

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,
Belgium

or by E-mail to sesframework@eurocontrol.int

or by fax to +322 729 5190

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.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



MAIN PAGE

1. ORGANISATION COMMENTING

Organisation Name:	British Gliding Association	
Contact Name: ¹	Pete Stratten	
Contact Address:	BGA, 3 rd Floor, Kimberley House, Leicester, LE1 4SE, UK	
Telephone/Fax:	0116 2531051	
E-mail Address:	pete@gliding.co.uk	

2. GENERAL RESPONSE²

Acceptable without amendment:

Acceptable but would be improved with amendments:

Not acceptable but would be acceptable with amendments:

Not acceptable under any circumstances:

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.³

6. VALIDATION

Name: Pete Stratten

Position: Chief Executive Officer

Signature:

Date: 28th March 2010

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

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

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

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

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



COMMENTS SHEET⁴

Organisation Name: British Gliding Association

Form No. **of**

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

Comment:

See next sheet

⁴ 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.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



General Comment - Introduction

This consultation is a consequence of 'The Single European Sky's (SES) Framework Regulation (549/2004)' that has a number of objectives:

- To enhance current safety standards;
- To enhance overall efficiency for general air traffic in Europe;
- To optimise capacity meeting the requirements of all airspace users; and
- To minimise delay.

Within that framework it has already been decided that the future of air traffic control within Europe is to move away from having blocks of controlled airspace contained wholly within national boundaries and surrounding territorial waters that are managed by air traffic control agencies that have responsibility only for airspace within those boundaries, to an environment where blocks of controlled airspace which may encompass airspace that is currently the responsibility of more than one nation are created and managed based on operational needs instead. These blocks of airspace are currently known as Functional Airspace Blocks (FABs).

The "Evaluation of Functional Airspace Block (FAB) initiatives and their contribution to performance Improvement" report dated October 2008 prepared by the European Organisation for the Safety of Air Navigation (Eurocontrol) Performance Review Commission for the European Commission, at the latter's request, identified nine FABs:

- Baltic: Poland, Lithuania
- Blue Med: Italy, Greece, Cyprus, Malta (Tunisia, Egypt and Albania as Associate Partners, Kingdom Jordan as observer)
- Danube: Bulgaria, Romania
- Central Europe: Austria, Czech Republic, Croatia, Hungary, Slovak Republic, Slovenia, Bosnia & Herzegovina
- Europe Central: France, Germany, Switzerland, Belgium, Netherlands, Luxembourg, (United Kingdom as collaborative partner)
- NEFAB: Norway, Finland, Estonia, Iceland, Denmark, Sweden
- NUAC: Denmark, Sweden
- SW Portugal-Spain: Spain, Portugal
- UK-Ireland: United- Kingdom, Ireland
-

The 'NEFAB' and 'SW Portugal-Spain' FABs in particular include within their scope large areas of the Atlantic, as does 'UK-Ireland'. 'Blue Med' extends over a large part of the Mediterranean.

It was recognised that for the FAB concept to work it will be necessary to harmonise relevant legislation so that the same rules will apply throughout a FAB regardless as to the existing territorial rights and laws of the countries whose territories fall within the FAB. Furthermore it was decided that as far as possible the same aviation legislation would apply to all nine FABs plus any to be created in the future.

Given this background Eurocontrol was mandated by the European Commission to develop common and standardised European rules to:

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



- Support the implementation of FABs.
- Facilitate the free movement of aircraft across Europe's borders.
- Increase safety.
- Minimise the risk of misunderstandings caused by varying national sets of rules.

Eurocontrol was mandated to do this by the EC's Directorate-General for Energy and Transport ('Mandate to Eurocontrol for Support on Development of Standardised European Rules of the AIR [SERA]', dated 14th August 2009). Specifically it was instructed to prioritise ICAO compliant solutions, but in cases where the ICAO solution is insufficient, or leads to non-optimal results, consideration should be given to solutions that allow for common EU differences to be developed.

