



**COMMENT RESPONSE DOCUMENT (CRD)  
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2011-02**

**for a Commission Regulation laying down requirements regarding services in air navigation and amending Commission Regulation (EU) No XXX/2011 laying down common rules of the air and operational provisions regarding services and procedures in air navigation and amending Regulations (EC) No 2096/2005, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010**

**'Standardised European Rules of the Air (SERA) Part B —  
Requirements regarding Services in Air Navigation'**

## EXECUTIVE SUMMARY

The Notice of Proposed Amendment (NPA) 2011-02, dated 8 February 2011, proposed to amend Commission Regulation (EU) No XXX/2011<sup>1</sup> laying down common rules of the air and operational provisions regarding services and procedures in air navigation and amending Regulations (EC) No 2096/2005, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (hereinafter referred to as the 'SERA Implementing Rule') by adding a new Part, SERA Part B 'requirements regarding air navigation services'.

Based on the review of stakeholders' comments, this CRD summarises the answers to the questions made in the NPA 2011-02, provides more information to the purpose of the proposed provisions and proposes modifying some provisions based on the comments received (e.g. RMZ, TMZ, provisions related to the selection of separation minima and clarifying/correcting some typos).

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<sup>1</sup> The exact number of this regulation is not available as it has not been adopted yet by the European Commission through comitology. The latest draft available can be found in Appendix IV to the Explanatory Note of the NPA 2011-02 in the following link: <http://easa.europa.eu/rulemaking/docs/npa/2011/Appendix%20IV%20-%20Draft%20SERA%20Implementing%20Rule.pdf>.

## **Explanatory Note**

### **I. General**

1. The purpose of Notice of Proposed Amendment (NPA) 2011-02 was to envisage amending Commission Regulation (EU) No XXX/2011<sup>2</sup> laying down common rules of the air and operational provisions regarding services and procedures in air navigation and amending Regulations (EC) No 2096/2005, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (hereinafter referred to as the 'SERA Implementing Rule'). The scope of this rulemaking activity is outlined in the Terms of Reference (ToR) ATM.001 and is further specified in the European Commission's mandate to EUROCONTROL on Standardised European Rules of the Air<sup>3</sup> and its amendment by the letter MOVE E2/JP/sr sent to EUROCONTROL on 15/10/2010 (hereinafter referred to as the 'SERA Mandate').

### **II. Consultation**

2. The NPA 2011-02 contained draft Opinion amending Commission Regulation (EU) No XXX/2011<sup>4</sup> laying down common rules of the air and operational provisions regarding services and procedures in air navigation and amending the 'SERA Implementing Rule'. It was published for consultation on the EASA website on the 8th of February 2011 and the public consultation period finished on the 10th of May 2011.
3. By the closing date of 10 May 2011, the European Aviation Safety Agency (the 'Agency') received 415 comments from 44 National Aviation Authorities/National Supervisory Authorities, professional organisations and private companies or individuals.
4. The comments distribution per type of organisation and per chapter/section of the NPA can be found in the following charts:

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<sup>3</sup> Further information about the European Commission's Mandate to EUROCONTROL and the outcome and deliverables of EUROCONTROL for the Phase 1 to the European Commission can be found in the following link: [http://www.eurocontrol.int/ses/public/standard\\_page/sk\\_sera.html](http://www.eurocontrol.int/ses/public/standard_page/sk_sera.html).

<sup>4</sup> The exact number of this regulation is not available as it has not been adopted yet by the European Commission through comitology. The latest draft available can be found in Appendix IV to the Explanatory Note of the NPA 2011-02 in the following link: <http://easa.europa.eu/rulemaking/docs/npa/2011/Appendix%20IV%20-%20Draft%20SERA%20Implementing%20Rule.pdf>

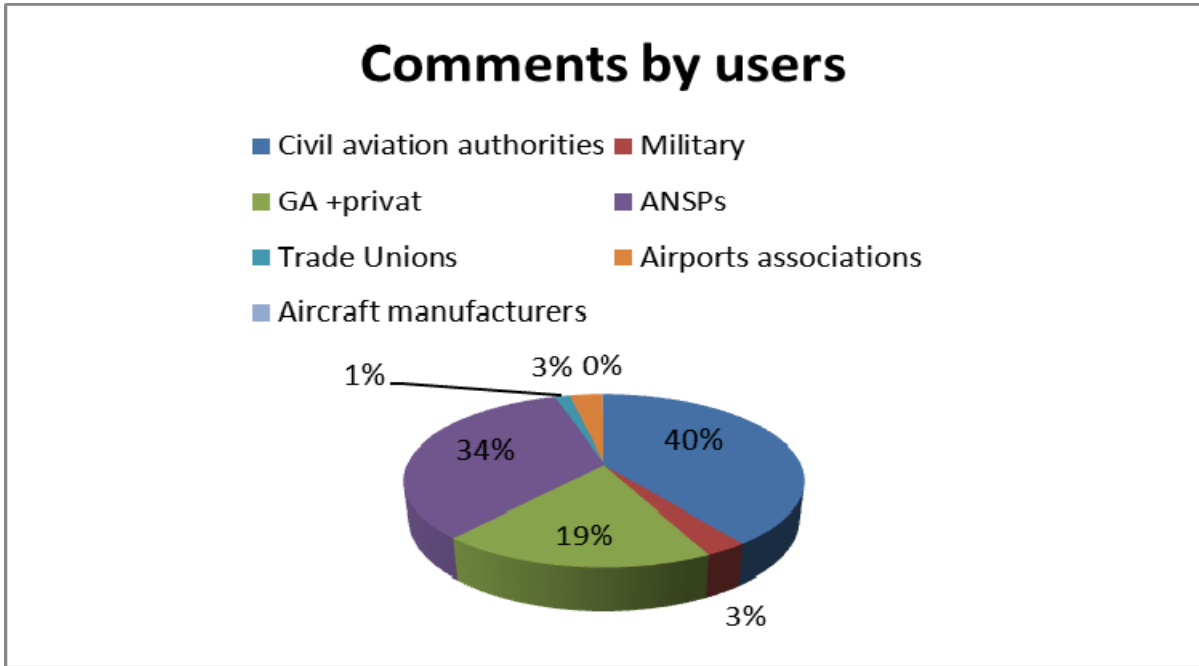


Figure 1 — Distribution of comments by type of commentators

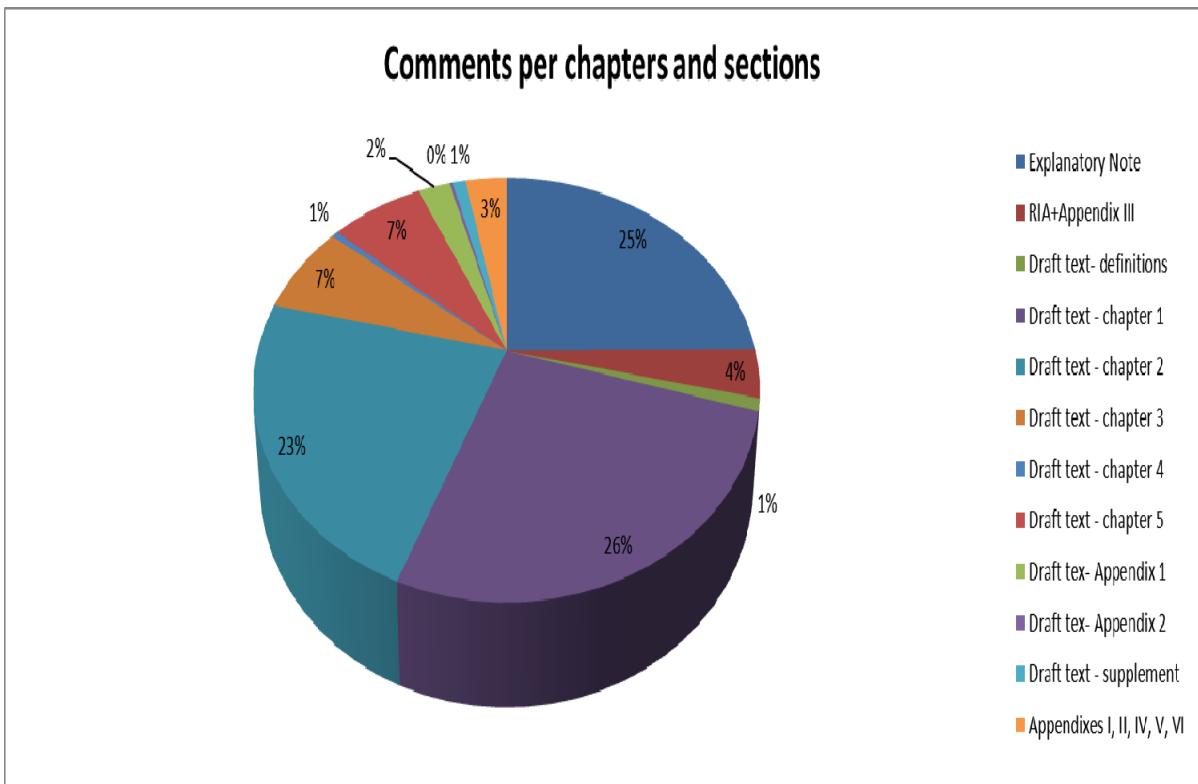


Figure 2 — Distribution of comments per chapters/sections of the NPA

5. As it can be noted in the figures above, most of the comments were made by regulators or competent authorities, mainly NSAs and ANSPs. It is also important to highlight that most of the comments concerned provisions related to airspace classes and to the questions made in the Explanatory Note of the NPA 2011-02.

### III. Publication of the CRD

6. All comments received have been acknowledged and incorporated into this Comment Response Document (CRD) with the responses of the Agency.
7. In responding to comments, a standard terminology has been applied to attest the Agency's acceptance of the comment. This terminology is as follows:
  - **Accepted** — The comment is agreed by the Agency and any proposed amendment is wholly transferred to the revised text.
  - **Partially accepted** — Either the comment is only agreed in part by the Agency, or the comment is agreed by the Agency but any proposed amendment is partially transferred to the revised text.
  - **Noted** — The comment is acknowledged by the Agency but no change to the existing text is considered necessary.
  - **Not accepted** — The comment or proposed amendment is not shared by the Agency.
8. The Agency's Opinion on SERA Part B will be issued at least two months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstandings of the comments received and answers provided.
9. Such reactions should be received by the Agency not later than **23 October 2011** and should be submitted using the Comment Response Tool at <http://hub.easa.europa.eu/crt>.
10. It is also important to highlight that the responses made by the Agency have been prepared together with EUROCONTROL as well as the publication of the CRD in order to fulfil the SERA Mandate issued by the European Commission to EUROCONTROL. The Agency's Opinion will be coordinated with EUROCONTROL for the same purpose.
11. In order to complete the consultation with the relevant stakeholders, the Agency together with EUROCONTROL will organise a stakeholders' consultation workshop<sup>5</sup>.

### IV. Summary of responses provided to the main comments made

12. As already highlighted, most of the comments were made to answer the questions made in the Explanatory Note of NPA 2011-02, and to comment the proposed provisions for the airspace classifications. The main outcome of the answers to the questions and to the comments on the airspace classifications are explained below. Moreover, and in order to understand better the answers to the comments, it is important to underline that the text proposed in the NPA is the outcome of the evaluation of the notified differences by the Member States to ICAO Annex 11 and Annex 3 and it is based on the principle that European wide differences to ICAO Standards shall be minimised as much as possible.

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<sup>5</sup> [http://easa.europa.eu/events/events.php?startdate=19-09-2011&page=EASA%2FEurocontrol\\_SERA\\_Workshop](http://easa.europa.eu/events/events.php?startdate=19-09-2011&page=EASA%2FEurocontrol_SERA_Workshop)

13. There were eight questions in the Explanatory Note of the NPA 2011-02 SERA Part B<sup>6</sup>. The questions and the main outcome of the replies is summarised in the following table:

Question	Summary of replies	Conclusion/Decision
<p><b>Question 1:</b> Views from the stakeholders are particularly sought for the placement of the paragraph 1.1.1 of SERA Part B, whether it could be placed in the articles of the regulation (Article 1 Subject matter and scope), in Part ATS, to remain in SERA Part B as currently proposed, or elsewhere.</p>	<p>Most of the replies indicate that it would be good to keep it in SERA IR. Some of them expressed that, although it was not considered to be a measurable provision, it was better to keep it as part of SERA for its importance. Others indicated preference to include it as part of the Articles of the Regulation (in particular as part of Article 1) or in the recitals as general principles.</p>	<p>From the outcome of the replies to the question, it can be concluded that the majority of the stakeholders would prefer to leave it as it was proposed in the NPA. Although it has been acknowledged that the actual compliance with it is difficult to measure, the provisions are stating objectives that shall be achieved. It is also important to note that the rest of the provisions in the proposed draft of SERA Part B refer back to these objectives. Therefore, the conclusion is to keep it as initially proposed.</p>
<p><b>Question 2:</b> Views from the stakeholders are expected for the application and implications of the requirements in paragraph 1.1.2.1 of SERA Part B, especially for the expression 'shall have due regard for the requirements of the aircraft operators'.</p>	<p>Most of the replies indicated that although it is not considered to be a very exhaustive requirement, it is general practice within the ANSPs and therefore it should be kept.</p> <p>Other comments indicated that more guidance or acceptable means of compliance should be developed.</p>	<p>Based on the outcome of the replies to the question, it has been concluded to maintain the requirements as was proposed and to provide GM or AMC material to complement the IR provisions.</p> <p>In addition, the intention is to explain it with more details in the Opinion.</p>
<p><b>Question 3:</b> A limited number of States have notified differences with regard to the specific requirement indicating that time checks would be delivered to the nearest minute only. This kind of difference was also supported by few similar comments of the informal consultation considering that</p>	<p>The majority of the stakeholders' replies to this question indicates that time checks to the nearest 1 minute is normal practice today, and it is considered to be sufficient for today's operations.</p>	<p>From the outcome of the replies to the questions, it can be concluded that the majority of the stakeholders would find it sufficient to provide time checks to the nearest 1 minute. However, a safety impact assessment would need to be conducted because this would require filing a category C difference in the European rule to the ICAO standard. The</p>

<sup>6</sup> <http://easa.europa.eu/rulemaking/docs/npa/2011/NPA%202011-02.pdf>

Question	Summary of replies	Conclusion/Decision
<p>the adoption of such a difference at European level would probably constitute a Category C difference to ICAO SARPs ('Less protective'). The views of the stakeholders are sought in order to optimally assess the question at the stage of final drafting.</p>		<p>subject will be discussed further at the SERA workshop on the 19 of September 2011. Until further safety assessment is conducted, it considered necessary to leave the final conclusion open.</p>
<p><b>Question 4:</b> Today only three Member States employ Class F in Europe, two of them are considering the option to withdraw it and the third one is applying a hybrid version which could be replaced using the proposed SERA provisions. Another harmonisation step could be the aim to remove the application of ICAO Class F in the European airspace. Based on the current proposal of SERA Part B and taking into account the tools provided, stakeholders' views are welcome on the possibility to remove the ICAO Class F from the SERA Part B provisions.</p>	<p>The majority of the stakeholders who answered to this question indicated that they would like to keep Class F in the airspace classes definition as in ICAO SARPs and that they would like to keep it without any limitation in time.</p>	<p>The outcome of the replies to the question is that the majority of the stakeholders would be in favour of keeping the Class F as per ICAO and even without time limit in order to allow those countries, currently using airspace Class F, to continue using it.</p> <p>However, in this case and as already included in each answer to the relevant comments, it is important to provide more background in relation to ICAO airspace Class F definition and the original intention:</p> <p>The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on the provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic</p>

Question	Summary of replies	Conclusion/Decision
		<p>control service'.</p> <p>It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the 7th edition of Doc 4444, Part VII, paragraph 1.1.2.</p> <p>The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – <i>Progressive development of ATS</i>, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a <i>temporary, intermediate</i> stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a <b>temporary intermediary form of ATS</b> in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control</p>



Question	Summary of replies	Conclusion/Decision
		<p>personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.</p> <p>It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.</p> <p>By keeping the temporary nature, the spirit of ICAO is maintained. However, in order to make the IR legally clear, a time limit is needed. 3 years were found as a compromise between temporary and long term.</p> <p>As already mentioned the State which would be impacted the most is not applying the airspace Class F definition as described by ICAO but applies a hybrid version of it by applying some additional provisions. So, the conclusion is to keep the proposed text and to discuss the issue further at the workshop.</p>
<p><b>Question 5:</b> Views of the stakeholders are sought for the right placement of the provisions in paragraph 2.1 of SERA Part B (transposing paragraph 3.1 of ICAO Annex 11), whether it should be part of SERA or of Part ATS.</p>	<p>The majority of the stakeholders who answered to this question indicated that they would prefer to keep it in the SERA IR. Some other comments indicated that the location of the provisions should be the same than the location of paragraph 1.1.1.</p>	<p>From the outcome of the replies, and taking into account the conclusion to question 1, it can be concluded that these provisions should remain in SERA Part B.</p>
<p><b>Question 6:</b> Views of the stakeholders are sought in order to better address the</p>	<p>The majority of the stakeholders who answered to this question replied that</p>	<p>From the outcome of the replies, and taking into account the fact that the subject needs further</p>

Question	Summary of replies	Conclusion/Decision
<p>requirement for the entity responsible for selection of the separation minima and for the placement of these provisions.</p>	<p>the selection of separation minima is considered to be of an operational nature and therefore more appropriate to be selected by the relevant ATS Units and approved by the competent authority. Some of them answered that the location of the related provisions should be in Part ATS.</p>	<p>clarification, it will be proposed for discussion at the workshop, based on the following principles:</p> <ul style="list-style-type: none"> <li>— The principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).</li> <li>— The former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.</li> </ul> <p>It is important to highlight that the NPA text of paragraph 2.3.1 a) is a place-holder in the draft rule until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.</p>
<p><b>Question 7:</b> Views of the stakeholders are sought for paragraph 2.4.4.2 of SERA Part B regarding the voice read-back CPDLC messages, whether this provision is more relevant to ATS units, or the read-back requirements shall be established by the competent authorities.</p>	<p>The majority of the stakeholders who answered to this question replied that they considered this decision to be more of an operational nature to be carried out by the ATS units.</p>	<p>From the outcome of the replies it is concluded that the operational nature of the read-back CPDLC messages can be accepted. It is accepted that it should be prescribed by the ATS unit in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material. It is also related to the concept of the competent authority and the approval of ATS providers' procedures.</p>
<p><b>Question 8:</b> The routine aircraft observations by air-ground data link transposes Appendix 4, 1.1.1, paragraphs 5.3.1, 5.3.2 and</p>	<p>There were a limited number of replies to this question. The majority of the stakeholders who answered to this question indicated</p>	<p>Based on the outcome of the replies and on a detailed analysis of the provisions in Chapter 5 of draft SERA Part B coming from ICAO Annex 3</p>

Question	Summary of replies	Conclusion/Decision
<p>5.4 of ICAO Annex 3. It elevates the recommendation from 5.3.2 'For helicopter operations to and from aerodromes on offshore structures, routine observations shall be made from helicopters at points and times as agreed between the meteorological service provider and the helicopter operators concerned.' into an implementing rule.</p> <p>Views on the suitable transposition of paragraphs 5.3.2 of ICAO Annex 3 would be appreciated.</p>	<p>that this recommendation could be better placed in the AMC/GM.</p>	<p>together with the expert group on meteorological requirements, it was concluded that all provisions related to automatic aircraft observations and reports should be removed from the amendment to the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the Agency. When required, proper coordination with the drafting team for the Datalink IR will be set up as appropriate.</p>

14. It should be highlighted that the outcome of the answers provided indicated clear preference of the stakeholders in some cases whereas in other cases limited input has been provided to allow for definitive conclusions at this stage. Particular attention needs to be paid to the cases leading to the need to file a Category C difference to the relevant ICAO standard. This is the case of the time checks to be provided at the nearest 1 minute.
15. Some comments highlighted that replacing '**ATS authority**' with the term '**competent authority**' or '**ATS units**' could lead to a destabilisation of the current systems and could create problems in the existing national framework. As it has been explained in the replies, the terms 'ATS' or 'MET authority' do not exist in the current European regulatory framework based on the Single European Sky Regulations (which e.g. clarify the responsibilities based on the principle of separation between service provision and supervision). Therefore, the role of the National Supervisory Authority (NSA) or competent authority was separated from the role of the Air Navigation Service Provider and from the role of the Member States (Regulation (EC) No 550/2004 and Regulation (EC) No 216/2008). The terminology used in the high level regulations needs to be respected in the lower level regulations. Based on above, also the draft SERA IR needs to respect this principle of separation and therefore each reference in the ICAO Annex 11 and Annex 3 to ATS or MET authority should be reviewed with a purpose to indicate deciding whether the task/function shall be performed by the supervisory authority or by the service provider (ATS units). It should be highlighted that in some cases (e.g. selection of separation minima), the decision by the ATS Units shall also be approved by the competent authority. Moreover, in order to clarify the responsibilities and the procedures to be followed by the competent authority, the term approval has been selected instead of the term acceptance.
16. Some of the comments related to the proposed **overall rule structure**. As it has been explained in the responses to these comments, the proposal was based on the overall rule structure (including all fields of aviation safety) as proposed by the Agency at the

time the NPA was published at the beginning of February 2011. Since then, the Agency, based on the feedback from different stakeholders and on the outcome of the consultations, decided together with the European Commission to adopt for time being on a different rule structure.. For the field of ATM/ANS, the current legislative framework is based on implementing rules dealing with individual subjects, including the implementing rules adopted under the 'fast-track' process<sup>7</sup> which are based on the common requirements (Regulation (EC) No 2096/2005 and Regulation (EC) No 1315/2007) and do not follow this vertical approach. The issue related to the overall rule structure in the field of ATM/ANS has a wider scope than the subject of this proposal and will be addressed by the European Commission and the Single European Sky Committee, supported by the Agency. The overall rule structure in general is therefore subject to further discussions.

17. Some comments indicated the need to clarify the **relationship between the relevant parts of SERA (Part A, Part B and Part C) and the work on the relevant remaining ICAO material (PANS-ATM, PANS-OPS, Doc 7030)**. In addition, some of the comments indicated the need to group provisions in SERA Part B together with the provisions in SERA Part A. Following the mandate issued by the European Commission to EUROCONTROL, the work needed to be carried out on a step-by-step approach and therefore in order to progress the different phases of the work, it was considered necessary to split the material between different parts. This issue will be further explained at the workshop. For the time being, it is important to highlight that the work needs to be carried out following a step-by-step approach, but future work could be undertaken to group provisions together if it is deemed to be the most appropriate approach. Nevertheless, it is important to highlight that the work on PANS-ATM will lead to draft SERA Part C and it will also complement SERA Part B, as applicable, as well as it will lead to the creation of AMCs and GMs. The review of PANS-ATM, PANS-OPS and ICAO Doc 7030 is being carried out at the same time.
18. **Separation between VFR flights at night and between VFR flights at night and IFR flights.** Some comments indicate that the question of providing separation between VFR flights at night and also between VFR flights at night and IFR flights should be considered. Some comments indicate a preference for such a separation becoming mandatory; others prefer an optional approach whilst some are strongly opposing such a requirement. The approach of the drafting group is that the ICAO airspace classes should be respected to the maximum extent possible, following the work done for the development of the EUROCONTROL airspace classification toolbox; i.e. VFR flights during day and VFR flights at night are treated in the same way. However, it is important to note that in airspace class D, an ATC clearance is required and therefore such a clearance must be elaborated by the ATC unit in a manner which ensures safety in the area concerned, possibly by application of a separation if considered appropriate. In airspace class E, an ATC clearance is not compulsory for VFR flights, but tools such as RMZ and TMZ may be used to improve the situation awareness. Ultimately, the airspace classification must be re-considered in cases where night operations would require more restrictive conditions.
19. **IFR clearance with pilots maintaining own separation in VMC (VMC clearance).** Some comments have requested that the acceptance by both pilots concerned should not be mandatory and that the rule should allow for this type of clearance to be proposed by the air traffic controller. It is considered that this would probably create a category C difference to ICAO and that no sufficient safety assessment is available to guarantee that implementation of such a change to the ICAO provision would be fully safe. It is considered that, when a pilot is flying under an IFR clearance, a certain level of service is expected (including separation from other IFR flights) and that this service should not be

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<sup>7</sup> <http://easa.europa.eu/agency-measures/docs/opinions/2010/02/Opinion%2002-2010.pdf>

withdrawn or downgraded without approval by the pilots concerned. Some other means to solve the existing situations should be sought in other domains such as airspace design, procedure design and provisions related to “reduction in separation minima in the vicinity of aerodromes” which will be covered in SERA Part C (PANS-ATM, Chapter 6, paragraph 6.1).

