

## CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air  
Enclosure 3



Please return this response sheet by **12 April 2010** to:

Mr Olivier MROWICKI,  
SES Mandate Manager SERA,  
EUROCONTROL,  
Rue de la Fusée, 96,  
B – 1130 BRUSSELS,  
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### **NOTES FOR THE USE OF THE CONSULTATION RESPONSE SHEET**

1. All comments on the associated Consultation material must be made using this response sheet. Comments submitted not using this sheet will be referred back to the originator.
2. As a minimum, Sections 1, 2, 4, 5 and 6 of the Response Sheet Main Page must be completed before returning the response.
3. Formal comments are invited on the contents of the draft implementing rule on Standardised European Rules of the Air (SERA) (Enclosure 1). *Please do **not** submit comments on the draft justification material (Enclosure 2).*
4. Comments should be as specific as possible, including a reason/explanation for the comment and, where applicable, a proposed replacement text.
5. Each response return must be signed and dated by an appropriate person with the authority to authorise comments on behalf of the stated organisation.

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## MAIN PAGE

### 1. ORGANISATION COMMENTING

Organisation Name:	Europe Air Sports	
Contact Name: <sup>1</sup>	Marcel Felten	
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Telephone/Fax:	+352 45 52 85 +352 621 18 50 60	+352 45 86 77
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### 2. GENERAL RESPONSE<sup>2</sup>

Acceptable without amendment:

Acceptable but would be improved with amendments:

Not acceptable but would be acceptable with amendments:

Not acceptable under any circumstances:

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**In our opinion the proposal has been written with the requirements of commercial air transport only in mind. The current draft does not take into account the interests and specificities of general- and recreational aviation, nor does it address the unique needs of the air sports stakeholder community. The mandatory withdrawal of all national Differences filed with ICAO impacts negatively on recreational flying and air sports. The rules as written is a threat for the European air sports community. Therefore the proposed rules must be changed to include our requirements thereby ensuring continuation of the air sports activities.**

3. SPECIFIC COMMENTS: See pro forma over page.

### 4. COMPOSITION OF RESPONSE

This response consists of the following:

This Page **PLUS** (enter number)  attached comments sheets.

### 5. ASSOCIATION OF NAME WITH COMMENTS:

I do **not** agree to my name/organisation being associated with the comments provided.<sup>3</sup>

### 6. VALIDATION

Name: Marcel Felten

Position: Vice President

Signature:

Date: 11 April 2010

<sup>1</sup> This is the person who is to be contacted directly to discuss or clarify the submitted comments. A single point of contact is requested.

<sup>2</sup> Show your overall acceptance position on Enclosure 1 by an 'X' in the appropriate response box.

<sup>3</sup> Comments will be published with reference to their source unless a specific request is made **not** to do.

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## COMMENTS SHEET<sup>4</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

Article 2  
Definitions  
General comment

### **Comment:**

Some of the definitions used in this document are not in line with definitions used in other European Union and/or EASA regulations.

### **Reason(s) for Comment:**

One of the objectives of SERA is "harmonization". This objective is defeated if different definitions for the same term are used in various European Union and/or EASA regulations.

### **Proposed Change/Text (where applicable):**

It is recommended to align the definitions used in this document to be consistent with already existing definitions in various European Union and/or EASA regulations.

<sup>4</sup> This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

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## COMMENTS SHEET<sup>5</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference  
(Article/Recital etc):**

Definitions & text in  
the entire document

### **Comment:**

The word "glider" should be changed into "sailplane" in order to be compliant with the EASA terminology.

### **Reason(s) for Comment:**

Different terminology in different regulations leads to confusion among authorities and pilots alike.

### **Proposed Change/Text (where applicable):**

Replace the word "glider" with the word "sailplane".

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### COMMENTS SHEET<sup>6</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

**Comment:**

The proposed definition is too limitative as it would require “areobatic provisions” for normal flight training.

**Reason(s) for Comment:**

Normal flying training must include abrupt changes in attitude and accelerations, not necessary elsewhere for normal flight.