Furthermore it was mandated to classify material into three categories:

1. Provisions that should be implemented as binding implementing rules without differences to ICAO.
2. Provisions where binding implementation rules are considered necessary but the ICAO baseline should be enhanced through adaptations or improvements leading to a common difference being files by all member states.
3. Provisions which are of a local nature, or are of a nature where full standardisation is not necessary. In these cases the usage of Acceptable Means of Compliance (AMCs) or Community Specifications (CSs) or other appropriate material may be considered if that is considered useful for Member States' implementation of ICAO provisions.

The mandate states that the material to be developed by Eurocontrol should be consistent with, among other things, planned European regulations.

The proposed time scale makes consistency impossible. Current EASA FCL and Operations proposals are just that – proposals, they are contentious and subject to thousands of objections and further consultation.

Why Eurocontrol has failed in its Mandate

1. In adopting a resolution which guides the European Commission and member states to accept a raft of principles which would preserve, foster and promote General Aviation across Europe, the European Parliament has stressed under its 'proportionate regulation and subsidiarity requirements';

- The need to take into account the interests and specificities of general and business aviation in the development of future air transport policy initiatives, with a view to strengthening its competitiveness; in this respect the European Parliament calls on the Commission to ensure the application of the proportionality and subsidiarity principles in the design and implementation of both existing and future aviation legislation
- The need to carry out, on a systematic basis, segmented impact assessments to provide for differentiation of regulations affecting different categories of undertakings and airspace users, if necessary and in so far as this does not compromise safety

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



The SERA proposals focus exclusively on the needs of Commercial Air Transport and do not address the needs of gliding and many other aviation stakeholders.

2. The establishment of FAB's are a Eurocontrol priority. The primary rationale for FABs, with the legal consequences of their proposed creation, is to support the users of controlled airspace. That is, current and future commercial air transport (CAT) plus the relatively small number of military and private flights that take place in controlled airspace. Whilst it is clearly necessary to harmonise regulations that will apply to aircraft flying in controlled airspace within the FABs, the it was anticipated that when drafting the SERA that Eurocontrol would give due weight to the needs of other airspace users. These other airspace users are a non-trivial sector of aviation. Taking the UK alone, they comprise⁵:

- Two thirds by number of all pilots.
- 95% of registered aircraft.
- 96% of flying sites. (Less than 15% of sites hold CAA licenses. The remainder are unlicensed because they do not need to be. Of the total no more than 4% could be classified as airports.)

It is believed that similar proportions will exist in the much larger absolute numbers when the whole of Europe is considered. This non-commercial sector is a significant part of European aviation and Eurocontrol should have taken its needs into account.

Eurocontrol has chosen to make rules that are relevant to the main users of the FABs and then attempts to impose them on the greater numbers of pilots, aircraft and aerodromes that will usually remain outside controlled airspace.

It is clear that Eurocontrol, which was mandated to prepare these rules, has little involvement or understanding of the large non-commercial sector that operates predominantly outside controlled airspace, little understanding of the environment in which they fly, the way that they are operated in a sporting environment or their regulatory needs.

3. The mandate to 'prioritise ICAO compliant solutions' has been abused. It has totally failed to take the second part of the direction that states 'where the ICAO solution is insufficient, or leads to non-optimal results, consideration should be given to solutions that allow for common EU differences to be developed'. This has led to the wholesale abolition of ICAO differences that have been developed over many years to meet specific European needs. Europe is the world's largest manufacturer of sailplanes and has unrivalled expertise in this area. This is in large part because Europe is the home of competitive gliding – and the rules of the air have evolved by developing differences from ICAO that allow the sport to flourish. *At a stroke the dead hand of Eurocontrol seeks to abolish all the sailplane specific variations to the Rules of the Air that have contributed to this, instead relying on possible NAA 'approval' to address the required differences.*

⁵ See the Annex for more details.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



Required Action

Eurocontrol should recognise that its proposals are inconsistent with its mandate, specifically because it has not:

- Identified '*provisions where binding implementation rules are considered necessary but the ICAO baseline should be enhanced through adaptations or improvements leading to a common difference being files by all member states.*'
- Identified any '*provisions which are of a local nature, or are of a nature where full standardisation is not necessary. In these cases the usage of Acceptable Means of Compliance (AMCs) or Community Specifications (CSs) or other appropriate material may be considered if that is considered useful for Member States' implementation of ICAO provisions.*'

The consequences of this failure to comply with its mandate will be damaging to General and Sporting aviation in Europe from both manufacturing and operational perspectives.