20. **250 kts speed limitation.** On this subject, comments of contradictory nature have also been received. Some comments would like to see the speed limitation extended to all classes of airspace below 10000 ft whereas other comments request that it should apply to VFR flights only or that specific flights should be exempted from the obligation for various reasons. It is considered that the 250 kts speed limit as it is described in ICAO Annex 11 and transposed in SERA does not need to be changed. The “see and avoid” principle which is at the origin of the speed limitation applies to VFR and IFR as well in situations when separation is not provided, and SERA does not apply to OAT flights. It must be noted that operational speed limitations associated to specific clearances or procedures remain available subject to approval of the competent authority, as long as they do not contradict the ICAO/SERA speed limitation associated to the airspace classification (e.g. specific speed associated to SIDs and STARs).
21. **Special VFR (SVFR).** A number of comments are advocating that SVFR should also be authorised at night. It must be noted that the draft SERA Part B paragraph 2.6.1 has been elaborated on the basis of tool No. 4 of the EUROCONTROL airspace classification toolbox and that, when this tool was developed, it was widely accepted that SVFR should be allowed during day only. At that time, the general aviation representatives were strongly opposing SVFR at night for safety reasons. There is currently no significant safety data available to justify a deviation from the toolbox dispositions. The subject will be open for discussion during the workshop and any robust safety assessment material provided by those stakeholders proposing such modification will be carefully considered.

One comment is challenging the values selected in SERA for SVFR. The visibility values are extracted from the agreed toolbox and the intention for standardisation expressed in the EC mandate does not allow for State-specific values. Changing the standard values would require a sound justification showing that they are not appropriate. Nevertheless, when draft Part B is finalised, an additional safety assessment will be conducted on the elements which were added in complement to the provisions transposed from ICAO Annex 11, such as some elements coming from the airspace classification toolbox. The findings will be made available for potential refinements of the implementing rule.

Finally, comments were received with a suggestion to apply some of the SVFR criteria to departing traffic only. This is not considered sufficiently justified to deviate from the agreed toolbox. Similarly to other situations in aviation, the necessary measures to continue a flight safely and in respect of the applicable regulations must be taken by the pilot in due time, otherwise leading to an emergency situation. Regulations must provide for a fair balance between safety and flexibility of operations, and should not be designed to cover cases where the necessary caution and good airmanship have not been applied.

It must be noted that like for VFR at night, a consistent approach must be achieved in the regulatory system between all the fields of aviation (Flight Crew Licensing (FCL), airworthiness (AIR), aircraft operations (OPS) and ATS).

22. **Scope of FIS.** A significant number of comments have expressed worries about the scope of the requirements described in Part B, 3.2.2, and especially the fact that a strict reading of the requirements as they are worded could lead to impracticable obligations to provide huge amounts of unnecessary information. The concerns are acknowledged and these requirements will be complemented by acceptable means of compliance and/or guidance material in order to clarify the intention, which is not to keep the frequency

busy with information which is not needed or requested by the pilot. Similarly, note 1 of ICAO Annex 11, 4.2.2, will be addressed to complement 3.2.2 b).

23. **ATIS.** Comments were received with regard to the content of the ATIS message and to the requirement related to the transmission of the message by the controller to the pilot. It must be clarified that the content of the ATIS message is transposed from ICAO Annex 11 as there is currently no significant differences notified to ICAO on this item and no significant material available to justify a deviation from ICAO. However, the concern is understood and the potential interest for a review of the ATIS content is accepted when time and resources would be available. Regarding the transmission of the full message (as opposed to the message identifier only), the concern is also understood. However, it must be noted that no abuse of such "request by the pilot" to receive the full message by the controller has been reported. If it happens to be the case in the future, the case would be subsequently re-considered.
24. **Class A airspace.** Some comments have requested to apply a deviation from the ICAO Class A airspace definition and to allow VFR flights under specific circumstances. After further analysis and discussions with some of the stakeholders, it has been concluded that this solution would require a category C difference between the SERA IR and the ICAO Standard and that other different solutions could be found in those circumstances such as a re-classification or establishment of a TSA/TRA (segregated airspace). It is considered necessary to retain the intended usage of Class A airspace to be exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace (e.g. for usual operations a re-classification, corridors or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR and for unexpected circumstances the application of draft Article 3 of SERA IR (Article 14. 1 of EASA Basic Regulation)). This will be explained further in the workshop on the 19 of September and will be considered for the development of guidance material related to Part B.
25. Finally, it is important to highlight that after taking all the comments into account, the resulting text has not been presented as part of this CRD. It will be presented as a part of the Agency's Opinion to be published. The main reason for this is that the resulting text is not yet finalised and is potentially subject to changes based on the clarifications on some of the issues that are going to be dealt with at the workshop on the 19th of September 2011 at the EUROCONTROL premises. The items that will be reviewed during the workshop have been highlighted in the answers to the comments.



## V. CRD table of comments, responses and resulting text

<b>(General Comments)</b>	-
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comment 3 comment by: FOCA Switzerland

response *Noted*

comment 28 comment by: French State Aviation Authority

Please find below the remarks on the proposed Draft IR on SERA Part B. This answer shall be considered as the response from the French MoD.

Best regards  
Lcl Luc ANTOON  
State Aviation Authority  
International Affairs  
FRANCE

response *Noted*

Our understanding is that the commentator is referring to the way the comments are provided.

comment 43 comment by: CANSO

Attachment [#1](#)

SERA Parts B and D : CANSO still misses clarity on the whole scope of the SERA IR and on what SERA Parts C and D will be.

*CANSO developed "guiding principles for EASA rulemaking work and roadmap for ATM safety regulation".*

We think appropriate to recall these general principles see the attached position



response *Noted*

The Agency would like to thank CANSO for providing these principles that will be taken into account by the Agency when assessing the evolution of the rulemaking programme together with the relevant advisories and decision-making bodies.

Regarding the scope of the SERA Parts, the Agency would like to make reference to the ECTL final report:

[http://www.eurocontrol.int/ses/gallery/content/public/docs/ses\\_sera\\_final\\_report\\_v1\\_0\\_30062010.pdf](http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf)

So far SERA Part C is planned as indicated in this report and it will contain the provisions which are considered to be candidate for IR from ICAO Documents 4444 and 7030.

As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.

comment *101*

comment by: *LVNL*

LVNL noted that the new EASA rule structure approach differs from the present ICAO setup in Annexes and documents. This difference may give rise to problems of understanding for the users, having to comply with the provisions. The safety arguments for this difference are not clear. LVNL requests further explanation from EASA.

response *Partially accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which have been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC made a mandate to EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done amending the CRs

as appropriate.

It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

Comment

102

comment by: LVNL

LVNL misses clarity about the scope of the SERA IR and of SERA Parts C and D. It seems that the scope of part C is shifting from a combination of ICAO doc 4444 and ICAO doc 8168 materials to doc 4444 material only.

Response

*Noted*

Regarding the scope of the SERA Parts, the Agency would like to make references to the ECTL final report:

[http://www.eurocontrol.int/ses/gallery/content/public/docs/ses\\_sera\\_final\\_report\\_v1\\_0\\_30062010.pdf](http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf)

So far SERA Part C is planned as indicated in this report and it will contain the provisions which are considered to be candidate for IR from ICAO Documents 4444 and 7030.

As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.

It is important to highlight that at this stage, no candidate material for SERA has been identified in ICAO Doc 8168.

comment

150

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Editorial Convention: Text proposed for deletion is ~~double stroke through~~

Text proposed for insertion is **shaded**

Comments/Remarks are in *italic*

response

*Noted*

comment

211

comment by: *Aura MARCULESCU*

No: 1

Reference: **ATS Authority vs Competent Authority and ATS Unit**

Quote/proposal; Comments//Remark (Reason for comment):

This issue is rooted in the EASA/SERA undertaking and the notion of "ATS Authority" is being inconsistently transposed into the "Competent Authority", "Entity responsible for the provision of air traffic services", or "ATS Unit". This transposition, apart from inconsistency in the meaning and leaving "holes" in the regulatory prerogatives, introduces also a destabilization in the overall system, which we believe may have a serious impact on safety.

Today, certain prerogatives of the ATS Authority exist. ATS Authority responsibilities and prerogatives are set in ICAO Annexes 2, 3, 10, 11 and PANS-ATM, PANS-OPS and Doc7030. Moving any of these prerogatives up-stream to the level of Supervisory Authority or downstream to the level of an ATS Unit would be very counterproductive. This, if kept, would result in issues of quality being opened and as a result of it, risk of safety levels being compromised. This must be avoided, or sufficient time (measured in years) allowed for re-structuring of affected entities. It must be mentioned that such a re-structuring would have a significant cost attached to it.

No: 2

Reference: **Principles of transposing ICAO SARPs into SERA Part B**

Quote/proposal; Comments//Remark (Reason for comment):

It is necessary to further clarify the principles employed in transposing ICAO SARPs into SERA IR requirements.

It is still not clear how are the principles employed in transposing ICAO SARPs into SERA IR. Occasionally some relevant procedures for pilots already comprised in Annex 11 and/or PANS-ATM have been omitted, while in other cases a complete set of pilot related procedures was incorporated. This is particularly evident in transposing requirements of ICAO Annex 3 and also in the case of maintaining own separation.

No: 3

Reference: **SERA Parts C and D**

Quote/proposal; Comments//Remark (Reason for comment):

It is needed to have more clarity on the whole scope of the SERA IR and on what SERA Parts C and D will be.

response *Partially accepted*

Answer to comment No 1:

ATS authority as such cannot be used in the EU regulatory framework because only National Supervisory Authority (NSA), Air Navigation Service Providers (ANSP) and Air Traffic Service Unit exist and therefore ATS authority does not have any meaning within the European Union regulatory system. The term 'ATS authority' has been considered on a case by case basis depending on the nature of the provision concerned. The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly

defined. In some cases it is the competent authority which requires and in some others options may be proposed by the ATS Unit/ANS Provider and have to be accepted or approved by the competent authority.

Answer to comment No 2:

As it was explained in the NPA, the SERA mandate, issued by the Commission, states that the common rules should ensure an efficient and expeditious international air traffic which requires a common understanding of signs, collision avoidance procedures, air traffic services instructions, phraseology and similar related matters. The mandate recognises that even if ICAO Annex 2 is named 'Rules of the Air', the candidate ICAO provisions which are of a 'rule of the air' nature are spread across several annexes and documents, most notably:

Annex 2 — Rules of the Air;

Annex 6 — Operation of Aircraft;

Annex 10 — Communication Procedures;

Annex 11 — Air Traffic Services;

Document 4444 — PANS-ATM;

Document 8168 — PANS-OPS;

Document 7030 — EUR Regional Supplementary Procedures.

In order to meet the SERA mandate requirements, and in particular to ensure that the total system approach is implemented in an organised and consistent way, the following principles were applied when deciding on the allocation of the candidate ICAO material to SERA or other EASA/SES rules:

- a) SERA should contain those provisions which require collective actions to ensure the correct outcome, i.e. joint procedures. This would then ensure a consistent source of information in one document and would enable common understanding of what all parties are expected to do.
- b) Provisions that are only of exclusive relevance to the operator or air traffic service provider (i.e. internal business and operations) should be excluded from SERA and instead captured in alternative rules specific to the operation, e.g. IR OPS, IR ATM/ANS (e.g. Part-MET), etc.
- c) The subject matter for which there is a fine line between a) and b) above should be considered on a case by case basis, taking into account the synergy with other material and the most logical placement.

In order to ensure accurate recording and monitoring of the transposition plans, ICAO checklists are utilised to record the placement of ICAO material into EU rules and an assessment of ICAO compliance achieved.

It has to be mentioned that a similar approach has been already used when

transposing ICAO SARPs into EUROCONTROL ESARRs and later into EU legislation.

Certain provisions from the ICAO Annexes (such as safety management and safety oversight) were addressed separately from other safety and technical requirements. Existing SES regulations, such as Commission Regulation (EC) No 2096/2005 which is based on EUROCONTROL ESARR 3 and ESARR 4, contain the provisions from ICAO Annex 11, Annex 3 and Annex 15 on SMS and QMS, and Commission Regulation (EC) No 1315/2007, which is based on ESARR 1, contains the safety oversight requirements for the competent authorities that are contained in ICAO Annex 11, Annex 3 and Annex 15. Regulation (EC) No 2096/2005 and Regulation (EC) No 1315/2007 have already been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

Answer to comment No 3:

Regarding the scope of the SERA Parts, the Agency would like to make references to the ECTL final report:

[http://www.eurocontrol.int/ses/gallery/content/public/docs/ses\\_sera\\_final\\_report\\_v1\\_0\\_30062010.pdf](http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf)

So far SERA Part C is planned as indicated in this report and it will contain the provisions which are considered to be candidate for IR from ICAO Documents 4444 and 7030.

As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.

It is important to highlight that at this stage, no candidate material for SERA has been identified in ICAO Doc 8168.

comment 226

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response *Noted*

The commentator is referring to the way the comments are provided.

comment 257

comment by: *NFellay*

editorial convention for skyguide comments :  
 Source text is copied as is. Any changes tracked at source are preserved.  
 Text proposed for deletion is ~~double stroke through~~  
 Text proposed for insertion is shaded  
 Comments/Remarks are in *italic*.

response *Noted*

The commentator is referring to the way the comments are provided.

comment 263

comment by: *NFellay*

### **ATS Authority Vs Competent Authority and ATS Unit**

*Transposition of the notion of "ATS Authority" into "Competent Authority" "entity providing ATS" and "ATS Unit", apart from inconsistency in the meaning and leaving "holes" in the regulatory prerogatives, introduces also a destabilization in the overall system, which we believe may have a serious impact on safety.*

Elaboration:

Today, certain prerogatives of the ATS Authority exist. ATS Authority responsibilities and prerogatives are stipulated more than 200 times in ICAO Annexes 2, 3, 10, 11 and PANS-ATM, PANS-OPS and Doc7030. Moving any of these prerogatives up-stream to the level of Supervisory Authority, or downstream to the level of an ATS Unit would be very counterproductive. This, if kept, would result in issues of quality being opened and as a result of it, risk of safety levels being compromised. The whole system will be exposed to what we consider to be a major destabilization, since such a development would lead to a situation where entities without sufficient resources/expertise will be empowered to make safety critical decisions. This must be avoided, or sufficient time (measured in years) allowed for re-structuring of affected entities. It must be mentioned that such a re-structuring would have a significant cost attached to it.

This problematic is, of course rooted in the deeper levels of the EASA/SERA undertaking, however, in the very document analysed, the notion of "ATS Authority" is being inconsistently transposed into the "Competent Authority", "Entity responsible for the provision of air traffic services", or "ATS Unit". The serious consequences which this may have are described above.

response

*Noted*

ATS authority as such cannot be used in the EU regulatory framework because only National Supervisory Authority (NSA), Air Navigation Service Providers (ANSP) and Air Traffic Service Unit exist and therefore ATS authority does not have any meaning within the European Union regulatory system. The term 'ATS authority' has been considered on a case by case basis depending on the nature of the provision concerned. The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly defined. In some cases it is the competent authority which requires and in some others options may be proposed by the ATS Unit/ANS Provider and have to be accepted or approved by the competent authority.

comment

265

comment by: *NFellay*

**Tracking of changes as to ICAO Annexes NPA Package – Part B.I  
Draft opinion SERA Part B vs. Appendix V, Table presenting draft  
SERA Part B versus ICAO SARPs.**

Unreliable track changes, documents with different rendering of the same text, sometimes introducing critical discrepancies in the interpretation of the text (Part B.I and Appendix V, refer to § 1.1.2.1, § 2.2.3, § 5.6.2 – "should" replaced by "shall" in one instance) imposed an unnecessary amount of extra work upon commentators. This should be avoided at all costs in future consultations, through the distribution of documents having been submitted to the adequate quality control procedures by the emitting authority.

Given the discrepancy between the NPA document and the Table, skyguide decided to use Appendix V as reference for consultations and for providing these comments.

response

*Noted*

More details on the reported discrepancies would improve the review — some changes mentioned may have been voluntary and it is not the result of lack of quality control.

comment

266

comment by: *NFellay***Transposing of footnotes and references in ICAO Annex 3**

It was noted that insufficient care was taken by the editor in copy-pasting tables from ICAO Annex 3, resulting in "hanging" footnotes (table AP 2-1), altered rows and a duplicated number (AP 2-2). This resulted in additional workload in preparation for the consultations and at certain points raised doubts as to intentions of the rule maker.

response

*Noted*

The reported elements need more accurate description to be identified. Nevertheless, Appendix 2 will be redrafted based on other comments.

comment

267

comment by: *NFellay***Principles of transposing ICAO SARPs into SERA Part B**

It is still not clear how the principle of 'collective action' has been applied in transposing ICAO SARPs into SERA Part B provisions. Occasionally some relevant procedures for pilots already comprised in Annex 11 and/or P-ATM have been omitted while in other cases a complete set of pilot related procedures was incorporated. This is particularly evident in transposing requirements of ICAO Annex 3 related to pilots' actions in regard to air-reports. In skyguide's view, these are indeed 'network actions' and/or 'network inputs' but in any sense not 'collective action' so as to imply action of a collective entity.

Amongst other, also for these reasons, it is necessary to further clarify the principles employed in transposing ICAO SARPs into SERA requirements.

response

*Noted*

As it was explained in the NPA, the SERA mandate, issued by the Commission, states that the common rules should ensure an efficient and expeditious international air traffic which requires a common understanding of signs, collision avoidance procedures, air traffic services instructions, phraseology and similar related matters. The mandate recognises that even if ICAO Annex 2 is named 'Rules of the Air', the candidate ICAO provisions which are of a 'rule of the air' nature are spread across several annexes and documents, most notably:

Annex 2 — Rules of the Air;

Annex 6 — Operation of Aircraft;

Annex 10 — Communication Procedures;



Annex 11 — Air Traffic Services;  
Document 4444 — PANS-ATM;  
Document 8168 — PANS-OPS;  
Document 7030 — EUR Regional Supplementary Procedures.

In order to meet the SERA mandate requirements, and in particular to ensure that the total system approach is implemented in an organised and consistent way, the following principles were applied when deciding on the allocation of candidate ICAO material to SERA or other EASA/SES rules:

- a) SERA should contain those provisions which require collective actions to ensure the correct outcome, i.e. joint procedures. This would then ensure a consistent source of information in one document and would enable common understanding of what all parties are expected to do.
- b) Provisions that are only of exclusive relevance to the operator or air traffic service provider (i.e. internal business and operations) should be excluded from SERA and instead captured in alternative rules specific to the operation, e.g. IR OPS, IR ATM/ANS (e.g. Part-MET), etc.
- c) The subject matter for which there is a fine line between a) and b) above should be considered on a case by case basis taking into account the synergy with other material and the most logical placement.

In order to ensure accurate recording and monitoring of transposition plans, ICAO checklists should be utilised to record the placement of ICAO material into EU rules and an assessment of ICAO compliance achieved.

It has to be mentioned that a similar approach has been already used when transposing ICAO SARPs into EUROCONTROL ESARRs and later into EU legislation.

Certain provisions from the ICAO Annexes (such as safety management and safety oversight) were addressed separately from other safety and technical requirements. Existing SES regulations, such as Commission Regulation (EC) No 2096/2005 which is based on EUROCONTROL ESARR 3 and ESARR 4, contains the provisions from ICAO Annex 11, Annex 3 and Annex 15 on SMS and QMS, and Commission Regulation (EC) No 1315/2007, which is based on ESARR 1, contains the safety oversight requirements for the competent authorities that are contained in ICAO Annex 11, Annex 3 and Annex 15. Regulation (EC) No 2096/2005 and Regulation (EC) No 1315/2007 have already been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

### Authority Requirements

What was clear in the ICAO framework in terms of ATS Authority having a power of prescription, is lost in transposition into SERA. "Competent authority", as defined in SERA and EC Regulation, represents an entity with different set of responsibilities leaving the prescriptive part of ATS Authority neglected and nowhere defined.

Elaboration:

Skyguide endorses the principle of grouping Authority Requirements (AR) in a separate set of requirements. However, in order to achieve consistency with existing EC Regulations and proposed SERA drafts (Parts A & B), it should be ensured that the role, responsibilities and tasks of 'competent authority' are clearly identified, both generally and in particular in relationship to ICAO defined 'appropriate ATS authority' and EC defined 'National Supervisory Authority'.

Namely, as per draft SERA IR, "competent authority" is defined as an authority "competent to ensure compliance with the requirements" which implies a supervisory role and responsibility. A body with such a supervisory role and responsibility had been established by EC Regulation 549/2004 (in same sense amended by EC Regulation 1070/2009). However, in the drafting of SERA IR and both parts A&B, two intentions may be observed: 1) linearly replacing the ICAO term 'ATS authority' with 'competent authority', or ATS Unit; and the more complex 2) shifting from ICAO's allocation of responsibility '... as prescribed by appropriate ATS authority' to '...as approved by Competent Authority'.

Without proper definition of 'competent authority' roles and responsibilities, the former approach is insufficient because the terms 'competent authority' and 'ATS authority' are of a different scope and imply different roles and responsibilities

response *Partially accepted*

ATS authority as such cannot be used in the EU regulatory framework because only National Supervisory Authority (NSA), Air Navigation Service Providers (ANSP) and Air Traffic Service Unit exist and therefore ATS authority does not have any meaning within the European Union regulatory system. The term 'ATS authority' has been considered on a case by case basis depending on the nature of the provision concerned. The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly defined. In some cases it is the competent authority which requires and in some others options may be proposed by the ATS Unit/ANS Provider and have to be accepted or approved by the competent authority.

comment 270

comment by: *NFellay*

## Organisational Requirements and ATM and Air Navigation Regulation

*Organizational Requirements and Air Navigation and ATM Requirements are two sets of requirements that must be clearly differentiated in separate sets of rules and easily identifiable in terms of their scope and applicability.*

### Elaboration:

Within the proposed rule structure, two types of requirements can be identified that directly address skyguide. From the ATM business perspective, skyguide is addressed by 'Organizational Requirements', being a Swiss business entity in the field of ANS. Similarly, from the ATM procedures perspective, skyguide is addressed by 'Air Navigation and ATM Requirements', being a Swiss 'ATS authority'. Skyguide strongly supports the principle of having these two types of requirements clearly differentiated in different sets of rules and easily identifiable in terms of their scope and applicability.

response

*Accepted*

The overall rule structure proposed in the NPA has been abandoned, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC made a mandate to EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the Agency and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

comment

271

comment by: *NFellay*

## Airspace Requirements

*Skyguide objects to the placing of the whole of SERA Part B, as presented in current draft, under the requirements on 'airspace users' or 'aircraft operations'. It should be placed under the ATM Requirements.*

### Elaboration:

The vocabulary used in rule making (structuring) is of a critical importance. Using the words, that have evolved over 60 years with one meaning, now in a different context, introduces unnecessary confusion. In principle, skyguide objects to the use of the term 'Airspace Requirements' for describing requirements on 'airspace users' as being misleading and inducing ambiguity. In the global aviation community, requirements that address 'airspace users' are normally referred to as 'rules of the air' or 'aircraft operations', while the term 'airspace requirements' may logically imply requirements on 'airspace management' in its broadest sense.