**Proposed Change/Text (where applicable):**

Change Definition N° 2 as follows:

“aerobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed, *but excluding manoeuvres necessary for normal flight and flight training.*

<sup>6</sup> This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

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## COMMENTS SHEET<sup>7</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference (Article/Recital etc):**

### **Comment:**

The present definition would exclude all gliders with auxiliary engines. As a glider is defined as “a non-power-driven heavier-than-air aircraft”, gliders, hang- and para gliders with small auxiliary engines would fe facto be excluded. As a consequence the latter would be included in the category “aeroplanes”, i.e. power-driven heavier-than-air aircraft.

In most European states, gliders with light auxiliary engines are considered to be just gliders.

### **Reason(s) for Comment:**

The proposed definition excludes self launching gliders and self sustaining gliders.

The EASA definition of glider (sailplane) is appropriate.

### **Proposed Change/Text (where applicable):**

Replace the proposed definition by the following:

“Glider (sailplane)” means a heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces, the free flight of which does not depend on an engine.

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**Organisation Name:** Europe Air Sports

**Form No.**

5

**Of**

**Paragraph Reference  
(Article/Recital etc):**

Article 2 - Definitions  
Proposal for a new  
definition

### **Comment:**

It is unclear in how far the definition of a "Glider" also covers hang gliders and para gliders. According to this definition gliders derive their lift chiefly from "aerodynamic reactions on surfaces which remain fixed under given conditions of flight". It is doubtful whether this could cover also the non rigid hang gliders, and it is very doubtful if it could cover para gliders.

The ICAO definition clearly dates back to the time when hang- and para-gliders were scarce or non-existent. Nowadays they form, especially in Europe, a large group within the air sports community.

### **Reason(s) for Comment:**

Missing definition.

One solution to the definition problem for hang- and para gliders could be an adaption of the current definition for gliders. However, hang- and para gliders have flight characteristics that differ nearly as much from other aircraft as the flight characteristics of balloons do.

It is therefore preferable to have a separate definition for hang and para gliders.

### **Proposed Change/Text (where applicable):**

Article 2 – Definitions

Add a new definition for hang- and para gliders, based on a slightly amended wording of Annex II of the EC Regulation No 1592/2002:

- *gliders with a structural mass of less than 80 kg when single seater or 100 kg when two seater, which are foot launched; including those who derive their lift in flight chiefly from aerodynamic reactions on non fixed surfaces.*

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## COMMENTS SHEET<sup>8</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference (Article/Recital etc):**

### **Comment:**

The definition of "Authority of PIC" as given is not clear.

### **Reason(s) for Comment:**

Pilot in Command means that the pilot is in charge of the airplane, its crew and passengers. The word 'disposition' is ambiguous and should be replaced by a more straight forward formulation.

### **Proposed Change/Text (where applicable):**

Proposed change to Part A, Chapter 2, paragraph 2.4.1

The pilot-in-command of an aircraft shall have final authority *over all other crew and passengers and the navigation of the aircraft.* ~~as to the disposition of the aircraft while in command."~~

<sup>8</sup> This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

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## COMMENTS SHEET<sup>9</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

Part A, Chapter 3  
para 3.2.3.1 &  
3.2.3.3.3

### **Comment:**

The mandatory requirement for overtaking on the right hand side does not take into account the protocols which are implemented across Europe for normal & safe glider and hang- & para glider flying. This applies specifically to turns, considering that, for safety reasons, no turn is to be performed towards the terrain. This equally applies to thermal flying.

### **Reason(s) for Comment:**

Ridge flying with non powered aircraft is a common practice in Europe. The special rules applying to this kind of flying are forced upon the pilots by the sheer nature of terrain.

The current proposal would override provisions currently in use in many States. Hence gliders, hang-and para gliders must be considered adequately in SERA.

### **Proposed Change/Text (where applicable):**

Add at the end of para 3.2.3.1 after ... shall maintain its heading and speed:  
*"A glider, hang- and para glider may continue with circling flight."*

Add at the end of para 3.2.3.3.3 after.... entirely past and clear:  
*"A glider, hang- and para glider overtaking another glider may alter its course to the right or to the left".*

<sup>9</sup> This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

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**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

Part A, Chapter 3  
Paragraph 3.3.1.2  
Flight Plan

**Comment:**

The requirement, according to 3.3.1.2, for mandating the filing of flight plans for all VFR flights is completely out of proportion for pilots of GA aircraft involved in sports- and recreational activities.