The comments submitted in this response are as constructive as possible noting that we have no special funding, little time and few other resources to pour into analysis of regulatory consultations. The BGA recognises that further work is required on this issue to achieve the right solution.

The BGA believes that the changes that we have proposed can easily be made within Eurocontrol's existing mandate and will in no way compromise achieving the rule changes needed to fully implement the FABs.

The BGA is extremely concerned that Eurocontrol does not miss an opportunity to engage with stakeholders and develop appropriate, proportional and useable European Rules of the Air that reflect the realities of the 21st Century and the needs of all in the community. The BGA is very willing to meet with Eurocontrol through Europe Air Sports to support an inclusive and proportional rulemaking process.

⁶ Recommended for issue.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



Annex A. UK Pilots

The following table lists the estimated number of UK pilots.

Flight engineers and navigators are excluded.

In the UK, 43 000 pilots out of a total of 62 000 are private pilots.

Licence Type	Number of current medicals	Totals
Licence Holders with Valid Medical Certificates at 1st January 2008		
Professional Licences		
JAR ATPL	7,522	
UK ATPL	4,886	
JAR CPL	3,989	
UK CPL	659	
BCPL	196	
JAR ATPL H	518	
UK ATPL H	657	
JAR CPL H	640	
UK CPL HG	45	
UK CPL AS	3	
UK CPL B	170	
		Professional 19,285
Private Licences		
JAA PPL A	9,003	
UK PPL A	10,576	
NPPL A	548	
UK PPL M	33	
UK PPL SLMG	19	
JAR PPL H	1,572	
UK PPL H	1,048	
UK PPL B	66	
UK PPL G	39	
NPPL (Microlight) with declaration. (BMAA data.)	3,000	
SLMG and SSEA NPPLs ^o (LAA data.)	3,695	
Glider pilots. (BGA data.)	8,000	
Hang Gliding & Paragliding. (BHPA data.)	6,000	
Less those included twice		- 548
		Total private 43,051
Total UK Pilots		62,336

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



Annex B. UK Aerodromes

This summary is gleaned from the Pooleys flight guide and is known to be incomplete and excludes military airfields that are not also classified as government aerodromes.

Aerodrome type	Number
Fixed wing aerodromes	455
Private airstrips	56
Additional government aerodromes	17
Helipads	92
Glider winch sites	107
Hang glider winch sites	29
Microlight sites	90
Total	846

A second flight guide (Lockyear's) lists 215 farm strips and private airfields of which an estimated 100 are duplicates. Adding in the 115 so additional unique farm strips from the second flight guide nearly 1,000 sites have been identified of which only 42 (4%) are 'designated' customs airports handling commercial traffic.

The above estimate is collaborated by an independent survey (last updated in August 2009) that identified 974 UK sites. Beyond that there are undoubtedly farm strips and informal hang gliding sites that have not been included in any survey.

The UK CAA has licensed 145 aerodromes and 6 helipads. This is about 15% of the total identified above.

Annex C. UK Registered Aircraft

In January 2010, there were 21,063 aircraft registered in the UK of which only 766 had a maximum take-off weight exceeding 50,000 kg and a further 292 between 15,001 kg and 50,000 kg. (UK CAA data.) These two categories of fixed wing aircraft account for only 5% of the total. This pattern is repeated throughout Europe.

SERA proposals appear to be designed to accommodate only 5% of the aircraft in Europe and only 33% of the pilots

Reason for Comment

Self evident

Proposed Change/Text

None

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET⁷

Organisation Name: British Gliding Association

Form No.