In particular, skyguide objects to the placing of the whole of SERA Part B, as presented in current draft, under the requirements on 'airspace users' or 'aircraft operations'. Namely, the requirements of the current draft of SERA Part B are not requirements on aircraft operations per se; on the contrary, they are primarily requirements on the provision of air traffic services, or aircraft operations in the context of air traffic services. For that reason, the requirements of SERA Part B, although of interest and applicable to airspace users, naturally fall under the scope of ATM Requirements (ATS being part of ATM).

response *Partially accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC made a mandate to EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done amending the CRs as appropriate.

It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

comment 413

comment by: CAA CZ

CAA of the Czech Republic has reviewed all provisions laying down common rules of the air and operational provisions regarding services and procedures in air navigation and expresses support for this proposal.

Due to the practical application of these important rules for the airspace users and due to the system of future changes in these Implementing Rules we recommend Agency to consider the possibility of the issuance of SERA Handbook as well as in the present for Part-145 and Part-M.

response *Accepted*

Yes, the Agency will do the same for all rules under the EASA Basic Regulation.

**NPA 2011-02 – General comments**

p. 1-3

comment 20

comment by: *trevor sexton*

In this document there is several mentions of the IF the Competent Authority allows, Surely this goes against the basic regulations.  
The competent authority could opt out of the bit of regulation they don,t like or keep something different from other authorities.

Surely standardisation and SAFETY accross europe could be affected if an authority was allowed to keep somethiing different.

Therefore affecting safety.

response *Noted*

Standardisation is one of the objectives of the SERA drafting; however, the transposition of the ICAO material must be done in a realistic manner with due regard to safety within the national specificities and responsibilities, as well as in fair balance between standardisation and consideration of local practices and culture. Additionally, the responsibilities of the competent authorities have been clarified in the recently adopted regulations about safety oversight and common requirements; therefore it is not believed that the allocation of consistent responsibilities to the competent authorities would contradict the EU regulations.

The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly defined. In some cases it is the competent authority which requires and in some others options may be proposed by the ATS Unit/ANS Provider and have to be accepted or approved by the competent authority.

comment	<p>21</p> <p>comment by: <i>trevor sexton</i></p> <p>There is several mentions in the docment reference VFR at Night. Several countries in Europe don,t allow VFR at Night unless the pilot holds and IR. Surely this is a Safety issue and authorities should not be allowed to opt out.</p> <p>In the UK VFR at night is allowed but it,s called IFR but the pilot has to fly under VMC conditions..</p>	
response	<p><i>Noted</i></p> <p>One of the SERA objectives is to harmonise practices and to improve common understanding throughout Europe. However, after some assessment and after consultations with the Member States and the stakeholders, it was considered that this was not mature enough for being harmonised in the EU.</p>	
comment	<p>22</p> <p>comment by: <i>trevor sexton</i></p> <p>Several authorities restrict their pilots from flying in other authorities airspace by wording.</p> <p>Ie in Belgium they do not allow VFR at night but in the UK you can (IFR/VMC) but Belgium authorities have put wording in the licenses / there Air Naviation orders (ANO,s) which restricts Belgium issue JAR pilots from coming to the UK and flying at night.</p> <p>Also Italy you can,t fly IFR outside controlled airspace but in other countries you can.</p> <p>Also you can fly airways in France VFR and above cloud but again various authorities across europe have put restrictions in place to stop pilots beable to do this.</p> <p>Will EASA/EU continue to allow individual authorities to have get out clauses of legislation that a authority dislikes.</p> <p>Apparently this is already happening.</p>	
response	<p><i>Partially accepted</i></p> <p>The comment is understood and it is recognised that full harmonisation of the application of the different airspace classes is not yet achieved.</p> <p>The intention of the proposed NPA is to improve the harmonised implementation of the airspace classes and of their usage. Subsequently, pilots flying within the</p>	

EU will know which conditions to apply within the airspace class considered.

It is, therefore, foreseen that the situation will be improved once the content of the NPA is adopted, even if some local flexibility may remain in specific cases where deemed necessary.

comment

23

comment by: *trevor sexton*

This document is mainly for CAT aircraft flying in Controlled airspace. What about the smaller end of the Aviation spectrum that could be affected (gliding/Paragliding etc etc).

The 500ft rule for instance in the UK this is classified as 500ft from the nearest person/vessel/object, whilst in other countries this is classified as 500ft above the nearest object.

The definition VRP is used across Europe as Visible reporting Point. In the UK its called Visual Reference Point (ie you can be a mile either side of the said point). Reason Noise and Safety.

Noise = Same point on the ground Village/town getting aircraft crossing all the time.

Safety= All aircraft head for the same point in the sky.

A number of topics like this were brought up before to the SERA group.

Mandatory Use of TMZ/RMZ should be restricted as these could affect General aviation.

Reason CAT aircraft will not be flying down low like GA aircraft except on the approach and takeoff of an airfield.

Reasons GA aircraft not fitted with Transponders Aircraft not fitted with Radio.

Use of 8.33mhz radio should only be used by CAT and restricted to Controlled airspace.

Reasons costs. GA pilots can ill afford to fit these.

There was a company developing a Handheld Transponder for GA aircraft but they have been hindered by the Certification process because the rules for Transponders are really made for CAT aircraft flying at fast speeds at 40,000 feet and not for GA flying at 100 mph at 200ft.

response

*Noted*

As already explained in the answer to comment No 22, this proposal does not regulate where the TMZ and RMZ shall be used. The use of the tool is left to the Member States as this is considered to be a local issue based on their safety and capacity needs.

It is understood that these tools should be used where it is necessary for safety.

Transposition of the ICAO material has been conducted with proper care in order to avoid unnecessary impact on GA (GA needs and constraints have been taken into account). Specific cases where unintended impact could exist should be accurately reported at the workshop for further consideration.

comment

42

comment by: *Cessna Aircraft Company*

Cessna Aircraft Company has no comment on this issue at this time.

response

*Noted*

The comment is noted.

comment

149

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

#### GENERAL COMMENTS ON NPA PACKAGE

*Note: Specific comments in support to these general statements are provided after the General Comments*

No: 1

Reference: **ATS Authority Vs Competent Authority and ATS Unit**

Quote/Proposal      Comment/Remark (Reason for comment)

*Transposition of the notion of "ATS Authority" into "Competent Authority" "entity providing ATS" and "ATS Unit", apart from inconsistency in the meaning and leaving "holes" in the regulatory prerogatives, introduces also a destabilization in the overall system, which we believe may have a serious impact on safety.*

Elaboration:

Today, certain prerogatives of the ATS Authority exist. ATS Authority responsibilities and prerogatives are stipulated more than 200 times in ICAO Annexes 2, 3, 10, 11 and PANS-ATM, PANS-OPS and Doc7030. Moving any of these prerogatives up-stream to the level of Supervisory Authority, or downstream to the level of an ATS Unit would be very counterproductive. This, if kept, would result in issues of quality being opened and as a result of it, risk of safety levels being compromised. The whole system will be exposed to what we consider to be a major destabilization, since such a development would lead to a



situation where entities without sufficient resources/expertise will be empowered to make safety critical decisions. This must be avoided, or sufficient time (measured in years) allowed for re-structuring of affected entities. It must be mentioned that such a re-structuring would have a significant cost attached to it.

This problematic is, of course rooted in the deeper levels of the EASA/SERA undertaking, however, in the very document analysed, the notion of "ATS Authority" is being inconsistently transposed into the "Competent Authority", "Entity responsible for the provision of air traffic services", or "ATS Unit". The serious consequences which this may have are described above.

Refer to "Comments on Proposed Rule Structure" of this document.

No: 2

Reference: **Tracking of changes as to ICAO Annexes**

**NPA Package – Part B.I Draft opinion SERA Part B vs. Appendix V, Table presenting draft SERA Part B versus ICAO SARPs**

Quote/Proposal	Comment/Remark (Reason for comment)
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Unreliable track changes, documents with different rendering of the same text, sometimes introducing critical discrepancies in the interpretation of the text (Part B.I and Appendix V, refer to § 1.1.2.1, § 2.2.3, § 5.6.2 – "should" replaced by "shall" in one instance) imposed an unnecessary amount of extra work upon commentators. This should be avoided at all costs in future consultations, through the distribution of documents having been submitted to the adequate quality control procedures by the emitting authority.	
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Given the discrepancy between the NPA document and the Table, we decided to use Appendix V as reference for consultations and for providing these comments.

No: 3

Reference: **Transposing of footnotes and references in ICAO Annex 3**

It was noted that insufficient care was taken by the editor in copy-pasting tables from ICAO Annex 3, resulting in "hanging" footnotes (table AP 2-1), altered rows and a duplicated number (AP 2-2). This resulted in additional workload in preparation for the consultations and at certain points raised doubts as to intentions of the rule maker.

No: 4

Reference: **Principles of transposing ICAO SARPs into SERA Part B**

Quote/Proposal	Comment/Remark (Reason for comment)
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It is still not clear how the principle of 'collective action' has been applied in transposing ICAO SARPs into SERA Part B provisions. Occasionally some relevant procedures for pilots already comprised in Annex 11 and/or P-ATM have been omitted while in other cases a complete set of pilot related procedures was incorporated. This is particularly evident in transposing requirements of ICAO Annex 3 related to pilots' actions in regard to air-reports. In our view, these are indeed 'network actions' and/or 'network inputs' but in any sense not 'collective action' so as to imply action of a collective entity.

Amongst other, also for these reasons, it is necessary to further clarify the principles employed in transposing ICAO SARPs into SERA requirements.

response *Partially accepted*

Answer to comment No 1:

NOTED: ATS authority as such cannot be used in the EU regulatory framework because only National Supervisory Authority (NSA), Air Navigation Service Providers (ANSP) and Air Traffic Service Unit exist and therefore ATS authority does not have any meaning within the European Union regulatory system. The term 'ATS authority' has been considered on a case by case basis depending on the nature of the provision concerned.

The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly defined. In some cases it is the competent authority which requires and in some others options may be proposed by the ATS Unit/ANS Provider and have to be accepted or approved by the competent authority.

Answer to comment No 2:

NOTED: More details on the reported discrepancies would improve the review — some changes mentioned may have been voluntary and it is not the result of lack of quality control.

Answer to comment No 3:

NOTED: Reported elements need more accurate description to be identified. Nevertheless, Appendix 2 will be redrafted based on other comments.

Answer to comment No 4:

As it was explained in the NPA, the SERA mandate, issued by the Commission, states that the common rules should ensure an efficient and expeditious international air traffic which requires a common understanding of signs, collision avoidance procedures, air traffic services instructions, phraseology and similar related matters. The mandate recognises that even if ICAO Annex 2 is named 'Rules of the Air', the candidate ICAO provisions which are of a 'rule of the air' nature are spread across several annexes and documents, most notably:

Annex 2 — Rules of the Air;

Annex 6 — Operation of Aircraft;

Annex 10 — Communication Procedures;

Annex 11 — Air Traffic Services;

Document 4444 — PANS-ATM;

Document 8168 — PANS-OPS;

Document 7030 — EUR Regional Supplementary Procedures.

In order to meet the SERA mandate requirements, and in particular to ensure that the total system approach is implemented in an organised and consistent way, the following principles were applied when deciding on the allocation of the candidate ICAO material to SERA or other EASA/SES rules:

a) SERA should contain those provisions which require collective actions to ensure the correct outcome, i.e. joint procedures. This would then ensure a consistent source of information in one document and would enable common understanding of what all parties are expected to do.

b) Provisions that are only of exclusive relevance to the operator or air traffic service provider (i.e. internal business and operations) should be excluded from SERA and instead captured in alternative rules specific to the operation, e.g. IR OPS, IR ATM/ANS (e.g. Part-MET), etc.

c) The subject matter for which there is a fine line between a) and b) above should be considered on a case by case basis, taking into account the synergy with other material and the most logical placement.

In order to ensure accurate recording and monitoring of the transposition plans, ICAO checklists should be utilised to record the placement of the ICAO material into EU rules and an assessment of ICAO compliance achieved.

It has to be mentioned that a similar approach has been already used when transposing ICAO SARPs into EUROCONTROL ESARRs and later into EU legislation.

Certain provisions from the ICAO annexes (such as safety management and safety oversight) were addressed separately from other safety and technical requirements. Existing SES regulations, such as Commission Regulation (EC) No 2096/2005 which is based on EUROCONTROL ESARR 3 and ESARR 4, contains the provisions from ICAO Annex 11, Annex 3 and Annex 15 on SMS and QMS, and Commission Regulation (EC) No 1315/2007, which is based on ESARR 1, contains the safety oversight requirements for the competent authorities that are contained in the ICAO Annex 11, Annex 3 and Annex 15. Regulation (EC) No 2096/2005 and Regulation (EC) No 1315/2007 have already been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

Moreover, the work continues with the transposition of the relevant material candidate for SERA Implementing Rule from PANS-ATM and other ICAO Docs, so the works have not yet been concluded and any further inputs on this issue are welcome.

comment	386	comment by: <i>Aero-Club of Switzerland</i>
	The Aero-Club of Switzerland with its associated federations thanks the Agency for the preparation of this NPA. It recognises the efforts undertaken to harmonise applicable rules, a difficult task, looking at the variety of airspace users.	
response	<i>Noted</i>	
	The comment is noted.	

comment	428	comment by: <i>René Meier, Europe Air Sports</i>
	Europe Air Sports thanks the Agency for the preparation of this NPA. It contains many positive elements, but also some which the organisation does not agree with, thinking of the wide variety of airspace user having equal rights, not privileges, with regards to access to airspace.	
response	<i>Noted</i>	
	The comment is noted.	

## A. Explanatory Note

p. 4

comment	261	comment by: <i>BCAA</i>
	<a href="#">We approve inserting the additional definitions within SERA Part A (Art 2)</a>	
response	<i>Noted</i>	
	Comment noted. The Agency thanks the BCAA for their support.	

comment

276

comment by: UK CAA

**Page No:** All**Paragraph No:** All**Comment:**

Numerous aspects of SERA Part B also appear in, or are linked to, Part A. The result is a disjointed package of legislation.

SERA Part B quite rightly limits transposition to only those parts of Annex 11 that are considered to be 'Rules of the Air'. However, the EU rulemaking structure does not reflect the ICAO Annex structure. Therefore, by attempting to adhere to an Annex 2 (Part A)/Annex 11 (Part B) layout, the resultant layout of the combined SERA Part A and B is complicated, and the rules harder to see in their entirety.

The resultant rule is not user-friendly and this will hinder implementation. If harmonisation is a key goal of this work, then it would be aided by a clearer set of rules which avoid fragmentation. It is therefore vital that Part A is reconsidered alongside continuing work on Part B. Indeed, given plans for a Part C - which will certainly generate further IR material in addition to Acceptable Means of Compliance and Guidance Material - the content and structure of the draft Regulation must, at some point in the foreseeable future, be considered in its entirety. We cannot risk a situation where we start to implement Part A or B and then have to revise that implementation in light of subsequent SERA work.

We therefore suggest that the SERA IR Parts are reorganised so that all provisions related to a particular type of operation or service are contained in one area. This has the clear advantage of bringing all the threads of a particular subject together within specific sections. It will significantly aid implementation and application as it will not leave the document user to find material in several sections, which is the case in numerous instances.

All the current 'stove piped' approach achieves is the perpetuation of the division of information that makes certain ICAO publications very difficult to navigate. SERA offers the best possible opportunity to provide a 'one stop shop' approach to presenting regulatory material by subject and this would greatly aid its harmonised implementation, a key aim of this work.

It should be noted that SERA Part A Article 7 states:

1. The Annex shall be amended in accordance with Article 5(4) of the framework Regulation.

2. The amendments referred to in paragraph 1 may include, but shall not be limited to, amendments required to ensure consistency of legal provisions

during the future extension of this regulation to contain the relevant provisions of other ICAO annexes and documents than Annex 2 or changes stemming from updates to those ICAO annexes and documents themselves or from changes to any relevant Union Regulations.

Therefore, it has already been accepted that the document structure will need to be adapted where necessary to accommodate future extensions to SERA (Part B etc).

**Justification:**

A fragmented approach to SERA is inappropriate and results in a complex document that is not user-friendly and may impede implementation. This is not necessary or wanted, neither is sufficient justification for the retention of the current structure provided in supporting Part B documentation.

A simpler and user-friendly rule structure would benefit all users of the resultant Rule, not least the airspace users for whom SERA is intended to enhance flight safety and clearer understanding of regulatory material.

The Explanatory Note to the NPA states the following:

- Para 39 calls for an integrated rule structure – the current fragmented structure of SERA does not realise this objective;
- Para 41 states that the rule structure is proposed to help the regulated persons and organisations to find their way through the regulation – again, the current fragmented structure of SERA does not realise this objective;
- Para 42 suggests that the rule structure may change on the basis of the outcomes of consultation – the opportunity must be taken to develop a simpler and user-friendly rule structure.
- Para 56 states the need to resolve, rather than replicate, the spread of rules of the air and ATM procedure procedures within ICAO documentation. The development of a simpler and user-friendly SERA rule structure would, therefore, appear to be an objective of the drafting team.
- Para 57 points out that generic transposition principles are not always appropriate - the development of a simpler and user-friendly SERA rule structure would, therefore, appear to be appropriate in accordance with this approach.

**Proposed Text:**

Develop and promulgate a consistent Part A/B rule structure and layout (e.g. rule numbering conventions, etc).

Amalgamate all Part A/B material that has synergy, and then develop the most appropriate SERA structure with appropriate sub sections. The following is one potential option:

- General rules and collision avoidance
- Flight plans and clearances
- VFR
- Special VFR
- IFR

- Airspace classifications, including the toolbox elements
- Air Traffic Services - ATC/FIS/Alerting - including ATIS
- Emergencies, Contingencies, and Unusual situations (e.g. unlawful interference, comms failure, interception)
- Signals
- Met

response *Partially accepted*

The comment is very valid and the Agency considers that this re-aggregation of provisions can be done independently from the adoption process as the opinion on SERA Part B will be issued as an amendment to the draft Regulation on SERA with SERA Part A.

Further investigation of such options will be conducted at a later stage.

Regarding the transposition of ICAO PANS-ATM (Part C), the SERA Initial Plan for Phase 3 will be produced before the end of 2011, together with the Work Programme of 2012, and will provide more detailed information on the subject. Regarding other relevant ICAO sources, it is to be mentioned that no significant material of a 'Rule of the Air' nature has been identified in Annex 6 or Doc 8168. However, this will be further checked before the initial draft Part C is produced. Additionally, the drafting work on Part C may lead to reconsidering the best synergies which could be identified with Part B, and subsequent adaptations considered appropriate in due time.

comment 277

comment by: UK CAA

**Page No:** All

**Paragraph No:** All

**Comment:**

It is understood that SERA Part C is currently being drafted and that this consists of relevant material transposed from, *inter alia*, ICAO Doc 4444 (PANS-ATM). Guidance Material (GM), Acceptable Means of Compliance (AMC) derived from ICAO Annexes 2 and 11 Recommendations and Notes, plus bespoke AMC is also believed to feature in Part C.

PANS-ATM, for example, contains many provisions which compliment and build on material in Annex 11 (transposed into Part B). It would therefore appear highly likely that a significant amount of PANS ATM material will be transposed into SERA IR, which the remainder will be AMC. These AMC are in many cases going to be directly supporting material in the current proposed Part B. Similarly, GM and AMC derived from Annex 2, plus bespoke AMC, will have a direct bearing upon the final composition of the IR.

Therefore, it is essential that the complete package of IR material from

Annexes 2, 11 and 3, PANS-ATM and other ICAO source documents plus GM and AMC - in a document structure that supports practical application by all users - is presented for consultation in a further NPA, prior to the EASA Opinion being finalised. We do not believe it will possible to fully accept SERA or begin to implement it until the entire package has been seen.

**Justification:**

Complete IR to be made available for consideration and consultation.

Simplified and user friendly rule structure.

response *Partially accepted*

The comment is understood and it is the Agency's opinion that the packages can be adopted in isolation if the proposals for amending the adopted packages take special care that consistent and coherent rule structure is ensured.

The consistency of the proposals needs to be ensured at the same time the new amendments to a rule are being proposed. This is usual EASA rulemaking procedures. However, experience has shown that publishing large and complicated regulatory package for consultation can have some disadvantages (e.g. large amount of comments and slow rulemaking processes). In this case, and as requested by the European Commission in its mandate to EUROCONTROL, the Agency is bound to proceed step by step. However, this should not be considered as a shortcoming for adopting one part, as each time an amendment to SERA IR will be made, consistency between the proposed amendment and the existing regulation will have to be ensured.

Regarding the transposition of ICAO PANS-ATM (Part C), the SERA Initial Plan for Phase 3 will be produced before the end of 2011 together with the Work Programme for 2012, and will provide more detailed information on the subject. Additionally, the drafting work on Part C may lead to re-investigating the best synergies which could be identified with Part B, and subsequent adaptations considered appropriate in due time.



comment	5	comment by: <i>Hennessy</i>
	Dear Sir/Madam, i am a pilot with easyjet,i want to voice my oppision to the new Flight limits,at the moment we are over worked,if you increase the limits ,well you can see were its going ,at the moment we suffer with Fatigue,but if you increase the limitations ,it will only get worse ,with fatigue possable Deaths,airlines will use any new limits as targets ,you know this .Capt John Hennessy	
response	<i>Noted</i>	
	Comment not for this NPA.	

<b>A. Explanatory Note — IV. Content of the draft Opinion</b>
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p. 6
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comment	362	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
	<p>&lt;![endif]--&gt;Comments on Items 10 and 11, page 6</p> <p>Regulation EC 1108/2009 is described in Items 10 and 11. As far as aerodromes are concerned, their organisations shall be involved in the development of SERA-B, which provisions have to be adjusted to take into consideration the various and specific needs of aerodrome users. One rule does not fit all.</p>	
response	<i>Partially accepted</i>	
	<p>It is true that the proposal needs to take into account also the aerodrome community needs as they are also affected by the content of SERA. To facilitate this, the Agency has followed the adopted rulemaking procedure. The drafting group needs to be small to be able to make the draft within the deadlines required by the EC, but the ATM.001 Rulemaking Group contains representatives from the aerodrome community. In addition, the public consultation also serves as the means to ensure that any proposed provision takes into account aerodrome users needs.</p> <p>Moreover, a public workshop at EUROCONTROL on the 19th of September 2011 is planned.</p>	

<b>A. Explanatory Note — IV. Content of the draft Opinion — a. Background and regulatory framework — ii. The regulatory framework</b>
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p. 8-11
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comment

58

comment by: *DFS Deutsche Flugsicherung GmbH***Chapter IV point 40****View from the stakeholder as requested on page 10**

Our view on the proposed rule structure:

We are missing clarity on the whole scope of the SERA IR with relation to the SERA mandate and information how the relevant ICAO provisions (other than Annex 2, 11 parts of 3 and the PANS-ATM Doc4444) are dealt with.

From the explanations given up to this point it remains totally unclear what SERA Part C will be or might be. Only at Page 17 one gets a view that SERA B is "service" and C "procedures", where A was "rules of the air", what confusingly also is the title of all. The transposition of the following ICAO provisions into EC-law is not clear and no word is spent, what for, when and how they will be examined and elaborated:

Annex 6 — Operation of Aircraft,  
Annex 10 — Communication Procedures,  
Document 8168 — PANS-OPS,  
Document 7030 — EUR Regional Supplementary Procedures.

SERA is embedded in a new and broader rule structure that is different from today's vertical ICAO structure, from SES and from EU-OPS. It is stated that the rule structure is not yet fixed and still develops. The idea to allow the regulated persons and organisations as well as the competent authorities to identify the rules applicable to them in principle is good. Breaking down a long existing, accepted and appreciated rule into this new structure is a second issue. Soon the boundaries of pragmatics and uniformity are floating.

So having regard of the drafting principles of the ALGAR group and taking the principle of a single SERA IR with Annexes as fixed, we suggest that

- requirements of one topic should remain in the same chapter, without being too prescriptive where this is located,
- procedures as layed down e.g. in ICAO Doc 4444 (PANS-ATM) shall remain at that place and be referenced by AMC material, and
- the traceability of ICAO provisions and their place in EU legislation must be managed and administered by electronic means to keep up with new amendments.