**Reason(s) for Comment:**

Many thousands of VFR flights in gliders, hang- & para gliders and balloons primarily depart from and arrive at uncontrolled airports, airfields, and/or other platforms. Mandating the requirement to file VFR flight plans for **all** VFR flights would put a completely unnecessary burden onto the pilots, AROs and the Air Traffic Management system per se.

The Regulation should only address those flights for which positive air traffic control is required.

**Proposed Change/Text (where applicable):**

The current ICAO definition in Annex 2 is appropriate. Therefore the following changes to Para 3.3.1.2, b) are proposed:

- b) any VFR flight or portion thereof to be provided with air traffic control service;
- delete i), ii) and iii)
- rename iv) to i), and v) to ii)

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## COMMENTS SHEET<sup>10</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference  
(Article/Recital etc):**

Part A, Chapter 3  
Paragraph 3.4.4 &  
3.4.5

### **Comment:**

The proposal is too limitative.

### **Reason(s) for Comment:**

Ground activities at gliding sites must include a mixture of taxiing aircraft, gliders being towed, support vehicles plus pilots and pedestrians on foot.

Our members are properly trained to safely guide their fellow pilots on the ground, based on a sound understanding of what is relevant for the safe operation on the site.

### **Proposed Change/Text (where applicable):**

Change paragraph 3.4.4. as follows:

No person shall guide an aircraft *involved in commercial air transport* unless trained, qualified and approved by the competent authority to carry out the functions of a signalman/marshaller.

Change paragraph 3.4.5 as follows:

The signalman/marshaller *involved with commercial air transport* shall wear a distinctive fluorescent identification vest to allow the flight crew to identify that he or she is the person responsible for the marshalling operation.

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## COMMENTS SHEET<sup>11</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference  
(Article/Recital etc):**

### **Comment:**

The table 3-2 in 3.9.1 “VMC Visibility and Distance from Cloud Minima” does not take into account the work done by the Eurocontrol working party on the “airspace classification tool box”

### **Reason(s) for Comment:**

The European air space is extremely complex. The flexibility achieved by national deviations from ICAO rules allowed GA and sports- & recreational aviation to continue operating while maintaining the highest level of safety.

The work done by Eurocontrol to arrive at a harmonised “airspace classification toolbox” in Europe shall not be neglected at the expense of a text being strictly ICAO compliant.

Table 3-2, submitted by Eurocontrol during the informal consultation phase, is clearer and the harmonized approach taken in particular re flight visibility has the advantage that it makes the system more transparent and explicit for airspace users, which clearly adds to flight safety.

### **Proposed Change/Text (where applicable):**

Current table 3-2 should be replaced by the one submitted by Eurocontrol during the informal consultation phase.  
(cf. Eurocontrol justifications/comments in para 3.2.2.4. of Attachment 2 – Explanatory Material for the informal consultation) – see next page.

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EXPLANATORY MATERIAL ON INFORMAL CONSULTATION FOR EC MANDATE  
SUPPORT ON DEVELOPMENT OF STANDARDISED RULES OF THE AIR

Table 3-2\*

Altitude band	Airspace class	Flight visibility	Distance from cloud
At and above 3 050 m (10 000 ft) AMSL	A*** B C D E F G	8 km	1 500 m horizontally 300 m (1 000 ft) vertically
Below 3 050 m (10 000 ft) AMSL and above 900 m (3 000 ft) AMSL, or above 300 m (1 000 ft) above terrain, whichever is the higher	A*** B C D E F G	5 km	1 500 m horizontally 300 m (1 000 ft) vertically
At and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher	A*** B C D E	5 km	1 500 m horizontally 300 m (1 000 ft) vertically
	F G	5 km**	Clear of cloud and with the surface in sight

\* When the height of the transition altitude is lower than 3 050 m (10 000 ft) AMSL, FL 100 shall be used in lieu of 10 000 ft.