2

of

11

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

Article 2
Definitions 2

Comment:

SERA Proposal

Article 2 Definitions 2

'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.

If other definitions are considered, we find;

ICAO Annex 2 Rules of The Air

CHAPTER 1. DEFINITIONS

Acrobatic flight. Manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed.

EASA NPA 2008-17b

FCL.101 Definitions

'Aerobatic flight' means an intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

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

Instructors must be able to conduct this normal training without incurring the provisions for aerobatic flight.

Normal glider flying can involve distinct changes in attitude when changing between cruising and thermal flight. These changes are utterly normal and safe, but may be viewed as abrupt: they must not be prohibited.

The EASA FCL definition is more helpful: the regulation must include assurance that flying necessary for training and normal glider flying will not be swept up with aerobatics

Reasons For Comment

This dangerous proposal would require aerobatic provisions for normal flying training

Proposed Change/ Text

'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 maneuvers necessary for normal flight and flight training.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET⁸

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

SERA Proposal

Article 2 Definitions 70.

'glider' means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

'aeroplane' means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

If other definitions are considered, we find;

ICAO Annex 2 Rules of The Air - None

UK ANO 2009 Part 33

'Glider' means—

- (a) a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

EASA NPA 2008-17b

FCL.101 Definitions

'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.

The proposed definitions exclude Self Launching Sailplanes (SLS) and Self Sustaining Sailplanes (SSS) from the 'glider' category, but includes them within 'aeroplane'. This is clearly wrong. The EASA definition of sailplane, however, is appropriate.

NOTE: Universally, the terms 'glider' and 'sailplane' are synonyms. It would be useful if the Rules of the Air definition of 'glider' were to be aligned, exactly, with that of 'sailplane' used by EASA FCL.

Reasons For Comment

It would be wrong to leave a clearly incorrect definition in the regulation

Proposed Change/ Text (Taken direct from EASA NPA 2008-17b FCL)

'Glider' 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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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET⁹

Organisation Name: British Gliding Association

Form No.

4

of

11

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

Part A Chap 2
2.3.2.1

Comment:

SERA Proposal

2.3.2.1 Before beginning a flight, the pilot-in-command of an aircraft shall become familiar with all available information appropriate to the intended operation.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

2.3.2 Pre-flight action. Before beginning a flight, the pilot-in-command of an aircraft shall become familiar with all available information appropriate to the intended operation.

UK ANO 2009 Part 10

87. The commander of a flying machine must, before take-off, take all reasonable steps so as to be satisfied that it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to—

Since the ICAO provision was written, the internet has become part of normal life. There is close to an infinite amount of information available. The commander should be required to take all reasonable steps.

Reasons For Comment

In the internet age, this proposal is meaningless.

Proposed Change/ Text

Before beginning a flight, the pilot-in-command of an aircraft shall become familiar with all reasonably available information appropriate to the intended operation.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹⁰

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

SERA Proposal

3.1.4.1 Dropping or spraying from an aircraft in flight shall only be conducted in accordance with:

- a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
- b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

3.1.5.1 An aircraft or other object shall only be towed by an aircraft in accordance with:

- a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
- b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

3.1.7.1 Aerobatic flights shall only be carried out in accordance with:

- a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
- b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

3.1.4 Dropping or spraying

Nothing shall be dropped or sprayed from an aircraft in flight except under conditions prescribed by the appropriate authority and as indicated by relevant information, advice and/or clearance from the appropriate air traffic services unit.

3.1.5 Towing

No aircraft or other object shall be towed by an aircraft, except in accordance with requirements prescribed by the appropriate authority and as indicated by relevant information, advice and/or clearance from the appropriate air traffic services unit.

3.1.7 Acrobatic flight

No aircraft shall be flown acrobatically except under conditions prescribed by the appropriate authority and as indicated by relevant information, advice and/or clearance from the appropriate air traffic services unit.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



UK ANO 2009 Part 17

Towing & dropping: various detailed provisions

Dropping ballast in the form of water is a normal part of safe glider flying.

Dropping a tow rope is a normal part of safe glider tug operations.