With this regard the following views on specific chapters (see Comment No. 59-63) were made.

response

*Noted*

Regarding the scope of the SERA Parts, further description can be found in the ECTL final report, as well as in the SERA Initial Plans 1 and 2:

[http://www.eurocontrol.int/ses/gallery/content/public/docs/ses\\_sera\\_final\\_report\\_v1\\_0\\_30062010.pdf](http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf)

[http://www.eurocontrol.int/ses/public/standard\\_page/sk\\_sera.html](http://www.eurocontrol.int/ses/public/standard_page/sk_sera.html)

So far SERA Part C is planned as indicated in this report and it will contain the provisions that are considered to be candidate for IR from ICAO Documents 4444 and 7030.

As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.

The overall rule structure proposed in the NPA has been abandoned, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC made a mandate to EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

Regarding grouping similar topics in the same chapter, the comment is understood and it is considered that this re-aggregation of provisions can be studied independently from the adoption process as the opinion on SERA Part B will be issued as an amendment to the draft Regulation on SERA with SERA

Part A.

Further investigation of such options will be conducted at a later stage.

Regarding the transposition of PANS-ATM, the ICAO Doc 4444 contains also requirements that cannot be placed in AMCs, therefore the provisions need to be placed at the right level. SERA Initial Plan for Phase 3 will be produced before the end of 2011, together with the Work Programme for 2012, and will provide more detailed information on the subject.

As for the traceability issue, the EASA is thinking of ways to maintain electronic traceability of the ICAO provisions.

comment

164

comment by: FAA

In Section #32, there appears to be a word missing

response

*Noted*

The comment is welcome. However, the Explanatory Notes will not be republished but new Explanatory Notes will be issued for the CRD.

comment

170

comment by: UK General Aviation Alliance

Comment 170

Item 40, page 10

NPA request views on implementing a rule structure similar to ATM/ANS, OPS & FCL.

We agree that a comprehensive set of rules in SERA using the standard rule structure will be useful and sensible.

response

*Noted*

The Agency thanks UK General Aviation Alliance for their comments.

However, the overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the Agency and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

comment

203

comment by: FAA

Spelling of the word "licence".  
Agree with the proposed rule structure.

response

*Noted*

The Agency thanks FAA for this remark. However, the content of the Explanatory Notes will not be republished in the CRD. The Agency will take more care in the drafting of the Explanatory Notes to this CRD.

comment

242

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

#### **IV. ii. The rule structure**

40. Sweden is of the opinion that the present rule structure with OR and AR at each field level is good. Sweden does not want a general OR and AR for all fields covered by the BR.

42. Sweden is of the opinion that the rule structure of SERA IR shall be the one proposed by EUROCONTROL to the European commission.

response

*Accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the Agency and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

comment

255

comment by: *René Meier, Europe Air Sports*

Item 40, page 10  
 The question is: Is a similar rule structure for ATM/ANS, OPS, FCL desirable:  
 Our answer: Not in our view.  
 Justification: As the contents will vary considerably, the frequency of changes as well, a common rule structure is not necessary, it could even become an obstacle and hinder phases of future development.

response

*Accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of

the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the Agency and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

comment 349

comment by: *Aero-Club of Switzerland*

Page 10

Item 40

NPA request: Is a similar rule structure for ATM/ANS, OPS, FCL desirable? Our opinion: No, not in our view, the document should follow as closely as possible ICAO structures.

Justification: It will be an international document. A structure common with OPS and/or FCL could even become an obstacle and hinder phases of future development.

response *Accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the Agency and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

**A. Explanatory Note — IV. Content of the draft Opinion — a. Background and regulatory framework — iii. Working method**

p. 11-12

comment 190

comment by: Julian Scarfe

We respond as follows to the specific questions in para 45 of the NPA.

- ***the introduction of maximum duration for airspace class F implementation;***

We oppose the introduction of maximum duration for airspace class F. See comment 193.

- ***the insertion in the draft SERA Part B of an appendix, containing a table with the airspace classes description which comes from Appendix 4 to ICAO Annex 11;***

We strongly oppose the introduction of a radio communication capability requirement for IFR flights in class F and G airspace. See comment 192.

- ***the separation to be provided for VFR at night in controlled airspace;***

VFR flights should be separated at night only as they are by day, i.e. in class B and C airspace

- ***the clearance for special VFR flights;***

Special VFR flights should be permitted at night. See comment 198.

- ***as the term OFIS is not used in Europe, it was decided to keep only the provisions related to ATIS ;***

No comment.

- ***tool 7 of EUROCONTROL airspace classification toolbox not transposed;***

It is not clear from the NPA text what tool 7 is. If it is the "optional additional VFR communications requirement", its effect appears to be emulated by the RMZ.



- *downstream clearances;*

No comment.

- *use of Radio Mandatory Zone (RMZ) and Transponder Mandatory Zone (TMZ); and*

See comments 194, 195 and 196

- *the deletion of 'composite separation'.*

No comment.

response *Partially accepted*

Comment regarding Class F:

**Not accepted.** The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its

inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.’.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

Regarding Appendix 4:

**Not accepted.** See answer to comment No 192. This was already in ICAO Annex 11 but the text has been clarified.

Regarding separation for VFR at night in controlled airspace:

**Noted.** There is no contradiction between the suggestion in the comment and the current disposition under the NPA.

The clearance for special VFR flight at night.

**Not accepted.** It is not considered to be in the interest of safety to allow special VFR at night.

The ‘day only’ criterion is directly transposed from the Airspace Classification Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.

Regarding the comment made on Tool 7 of EUROCONTROL airspace classification toolbox: NOTED.

Regarding RMZ and TMZ:

Please refer to the answers to the relevant comments.

comment

341

comment by: DGAC

VFR at night

During the informal consultation, we wrote :

*"We believe that VFR at night and daytime VFR should be dealt the same way. Since 2007, the French regulations require separation between IFR and VFR at night, in class E and D airspace. However, we intend to change this requirement, because no real added value has been noticed.*

*At night, the traffic is generally low, and the "see and avoid" rule is quite efficient. "*

It is probably necessary to give a little more precision on what is applied in France. In fact, in the French regulatory context:

- **transponder** equipment is mandatory for VFR at night,
- the **establishment of two-way communication** on the ATS frequency is mandatory in controlled airspace.

We believe that the detection is easier at night, so the "see" part of "see and avoid" is easier. However, the "avoid" part may not be really easy, as the distance of the approaching aircraft may be difficult to figure out: in this context the transponder equipment and the flight traffic information is a good complement to ensure safety.

However, in the SERA Part A night VFR context (§4.3 of SERA Part A), the VMC do not enable VFR and IFR flights to make an early mutual detection: in this context IFR/VFR separation is not to be excluded in order to ensure compatibility between them. We would like to state again that SERA Part A night VFR conditions, based on a real time avoidance of clouds, seems unrealistic to us.

response

*Noted*

SERA Part B, as it was presented in the NPA, provides the possibility to establish transponder and radio requirements as deemed necessary by the competent authority, including when related to VFR at night operations. The VMC conditions to be applied to VFR at night operations have been copied in Part A from the agreed ANT airspace toolbox and have gone through a safety assessment after the initial draft Part A was produced. The results of the informal consultation on Part B did not support systematic separation to be mandated between VFR at night and IFR in controlled airspace.

**A. Explanatory Note — IV. Content of the draft Opinion — b. New proposed Annex to SERA Implementing Rule (SERA Part B) — i. Principles of allocation of ICAO Annex 11 provisions into the SERA Implementing Rules** p. 12-13

comment 54

comment by: *DFS Deutsche Flugsicherung GmbH*

**In addition to comment No 53 on chapter 1.2**

**View from stakeholder as requested on page 15**

**and in review of the statements made under points 84, 85 and 86 (pages 22/23) of the Impact Assessment**

We furthermore have the following views:

It is not understood and acceptable why the quoted survey (84.) was not performed. Exactly all those points have to be examined and undergone by Member States and all affected organizations now. The change of existing procedures (because of the invalidity of current deviations as notified to ICAO) is accompanied by huge conceptual, documentation and publication work and foreseeable changes in national legislation.

There is understanding for the regulatory time pressure (deadline end 2012); however we would expect understanding for a longer transition period to implement the changes as mentioned above.

**Therefore we continue to require an amendment of Article 4 of SERA IR accordingly.**

It is stated that it is presumed that safety will increase because of uniform application of ICAO rules. There is no evidence that the current non-uniform implementations are unsafe. So not assessing their discontinuation isn't a

reasonable approach as well.

In the middle of page 15 is stated that the given tools "RMZ and TMZ" enhance the safety and maintain a level of standardization. To our view it would be the VMC minima, which keep VFR-traffic sufficiently away from clouds where cleared IFR-traffic could penetrate, that provide and enhance safety and not the listening watch.

**We therefore do neither support the removal of airspace class F under the given conditions nor the introduction of other or only selected airspace classes than the agreed toolbox.**

response *Partially accepted*

The ICAO airspace Class F will be maintained with the temporary nature as it is the intent of ICAO.

The need to have more harmonisation is evident if we want to implement a true Single European Sky and it is becoming more demanding when implementing FABs and also the performance scheme which requires achieving a demanding target with regard to capacity. The entire system needs to work together. Only when all the pieces (including safety requirement such as the Rules of the Air) of the Single European Sky are in place and implemented, we will have a true SES.

Having said that, a discussion can be made on the transition measures to allow for realistic transition times.

comment 268

comment by: *NFellay*

### **Rule structure**

*Integrated rule structure must allow operational experts to identify the applicable rules in their entirety in one single (set of) document(s). Different approach will introduce an unstable and confusing environment in the "nerve system" of the European Aviation.*

Elaboration:

Skyguide endorses the principle of a rule structure that would allow the regulated persons and organizations, as well as the competent authorities, to identify the rules applicable to them and to avoid overlapping and conflicting requirements. In this regard, it shall be ensured that sets of rules, as per specific areas, are published under specific document titles and kept up-to-date under the same document title. **This must allow operational experts to**

**identify the applicable rules in their entirety**, without adding an unnecessary layer of complexity.

EC Regulation introduces a new regulatory structure and process. If maintained, such a structure will necessitate operational experts to additionally track the applicable rules through a regulatory chain in which provisions of one regulation are amending or repealing provisions of a previous, or several previous ones. This will render the evolution and even maintenance of the compliance with the regulatory framework extremely difficult.

A rule structure must result in consolidated texts of simultaneously valid and applicable rules in their entirety. Further, a mechanism shall be developed to ensure that the process of amending a set of rules for a certain area is clear, traceable and unambiguous, and with efficient means of advance notification.

response *Partially accepted*

The overall rule structure proposed in the NPA has not being retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed under the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

So for the time being SERA will remain an independent regulation as requested by the commentator.

Regarding the comment on competent authority, it is NOTED. The ATS authority as such cannot be used in the EU regulatory framework because only National Supervisory Authority (NSA), Air Navigation Service Providers (ANSP) and Air Traffic Service Unit exist and therefore ATS authority does not have any meaning within the European Union regulatory system. The term 'ATS authority' has been considered on a case by case basis depending on the nature of the provision concerned. The subject will be further refined after discussion at the workshop on the basis of the principle that responsibilities must be clearly defined. In some cases the competent authority is responsible for the provision while in other cases options may be proposed by the ATS

Unit/ANS Provider and they have to be accepted or approved by the competent authority.

The commentator is asking for processes for amending rules to be clear, traceable and unambiguous and we consider that the steps being undertaken by the Agency together with the European Commission and with the support of EUROCONTROL will ensure achieving this goal.

**A. Explanatory Note — IV. Content of the draft Opinion — b. New proposed Annex to SERA Implementing Rule (SERA Part B) — ii. Content of SERA Part B** p. 13-20

comment 59

comment by: *DFS Deutsche Flugsicherung GmbH*

**Chapter1 1.1.2.1**

**View from the stakeholder as requested on page 14:**

This chapter is an explanation rather than a requirement. It furthermore addresses the ATS Service and is therefore not of the nature of a SERA requirement.

response *Partially accepted*

Although it is not considered to be a SERA requirement as such, based on the reactions to the question, it has been decided to keep it in SERA as an important safety objective.

comment 60

comment by: *DFS Deutsche Flugsicherung GmbH*

**Chapter 1 1.1.2.1**

**View from the stakeholder as requested on page 14:**

The characterization of this requirement being “a wide provision which could lead to various different interpretations” is correct, but applicable to much more other requirements.

Furthermore it should be examined whether information on the requirements of air operators stemming from ICAO Annex 6 similar to those on the duties of ATS stemming from Annex 11 (chapter 3.3.) should be subject to SERA IR for the same purpose. But, as explained in Comment No. 58 , there is no information on the remainder of ICAO Annex 6 in the SERA IR structure.

response *Noted*

Discussion is needed based on the outcome of the workshop.

Annex 6 has been checked but there was nothing found for the time being as candidate material for SERA.

comment 61

comment by: *DFS Deutsche Flugsicherung GmbH*

**Chapter 1 1.1.3.1**

**View from the stakeholder as requested on page 14:**

The separation of this requirement from other requirements on time of Appendix 1 (SERA Part A) is senseless.

response

*Noted*

For the time being we can deal with them separately. Still to be considered and decided whether at the end an amendment would be made to the provision of SERA Part A.

comment 62

comment by: *DFS Deutsche Flugsicherung GmbH*

**Appendix VI ICAO Annex 11 Checklist Chapter 3.3.5.1**

**View from the stakeholder as requested on page 14:**

For the same argument the requirements of ICAO Annex 11 chapter 3.3.5.1 should not go into a separate rule for authorities but go within SERA.

response

*Not accepted*

The monitoring of RVSM is not considered as a rule of the air.

comment 63

comment by: *DFS Deutsche Flugsicherung GmbH*

**Chapter 2 2.1.1**



	<p><b>View from the stakeholder as requested on page 16:</b></p> <p>Chapter 2.1.1 should remain part of SERA Part B. Reason: the type of flight is chosen by the air operator and therefore this information is of mutual interest.</p>
response	<p><i>Accepted</i></p> <p>The text will be kept.</p>

comment	<p>64 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p><b>Chapter 2.3 Separation Minima</b></p> <p><b>View from the stakeholder as requested on page 17:</b></p> <p>Where the ICAO original text refers explicitly to the <i>PANS-ATM and Regional Supplementary Procedures</i>, the term “provisions adopted under the Chicago Convention” here is significantly broadening the scope and may also include Manuals, Guidance Material and even Circulars.</p> <p>It is not clear what responsibility and what actions the Commission will take so as to propose measures with regard to the selection of separation minima.</p> <p>We favour that the ANSP propose the separation minima and the competent authorities adopt them.</p> <p>In our view the selection of separation minima as given by PANS-ATM and regional supplement Doc 7030 therefore shall remain at that place also in future.</p>
response	<p><i>Partially accepted</i></p> <p>Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:</p> <ul style="list-style-type: none"> <li>— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).</li> <li>— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.</li> </ul> <p>The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.</p>

comment	65 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span>
response	<p><b>Chapter 2.4.4.2</b></p> <p><b>View from the stakeholder as requested on page 17:</b></p> <p>In any case it is an operational decision and rather relevant to ATS.</p> <p>In our view the requirements of voice read-back of CPDLC messages shall be part of the communication procedures (of PANS-ATM) and remain at that place also in future.</p>
	<p><i>Partially accepted</i></p> <p>The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.</p>

comment	68 <span style="float: right;">comment by: <i>CAA-NL</i></span>
response	<p>NL noted that the new EASA rule structure approach differs from the present ICAO set-up of the Annexes and documents. This difference may give rise to problems of understanding for the users, having to comply with the provisions. It is not clear, which are the safety arguments for this difference, but would appreciate further explanations from EASA's side.</p> <p><i>Partially accepted</i></p> <p>The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.</p> <p>With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.</p> <p>Except for the case of SERA, for which the EC mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.</p> <p>It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.</p>

comment	<p>69 <span style="float: right;">comment by: CAA-NL</span></p> <p>NL misses clarity on the whole scope of the SERA IR and on what SERA Parts C and D will be. It seems to be that the scope of part C is shifting from a combination of ICAO doc 4444 and ICAO doc 8168 materials to doc 4444 material only.</p>
response	<p><i>Partially accepted</i></p> <p>Regarding the scope of the SERA Parts, further description can be found in the ECTL final report, as well as in the SERA Initial Plans 1 and 2:</p> <p><a href="http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf">http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf</a></p> <p><a href="http://www.eurocontrol.int/ses/public/standard_page/sk_sera.html">http://www.eurocontrol.int/ses/public/standard_page/sk_sera.html</a></p> <p>So far SERA Part C is planned as indicated in this report and it will contain the provisions that are considered to be candidate for IR from ICAO Documents 4444 and 7030.</p> <p>As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.</p> <p>The overall rule structure proposed in the NPA has been abandoned, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight [Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.</p>
comment	<p>87 <span style="float: right;">comment by: CAA-NL</span></p> <p>Nr 1</p> <p>Question: Views from the stakeholders are particularly sought for the placement of the paragraph 1.1.1 of SERA Part B, whether it could be placed in</p>

the articles of the regulation (Article 1 Subject matter and scope), in Part ATS, to remain in SERA Part B as currently proposed, or elsewhere

Answer: NL agrees that these are objectives of ATS. These objectives are both vital for SERA and part-ATS. However, the objectives are not implementing rules. Inclusion into the recitals of both SERA and Part-ATS would be appropriate.

Nr 2

Question: Views from the stakeholders are expected for the application and implications of the requirements in paragraph 1.1.2.1 of SERA Part B, especially for the expression 'shall have due regard for the requirements of the aircraft operator

Answer: NL interprets this provision that an ANSP, as organisation, shall take the requirements of their customers into account when organising their operations. It is not a rule of the air as it is not reflecting a direct requirement to ATS officers and pilots.

This is emphasized by the requirement, when requested by an operator, to organise user consultation meetings, which is included in this provision and by the title of the particular section 1.1.2 "Coordination between the aircraft operator and air traffic services".

It might be included in part-ATS

Nr 3

Question: In relation to ICAO Annex 11 par 2.25: views of stakeholders are sought on the need for time checks delivered to the nearest minute only.

Answer: NL confirms that the current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect this common difference from ICAO.

Nr 4

Question: Stakeholders' views are welcome on the possibility to remove the ICAO Class F from the SERA Part B provisions

Answer: NL is of the opinion that Class F cannot be removed. NL does see the benefit of Class F over Class G. NL does not understand why removal of Class F should be part of SES-2, as the operation within class F airspace is clearly defined. According to ICAO guidelines class F airspace is a means for transition from uncontrolled airspace to controlled airspace. Therefore NL has

the opinion that class F airspace cannot be removed from the SERA part B provisions.

See for further explanation comment 2.2

Nr 5

Question: Views of the stakeholders are sought for the right placement of the provisions in paragraph 2.1 of SERA Part B (transposing paragraph 3.1 of ICAO Annex 11), whether it should be part of SERA or of Part ATS.

Answer: The right place of the provisions in paragraph 2.1 is part ATS. It describes the applicability of ATC, one major part of ATS. The relevant parts of these provisions for SERA have already been included in the airspace definitions. The airspace definitions describe the expected services for the airspace users, while provision 2.1 describes the basic requirements for ANSP's for the application of ATC. Therefore NL is of the opinion that these provisions should be included in the part where ATC objectives are introduced.

Nr 6

Question: Views of the stakeholders are sought in order to better address the requirement for the entity responsible for selection of the separation minima and for the placement of these provisions.

Answer: The NL has no problem with the current text of 2.3 (separation minima) with the exception of the last part of the 2.3.1.a (see comment article 2.3)

As to this particular question the division of responsibility is relevant in that the competent authority imposes in its rules and regulation the general obligation of separation minima. The actual filling in of feet/nm is the responsibility of the ANSP from a safety and ops point of view and should be included in GM. Oversight is in the hands of the appropriate body

Nr 7

Question: Views of the stakeholders are sought for paragraph 2.4.4.2 of SERA Part B regarding the voice read-back CPDLC messages, whether this provision is more relevant to ATS units, or the read-back requirements shall be established by the competent authorities.

Answer: With respect to CPDLC a flexible approach over time is needed, since this is a new type of communication equipment that needs specific attention

during a rather long implementation process. A harmonised approach of such introduction at a European level seems appropriate.

Nr 8

Question: It was indicated that the elevation of the recommendation from ICAO Annex 3 in 5.3.2 into a regulation may not be supported by the helicopter community. Views on the issues are sought.

Answer: Conform our comments in 2.6. , this elevation is not supported.

A system that allows the weather information to be communicated effectively from the helicopter crew towards the weather service is missing. An obligation to the helicopter crew seems unnecessary to serve the objectives.

response *Partially accepted*

Answer to question No 1: NOT ACCEPTED. Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

Answer to question No 2: NOTED. Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

Answer to question No 3: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

Answer to question No 4: **NOT ACCEPTED**. The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure

only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

Answer to question 5: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

Answers to question No 6: PARTIALLY ACCEPTED. Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not

belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

Answer to question No 7: NOTED. The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

Answer to question No 8: PARTIALLY ACCEPTED. The point will be clarified and the text redrafted.

comment

119

comment by: LVNL

"Views from the stakeholders are particularly sought for the placement of the paragraph 1.1.1 of SERA Part B, whether it could be placed in the articles of the regulation (Article 1 Subject matter and scope), in Part ATS, to remain in SERA Part B as currently proposed, or elsewhere"

LVNL agrees that these are objectives of ATS. These objectives are both vital for SERA and part-ATS. However, the objectives are not implementing rules. Inclusion into the recitals of both SERA and Part ATS would be appropriate.

response

*Partially accepted*

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective.

comment

120

comment by: LVNL

"Views from the stakeholders are expected for the application and implications of the requirements in paragraph 1.1.2.1 of SERA Part B, especially for the expression 'shall have due regard for the requirements of the aircraft operator'"

LVNL interprets this provision that an ANSP, as organisation, shall take the requirements of their customers into account when organising their operations.



It is not a rule of the air as it is not reflecting a direct requirement to ATS officers and pilots.

"..., and, if so required by the aircraft operators, shall make available to them or their designated representatives such information as may be available to enable them or their designated representatives to carry out their responsibilities."

This is emphasized by the requirement, when requested by an operator, to organise user consultation meetings, which is included in this provision and by the title of the particular section 1.1.2 "Coordination between the aircraft operator and air traffic services". It might be included in Part ATS

response *Noted*

Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA. Further details can also be provided in the GM.

comment *123*

comment by: *LVNL*

In relation to ICAO Annex 11 par 2.25: views of stakeholders are sought on the need for time checks delivered to the nearest minute only.

NL confirms that the current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect this common difference from ICAO.

response *Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment *125*

comment by: *LVNL*

Stakeholders' views are welcome on the possibility to remove the ICAO Class F from the SERA Part B provisions

LVNL holds the opinion that Class F cannot be removed. LVNL recognizes the benefit of Class F over Class G. LVNL does not understand why removal of Class F should be part of SES-2, as the operation within class F airspace is clearly defined. According to ICAO guidelines class F airspace is a means for transition from uncontrolled airspace to controlled airspace. Therefore class F airspace cannot be removed from the SERA part B provisions. See for further explanation comment on 1.2.2.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities

which are inherent in its provision.’.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

127

comment by: LVNL

Views of the stakeholders are sought for the right placement of the provisions in paragraph 2.1 of SERA Part B (transposing paragraph 3.1 of ICAO Annex 11), whether it should be part of SERA or of Part ATS.

The right place of the provisions in paragraph 2.1 is Part ATS. It describes the applicability of ATC, one major service of ATS. The relevant parts of these provisions for SERA have already been included in the airspace definitions. The airspace definitions describe the expected services for the airspace users, while provision 2.1 describes the basic requirements for ANSP's for the application of ATC. These provisions should be included in the part where ATC objectives are introduced.

response

*Noted*

The answers to the questions are not very conclusive here, but it could be kept in SERA and make references to it in Part-ATS.

comment

128

comment by: LVNL

Views of the stakeholders are sought in order to better address the requirement for the entity responsible for selection of the separation minima and for the placement of these provisions.

