the Diest Gliding Club in Belgium since 1976. He became the executive officer of the Association of Flemish Gliding Clubs, first as a volunteer, and from 1988 as a full time employee. He is also a board member of the Belgian Gliding Federation and has held the function of secretary/treasurer since 1998.

(Photo David Roberts)

Internationally he was a Europe Air Sports board member from 2009 till 2012. Patrick was also one of the founders of the European Gliding Union (EGU) and an EGU board member and treasurer from 1993 until 2008, when he was elected EGU President for 3 years. In this role, he was very active in several EASA rulemaking groups.



Since 1996, Patrick has been the official Belgian delegate at the International Gliding Commission of the FAI. He has also served in various official roles, (Chief/Steward/Jury member) at many International Championships.

A quiet and modest man, who has never sought the limelight for himself, Patrick Pauwels is distinguished by and recognised for his intellectual rigour and as an indefatigable worker in his many demanding roles.

Europe Air Sports offers warmest congratulations to Patrick, pictured here at the Lilienthal Memorial in Berlin.

New programme manager required for Europe Air Sports
by David Roberts, President

René Meier, the EAS Programme Manager (PM) since 2010, is planning to retire at the end of 2017. So we are now looking for his replacement.

This core role is focused on providing EAS with technical support to all the activities. This includes capturing all European civil aviation regulatory developments, as they relate to non-commercial light aviation and air sports. As those developments emerge, tracking them, briefing board members and other volunteers and providing draft responses to consultation at the various stages. The PM is also expected to manage the volunteers' work programme to promote the best use of their time.



The role is part-time and largely home-based with occasional travel to EAS board meetings (3 per annum) and the Annual General Conference. Remuneration is on a contract basis, not employment, and will reflect a commitment of between 85 and 150 days per year, depending upon demands of regulatory developments. A full specification of the role and the personal qualifications and attributes

is being prepared and will be available in May.

If you are interested in applying, please write to our Secretary General, Pierre Leonard, at p.leonard@europe-air-sports.org

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