Aerobatics are a normal part of safe glider flying.

Sub-para a) in each of the proposed clauses is superfluous.

Sub-para b) in each clause is vulnerable to miss-interpretation.

All of these activities must of course comply with normal air traffic and other provisions.

None of these activities require any extra action by air traffic services units, yet the proposal implies that these may be imposed.

Reasons For Comment

It is wrong and unnecessary for the regulation to state that other regulations are to be obeyed.

Towing, dropping and aerobatics require no more, or less, air traffic services involvement than other sorts of flying.

Proposed Change/ Text

Delete this text. There is no need for any of these clauses.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹¹

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

LIGHTS ON DURING THE DAY

SERA Proposal

3.2.4.1 All power-driven aircraft in flight shall display the following lights when fitted:

b) navigation lights intended to indicate the relative path of the aircraft to an observer.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

3.2.3.1 Except as provided by 3.2.3.5, from sunset to sunrise or during any other period which may be prescribed by the appropriate authority all aircraft in flight shall display:

.....

b) navigation lights intended to indicate the relative path of the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights.

UK ANO 2009 Rules Of The Air Regulations 2007 Section 8

47 (1) During the night an aircraft shall:

(a) display such of the lights specified in this Section as it is required by this Section;

This proposal adds a requirement to display navigation lights, where fitted, during daylight hours, but offers no safety case for doing so.

Many light aircraft which do have navigation lights have only limited charging capability. A requirement to have them on during the day can seriously reduce the charge available for both normal and emergency requirements.

Reasons For Comment

This dangerous and completely unnecessary proposal would add expense to light aircraft flying and increase the number of occasions when aircraft batteries are undercharged.

Proposed Change/ Text

3.2.4.1 All power-driven aircraft in flight shall display the following lights from sunset to sunrise when fitted:

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹²

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

AVOIDANCE OF COLLISIONS

SERA Proposal

3.2.3.1 The aircraft that has the right-of-way shall maintain its heading and speed.

3.2.3.3.3 *Overtaking*. the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right,

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

3.2.2.4 *Overtaking*. the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right,

UK Differences from ICAO Standards;

3.2.3.1 except gliders

UK ANO 2009 Rules Of The Air Regulations 2007 Section 4

11 (1) Subject to paragraph (3), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right.

(2) An aircraft which is overtaking another aircraft shall keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

(3) A glider overtaking another glider in the United Kingdom may alter its course to the right or to the left.

The ICAO clauses do not take into account the protocols which have been developed and implemented for normal, safe glider flying: if translated into Community law they would preclude safe exercise of these protocols.

Thermal Flying

While using thermals it is normal for gliders to circle together, with gliders joining and leaving each other as tactical soaring opportunities change. The ICAO clauses are not appropriate to this normal, safe flying.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



Mountain/Hill Soaring

Since the sport's very inception, gliders, of all sorts, have soared hills and mountains – safely. A crucial part of the procedures that have evolved is the standard protocol that all turns must be made away from the hill. For a glider being overtaken, this is possible only if the overtaking glider does so on the side of hill.

Reasons For Comment

This dangerous proposal would override current provisions for normal, safe glider flying. Gliders must be excluded so that these provisions can be maintained.

Proposed Change/ Text

3.2.3.1 The aircraft that has the right-of-way shall maintain its heading and speed. *A glider may continue with circling flight.*

3.2.3.3.3 *Overtaking. the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, A glider overtaking another glider may alter its course to the right or to the left.*

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹³

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

MINIMUM HEIGHT – TRAINING FOR ENGINE FAILURE

SERA Proposal

3.1.2.1 The minimum heights for VFR flights shall be those specified in 4.6

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:

b) at a height less than 150 m (500 ft) above the ground or water.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

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

b) at a height less than 150 m (500 ft) above the ground or water.

UK

Difference from ICAO Standard 4.6 b.