LVNL has no problem with the current text of 2.3 (separation minima) with the exception of the last part of the 2.3.1.a (see comment article 2.3) As to this particular question the division of responsibility is relevant in that the competent authority imposes in its rules and regulation the general obligation of separation minima. The actual filling in of feet/nm is the responsibility of the ANSP from a safety and operations point of view and should be included in guidance material. Oversight is in the hands of the appropriate body.

response

*Partially accepted*

The proposal, based on the answers to the comments, is to keep the procedures for the selection of the separation minima with the ANSPs and approval of the selected separation minima with the competent authority.

comment

129

comment by: LVNL

Views of the stakeholders are sought for paragraph 2.4.4.2 of SERA Part B regarding the voice read-back CPDLC messages, whether this provision is more relevant to ATS units, or the read-back requirements shall be established by the competent authorities.

LVNL has no opinion regarding the question whether ATS-units or competent authorities should be able to establish voice read-back requirements for CPDLC messages. The ATS units will have to establish the need for such requirement but it could well the competent authority will establish this requirement, when requested by the ATS unit.

A flexible approach over time is needed, since CPDLC is a new type of communication equipment that needs specific attention during a rather long implementation process. A harmonised approach of such introduction at a European level seems appropriate.

response

*Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment

130

comment by: LVNL

It is indicated that the elevation of the recommendation from ICAO Annex 3 in 5.3.2 into a regulation may not be supported by the helicopter community. Views on the issues are sought.

LVNL does not support this elevation (in conformity with our comment in 2.6). A system that allows weather information to be communicated effectively from the helicopter crew towards the weather service is missing. An obligation to the helicopter crew seems unnecessary to serve the objectives.

response

*Accepted*

Comment accepted. Text will be amended.

comment	<p>171 <span style="float: right;">comment by: <i>UK General Aviation Alliance</i></span></p> <p>Comment 171</p> <p>Chapter 1 Item 63, page 14, first bullet of Chapter 1</p> <p>NPA first request for views on where to place para 1.1.1 of SERA Part B.</p> <p>This para should remain at the top of SERA Part B, because it is the overarching safety statement which must take priority when implementing SERA Part B</p>
response	<p><i>Accepted</i></p> <p>Although it is not considered to be a SERA requirement as such, based on the reactions to the question, it has been decided to keep it in SERA as an important safety objective.</p>
comment	<p>172 <span style="float: right;">comment by: <i>UK General Aviation Alliance</i></span></p> <p>Comment 172</p> <p>Chapter 1 Item 63, page 14, first bullet of Chapter 1</p> <p>NPA second request for views on the application and the implications of requirements in para 1.1.2.1 of SERA Part B</p> <p>This para gives primacy to aircraft operators and is thus an important statement for the safety and regularity of air operations.</p>
response	<p><i>Accepted</i></p> <p>Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.</p>

comment

173

comment by: *UK General Aviation Alliance*

Comment 173

Item 63, page 14, second bullet of Chapter 1

NPA request: Is a time check to the nearest minute only acceptable?

For normal operations a 1 minute time check is adequate. Other means of transmitting time are available to aircraft requiring a more accurate time.

response

*Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment

174

comment by: *UK General Aviation Alliance*

Comment 174

Item 63, pages 14 and 15, fourth bullet of Chapter 1

A maximum duration of 3 years is applied to Class F airspace, contrary to ICAO.

The alignment with ICAO should be preserved whenever possible so Class F airspace should be retained as a category in SERA Part B. Pilots involved in international air transport have to be familiar with operation in Class F and States do not have to implement it if it is not appropriate to their circumstances.

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it

can be replaced by air traffic control service.'.

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

204

comment by: FAA

While the objectives of air traffic services could be placed in Part ATS, it is more appropriate to place them in SERA Part B. Placement in SERA Part B allows operators to understand the purpose of providing air traffic services and enhance the understanding of why other requirements are included in SERA Part B. Paragraph 1.1.2.1: Having due regard for the requirements of the aircraft operators" is consistent with the total system approach.

response

*Partially accepted*

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important

safety objective.

comment	205	comment by: <i>FAA</i>
response	<p>Time checks: Recommend time checks with a minimum of nearest half minute as longitudinal separation expressed in time could be affected.</p> <p><i>Not accepted</i></p> <p>The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.</p>	
comment	206	comment by: <i>FAA</i>
response	<p>Retain air traffic control services in SERA Part B. It is important for operator's understanding of the scope and expectation of services.</p> <p><i>Accepted</i></p> <p>The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.</p>	
comment	207	comment by: <i>FAA</i>
response	<p>2.4.4.2 Agree that voice read back requirements for CPDLC messages should be determined by the competent authority unless there is safety data to show otherwise.</p> <p><i>Noted</i></p> <p>The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.</p>	
comment	<p>246 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p>	



## IV. ii. Content of SERA Part B

### *Chapter 1 – Air Traffic Services (ATS)*

Sweden's view is that paragraph 1.1.1 shall remain in SERA Part B as currently proposed.

Sweden sees no problem with "Annex 6" being replaced by "relevant EU rules on Air Operations" in paragraph 1.1.2.1 and with the expression "shall have due regard for the requirements of the aircraft operators".

Sweden is of the opinion that in the case of time checks in air traffic services we can accept a difference at European level.

Sweden is of the opinion that removal of ICAO Class F in European airspace should be an aim.

### *Chapter 2 – Air Traffic control (ATC) Service*

Sweden's view is that paragraph 2.1 shall remain in SERA Part B as currently proposed.

Sweden is of the opinion that the provision of separation minima shall be placed in Part ATS.

Sweden's view concerning voice read-back of CPDLC is that it is of outmost importance from a safety point that it is done in the same way in all EU Member States.

response *Partially accepted*

Answer to question No 1: PARTIALLY ACCEPTED. Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective.

Answer to question No 2: NOTED. Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

Answer to question No 3: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

Answer to comment No 4: NOTED. The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are

inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

Answer to comment No 5: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

Answer to comment No 6: NOTED. Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

Answer to question No 7: NOTED. The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment

252

comment by: AENA

65.

In order to assure the consistency between SERA Part A and B, there should be the same criteria with regards to the notification of differences:

1.- The Notes to the ICAO SARPS which have been elevated to Provisions in SERA Part B are reported as differences, meanwhile in Part A they were not.

2.- The Recommended Practices in the ICAO annexes that have been included in SERA as Provisions should also be considered as differences.

response

*Partially accepted*

The comment is understood; however, this is to be considered as part of the normal drafting process. The draft IRs are elaborated with the 'elevated notes' appearing as differences, which may be withdrawn later in the finalisation

process of the document. In this case, SERA Part A and Part B will be aligned before they are adopted.

Regarding the second comment, the application of an ICAO recommended practice is not considered to constitute a difference.

comment

256

comment by: *René Meier, Europe Air Sports*

Chapter 1

item 63, page 14, first bullet

The first question is where to place para 1.1.1 of SERA Part-B (page 29)

Our view: This para should remain at the top pf SERA Part-B where it is actually proposed to be.

Justification: It is a short, precise and concise introduction to the following texts, it attracts the reader's attention to the objectives of the air traffic services to be continuously observed by ALL stakeholders.

Second request, about the consequences of the application and the implications of requirements in para 1.1.2.1 of SERA Part-B?

Our view: It is nice sentence, not more.

Justification: As long as no one will define what is meant by "due regard", this sentence will not influence actions of ATC personnel. "Due regard for the requirements of the aircraft operators" would mean:

- a) There will never be strikes which disrupt ATC just because Unions ask for higher salaries or longer holidays or shorter shifts.
- b) There will never be an ATC forcing pilots to take inadequate decisions for the comfort of the first.

response

*Partially accepted*

Answer to question No 1: PARTIALLY ACCEPTED.

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective.

Answer to question No 2: NOTED. Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

comment

258

comment by: *CAA Norway*

We support removing the ICAO Class F from the SERA Part B provisions.

response *Noted*

comment

260

comment by: CAA Norway

Last bullet point.

We request additional provisions that require separation between IFR and VFR Night in airspace Class D. If this is not acceptable we request that such provisions may be implemented by the competent authority. See also our comments to para 2.2.2.

response

*Not accepted*

Airspace Class D is controlled airspace and therefore an ATC clearance is required for all flights. The clearances must be elaborated and delivered by the ATS Unit in a manner which ensures full safety within the considered airspace for all flights authorised. The informal consultation showed substantial disagreement with such an obligation.

comment

264

comment by: BCAA

PART B:

Chapter 1 – Air Traffic Services

- 1.1.1.1. We suggest keeping this § as proposed within SERA PART B

- 1.1.2.1. We are in favor of the proposed requirement "... shall have due regard for ..."

- 1.1.3.1. We suggest adopting the ICAO standard ("...nearest half minute")

- 1.2.1. We have no objection to remove the ICAO class F from SERA PART B

Chapter 2 — Air Traffic Control (ATC) Service

- 2.2. It could rather be made part of the future Part ATS as it is addressing internal processes of ATC S

- 2.2.2. On the last sentence, could you please clarify if the listed

conditions are cumulative because the "during [...], during [...]" could be seen as alternative

- 2.3.1. The selection of separation minima shall be made in consultation between the appropriate ATS authorities' entities responsible for the provision of air traffic services in neighboring airspace, and approved by the competent authorities concerned. The Commission should study the possibilities getting a common EUR proposal on the separation to be applied on aircraft between neighboring airspace, including airspace of different classifications (e.g. G vs. C).

Belgium suggests introducing this para within the future Part ATS.

- 2.4.2.1. Belgium would like to suggest taking the RP 3.7.1.2.

- 2.4.4.1. This para belongs rather to the rules of the air (as it is an obligation to the flight crew)

- 2.4.4.2. Belgium is in favor that the competent authorities establish the read-back requirements

Chapter 3 — Flight Information Service (FIS)  
No comment

Chapter 4 — Alerting Service  
No comment

Chapter 5 — Services Related to Meteorology

- 5.3.2. Belgium approves the elevation of the ICAO recommendation into a EUR regulation.

- 5.6.2. On the first line, "other" seems to be missing before "non-routine" (to be in line with the structure of the chapter, as 5.3. = special aircraft observations, and 5.4. = other non-routine aircraft observations)

response *Partially accepted*

Answer to Question No 1: NOTED. Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided

to keep it in SERA as an important safety objective.

Answer to question No 2: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

Answer to question No 3: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

Answer to comment No 4: NOTED. ICAO airspace Class F will be kept but also the temporary aspect as foreseen by ICAO.

Answer to comment No 5: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

Comment 2.2.2. NOTED. The answer is 'cumulative'.

Answer to comment No 6: NOTED. Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

Comment on 2.4.2.1. NOTED.

However, RP 3.7.1.2 of ICAO Annex 11 is not identified as a 'rule of the air'. The necessary aspects should be covered in Part C and/or Part ATS.

2.4.4.1. NOTED.

Answer to question No 7: NOTED. The operational nature of the readback has been emphasised in many comments. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

Answer to question No 8 (5.3.2):

Based on the comments received and on the re-application of the SERA drafting principles, it has been decided to transfer this provision to another regulation/AMC/GM.

comment 272

comment by: *LFV Sweden*

Last bullet, separation of VFRs at night in controlled airspace.

LFV Sweden responded to the informal consultation of SERA Part B in december 2010, that we strongly support separation to be provided for VFR flights at night in controlled airspace.

Reason for that comment was:

Based on our experience though we already apply separation VFR/VFR at night in Swedish CTA. It also enhances safety of flight.

Reading the conclusion in NPA 2011-02, page 18 last bullet, LFV find it a bit strange that our, above referred, respond is left without any comment.

response *Noted*

The outcome of the informal consultation launched by EUROCONTROL was generally reflected in the NPA. The general outcome of the questions made in this informal consultation was the basis for the content of the NPA. However, the procedure of the informal consultation is different from the formal consultation or the NPA process, and there are no individual answers to individual comments in the informal consultation. In the present case, a clear majority of comments were not in favour of the systematic separation to be provided between VFR flights at night. Nevertheless, in cases where it would appear to be necessary for safety reasons, the clearance to enter controlled airspace is to be used to ensure full safety within that airspace.



comment

278

comment by: UK CAA

**Page No:** 14 and 30**Paragraph No:** 63 Bullet 4 and draft IR paragraph 1.2.2**Comment:**

ICAO Class F should be retained as an airspace classification within EU regulations as it highly likely that Class F will still be in use at the time of SERA implementation, and for several years afterwards. In addition, the application of Class F within Member States at some point in the future cannot be ruled out. In addition, it would appear that the debate regarding the future appropriateness of Class F within the EU is very immature, and this one consultation arguably affords insufficient consideration of the issue.

It should be noted that the UK is in the process of replacing its Class F airspace with more appropriate airspace classifications.

**Justification:**

Preserve alignment with ICAO Annex 11.

response

*Noted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered

as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

279

comment by: UK CAA

**Page No:** 18**Paragraph No:** 63, final bullet**Comment:**

The UK does not support the proposal to require separation between VFR aircraft at night in controlled airspace. This effectively would change the daytime airspace classification into Class B at night. In addition, the application of separation between VFR at night also confuses matters with regards to SVFR.

This would result in a significant increase in ATC workload, create real potential for confusion amongst airspace users and service providers alike, and introduce safety risks.

**Justification:**

Suggestion would increase workload and confusion, and undermine safety.

Where the need for separation between VFR at night has been determined for clear safety reasons, the correct airspace classification should be applied along with an inhibition of VFR and allowance to apply SVFR at night. This is the toolbox approach that States have agreed to.

response

*Accepted*

comment

295

comment by: René Meier, Europe Air Sports

Chapter 1

Item 63, page 14, second bullet

Question of NPA: Is a time check to the nearest minute only acceptable?

Our view: Considering the operations of most of our members it is.

Justification: We operate at relatively low speeds. For others it may be different. However, the preciser the time check requirements are the preciser the master clock must be, so the GPS broadcasted time should be precise to the second.

response *Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 296

comment by: *René Meier, Europe Air Sports*

Chapter 1

Item 63, pages 14 and 15, fourth bullet

Question of the NPA: Should ICAO airspace class F be removed from the SERA Part-B provisions?

Our view: No, class F airspace should be maintained without any time limit.

Justification: It proved very succesful in Germany. This airspace class leaves room for adaptations to specific situations, it gives flexibility to airspace developers. It is up to the pilots concerned to understand the mode of operation which is very straight-forward.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by

controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

297

comment by: *René Meier, Europe Air Sports*

Chapter 1

Item 63, page 15, fifth bullet

NPA statement: RMZ and TMZ may provide a satisfactory solution.

Our view: Europe Air Sports supports the idea of RMZ and TMZ.

Justification: Both zones will increase the necessary situational awareness and support the need for best possible communications between flight crewa and ATC.

(Please keep in mind, however, that, as far as we know, today no hand-held 8.33 kHz radios are available. This fact would make an RMZ a no-fly-zone for para- and hang-gliders as well as for balloons.)

response

*Noted*

RMZ and TMZ are to be used as considered necessary by the Member States. There are tools to be used together with the airspace classes and there are no European provisions fixing their used.

comment

298

comment by: *René Meier, Europe Air Sports*

Chapter

2

Item 63, page 16, first bullet

The question is: Should para 2.1 of SERA Part-B be part of SERA or of Part-ATS?

Our view: Para 2.1 should remain where it is proposed to be now.

Justification: The actually proposed brevity and clarity increases the understanding of the following texts.

response

*Noted*

The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

comment

299

comment by: *René Meier, Europe Air Sports*

Chapter 2

Item 63, pages 16 and 17, sixth bullet

The NPA question: How could the requirements for the entity responsible for the selection of the separation minima best be addressed?

Our view: The ANSP of the FAB concerned, under the oversight of the relevant NAA, will best be able to address the separation minima to be applied.

Justification: They best know airspace structures and traffic flows, bottlenecks and by-passes.

response

*Partially accepted*

The proposal, based on the answers to the comments, is to keep the procedures for the selection of the separation minima with the ANSPs and the approval of the selected separation minima with the competent authority.

comment

300

comment by: *Uwe Kotzan*

Item 63 Page 14

Class F airspace is proved as a safe and economic service for smaller airports in Germany to satisfy the needs mostly of the business and general aviation since 1994. Presently 19 airports are using Class F(HX) and more requests are in line.

- Separation IFR / IFR is guaranteed due to the "single in airspace" principle for IFR traffic
- instead class G minimum "clear of clouds" the higher class F minimum guarantees the protection of the IFR from the VFR traffic while leaving the clouds
- crossing VFR traffic below weather minimum has to avoid the airspace
- it is to check if the use of RMZ and TMZ in combination with a class F is possible
- ICAO states the temporary nature of class F as long as it can be replaced by other classification.

**There is no time limit as stated in NPA**

- There is a need for safe transition IMC to VMC in uncontrolled airspace at small airports.
- class F airports are mostly non-profit organisations with no scheduled traffic and a change to class D is not manageable
- the cancellation of class F would result in a less safer IFR in class G with a possible danger for VFR traffic while changing IMC /VMC in uncontrolled airspace

response

*Partially accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 301

comment by: René Meier, Europe Air Sports

Chapter 2

Item 63, page 17, seventh bullet

The NPA question: Who shall establish the CPDLC message readback requirements?

Our view: The compulsory contents should be defined by ATS insiders, not by NAA.

Justification: Read-backs are an operational requirement.

response *Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment

302

comment by: *René Meier, Europe Air Sports*

Chapter 5

Item 63, pages 19 and 20, fourth bullet

NPA question: What will be the suitable transposition of para 5.3.2 recommendation of ICAO Annex 3? (Should this para a regulation or AMC/GM?)

Our view: Do not change the level when transposing it.

Justification: The actual "recommendation" level is sufficient, it reflects best the heli ops environment.

response

*Accepted*

Based on the comments received and on the re-application of the SERA drafting principles, it has been decided to transfer this provision to another regulation/AMC/GM.

comment

308

comment by: *SWISS AERODROMES ASSOCIATION*

<![endif]--> <![endif]-->

Comments on Item 63, pages 14 and 15, fourth bullet of Chapter 1

We disagree with the proposal to remove ICAO Class F airspace from the SERA Part B provisions.

Class F airspace has shown its justification in Germany for instance and there is no demonstrated reason to reduce the ICAO-list of possible airspace structure in Europe. No Safety related issue requires such a restrictive step. Class F should therefore be maintained, without any time limitation. Regional aerodromes/specific situations and the growing possibilities of using new technology-based approaches without need to rely on local ATM require to keep the variety and choice of Airspace classes open.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.' Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 342

comment by: DGAC

Objectives of the air traffic services (§1.1.1)

We support the insertion of this part of annex 11 in SERA Part B.



It indicates the general objectives of ATC and defines the framework of the SERA B provisions.

If possible a parallel insertion in Part ATS would also be useful. As this Part of SERA will be very stable, this will not induce recurrent updates. But if this paragraph has to be in a single place, the right place would clearly be Part ATS.

The insertion of this paragraph in the SERA cover regulation may not be relevant as SERA deals with more general rules: the existence of ATS services are just a part of the air environment.

Class F maximum duration:

France has no experience on this matter, therefore has no comment.

Insertion in the draft SERA Part B of an appendix, containing a table with the airspace classes description which comes from Appendix 4 to ICAO Annex 11

France supports the introduction of this table with a clear distinction between "radio equipment" requirement and "continuous two-way air-ground voice communication" requirement.

When the consultation is over, maybe it should be complemented with all the provisions related to airspace classes (potential class A derogation, relaxation of speed limitation for particular aircraft, etc.).

Deletion of OFIS

France supports the deletion of OFIS as it is not used in Europe.

response *Partially accepted*

Objectives of ATS: ACCEPTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

Class F: NOTED. The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be

implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

APPENDIX 4: NOTED Regarding answer to question No 4, Table from Appendix 4 to ICAO Annex 11 and OFIS, it is noted and further evaluation will be made on the need to complement the table as suggested by the commentator.

comment 353

comment by: *Aero-Club of Switzerland*

Item 63

Chapter 1, page 14, first bullet

NPA first request: Where should para 1.1.1 of SERA Part-B placed?

Our view: This para should remain at the top of SERA Part-B, where it is actually proposed to be.

Justification: It is a short, precise and concise introduction to the following texts, it attracts the reader's attention to the objectives of ATS to be continuously respected by all stakeholders.

NPA second request under the first bullet: Consequences of the application and implications of requirements stated in para 1.1.2.1 of SERA Part-B?

Our view: "...shall have due regard for the requirements of the aircraft operators" is nice sentence, nothing more.

Justification: "due regard" means:

a) There will never be strikes organized by Unions just for shorter shifts, more holidays, higher salaries.

b) There will never be ATC personnel forcing pilots to take inadequate decisions for the comfort of the first.

response *Partially accepted*

Answer to question No 1: PARTIALLY ACCEPTED.

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective.

Answer to question No 2: NOTED. Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

comment

355

comment by: *Aero-Club of Switzerland*

Item 63

Chapter 1, page 14, second bullet

NPA request: Is a time check to the nearest minute only acceptable?

Our view: For our community yes it is.

Justification: We operate at relatively low speeds. For others it may be different. However, the preciser the time check requirements are the preciser the master clock must be. In connection with GPS time must be exact to the second.

response

*Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment

359

comment by: *Aero-Club of Switzerland*

Item 63  
 Chapter 1, pages 14/15, fourth bullet  
 NPA request: Should ICAO Class F airspace be removed from the SERA Part-B provisions?  
 Our view: No, Class F airspace shall be maintained without any time restrictions. All pilots operating international flights shall have to be familiar with flights in this class of airspace.  
 Justification: This class leaves room for adaptations to specific situations, it permits flexibility to airspace designers, and States not wanting to implement it are free not to do so.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO

provisions.

comment	365	comment by: <i>Aero-Club of Switzerland</i>
	<p>Item 63 Chapter 1, page 15, fifth bullet NPA statement: RMZ and TMZ may provide a satisfactory solution... Our view: We support the idea of RMZ and TMZ as a replacment for more demanding airspace classes, but not in addition to them. Justification: RMZ and TMZ will increase the necessary situational awareness and support the need of best possible communications between flight crews and ATC.</p> <p>Please bear in mind, however, that there are, at least at present, no handheld radios with 8.33 kHz channel separation available, this would make no-fly-zones out of RMZ to paragliders, hanggliders and balloons.</p>	
response	<p><i>Noted</i></p> <p>RMZ and TMZ are to be used as considered necessary by the Member States. There are tools to be used together with the airspace classes and there are no European provisions fixing their use.</p>	
comment	367	comment by: <i>Aero-Club of Switzerland</i>
	<p>Item 63, Chapter 2, page 16, first bullet NPA request: Should para 2.1 of SERA Part-B be part of SERA or of Part-ATS? Our view: Para 2.1 should remain where it is now. Justification: Being in Part-B it contributes best to the understanding of the following texts.</p>	
response	<p><i>Accepted</i></p> <p>The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.</p>	
comment	371	comment by: <i>Aero-Club of Switzerland</i>
	<p>Item 63 Chapter 2, pages 16 and 17, sixth bullet NPA request: Which entity should be responsible for the selection of separation minima? Our view: The ANSP of the FAB concerned, under the oversight of the competent authority, will best be able to address the separation minima requirements to be</p>	

applied.  
 Justification: ANSP know well the airspace structures and traffic flows, bottlenecks and by-passes. On the other hand, ANSP are not neutral with respect to airspace users. Such an oversight is necessary as separation means airspace use. The higher the separation the more airspace is needed and the easier the job for ANSP is. Airspace is vital to all of its users, therefore the final responsibility has to stay with the regulators.

response

*Accepted*

Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:

- the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

- the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

375

comment by: *Aero-Club of Switzerland*

Item 63  
 Chapter 2, page 17, seventh bullet  
 NPA request: Who shall establish the CPDLC message read-back requirements?  
 Our view: The read-back provision is more relevant to ATS units.  
 Justification: Read-backs are an operational requirement, such requirements should not be established by the competent authorities whose main business is administration.

response

*Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future Guidance Material.

comment

376

comment by: *Aero-Club of Switzerland*

Item 63  
 Chapter 5, page 20, fourth bullet  
 NPA request: What will be the suitable transposition of para 5.3.2 recommendation of ICAO Annex 3?  
 Our view: Do not change the level when transposing para 5.3.2 of ICAO Annex 3.  
 Justification: The actual "recommendation level" is sufficient, it reflects best the heli ops environment.

response *Accepted*

Based on the comments received and based on the re-application of the SERA drafting principles, it has been decided to transfer this provision to another regulation/AMC/GM.

comment 402

comment by: *European Cockpit Association*

**Views from the stakeholders are particularly sought for the placement of the paragraph 1.1.1 of SERA Part B, whether it could be placed in the articles of the regulation (Article 1 Subject matter and scope), in Part ATS, to remain in SERA Part B as currently proposed, or elsewhere.**

ECA supports the placement of para 1.1.1 in SERA Part B, as currently proposed.

response *Accepted*

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective.

comment 403

comment by: *European Cockpit Association*

**stakeholders' views are welcome on the possibility to remove the ICAO Class F from the SERA Part B provisions.**

ECA supports the removal of ICAO Class F from the SERA Part B provisions as class F airspace according to ICAO is of temporary nature.

response *Noted*

comment 404

comment by: *European Cockpit Association*

**Views of the stakeholders are sought for the right placement of the provisions in paragraph 2.1 of SERA Part B (transposing paragraph 3.1 of ICAO Annex 11), whether it should be part of SERA or of Part ATS.**

ECA supports the placement of para 2.1 into SERA Part B. ECA believes that the application of Air Traffic Control Service should be clearly explained in SERA Part B as this will be applicable to pilots.

response *Noted*

The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

comment 405

comment by: *European Cockpit Association*

**Views of the stakeholders are sought in order to better address the requirement for the entity responsible for selection of the separation minima and for the placement of these provisions.**

In general, the selection of separation minima shall be proposed by the entity responsible for the provision of air traffic services and be approved by the competent authority

This principle should therefore be added also to the high-level provisions contained in SERA Part B 2.3.1 a.

response *Accepted*

Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which will not belong to those available in the rules must be described in AIP.

comment 406

comment by: *European Cockpit Association*

**Views of the stakeholders are sought for paragraph 2.4.4.2 of SERA Part B regarding the voice read-back CPDLC messages,**



**whether this provision is more relevant to ATS units, or the read-back requirements shall be established by the competent authorities.**

ECA agrees in principle that the need for read-back shall be established by the competent authorities.

response *Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment 407

comment by: *AOPA-Germany*

AOPA-Germany supports to maintain airspace F in the future as it provides more than just "little benefit" as this NPA states.