\*\* When so prescribed by the competent authority: For airspace classes F and G at and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher:

a) except as specified in c) below, flight visibilities reduced to not less than 1 500 m may be permitted for flights operating:

1) at speeds of 140 kts IAS or less to give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or

2) in circumstances in which the probability of encounters with other traffic would normally be low, e.g. in areas of low volume traffic and for aerial work at low levels.

b) HELICOPTERS may be permitted to operate *in less than 1 500 m* but not less than 800 m flight visibility, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision and under no conditions at speed, where the forward visibility is less than the distance travelled by the helicopter in 30 seconds.

c) flight visibilities lower than those specified in a) and b) above may be permitted for special cases, such as medical flights, search and rescue operations and fire-fighting.

\*\*\* The VMC minima in Class A airspace are included for guidance to pilots and do not imply acceptance of VFR flights in Class A airspace.

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## COMMENTS SHEET<sup>12</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **of**

**Paragraph Reference  
(Article/Recital etc):**

Part A, Chapter 4  
Para 4.6

### **Comment:**

With the cancellation of all national Differences filed with ICAO, the draft rule does not consider training necessities, balloon flights and ridge flying activity by gliders, hang- and para gliders.

At present flights below 500 feet are allowed in many States to accommodate the above mentioned activities.

### **Reason(s) for Comment:**

A major issue with the rule 4.6 is that it refers to the surface or water and not to people, vehicles and structures.

The main objection is that the effect of banning flights within 500 ft of the surface, except for the purposes of landing and taking off has tremendous impacts on GA flights:

1. All ridge soaring by gliders, hang gliders and para gliders will become illegal. This will impact a huge number of pilots and clubs.
2. It will be illegal to practise/train engine failure at realistic heights after take-off.
3. It will be illegal to practise/train for engine failure en-route in light aircraft down to realistic heights.
4. It will be illegal to train glider pilots (using TMG) in field selection and landing at realistic heights.
5. Practising a go-around from below 500 ft will become illegal
6. Practising a break-off on an instrument approach below 500 ft will be illegal.
7. Dropping objects, such as banners and tow ropes at airfields – normally done from below 500 ft – will be illegal.
8. It bans balloon flights below 500 ft which would be detrimental for this activity considering that, depending on wind conditions, a large part of the flight takes frequently place in the band below 500 ft.

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### Proposed Change/Text (where applicable):

The following change is proposed:

4.6 Except when necessary for take-off or landing, or except by permission from the competent authority, a VFR flight shall not be flown:

- (a) over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300m (1000 ft) above the highest obstacle within a radius of 600m from the aircraft;
- (b) elsewhere than as specified in 4.6 a) at a height less than 150 m (500ft) above the ground or water, except:
  - (i) when training or testing for off-airfield approaches, an aircraft shall not be flown closer than 500 ft to any person, vessel, vehicle or structure;
  - (j) When hill or mountain soaring with gliders (including self-sustaining gliders, self-launching gliders, TMG when operating in the soaring mode), hang gliders and para-gliders, ultralight gliders and balloons, an aircraft shall not be flown closer than 500 ft to any person, vessel, vehicle or structure.
  - (k) When dropping articles at an airfield with the permission of the owner or operator, an aircraft shall not be flown closer than 500 ft to any person, vessel, vehicle or structure

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## COMMENTS SHEET<sup>13</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

Part A, Appendix 1  
Chapter 4  
Paragraph 4.2.8

**Comment:**

We suggest that Visual Signal 4.2.8 – Glider flights – be deleted because it is a left over from pre-radio communications time.

**Reason(s) for Comment:**

De facto the signal can only be seen when the aircraft is overhead the operating site at a time when other traffic is most probably already interfering with the glider operation on the airfield.

**Proposed Change/Text (where applicable):**

Delete signal 4.2.8.1 – glider flight in operation

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## COMMENTS SHEET<sup>14</sup>

**Organisation Name:** Europe Air Sports

**Form No.**  **Of**

**Paragraph Reference  
(Article/Recital etc):**

**Comment:**

**Reason(s) for Comment:**

**Proposed Change/Text (where applicable):**

<sup>14</sup> This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.