ANO 2009 Rules Of The Air Regulations 2007 Section 3

Rule 5

(b) The 500 feet rule

Except with the written permission of the CAA, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

Realistic training and testing of engine failure procedures in single engined aircraft (SEPs & TMGs) requires that approaches can be continued to a point where the success, or otherwise, of the pilot's judgement is apparent. This point can need to be lower than 150 m (500 ft). By precluding flight down to an appropriate height, the proposal would prevent this essential training.

The UK law permits appropriate heights to be used, provided the aircraft remains 150 m (500 ft) horizontally clear, thus safety, realistic training and minimum nuisance can all be achieved.

NOTE In 2003, the UK CAA consulted on a proposal to replace the UK law with the "not below 150 m (500 ft)" rule.

1. An integral part of this proposal was a provision for specified areas where this essential training could be continued down to suitable, lower heights. The SERA proposal does not even include this essential aspect.

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



2. The Authority came to the conclusion that the current provisions were more appropriate.

Reasons For Comment

Provision for normal, safe flying training must be embedded in Community law.

Proposed Change/ Text

4.6 Except when necessary for take-off, landing *or when training in accordance with 4.6.x,*

.....

4.6.x When training or testing for off-airfield approaches, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

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Enclosure 3



COMMENTS SHEET¹⁴

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

MINIMUM HEIGHT FOR HILL SOARING
SERA Proposal
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,.....
b) elsewhere than as specified in 4.6 a), at a height less than 150 m (500 ft) above the ground or water.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air
4.6 Except when necessary for take-off or landing, or except by permission from the appropriate authority, a VFR flight shall not be flown:
a) over the congested areas of cities,
b) elsewhere than as specified in 4.6 a), at a height less than 150 m (500 ft) above the ground or water.

UK ANO 2009 Rules Of The Air Regulations 2007 Section 3
Exemptions from the low flying prohibitions
(g) Glider hill-soaring
A glider shall be exempt from the 500 feet rule if it is hill-soaring.

Since the sport's very inception, gliders, of all sorts, have soared hills and mountains – safely. Much of this soaring requires flight within less than (150 m) 500 ft of the ground.

Reasons For Comment
The proposal would preclude most of this normal, safe flying, yet no safely case has been offered. Current normal, safe gliding practice must be embedded in Community law.

Proposed Change/ Text
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,.....
b) elsewhere than as specified in 4.6 a), at a height less than 150 m (500 ft) above the ground or water.
c) *A glider shall be exempt from 4.6 b) when hill-soaring.*

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹⁵

Organisation Name: British Gliding Association

Form No. **of**

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

Article 2 Definitions
Part A Chap 3
3.2.3.4.2 & 3.2.4.1.2
& 3.4.4 and 3.4.5

Comment:

BIG AERODROME RULES FOR SMALL GA AIRFIELDS

SERA Proposals

Article 2 Definitions

6. 'aerodrome' means a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed off-shore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
83. 'manoeuvring area' means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons.

ATC Required

3.2.3.4.2 An aircraft taxiing on the manoeuvring area shall stop and hold at all runway-holding positions unless an explicit clearance to cross the runway has been issued by the aerodrome control tower.

Lights For Parked Aircraft

3.2.4.1.2 Except as provided by 3.2.4.3, at night or during any other period prescribed by the competent authority:.....

b) unless stationary and otherwise adequately illuminated, all aircraft on the movement area of an aerodrome shall display lights intended to indicate the extremities of their structure;

Guiding Aircraft

3.4.4 No person shall guide an aircraft unless trained, qualified and approved by the competent authority to carry out the functions of a signaller/marshaller.

3.4.5 The signaller/marshaller 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.

If other text is considered, we find;

ICAO Annex 2 Rules of The Air

3.2.2.7.2 An aircraft taxiing on the manoeuvring area shall stop and hold at all runway-holding positions unless an explicit clearance to cross the runway has been issued by the aerodrome control tower.