In Germany very good experience has been made with the implementation of airspace F at smaller General Aviation airfields offering IFR-procedures. The application of airspace F has proven to be safe and fully accepted by the pilot communities in the IFR and the VFR/Airports sector.

In comparison with Airspace G (1500m visibility, clear of clouds) airspace F has increased VFR minima of 5 km and a minimum vertical distance from clouds of 1000ft and horizontally 1500m, so it gives IFR-flights coming out of clouds on an IFR-approach the certainty that there are no other aircraft operating just below the cloud-base, and vice versa VFR-aircraft can be sure that no aircraft will fall out of the clouds right next to them.

We also can't find any reference in ICAO material to a limitation of airspace F applications to a maximum of just three years as quoted.

On the other hand a change of Class F airspace into Class D airspace would affect our General Aviation airfields with high additional costs which the airfields would not be able to finance. The number of IFR-movements at these airfields is very low, so these high additional costs can't realistically be forwarded to the users. Therefore, many airports would give up the IFR procedures. This would damage the General Aviation Industry and also burden the major airports with additional movements of small aircraft. Such a development would be contrary to the Commission Agenda 2007 (869) and Kom 2006 (819) of the European Commission, calling for the opposite.

So AOPA-Germany recommends to consider the application of airspace F as an option also in the future European Airspace System.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic

services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 408

comment by: AOPA Switzerland

Class F Airspace proved to be a very safe and efficient tool for airfields with a low number of instrument approaches. There were no incidents in the past. VFR pilots are aware of possible IFR approaches in that airspace.

Alternatively, a CTR of class D will be too expensive and is not affordable anymore for airfields with a low number of IFR approaches.

Class E airspace down to the ground could be a solution. But VFR pilots are aware of possible instrument approaches in class F, but not necessarily in class E. We cannot see any safety benefit in that solution.

Since the good and safe experience made with class F, there is no need to change this structure. Too many changes and the loss of awareness of instrument approaches in class E instead of F do not rise any safety.

In order to rise safety, AOPA Switzerland may envisage to declare class F airspace to become simultaneously a RMZ and TMZ.

We urge EASA to maintain class F without any time restriction.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment	<p>420 <span style="float: right;">comment by: <i>SWISS AERODROMES ASSOCIATION</i></span></p> <p>Comments on question in Chapter 2, first bullet, page 26</p> <p>We express the view that the provisions of para 2.1 of SERA-B should be part of Part ATS, as they are not rules of the air stricto sensu.</p>
response	<p><i>Noted</i></p> <p>The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.</p>
comment	<p>422 <span style="float: right;">comment by: <i>IDRF e.V. (association of regional airports)</i></span></p> <p>We disagree with the proposal to remove ICAO Class F airspace from the SERA Part B provisions. There is no evidence for an unreasonable risk within existing airspace F-concepts such as in germany, where this structure works since 17 years properly and is the key to enhance safety by approved and regularly reviewed IFR-procedures.</p>
response	<p><i>Not accepted</i></p> <p>The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'</p> <p>It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.</p> <p>The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – <i>Progressive development of ATS</i>, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a <i>temporary, intermediate</i> stage in the progression from flight information service to area control service in order to</p>

permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

#### A. Explanatory Note — V. Regulatory Impact Assessment

p. 21-26

comment

6

comment by: *Jon MINNS*

I am an airline pilot with 17000 hours flyijng Airbus a320 arircraft for easyJet. To ensure I am fit ot operate, I plan my rest before my duty. If an airline can advise me of a significant change to my duty "shortly before or after reporting time", how can I plan my rest before that duty? I consider this to be evidently a reductin in safety.

response

*Noted*

This comment does not belong to NPA 2011-02.

comment

324

comment by: *SWISS AERODROMES ASSOCIATION*

<![endif]-->

Comments on Item 73, page 21

We underline the fact that the aim of the draft IR "not to create new obligations for the Members States" must also be reflected by flexibility and proportionality in the

implementation of new provisions.

This is one more reason not to reduce the ICAO-list of possible airspace structure in Europe.

And of course, it must be assured that the ICAO recommended practices should remain at a non mandatory level, even if transposed in european regulatory material.

response *Partially accepted*

It is the opinion of the Agency that the necessary flexibility is available for Member States as there is already draft article 3 and new article 4 which provide the flexibility needed. In addition, there are flexibility provisions included in the regulation. The status of recommendations, as indicated in the drafting principles, was dealt with on a case by case basis to become EU measures. They have been included in the IR in case they were considered necessary to be applied by all EU Member States, or they have been included in AMC/GM, or they were not included at all. Unfortunately, there are no recommendations within the EU law.

comment 332

comment by: *SWISS AERODROMES ASSOCIATION*

<![endif]-->  
Comments on Item 81, page 22.

The impact of SERA IR is described as reaching "most likely aerodrome operators". The Swiss Aerodromes Association has not been involved in the RIA and the potential impacts have not been documented by EASA.

As the aim of the draft IR according to Item 73 is "not to create new obligations for the Members States", it must also be reflected by flexibility and proportionality in the implementation of new provisions and, therefore, facilitating aerodrome operations and not introducing new or further restrictions to aerodrome operators.

This is one more reason not to reduce the ICAO list of possible airspace structure in Europe, for instance.

Regulation EC 1108/2009 ist described in Items 10 and 11. As far as aerodromes are concerned, their organisations shall be involved in the development of SERA-B, which provisions have to be adjusted to take into consideration the various and specific needs of aerodrome users. One rule does not fit all.  
<![endif]-->

response *Partially accepted*

It is the opinion of the Agency that the necessary flexibility is available for Member States as there is already draft article 3 and new article 4 which provide the flexibility needed. In addition, there are flexibility provisions included in the regulation.

Regarding the applicability of the SERA provisions to aerodrome users, it is understood that the proposed provisions are consistent with the foreseen aerodrome rules. However, if there would be any inconsistency, the Agency will ensure that it is solved. Moreover, the purpose of the public consultation is also to provide the stakeholders with the possibility to indentify these inconsistencies. The Agency has followed the rulemaking procedure and this task is the rulemaking task ATM.001, were a representative of the small aerodromes community is participating.

comment 417

comment by: *IDRF e.V. (association of regional airports)*

We underline the fact that the aim of the draft IRs are "not to create new obligations for the Members States" and must also be reflected by flexibility and proportionality in the implementation of new provisions.

This is the reason not to reduce the ICAO-list of possible airspace structure in Europe without justification.

And of course, it must be assured that the ICAO recommended practices should remain at a nonmandatory level, even if transposed in european regulatory material.

response *Partially accepted*

It is the opinion of the Agency that the necessary flexibility is available for Member States as there is already draft article 3 and new article 4 which provide the flexibility needed. In addition, there are flexibility provisions included in the regulation. The status of recommendations, as indicated in the drafting principles, was dealt with on a case by case basis to become EU measures. They have to be included in the IR in case they were considered necessary to be applied by all EU Member States, or they were included in AMC/GM or they were

not included at all. Unfortunately, there are no recommendations within the EU law.

comment 418 comment by: *IDRF e.V. (association of regional airports)*

The impact of SERA IR is described as reaching “most likely aerodrome operators”. We wonder why there was no formal or explicitly involvement of aerodrome-stakeholder.

response *Noted*

The Agency has followed the rulemaking procedure and this task is the rulemaking task ATM.001, were a representative of the small aerodromes community is participating.

**B. Draft Opinion — I. Draft Opinion SERA Part B**

p. 27-28

comment 70 comment by: *CAA-NL*

Definitions of Annex 11 and “flight requirements” (Annex 11- appendix 4) have been merged. By doing so, this resulted into a number of duplications: Flights which receive ATC service will be subject to an ATC clearance. The description of “traffic avoidance advice request” next to “traffic information” as Air Traffic service, while according to the definition, the service of “traffic information” already includes “traffic avoidance advice request”.

response *Noted*

Additional information is needed in order to provide a comprehensive response.

comment 280 comment by: *UK CAA*

**Page No:** 27

**Paragraph No:** Art 2 amendments (Definitions)

**Comment:**

The term ‘Transition Level’ is not defined in SERA but is used in paragraph 2.4.4.1 c). The definition from Doc 4444 should be included here.

**Justification:**

Missing definition



**Proposed Text:**

'transition level' means the lowest flight level available for use above the transition altitude

response

*Accepted*

The term 'transition level' with the ICAO text will be included.

comment

281

comment by: UK CAA

**Page No:** 27**Paragraph No:** Art 2 amendments (Definitions 2)**Comment:**

SERA introduces the term 'aircraft operator' that appears to be based upon the ICAO Annex 11 definition of the term 'Operator' (A person, organization or enterprise engaged in or offering to engage in an aircraft operation). ICAO itself does not define the term 'aircraft operator'.

Regulation (EC) 216/2008 defines 'operator' as 'any legal or natural person, operating or proposing to operate, one or more aircraft or one or more aerodromes'.

Note that the term 'operator' is used throughout Part A but is not defined.

**Justification:**

There appears to be a requirement to differentiate between 'operator', 'aircraft operator' and 'aerodrome operator'. If this is the case, it is essential to maintain the greatest possible consistency across all European Regulations, and to add clarity where appropriate.

**Proposed Text:****Either**

remove the proposed definition, adopt the EASA definition of 'operator' and prefix this with either 'aerodrome', 'aircraft', 'balloon', 'helicopter', etc, where necessary to denote the type of operator being referred to in the body of the SERA text. This would then reflect practical application of the EASA definition of the term 'operator', and is the preferred solution.

**Or**

amend the definition of 'aircraft operator' to state 'aircraft operator' means any legal or natural person, operating or proposing to operate, one or more aircraft. **Add** new definition of 'aerodrome operator' to state 'aerodrome operator' means 'any legal or natural person, operating or proposing to operate, one or more aerodromes'. This offers differentiation between the two kinds of operators, deviates from EASA and ICAO and would call for additional definitions for every kind of 'operator'.

response

*Accepted*

The EASA definition will be used and the term will be complemented as necessary according to the type of operation concerned.

comment

282

comment by: AESA / DSANA

**Comment N° 1**

Regarding the definition of Approach Control Service.

Please do notice that in the NPA Appendix VI – ICAO Annex 11 Checklist, it is stated that the following text has been added to the ICAO Annex 11 definition:

- *'as well as other flights operating within an approach control unit's area of responsibility.'*

Note that in the draft SERA IR attached to the NPA (Part A) the definition of Approach Control Service is exactly the same as the Annex 11 one, and in the amended definitions in Sera Part B it is not presented a new one including the new text proposed, which is considered being suitable for inclusion in part B.

Conclusion: Add the new text proposed to the definition of Approach Control Service.

**Comment N° 2**

Regarding the definition of Approach Control Unit.

Please do notice that in the Appendix VI – ICAO Annex 11 Checklist, it is stated that the following text has been added to the ICAO Annex 11 definition:

- *'and other flights operating within its area of responsibility.'*

Note that in the draft SERA IR attached to the NPA (Part A) the definition of Approach Control Unit is exactly the same as the Annex 11 one and in the amended definitions in Sera Part B it is not present a new one including the new text proposed, which is considered being suitable for inclusion in part B.

Conclusion: Add the new text proposed to the definition of Approach Control Unit.

**Comment N° 3**

Regarding the definition of Traffic Avoidance Advice (not included in SERA Part B). Please do consider including this definition in SERA Part B. The reason for this proposal is that Traffic Avoidance Advice is referenced in the airspace classification (paragraph 1.2.1 and Appendix 1 of Part B - ATS Airspace Classes).

Conclusion: include the definition of Traffic Avoidance Advice.

response *Accepted*

Regarding comments No 1 and 2: **accepted**. Definitions No 36 and No 37 in SERA Part A to be amended accordingly.

Regarding comment No 3: **accepted**. Insert new definition in accordance with Doc 4444: **Traffic avoidance advice**. Advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation**

p. 29

comment 100

comment by: ENAV

Attachment [#2](#)

see pdf attached

response *Partially accepted*

A1: Noted. The Agency would like to thank CANSO for providing these principles that will be taken into account by the Agency when assessing the evolution of the rulemaking programme together with the relevant advisories and decision-making bodies.

Regarding the scope of the SERA Parts, the Agency would like to make reference to the ECTL final report:

[http://www.eurocontrol.int/ses/gallery/content/public/docs/ses\\_sera\\_final\\_report\\_v1\\_0\\_30062010.pdf](http://www.eurocontrol.int/ses/gallery/content/public/docs/ses_sera_final_report_v1_0_30062010.pdf)

So far SERA Part C is planned as indicated in this report and it will contain the

provisions that are considered to be candidate for IR from ICAO Documents 4444 and 7030.

As already described in the Explanatory Note of the NPA, the scope of SERA Part B includes those provisions from ICAO Annex 11 and Annex 3 that are considered to be rules of the air based on the application of the drafting principles.

A2: Noted. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

A3: Accepted. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

A4: 1.2.1 Class A. **Not accepted.** It is considered necessary to retain the intended usage of Class A airspace to be exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.

A5: Class C. It is noted that ENAV agrees with the definition of Class C airspace.

A6: Classes C–G. Accepted. Include reference to FL100 when the TA is lower than 3 050 m.

A7: Class F. Not accepted. It is considered that the proposed provision is in the spirit of the ICAO note; the only difference is that a time limit is imposed.

A8: Noted. IT is noted that ENAV agrees with the inclusion of this provisions in ICAO SARPs.

A9: 1.3.1.1. Not accepted. The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained.

A10: 1.3.2.1. **Accepted.** The proposed wording is considered to be an improvement of the present text. Therefore, an amendment is proposed as follows: ~~For~~ All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ shall carry and operate SSR transponders

capable of operating on Modes A and C or on Mode S ~~shall be required~~.

See also response to comment No 320 where additional text is proposed.

A11 & A12: As regards the first bullet: **accepted**; see response under comment No 45. As regards the second bullet: **not accepted**; the conditions for VMC clearance to be restricted to airspace classes D and E is that there is a speed limitation of 250 kt which will allow pilots to 'see and be seen' in those airspaces. Furthermore, it should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that ATC should not propose such a clearance and the pilots of both aircraft involved need to agree to the application of VMC clearance.

As regards the third bullet, the application details of this provision are intended to be covered under Part C of SERA.

A13: The provisions 'adopted under the Chicago Convention' do not include Manuals, Guidance Material or Circulars but refer to Standards and Recommended Practices. Hence, in accordance with Annex 11 (and SERA Part B) the selection (for the time being) is to be made from PANS-ATM and Doc 7030. The Commission will make a proposal in due course as to the selection of the separation minima. In the meantime, due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

A14: Not accepted. It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

A15: Partially accepted. It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, the proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

A16: Not accepted. The suggestion is understood and might be interesting. However, in order to maintain readability and clarity in the table in Appendix 1, the option to keep the SVFR elements separate from the table is favoured. Additionally, making reference to SVFR in a general table (being subject to clearance and to local decisions) might lead to confusion.

A17: Not accepted. The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained. (see 46-80-111-215).

comment 310

comment by: UK CAA

**Page No:** 29**Paragraph No:** Title**Comment:** Should the title should follow the initial capitals convention?**Justification:** Possible typographical error.**Proposed Text:** 'Requirement Regarding Services in Air Navigation'response *Accepted*

The term 'Requirement' will be capitalised.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.1 p. 29**  
**General**

comment 12

comment by: AFSBw/German Air Force

General remark: paragraph 1.1.2 and 1.1.3 do not fit into the structure of the paragraph,

Defining coordination between ANSP and Aircraft Operator does not have the level of defining ATS and airspace structure, general definitions (1.1.1 and 1.2) and laid down procedures (1.1.2) reflects a not clearly structured document.

The mentioned issues (defining ANSP and Aircraft Operator coordination procedures) should be listed in later paragraphs.

response *Not accepted*

These paragraphs are considered to fit under 'General'.

comment

24

comment by: *French State Aviation Authority*

**PARA**

**1.1.3**

The French MoD proposes to be as close as possible to the ICAO documentation on "Time check".

**Instead**

**of**

Air traffic services units shall, in addition, provide aircraft with the correct time on request. Time checks shall be given to the nearest half minute.

**Proposal**

Air traffic services units shall, in addition, provide aircraft with the correct time on request. Time checks shall be given to the nearest minute.

response

*Noted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment

32

comment by: *Finnish Transport Safety Agency (NSA)*

1.1.1

The placement of 1.1.1 in its current place in SERA Part B is acceptable but it could also be placed in Part ATS as well.

1.1.2.1

ATS units normally carry out their objectives and when doing so take into account the requirements of aircraft operators but ATS units can not be expected to have information of all the obligations placed on the operators by the relevant European rules on Air Operations. If this section does not place such a requirement for the ATS units (we interpret the term "due regard" to mean that ATS units are not required to have complete knowledge of the legislation governing air operators), then the proposed text is acceptable.

1.3

The time checks are required by Annex 11 to be given to the nearest half minute

and time checks are given with that accuracy in Finland. However we do not object changing the text so that time checks are given to the nearest minute. In this case there should be some type of impact assessment of this change.

response *Partially accepted*

Paragraph 1.1.1: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

Paragraph 1.1.2.1: NOTED: Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

Paragraph 1.3: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 44

comment by: *CANSO*

#### 1.1.1 Objectives of the air traffic services

CANSO agrees that these are **objectives** of ATS.

CANSO supports any place which will ensure the continuation of the ICAO spirit and the predominance of these objectives.

This should appropriately fit into the final future rule-structure.

#### 1.1.3 Time in air traffic services

CANSO confirms that the current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect this common difference from ICAO.

response *Partially accepted*

Comment to paragraph 1.1.1.: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

Comment to paragraph 1.1.3.: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to



such a potential European difference to ICAO.

comment 52

comment by: *DFS Deutsche Flugsicherung GmbH*

**Chapter 1.1.3**

**and view of the stakeholder as requested on page 14:**

It is common practice to give time checks to the nearest minute only. This should be taken as common difference and the last sentence of 1.1.3.1 therefore be changed to:

"Time checks shall be given to the nearest ~~half~~ minute."

response

*Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 71

comment by: *CAA-NL*

Nr 1

Question: Views from the stakeholders are particularly sought for the placement of the paragraph 1.1.1 of SERA Part B, whether it could be placed in the articles of the regulation (Article 1 Subject matter and scope), in Part ATS, to remain in SERA Part B as currently proposed, or elsewhere

Answer: NL agrees that these are objectives of ATS. These objectives are both vital for SERA and part-ATS. However, the objectives are not implementing rules. Inclusion into the recitals of both SERA and Part-ATS would be appropriate.

Nr 2

Question: Views from the stakeholders are expected for the application and implications of the requirements in paragraph 1.1.2.1 of SERA Part B, especially for the expression 'shall have due regard for the requirements of the aircraft operator

Answer: NL interprets this provision that an ANSP, as organisation, shall take the requirements of their customers into account when organising their operations. It is not a rule of the air as it is not reflecting a direct requirement to ATS officers

and pilots.

This is emphasized by the requirement, when requested by an operator, to organise user consultation meetings, which is included in this provision and by the title of the particular section 1.1.2 "Coordination between the aircraft operator and air traffic services".

It might be included in part-ATS

Nr 3

Question: In relation to ICAO Annex 11 par 2.25: views of stakeholders are sought on the need for time checks delivered to the nearest minute only.

Answer: NL confirms that the current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect this common difference from ICAO.

Nr 4

Question: Stakeholders' views are welcome on the possibility to remove the ICAO Class F from the SERA Part B provisions

Answer: NL is of the opinion that Class F cannot be removed. NL does see the benefit of Class F over Class G. NL does not understand why removal of Class F should be part of SES-2, as the operation within class F airspace is clearly defined. According to ICAO guidelines class F airspace is a means for transition from uncontrolled airspace to controlled airspace. Therefore NL has the opinion that class F airspace cannot be removed from the SERA part B provisions.

See for further explanation comment 2.2

Nr 5

Question: Views of the stakeholders are sought for the right placement of the provisions in paragraph 2.1 of SERA Part B (transposing paragraph 3.1 of ICAO Annex 11), whether it should be part of SERA or of Part ATS.

Answer: The right place of the provisions in paragraph 2.1 is part ATS. It describes the applicability of ATC, one major part of ATS. The relevant parts of these provisions for SERA have already been included in the airspace definitions. The airspace definitions describe the expected services for the airspace users, while provision 2.1 describes the basic requirements for ANSP's for the application of ATC. Therefore NL is of the opinion that these provisions should be included in

the part where ATC objectives are introduced.

Nr 6

Question: Views of the stakeholders are sought in order to better address the requirement for the entity responsible for selection of the separation minima and for the placement of these provisions.

Answer: The NL has no problem with the current text of 2.3 (separation minima) with the exception of the last part of the 2.3.1.a (see comment article 2.3)

As to this particular question the division of responsibility is relevant in that the competent authority imposes in its rules and regulation the general obligation of separation minima. The actual filling in of feet/nm is the responsibility of the ANSP from a safety and ops point of view and should be included in GM. Oversight is in the hands of the appropriate body

Nr 7

Question: Views of the stakeholders are sought for paragraph 2.4.4.2 of SERA Part B regarding the voice read-back CPDLC messages, whether this provision is more relevant to ATS units, or the read-back requirements shall be established by the competent authorities.

Answer: With respect to CPDLC a flexible approach over time is needed, since this is a new type of communication equipment that needs specific attention during a rather long implementation process. A harmonised approach of such introduction at a European level seems appropriate.

Nr 8

Question: It was indicated that the elevation of the recommendation from ICAO Annex 3 in 5.3.2 into a regulation may not be supported by the helicopter community. Views on the issues are sought.

Answer: Conform our comments in 2.6. , this elevation is not supported.

A system that allows the weather information to be communicated effectively from the helicopter crew towards the weather service is missing. An obligation to the helicopter crew seems unnecessary to serve the objectives.

response *Partially accepted*

Answer to question No 1: NOT ACCEPTED. Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

Answer to question No 2: NOTED. Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

Answer to question No 3: ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

Answer to question No 4: **Not accepted**. The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations." Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: "As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are

inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

Answer to question 5: NOTED. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS as appropriate.

Answer to question No 6: PARTIALLY ACCEPTED. Due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop, based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

Answer to question No 7: NOTED. The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

Answer to question No 8: PARTIALLY ACCEPTED — The point will be clarified and the text redrafted.

comment 72

comment by: CAA-NL

#### 1.1.2.1

Air traffic services units, in carrying out their objectives, shall have due regard for the requirements of the aircraft operators...

..., and, if so required by the aircraft operators, shall make available to them or their designated representatives such information as may be available to enable them or their designated representatives to carry out their responsibilities.

	<p>NL interprets this provision that an ANSP, as organisation, shall take the requirements of their customers into account when organising their operations. It is not a rule of the air as it is not reflecting a direct requirement to ATS officers and pilots.</p> <p>This is emphasized by the requirement, when requested by an operator, to organise user consultation meetings, which is included in this provision and by the title of the particular section 1.1.2 "Coordination between the aircraft operator and air traffic services".</p> <p>It might be included in part-ATS</p>
response	<p><i>Not accepted</i></p> <p>This does not directly concern pilots; however, it concerns two entities and it was decided that it would be more appropriately placed in SERA Part B.</p>
comment	<p>73 <span style="float: right;">comment by: CAA-NL</span></p> <p>Time in air traffic services NL confirms that the current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect his common difference from ICAO.</p>
response	<p><i>Accepted</i></p> <p>The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.</p>
comment	<p>121 <span style="float: right;">comment by: NATS</span></p> <p><b>1.1.1</b> These are a set of high level objectives rather than formal legal requirements. They largely duplicate material already found in the SERA Article 2 definitions and as such may be viewed as legally redundant. 1.1.1 c) is potentially internally inconsistent and thus could be impossible to comply with – being orderly is not always compatible with being expeditious. NATS suggests this material is relocated to a Recital, or deleted altogether.</p>
response	<p><i>Noted</i></p> <p>Although it is not considered to be a SERA requirement as such, based on the reactions to the question, it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.</p>

comment

122

comment by: NATS

**1.1.2.1** It is unclear exactly what the “requirements of the aircraft operators consequent on their obligations as specified in the relevant European rules on Air Operations” are since these rules do not yet exist. RECO4 in Appendix C recommends that Guidance Material be developed for co-ordination between aircraft operators and ATS - this needs to be done before this text is approved otherwise this paragraph has little legal certainty. NATS suggests that paragraph 1.1.2.1 be removed and re-instated in SERA only when there is genuine clarity on these requirements (possibly when the guidance material has been agreed).

response

*Not accepted*

Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA. Although the European rules are not yet promulgated it is anticipated that this will be the case before the adoption of the present rule. GM may be introduced. Also, the paragraph is based on existing text in ICAO Annex 11, 2.16.1.

comment

124

comment by: NATS

**1.1.3** NATS seeks clarification that modern aircraft clocks count as “other sources” for these purposes given that they are far more accurate than the requirement on ATC clocks. Routine time checks could not be accommodated as they would add unacceptable R/F congestion at busy units (estimated as a 4% increase in R/T loading at some units). It is also not clear on how time checks to the nearest half minute can actually be given. Time checks are for the pilots’ use so we would appreciate clarity of the airspace user requirement for time checks to the nearest half minute. This ICAO provision is old and may have been relevant in the days when surveillance coverage was not extensive. Within Europe, surveillance coverage is widespread and it is not obvious why checks need to be that accurate. Again, the airspace user community view would be appreciated.

Also, there is no ICAO guidance on how checks to the nearest half minute should be determined or transmitted. ICAO Annex 10 Vol II 5.2.1.4.1.3 only gives examples of how the time to the nearest minute is to be pronounced. For a time of 15:23 and 15 secs, is the time rounded up to 30 secs or rounded down to 15:23. For a time of 15:23 and 25 secs, how is the time pronounced? 152330?. This seems confusing for pilots. NATS suggests that EITHER 1.1.3.1 be removed completely as being unnecessary in the EU OR

that it be combined with Part A – para 3.5 as they address the same subject, AND the text be changed to:

“Air Traffic Services shall provide aircraft with the correct time on request. Such time checks shall be rounded up or down as appropriate and given to the nearest minute.”

response *Partially accepted*

As regards other sources, they are not specified; however, it should be ensured that the time given by these other sources would be at least as accurate as those given by ATS. As regards the requirement for time checks within the nearest half minute, the comment is **accepted**. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO. The proposed change to the text is **not accepted**. The time checks may be needed in some places to be given routinely and the addition of words such as 'rounded up or down' do not add any clarification.

comment 165

comment by: CNFAS

The precision of half minute requested is a bit too precise and will add time of frequency occupation. So, this is not a benefit for safety. We suggest not to descend under the minute, error is less than 30 seconds.

*1.1.3.1 Aerodrome control towers shall, prior to an aircraft taxiing for take-off, provide the pilot with the correct time, unless arrangements have been made for the pilot to obtain it from other sources. Air traffic services units shall, in addition, provide aircraft with the correct time on request. Time checks shall be given to the nearest ~~half~~ minute.*

response *Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 175

comment by: UK General Aviation Alliance

Comment 175

Part B Para 1.1.3.1, Time in air traffic services.

Aerodrome control towers shall, prior to an aircraft taxiing for take-off, provide the pilot with the correct time.



Few control towers at aerodromes in the EU provides a routine time check to aircraft prior to taxi clearance. It would be madness to require this additional and time consuming radio transmission before every taxi clearance. This requirement should be deleted or at least annotated "except where prescribed by the competent authority".

response *Not accepted*

It should be noted that the time check shall be given routinely 'unless arrangements have been made ...'.

comment

191

comment by: *Julian Scarfe*

[PPL/IR comment 1]

*1.1.3.1 Aerodrome control towers shall, prior to an aircraft taxiing for take-off, provide the pilot with the correct time, unless arrangements have been made for the pilot to obtain it from other sources. Air traffic services units shall, in addition, provide aircraft with the correct time on request. Time checks shall be given to the nearest half minute.*

The routine time check before flight is archaic and unnecessary. Replace with:

*Air traffic services units shall provide aircraft with the correct time on request. Time checks shall be given to the nearest half minute.*

response *Not accepted*

It should be noted that the time check shall be given routinely 'unless arrangements have been made ...'.

comment

213

comment by: *Aura MARCULESCU*

No: 1

Reference: **1.1.3**

Quote/proposal: Time in air traffic services

	<p>Comments//Remark (Reason for comment): The current practice is to deliver time checks to the nearest minute only and therefore proposes the SERA Part B IR be amended to reflect this common difference from ICAO.</p>
response	<p><i>Accepted</i></p> <p>The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.</p>
comment	<p>227 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>Editorial Convention:  Source text is copied in <i>italic</i>.  Text proposed for deletion is <del>strokethrough</del>.  Text proposed for insertion is in <b>red colour</b>.  Comments/Remarks are in normal font.</p>
response	<p><i>Noted</i></p>
comment	<p>239 <span style="float: right;">comment by: <i>AENA</i></span></p> <p>1.1.1 Objectives of the air traffic services</p> <p>Although our general approach is to avoid duplication, we believe that in this case would be appropriate to introduce this provision in two parts of the EASA Base regulation: in article 1 of SERA ("Subject matter and scope") and in Part ATS. In any case, these objectives are included in (EC) N° 549/2004 (def. 11, as a compilation of definitions 1, 23a and 23b).</p> <p>1.1.2 Coordination between the aircraft operator and air traffic services</p> <p>We fully agree with the wording of this provision.</p> <p>1.1.3 Time in air traffic services</p> <p>AENA considers that time checks should be delivered to the nearest minute only.</p>
response	<p><i>Partially accepted</i></p> <p>1.1.1 <b><i>Partially accepted</i></b>. The answers to the questions are not very conclusive here, but it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.</p>

1.1.2 The agreement is **Noted**.

1.1.3 **Accepted**. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this is deserved proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment

259

comment by: CAA Norway

Para 1.1.3.1

We suggest to delete the first sentence as it seems to be outdated.

response

*Not accepted*

As regards other sources, they are not specified; however, it should be ensured that the time given by these other sources would be at least as accurate as those given by ATS.

comment

283

comment by: AESA / DSANA

Regarding paragraph 1.1.2.1 in SERA Part B, the issue that ATS units "*shall have due regard for the requirements of the Aircraft operators*", it would be desirable this expression to be more specific with regard to which European Regulations that ATS Units should have into account in carrying out their objectives. Otherwise it could be understood that the ATS Units are the ones appointed to determine which legislation is relevant and to interpret the applicable requirements. As this is considered a rulemaking activity, it is not considered a suitable duty for ATS units. Please note that in the Annex 11 original standard Annex 6 is mentioned to this end.

Conclusion: Clarification of the expression: "*ATS units shall have due regard for the requirements of the Aircraft operators*".

response

*Noted*

Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA. GM will be provided.

comment 307

comment by: DGAC

The English version of ICAO, to which SERA B complies, states (§1.1.3) : "Time checks shall be given to the nearest half minute.". We believe that time checks don't need to be so accurate.

Rationale :

- Giving the time to the nearest half minute is more precise than operationally needed.
- Giving the time to the nearest half minute is heavier (frequency load).
- With the enunciation delay the precision has little sense.

We propose the following text :

"Time checks shall be given to the nearest minute.".

response *Accepted*

The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 311

comment by: UK CAA

**Page No:** 29

**Paragraph No:** 1.1.1

**Comment:**

The objectives of ATC are the fundamental principles of Air Traffic Services. As such they are a set of high level objectives that are already partly reflected in a definition contained within the SES Framework Regulation (549/2004).

Transposing the ICAO objective of ATS into an EU IR results in inadequate legal certainty.

**Justification:**

Clarity of rulemaking applicability.

**Proposed Text:**

Revise SERA Part A Article 1 to read:

The purpose of this Regulation is to establish the common rules of the air and operational provisions regarding services and procedures in air navigation that shall be applicable to general air traffic within the scope of the airspace Regulation. In particular, this shall be used achieve the following objectives:

- a) the prevention of collisions between aircraft;
- b) the prevention of collisions between aircraft on the manoeuvring area and obstructions on that area;
- c) maintain an expeditious and orderly flow of air traffic;
- d) enable the provision of advice and information useful for the safe and efficient conduct of flights;
- e) enable the notification of appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required.

See also UK CAA comment against page 29 paragraph 1.1.2.1.

response *Not accepted*

Although it is not considered to be a SERA requirement as such, based on the reactions to the question it has been decided to keep it in SERA as an important safety objective and to make reference to it in Part-ATS.

comment 313

comment by: UK CAA

**Page No:** 29

**Paragraph No:** 1.1.1.1a

**Comment:**

The text should state 'prevent collisions between aircraft in flight' given that b) states 'prevent collisions between aircraft on the manoeuvring area and

obstructions on that area'. Alternatively, delete b).

**Justification:** Refinement of text

**Proposed Text:** prevent collisions between aircraft in flight

response *Not accepted*

The text in a) refers to the prevention of collisions between all aircraft whilst b) only asks ATS to prevent aircraft from colliding with obstructions.

comment

316

comment by: UK CAA

**Page No:** 29

**Paragraph No:** 1.1.2.1

**Comment:**

It is acknowledged that the text '*shall have due regard for the requirements of the aircraft operators consequent on their obligations as specified in the relevant European rules on Air Operations*' is a modified transposition of ICAO Annex 11 Chap 2 para 2.16.1. However, within a SERA context this is an unclear requirement that could lead to uncertainty concerning the interpretation of 'obligations'. What are these?

See also comment against paragraph 1.1.1.

**Justification:** The need for clarity and legal certainty.

**Proposed Text:**

Incorporate this requirement into Article 1 **either as follows:**

The objective of this Regulation is to establish the common rules of the air and operational provisions regarding services and procedures in air navigation that shall be applicable to general air traffic within the scope of the airspace Regulation and to ensure ATS units exercise due regard for the requirements of aircraft operators.

**Or, and taking into account the UK CAA comment against paragraph 1.1.1, further amend para 1.1.1 as follows:**

The purpose of this Regulation is to establish the common rules of the air and operational provisions regarding services and procedures in air navigation that shall be applicable to general air traffic within the scope of the airspace Regulation. In particular, this shall be used facilitate the following objectives:

a) the prevention of collisions between aircraft;

- b) the prevention of collisions between aircraft on the manoeuvring area and obstructions on that area;
- c) expedite and maintain an orderly flow of air traffic;
- d) enable the provision of advice and information useful for the safe and efficient conduct of flights;
- e) enable the notification of appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required.
- f) ensure ATS units exercise due regard for the requirements of aircraft operators

This will require revision to para 1.1.2 as follows:

#### 1.1.2 Coordination between the aircraft operator and air traffic services

1.1.2.1 Air traffic services units, if so required by the aircraft operators, shall make available to them or their designated representatives such information as may be available to enable them or their designated representatives to carry out their responsibilities.

1.1.2.2 When so requested by an aircraft operator, messages (including position reports) received by air traffic services units and relating to the operation of the aircraft for which operational control service is provided by that aircraft operator shall, so far as practicable, be made available immediately to the aircraft operator or a designated representative in accordance with locally agreed procedures.

The UK's preference would be for paras 1.1.1 and 1.2.1 to b amended as suggested above.

response *Not accepted*

Although it is not considered to be an easily measurable requirement as such, based on the reactions to the question it has been decided to keep it in SERA.

comment 317

comment by: UK CAA

**Page No:** 29

**Paragraph No:** 1.1.3

**Comment:**

Time in ATS is also in Part A (para 3.5) – for simplicity and clarity these

requirements should be combined (see proposed text below) and the Part B text removed.

The requirement for time checks to be given to the nearest half minute stems from ICAO Annex 11 Chap 2 para 2.25.5. This ICAO provision is old and may have been relevant in the days when surveillance coverage was not extensive. Within Europe, surveillance coverage is widespread and it is not obvious why checks need to be that accurate.

No justification for this requirement is apparent, and a degree of flexibility regarding the accuracy of time information is appropriate.

Routine time checks may not be accommodated as they would add unacceptable R/F congestion at busy units (estimated as a 4% increase in R/T loading at some UK units).

It is not clear on how time checks to the nearest half minute can actually be given. Time check is for pilot use and the UK would like to see evidence of user requirement for checks to the nearest half minute – opinions from the user community would be beneficial.

The UK seeks clarification that modern aircraft clocks count as “other sources” for these purposes given that they are likely to be far more accurate than the requirements placed on ATC clocks.

There is no ICAO or other guidance on how checks to the nearest half minute should be determined or transmitted. Annex 10 Vol II 5.2.1.4.1.3 only gives examples of how ‘nearest minute’ is to be pronounced. For a time of 15:23 and 15 secs, is the time rounded up to 30 secs or rounded down to 15:23. For a time of 15:23 and 25 secs, how is the time pronounced – 152330 – potentially confusing for pilots.

**Justification:**

Simple and user friendly rule structure

Unnecessary for accuracy required at *all* times.

Lack of ICAO or other guidance on how checks to the nearest half minute should be determined or transmitted.

**Proposed Text:**

### 3.5 Time

3.5.1. Coordinated Universal Time (UTC) shall be used and shall be expressed in hours and minutes and, when required, seconds of the 24-hour day beginning at midnight.

3.5.2. A pilot shall obtain a time check prior to operating a controlled flight and at such other times during the flight as may be necessary.

3.5.3. Aerodrome control towers shall, on request and prior to an aircraft taxiing for take-off, provide the pilot with the correct time, unless arrangements have been made for the pilot to obtain it from other sources. Air traffic services units shall, in addition, provide aircraft with the correct time on request. Time checks shall be given to the nearest 30 seconds or as otherwise prescribed by the competent authority.

3.4.4. Wherever time is utilized in the application of data link communications, it



shall be accurate to within 1 second of UTC.

response *Partially accepted*

The proposal to combine the provisions related to time into Part A of SERA is **not accepted** for the time being. This might be possible at a later stage; however, at present the provisions of 1.1.3.1 are to be retained in Part B. As regards the proposal to change the time check to be to the nearest minute, this is ACCEPTED. The text in the NPA is in accordance with ICAO; however, a number of ANSPs do give time checks to the nearest minute and this deserves proper consideration. A complementary safety assessment will be conducted in order to identify the appropriate justification to such a potential European difference to ICAO.

comment 377

comment by: *Aero-Club of Switzerland*

Part-B, 1.1.3 Time in air traffic services

1.1.3.1: This requirement is totally unnecessary!

Justification: Such a time check only consumes radio transmission time. If someone insists you may add "where required by the competent authority".

response *Not accepted*

It should be noted that the time check should be given 'unless arrangements have been made for the pilot to obtain it from other sources'.

comment

391 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

1.1.2 "aircraf": that means that ANY other airspace user that NOT uses an aircraft is NOT covered by these provisons... is THAT supposed to be that way???

response *Noted*

There would appear to be a misunderstanding as to the meaning of aircraft. In accordance with the definition of aircraft, this includes e.g. balloons, airships and para-gliders but excludes hovercraft.

comment 429

comment by: *René Meier, Europe Air Sports*

Page 29

1.1.3 Time in air traffic services

The Agency proposes: Aerodrome control towers shall...provide the pilot with the correct time...

Our view: This is not necessary. This requirement is to be deleted.

Justification: No one would know what the "correct time" is and because any additional time consuming blockage of the radio frequencies must be avoided, even before taxi is requested for.

If someone insists on the transmission of a (correct) time we propose to leave room for such a provision.

response *Not accepted*

It should be noted that the time check should be given 'unless arrangements have been made for the pilot to obtain it from other sources'.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.2 p. 29-30 Classification of airspaces**

comment 15

comment by: *HungaroControl Hungarian ANS Pte. Ltd. Co.*

In Hungary only VFR flights are allowed to operate in class G airspace and we have safety concern regarding the allowing of IFR flights there. The IR should provide an option for restriction, e.g. define a sub-type of G airspace or allow the competent authority to define an altitude limit under which only VFR flights should be allowed.

response *Not accepted*

The exclusion of IFR flights from Class G airspace would severely restrict flights in most States or involve a need for re-classification of huge volumes of airspace changing from Class G to controlled airspace (Classes A–E), which is not seen as a viable option.

comment 19

comment by: *HungaroControl Hungarian ANS Pte. Ltd. Co.*

ANSP should be ready to provide air traffic service in all of airspace class G but it may not be possible due to lack of radio coverage. Radio coverage is not available in some parts of the airspace, e.g. near ground or in mountainous areas. ANSPs may not be able to fully

comply with this provision.

response *Noted*

In class G airspace the services to be provided are 'alerting service' and 'flight information service'. It is agreed that radio coverage may not be possible close to the ground and in mountainous areas; however, this should not relieve the State from the responsibility to provide these services.

comment 25

comment by: *French State Aviation Authority*

**PARA**

**1.2**

The French MoD proposes to accept some derogation in regard of usual usage of airspace class A. Indeed, within huge TMA, it is unavoidable to allow VFR operations for aerial work, surveillance of pipelines... Moreover, State aircraft, which are obliged for operational or technical reasons to fly at or above 250 kt, shall be able to fly under VFR.

**Proposal** to have additional text on Class A  
After having been authorised by the competent ATS authority prior to the flight and after having obtained an ATS clearance, an aircraft flying under VFR can circulate in a class A airspace. In such case, competent State authority shall determine services to be applied between controlled flight.

**Proposal** to have additional text on Class A, C, D, E, G  
Nevertheless, State aircraft, which for operational or technical reasons have to fly at a higher speed, shall be allowed.

response *Not accepted*

As regards the comments relating to State aircraft, it should be noted that State aircraft are not covered by the present regulation, therefore **not accepted**.

As regards the proposal to allow VFR operations in class A airspace, it should be noted that control areas, such as TMAs and AWYs, extend upward from a specified limit above the earth and that the lower limit, in accordance with ICAO Annex 11, should not be at a height less than 200 m (700 ft) above the ground or water (Annex 11, 2.10.3.2 refers). Consequently, the operations referred to in the comment can be accommodated below the control area. **Not accepted**.

comment 33

comment by: *Finnish Transport Safety Agency (NSA)*

Finnish CAA supports clarification of the airspace classes. This can be achieved for example via reduction of the number of airspace classes and therefore also the promotion of the temporary aspect of class F airspace and possibly eventual removal of class F is a step into that direction.

response

*Noted*

It is noted that the proposal to make Class F airspace a temporary solution is supported.

comment

45

comment by: *CANSO*

#### 1.2.1 Classification of airspaces- Class A

The use of the classification of airspaces describing Class A is a major issue for some ANSPs which put some portions of their airspace in Class A where specific VFR flights are permitted under restricted conditions/ where ANSPs can refuse ATC clearance to VFR flights.

CANSO proposes to define the Class A as follows:

IFR only are permitted unless specific VFR flights (namely exempted VFR flights) are permitted by the competent authority.

#### 1.2.1 Classification of airspaces- Class C

CANSO agrees with the definition of Class C.

It is important to recall that the regulation No 730/2006 of 11 May 2006 on airspace classification and access of flights operated VFR above FL195 currently applies to the upper airspace of all European Member States.

#### 1.2.1 Classification of airspaces - Class C to G

CANSO recommends to repeat here the 2<sup>nd</sup> footnote of Appendix I Part B "*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*".

#### 1.2.2 Implementation of Class F shall be considered as a temporary measure

CANSO proposes to delete this provision and to stick to the spirit of the ICAO note:

*Note.— Where air traffic advisory service is implemented, this is considered normally as a temporary measure only until such time as it can be replaced by air traffic control..*

This provision should be placed in Guidance Material not in an Implementing Rule.

response

*Partially accepted*

1.2.1 Class A. **Not accepted.** It is considered necessary to retain the intended usage of Class A airspace to be exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of September 2011.

Class C. It is **noted** that CANSO agrees with the definition of Class C airspace.

Classes C–G. **Accepted.** Include reference to FL100 when the TA is lower than 3 050 m.

Class F. **Not accepted.** It is considered that the proposed provision is in the spirit of the ICAO note; the only difference is that a time limit is imposed.

comment 53

comment by: *DFS Deutsche Flugsicherung GmbH*

#### **Comment No. 1**

##### **Chapter 1.2.1 Class F**

Proposed wording of NPA 2011-02:

"ATC clearance is not required."

**This draft IR cannot be supported, even though it is in compliance with current ICAO Annex 11**

#### **Comment No. 2:**

##### **Chapter 1.2.2**

Proposed wording of NPA 2011-02:

"The implementation of Class F shall be considered as a temporary measure until such time as it can be replaced by alternative classification. Such temporary application of advisory service shall not exceed 3 years"

**This draft IR cannot be supported**

Current Annex 11 wording is as follows:

*"Note.— Where air traffic advisory service is implemented, this is considered normally as a temporary measure only until such time as it can be replaced by air*

*traffic control."*

There is no need for a stronger wording ("shall be considered" instead of "considered normally").

There is absolutely no need and no justification (e.g. by ICAO) to add an "Airspace F expiry time" of 3 years.

#### **Reason for both comments**

It is not understood why the Airspace Classification Toolbox as agreed by all stakeholders and Member States in Europe, based on an ANT work and decision, has not been taken over by SERA. Instead, another classification tools have been created which causes and reveals all discussions again.