3.2.3.2 Except as provided by 3.2.3.5, from sunset to sunrise or during any other period

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CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

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



prescribed by the competent authority:

- a) all aircraft moving on the movement area of an aerodrome shall display navigation lights intended to indicate the relative path of the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights;
- b) unless stationary and otherwise adequately illuminated, all aircraft on the movement area of an aerodrome shall display lights intended to indicate the extremities of their structure;

UK ANO 2009 Rules Of The Air Regulations 2007 Section 9

Marshalling signals (from a marshaller to an aircraft) 62

(2) By day any such signals shall be given by hand or by circular bats and by night shall be given by torches or by illuminated wands.

GA operates from a wide variety of airfields. Universally imposing these rules on all of them is wrong. In particular:

- > Ground activities at gliding sites must include a mixture of taxiing aircraft, gliders being towed, support vehicles plus pilots and pedestrians on foot.
- > Aircraft parking areas at GA airfields have never needed illumination and have no provision for doing so.
- > GA club members routinely and safely guide fellow pilots around the mix of obstacles that is inherent at their sites. Neither formal training & qualification, nor bats, nor fluorescent vests are appropriate for this task.

Reasons For Comment

Imposing these requirements on GA airfields is unnecessary and disproportionate.

Proposed Change/ Text

3.2.3.4.2 An aircraft taxiing on the manoeuvring area *while the airport is open for commercial air transport* shall stop and hold.

3.2.4.1.2

b) unless stationary and otherwise adequately illuminated, all aircraft *on those parts of the movement areas of an aerodrome used by commercial air transport* shall display lights intended to indicate the extremities of their structure;

3.4.4 No person shall guide an aircraft *involved in commercial air transport* unless trained

3.4.5 The signalman/marshaller *involved with commercial air transport* shall wear a distinctive fluorescent

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

draft implementing rule on Standardised European Rules of the Air

Enclosure 3



COMMENTS SHEET¹⁶

Organisation Name: British Gliding Association

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

FLIGHT PLANS

SERA Proposal

3.3.1.2 A flight plan shall be submitted prior to operating:

- a) any IFR flight;
- b) any VFR flight or portion thereof to be provided with air traffic control service;

If other text is considered, we find;

Difference A2-02

ICAO Annex 2, 3.3.1.2 is replaced with regulation 3.3.1.2. The differences between this ICAO Standard and this new regulation are as follows:

This ICAO Standard requires that a flight plan be submitted prior to operating any IFR flight within advisory airspace. The new regulation expands the requirement to submit a flight plan prior to operating any IFR flight.

ICAO Annex 2 Rules of The Air

3.3.1.2 A flight plan shall be submitted prior to operating:

- a) any flight or portion thereof to be provided with air traffic control service;
- b) any IFR flight within advisory airspace;

Note.— The term “flight plan” is used to mean variously, full information on all items comprised in the flight plan description, covering the whole route of a flight, or limited information required when the purpose is to obtain a clearance for a minor portion of a flight such as to cross an airway, to take off from, or to land at a controlled aerodrome.

UK ANO 2009 Rules Of The Air Regulations 2007 Section 6 35

(1) Before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace the commander of the aircraft shall:
(a) send or transmit a flight plan complying with paragraph (2) to the appropriate air traffic control unit;

On a summer day, normal, safe gliding practice includes many thousands of flights which fly under IFR for part of the flight.

On the same day, many thousands of light powered aircraft flights use some sort of brief air traffic control service; for departure, short en-route crossings of controlled airspace or arrival.

All of these events have for years been conducted normally & safely without flight plans of

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Enclosure 3



any sort.

The proposal does not include the provision by ICAO for limited information flight plans.

The proposal makes no safety case for adding this requirement.

Reasons For Comment

This proposal is unnecessary and unworkable.

Proposed Change/ Text

The ICAO text, unchanged:

3.3.1.2 A flight plan shall be submitted prior to operating:

a) any flight or portion thereof to be provided with air traffic control service;

b) any IFR flight within advisory airspace;

Note.— The term “flight plan” is used to mean variously, full information on all items comprised in the flight plan description, covering the whole route of a flight, or limited information required when the purpose is to obtain a clearance for a minor portion of a flight such as to cross an airway, to take off from, or to land at a controlled aerodrome.

End.