As already mentioned in our comments to SERA Part A, airspace class F is a key element in German airspace structure. Class F, including notified deviations (increased VMC minima and ATC clearance requirement for IFR flights) in order to increase flight safety, is used for the protection of IFR flights at uncontrolled aerodromes (especially non commercial IFR flights with MTOW < 14 t). At present, 18 German aerodromes are based on this concept. CTRs are not appropriate in these cases and airspace G is not applicable (Due to safety reasons IFR flights in airspace G are not permitted in Germany).

**Therefore, we strictly reject the additional wording regarding the "Airspace F expiry time" of 3 years, which would explicitly remove the basis for 18 German aerodromes having successfully operated for many years.**

response *Not accepted*

Comment No 1. **Not accepted.** Class F airspace is **not** controlled airspace but 'advisory airspace', and as such there can be no requirement for an ATC clearance which presupposes the existence of controlled airspace.

Comment No 2. **Not accepted.** The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a

temporary measure only until such time as it can be replaced by air traffic control service.’.

It should be noted that the last sentence: ‘Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service’ dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that ‘... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.’. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: ‘As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.’.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 74

comment by: CAA-NL

#### Classification of airspaces

Next to the ICAO Airspace classifications and the concept of TMZ, the Netherlands are using the old ICAO concept of Special Rules Zones. Although the establishment of TMZ and RMZ is introduced in addition to the classification of airspace (1.2), it does raise the issue of the establishment of Special Rules Zones. The NL assumes that the establishment of such zones is part of airspace design and therefore remains as is. Should this not be the case, the NL is faced with a major safety problem.

**In addition to TMZ and RMZ the NL assumes that the existence of SRZ being, restricted areas (definition 100 part A), remain as is.**

response *Noted*

Although it has not been possible to find any reference to 'special rules zones' in historical ICAO documentation, it is still possible to establish restricted areas wherein restrictions on flights can be established by the competent authority.

comment

75

comment by: CAA-NL

Classification of airspaces- Class A

The use of the classification of airspaces describing Class A is a major issue for NL. Within the Amsterdam FIR some portions of Class A airspace are open for specific VFR flights, which are permitted by the competent authority under restricted conditions.

NL proposes to define the Class A as follows:

IFR only is permitted unless specific VFR flights (namely exempted VFR flights) are permitted by the competent authority.

NL has the opinion that this concept is clearer than the alternative: to convert these airspace to class C, in which VFR can ask for entry clearance, which will be denied most of the time. Within the current situation, VFR is forbidden to enter these airspaces, unless they have prior permission from the Dutch CAA. the common protection of class A against (unapproved) VFR remains firm. This situation is clear for all parties involved.

response *Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.

comment

76

comment by: CAA-NL

Communication requirement in class G



NL doesn't support the change of IFR communication requirements in class G airspace, from 'communication required' to 'communication capability required'. The reason is the conflict of self-separation via 'detect and avoid' and the possibilities of IFR traffic flying in IMC in uncontrolled airspaces. This requires a standard communication to improve the flight information service to IFR pilots and to support the situational awareness of IFR pilots regarding other IFR traffic in their neighbourhood.

In order to correct this change, all uncontrolled airspaces, in which IFR traffic can be expected, have to be declared being a RMZ.

response *Not accepted*

Although it is agreed that most IFR flights establish contact with the unit providing flight information service, there is no requirement for IFR flights to avail themselves of such service, neither is there a requirement to contact the flight information service. Therefore, it is the capability that is addressed. As regards RMZs, there is a requirement to **establish** a two-way communication.

comment

77

comment by: CAA-NL

Classification of airspaces –Class C to G  
NL recommends to repeat here the 2<sup>nd</sup> footnote of Appendix I Part B "*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*".

response

*Accepted*

The reference to FL100 when the TA is lower than 3 050 m will be included.

comment

78

comment by: CAA-NL

### 1.2.2

NL proposes to replace this provision to the Guidance Material and to stick to the spirit of the ICAO note, which does not define the time period of usage of class F airspace:

*Note. — Where air traffic advisory service is implemented, this is considered normally as a temporary measure only until such time as it can be replaced by air traffic control...*

Therefore this provision should not be time limited to 3 years, moreover the safe transition from non regulated airspace into regulated airspace can take a considerable period of time.

We support the ICAO wording that class F should be normally temporary. The idea

(see doc 4444) of class F is fill in the gap when FIS in class G will not meet the requirements of the operations and ATC is not (yet) possible. We foresee specific applications (low level off shore helicopter operations) in which the service of class F is a huge improvement over flight information service in class G and for the determination of the time period for change will not be possible due to several constraints (political, technical and licensing).

We also don't see the need of the change of regulations from a SES or safety point of view. The regulations within class F are ICAO standard and understandable for each user.

Doc 4444 also provides the possibility to the national regulators to require the usage of Air Traffic Advisory Service for IFR. In that case class F airspace does have an advantage above class G, in spite of the arguments used by EASA to mandate the temporary usage of class F airspace, and proposal to remove it.

According to ICAO guidelines class F airspace is a means for transition from uncontrolled airspace to controlled airspace. Therefore NL has the opinion that class F airspace cannot be removed from the SERA part B provisions.

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and

progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

88

comment by: ATCEUC

Comments for "draft part B (SERA)", especially on paragraph "1.2: **Classification of airspaces** "

My comments are mainly about the speed limitation of 250 kt below 10 000 ft for IFR aircraft flying in different airspaces.

In my opinion, speed limitation of 250 kts (below FL 100) must be binding in all airspaces.

It's more comfortable and safe for crew members to perform their approach at 250 kts than at high speed : in case of unexpected situations (or human mistake), a low speed gives you more time to react and/or adapt to the situation.

Moreover after a long flight, crew members are often tired and prefer to perform their approach at a low speed in order to have more time for check lists, ATC clearances, etc...I experienced many times that kind of situation in Paris airport, where crew members requested to reduce speed many NM before the IAF...

I clearly understand that 250 kts is linked to the mixed of vfr and ifr traffic in the same airspace but even in classe A you can have a "lost vfr, gliders, or military aircraft, etc.. ": that kind of incidents often happened in Paris airports vicinity (even if it's a A airspace), so you cannot tell that because you're in A airspace you don't have vfr traffic ( just you shouldn't have...).

Moreover, bird hazards could damage more severely an aircraft if you have high speed (well known problem in approach).

According to the landing configuration, if the IAF is closed to the runway, a high speed could lead to a non-stabilized approach. It's a well identified problem.

One more thing is to have the same speed restriction in all airspaces: it's easier for

everyone (pilots+ atco) to have the same rule in our mind and to respect it...

And my last comment will be to compare an approach for an aircraft with a car on a motorway: drive faster than the speed limit on a motorway and you'll gain a few minutes of course, but you 'll drastically increase risk and compromise your safety!!

This comment is not only based on my own experience as an atco but with also with this experience of commercial pilots I'm working with in France.

So my proposal is: to have 250 kts for ifr flights below flight level 100 in all airspaces= a restrictive regulation; and if you want a derogation (for example high speed approach at night) it can be possible with derogation granted after a safety assessment.

Exception: high speed approach is approved in all airspaces in case of emergency situation.

response *Not accepted*

The speed limitation to 250 kt in some airspace classes relates to the application of separation and the 'see and avoid' principle for self-separation. In airspace classes A and B all flights are separated by ATC, hence, no need for a speed limitation. In class C airspace IFR flights are separated from all other flights whilst VFR flights are not separated from each other — therefore, no speed limitation is required for IFR flights, only for VFR. Impose a speed limit in classes where it is not necessary to support the 'see and avoid' principle would reduce the number of tools available for ATC to expedite the traffic. It must be noted that in controlled airspace the ATC clearance is to be elaborated and used in order to ensure full safety within the airspace concerned.

comment *103*

comment by: *LVNL*

Definitions of Annex 11 and "flight requirements" (Annex 11- appendix 4) have been merged. This results into a number of duplications: Flights which receive ATC service will be subject to an ATC clearance. The description of "traffic avoidance advice request" next to "traffic information" as Air Traffic service, while according to the definition, the service of "traffic information" already includes "traffic avoidance advice request".

response *Noted*

It was considered beneficial to retain the appendix for easy reference as to the requirements in the different classes. The definition of 'traffic avoidance advice' will be added to the draft IR.

comment	104	comment by: LVNL
response	<p>Next to the ICAO Airspace classifications and the concept of TMZ, the Netherlands are using the old ICAO concept of Special Rules Zones (SRZ). Although the establishment of TMZ and RMZ is introduced in addition to the classification of airspace (1.2), it does raise the issue of the establishment of an SRZ. LVNL assumes that the establishment of such zones is part of airspace design and not rules of the air. LVNL assumes that the existence of an SRZ, being a restricted area (definition 100 part A), remains as is. Should this not be the case, then LVNL is faced with a major safety problem.</p>	
response	<p><i>Noted</i></p> <p>Although it has not been possible to find any reference to 'special rules zones' in historical ICAO documentation it is still possible to establish restricted areas wherein restrictions on flights can be established by the competent authority.</p>	
comment	105	comment by: LVNL
response	<p>The use of the classification of airspaces describing Class A is a major issue for LVNL. Within the Amsterdam FIR some parts of Class A airspace are open for specific VFR flights, conditionally permitted by the competent authority. LVNL proposes to define the Class A as follows: IFR only is permitted unless specific VFR flights (namely exempted VFR flights) are permitted by the competent authority. This concept is more clear than the alternative: to convert these airspace to class C, in which VFR can ask for entry clearance, which will be denied most of the time. Within the current situation, VFR is forbidden to enter Class A airspace, unless they have prior permission from the Dutch CAA. The common protection of class A against (unapproved) VFR remains firm. This situation is clear for all parties involved.</p>	
response	<p><i>Not accepted</i></p> <p>It is considered necessary to retain the intended usage of Class A airspace to be exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.</p>	

comment	106	comment by: LVNL
response	<p>LVNL doesn't support the change of IFR communication requirements in class G airspace, from 'communication required' to 'communication capability required'. The reason is the conflict of self-separation via 'detect and avoid' and the possibilities of IFR traffic flying in IMC in uncontrolled airspaces. This requires a standard communication to improve the flight information service to IFR pilots and to support the situational awareness of IFR pilots regarding other IFR traffic in their neighbourhood. In order to correct this change, all uncontrolled airspaces, in which IFR traffic can be expected, must be declared an RMZ.</p>	
response	<p><i>Not accepted</i></p> <p>Although it is agreed that most IFR flights establish contact with the unit providing flight information service, there is no requirement for IFR flights to avail themselves of such service, neither is there a requirement to contact the flight information service. Therefore, it is the capability that is addressed. As regards RMZs, there is a requirement to <b>establish</b> a two-way communication.</p>	
comment	107	comment by: LVNL
response	<p>Class C to G: LVNL recommends to repeat here the second footnote of Appendix I Part B "<i>When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft</i>".</p> <p><i>Without this added text in these IR's, this option will not be legally possible.</i></p>	
response	<p><i>Accepted</i></p> <p>The reference to FL100 when the TA is lower than 3 050 m will be included.</p>	
comment	108	comment by: LVNL
	<p>"Implementation of Class F shall be considered as a temporary measure until such time as it can be replaced by air traffic control."</p> <p>LVNL proposes to delete this provision and to stick to the spirit of the ICAO note, which does not exclude a non-temporary usage of class F airspace:</p> <p><i>Note. — Where air traffic advisory service is implemented, this is considered normally as a temporary measure only until such time as it can be replaced by air traffic control...</i></p> <p>This provision should be placed in Guidance Material and not in an Implementing Rule.</p> <p>LVNL supports the ICAO wording that class F should normally be a temporary</p>	

measure. A possible permanent use of Class F airspace requires a good foundation by the ANSP. The idea (see doc 4444) of class F is to fill in the gap when FIS in class G will not meet the requirements of the operations and ATC is not (yet) possible. We foresee specific applications (low level off shore helicopter operations) in which the service of class F is a huge improvement over flight information service in class G and for which ATC will not be possible due to several constraints (political, technical and licensing).

We also don't see the need of the change of regulations from a SES or safety point of view. The regulations within class F are ICAO standard and understandable for each user.

Doc 4444 also provides the possibility to the national regulators to require the use of Air Traffic Advisory Service for IFR. In that case class F airspace has an advantage above class G, in spite of the arguments used by EASA to mandate the temporary usage of class F airspace, and the EASA proposal to remove class F.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision

of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 109

comment by: LVNL

Sub 1.2.2 "Such temporary application of advisory service shall not exceed 3 years."

The rationale of the introduced maximum duration of 3 years is unclear. Although ICAO recommends a limited duration, it does not specify the duration of it. An intended transition from FIS-only to ATC could easily extend this period. This maximum duration is also unnecessary. The concept of class F airspace is well defined, and if it fits into SESII for 3 years, it should also fit for a longer period.

response *Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in



the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

126

comment by: NATS

**1.2.1** (Pages 29-30) This paragraph contains duplicate requirements to those in the Table in Appendix 1 to Part B. While we acknowledge this is how ICAO presents these requirements we question whether it meets the requirements of legal certainty for EU law. If not, NATS recommends that the Table in Appendix 1 be retained (subject to the comments below) and paragraph 1.2.1 amended to refer to the table with wording such as:  
"1.2.1 States shall, as appropriate to their needs, designate airspace in accordance with the airspace classifications as defined in Appendix 1."

response

*Not accepted*

It is agreed that there is some duplication; however, it was considered beneficial to retain the appendix for easy reference as to the requirements in the different classes.

comment

131

comment by: NATS

**1.2.1** **Class** **A**  
We note that this proposal will generate implementation issues for the UK.

**1.2.1 Class D/E**

Losing the ability to cancel the speed restriction for IFR traffic would require changes for some operators of some Heavy aircraft who currently require 270kts to fly some SIDs in a more flight-efficient configuration. Note that there is a trade off for operators between safety (slow speed) and flight efficiency/fuel burn (a clean aircraft is more efficient but must fly faster).

NATS therefore suggests changing the text to:

"a speed limit of 250kts IAS applies to all **VFR** flights below 3 050 m"

**1.2.1** In a CTR, the flight visibility may be 4km which is below VMC and so aircraft requires a SVFR clearance. Helicopter in same CTR may fly VFR with same visibility.

Clarification is requested on ATC's responsibility for separation where there is a mix of VFR and SVFR flights in the same CTR. Also, there is no reference to the requirement to separate SVFR from other SVFR flights as required under 2.1.1c).

response

*Not accepted*

Class A. **Noted.** More information is needed on which are the foreseen implementation issues.

Class D/E. **Not accepted.** The reason for the speed limit for IFR flights in airspace classes D and E is that, in relation to VFR flights, IFR flights are required to apply the 'see and avoid' concept since separation to VFR is not provided by ATC.

CTR. **Not accepted.** The VMC minima for flight visibility are the same for all aircraft (see e.g. SERA Part A, paragraph 4.2). Consequently, there cannot be special VFR and VFR flights in the same airspace at the same time. The requirement to separate SVFR flights from each other is expressed in paragraph 2.2.2 d).

comment

166

comment by: CNFAS

Some particular VFR flights need to fly in VFR in Class A airspaces. More permissive classes do not allow to refuse all VFR except those who have obtained a permission.

So, some exemptions should be granted.

*Class A. IFR flights only are permitted, all flights are provided with air traffic*

control service and are separated from each other. Continuous air-ground voice communications are required for all flights. All flights shall be subject to ATC clearance.

If an exemption has been granted by the competent air traffic authority and after having been cleared by ATC, an aircraft in VFR flight may enter class A controlled airspace. In this case:

- A separation is provided between this VFR flight and IFR flights
- A traffic information on all other cleared VFR flights is provided to this VFR flight.

response *Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.

comment

176

comment by: *UK General Aviation Alliance*

Comment 176

Part B Para 1.2.1, subheading Class A Airspace.

VFR flight prohibited in Class A airspace.

In some of the EU and elsewhere in the World, VFR flight is permitted in Class A airspace notwithstanding the ICAO definition. VFR access to Class A airspace is sometimes needed for some sporting events such as parachuting, gliding and ballooning. Today, States can issue an exemption to permit this but will not be able to do so once EU law is enacted unless provision is made here

SERA Part A makes provision in its Para 3.9.1 for VFR minima for flight in Class A airspace where permitted. Therefore para 1.2.1 should include provision for VFR flight in Class A airspace otherwise Part B will contradict Part A. If States are unable to agree to do this, a phrase such as "except where prescribed by the competent authority" will be needed to allow sporting access to Class A airspace where Special VFR is not authorised.

response *Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011. Furthermore, the inclusion of VMC minima in Part A Table 3-2 is in accordance with the note under \*\*\* in the table ‘... included for guidance to pilots and do not imply acceptance of VFR flights in Class A airspace’.

comment 177

comment by: *UK General Aviation Alliance*

Comment 177

Part B Para 1.2.1 subheading Class A Airspace.

Air-ground voice communications required in Class A airspace

Activities such as parachuting, ballooning and gliding occur in Class A airspace throughout the EU using exemptions and clearances even though the participants cannot always comply with a requirement for continuous (or even any) air-ground voice communications. Provision needs to be made for these activities either here in Para 1.2.1 or elsewhere in SERA Part B.

response

*Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.

comment 178

comment by: *UK General Aviation Alliance*

Comment 178

Part B Para 1.2.1 subheading Class B Airspace.

Air-ground voice communications required in Class B airspace

Activities such as parachuting, ballooning and gliding occur in Class B airspace throughout the EU using exemptions and clearances even though the participants cannot always comply with a requirement for continuous (or even any) air-ground voice communications. Provision needs to be made for these activities either here in Para 1.2.1 or elsewhere in SERA Part B.

response *Not accepted*

It is considered necessary to retain the intended usage of Class B airspace as airspace where all flights are separated from each other. Other solutions should be sought for the acceptance of flights with no communication capabilities into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14.1 of the EASA Basic Regulation)]. This will be further explained in the workshop on the 19th of September 2011.

comment 179

comment by: *UK General Aviation Alliance*

Comment 179

Part B Para 1.2.1 subheading Class G Airspace.

All IFR flights shall be capable of establishing air-ground voice communications.

This is inconsistent with SERA Part A. ICAO Chapter 11 does not require aircraft operating IFR in class G airspace to be capable of establishing air-ground communications as proposed by this paragraph. This issue was argued strongly during the consultation of SERA Part A and we maintain our position that this is not required. As Part B is currently drafted, an aircraft operating IFR in Class G airspace must have a radio but does not need to switch it on. Therefore you accept that communication by these aircraft in Class G airspace is not required. If communication is not required, mandating the carriage of a capability is perverse and completely pointless. The paragraph should reflect ICAO Annex 11 by stating "*Class G. IFR and VFR flights are permitted and receive flight information service if requested.*"

response *Not accepted*

It should be noted that, in accordance with ICAO Annex 11 Appendix 4, 'continuous two-way communication' is required for IFR flights in airspace Class

G. The inclusion of the word 'capability' in this Implementing Rule only indicates that an IFR flight is not required to establish communication with a FIS unit.

comment

180

comment by: *UK General Aviation Alliance*

Comment 180

Part B Para 1.2.2 Implementation of Class F Airspace.

Class F airspace time limited to 3 years.

As we stated in our comment 5, the alignment with ICAO should be preserved whenever possible so Class F airspace should be retained as a category in SERA Part B. Pilots involved in international air transport have to be familiar with operation in Class F and States to not have to implement it if it is not appropriate to their circumstances. Applying a notional timescale to this such approval serves no purpose and should be deleted.

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by

controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 192

comment by: *Julian Scarfe*

[PPL/IR comment 2]

*1.2.1 Class F and G... and all IFR flights shall be capable of establishing air-ground voice communications.*

SERA Part A draft requires:

*5.3.2.1 An IFR flight operating outside controlled airspace but **within or into areas, or along routes, designated by the Competent Authority in accordance with 3.3.1.2. c) or d)** shall maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service.*

It is pointless to require the flight to be **capable** of establishing air-ground voice communications unless it is **required** by Part A to **establish** air-ground voice communications. The requirement does not appear in Annex 11, and must be deleted from SERA Part B.

response *Not accepted*

It should be noted that, in accordance with ICAO Annex 11 Appendix 4, 'continuous two-way communication' is required for IFR flights in airspace Classes F and G. The inclusion of the word 'capability' in this Implementing Rule only indicates that an IFR flight is not required to establish communication with an ATS unit.

comment

193

comment by: *Julian Scarfe*

[PPL/IR comment 3]

*1.2.2 Implementation of Class F shall be considered as a temporary measure until such time as it can be replaced by alternative classification. Such temporary application of advisory service shall not exceed 3 years.*

In areas where traffic density does not justify controlled airspace, class F may serve a useful purpose. An advisory service may be available to flights in class G airspace, but its provision is very often ad hoc. Class F contains an obligation on ATC to provide an advisory service to IFR flights as far as it is practicable, and the pre-flight knowledge of the likely availability of an advisory service is useful for the operator and pilot in risk management. While ICAO appears to dislike class F airspace, it has an important role to play in flight safety.

*Delete this.*

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII,



paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that ‘... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.’. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: ‘As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.’.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 214

comment by: *Aura MARCULESCU*

1.

### **1.2.1 Classification of airspaces - Class A**

The use of the classification of airspaces describing Class A is a major issue for those ANSPs which put some portions of their airspace in Class A where specific VFR flights are permitted under restricted conditions/ where ANSPs can refuse ATC clearance to VFR flights.

We propose to define the Class A as follows:

IFR only are permitted unless specific VFR flights (namely exempted VFR flights) are permitted by the competent authority.

2.

### 1.2.1 Classification of airspaces - Class C

It is important to recall that the regulation No 730/2006 of 11 May 2006 on airspace classification and access of flights operated VFR above FL195 currently applies to the upper airspace of all European Member States.

3.

### 1.2.1 Classification of airspaces – Class C to G

The second footnote of Appendix I Part B is recommended to be repeated here - "*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*".

4.

### 1.2.2 Implementation of Class F shall be considered as a temporary measure

This provision should be deleted and stick to the spirit of the ICAO note:

*Note.— Where air traffic advisory service is implemented, this is considered normally as a temporary measure only until such time as it can be replaced by air traffic control.*

This provision should be placed in Guidance Material, not an Implementing Rule.

response *Partially accepted*

1. **Not accepted.** It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of September 2011.

2. **Noted.**

3. **Accepted.** Include reference to FL100 when the TA is lower than 3 050 m.

4. **Not accepted.** The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be

implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'.

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

228

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.Text proposed for deletion is ~~strokethrough~~.Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response *Noted*

comment 240

comment by: AENA

1.2.2

AENA supports the temporary application of advisory service for up to three years, unless there are compelling reasons to extend it.

response *Noted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are

inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

309

comment by: DGAC

France thinks that it is unavoidable to admit, in special cases, VFR flights in class A airspace, by means of a derogation and clearance obtained from ATS.

**Rationale :**

· The present French regulatory framework :

Today, France allows VFR flights in class A airspace by means of a derogation obtained from the ATS, prior to the flight.

For authorised VFR flights, the air traffic services provided in class A airspace are:

- VFR / IFR separation
- VFR / VFR traffic information

For VFR in class A airspace, a 250 kt speed limitation is imposed to allow the "see and avoid".

VMC minima in class A are defined to be the same as in class B, C, D, E.

Class A airspace penetration for authorised VFR flight is subject to clearance.

· Possibility offered by the French regulatory framework :

In France, class A is used in Paris CTR (SFC/2500ft) and TMA (2500ft/FL135) in order to protect IFR traffic flows from / to main Parisian airports (LFPG / LFPB and LFPO).

In 2010 it represented more than 830 000 IFR flights.

Due to the wide geographic extension of Parisian class A airspace, there exists an interference with zones where specific activities, by nature, must be carried out under VFR conditions.

For example (non exhaustive list), these VFR activities are:

- aerial work,
- photographic missions,
- surveillance of gas pipelines,
- medical flights,
- VFR flights departing / arriving from / to Parisian heliports or from / to Le Bourget (LFPB).
- civil defence missions, security missions (but these last activities can get exemptions from SERA's provisions - c.f. article 4).

In 2010, for example, Orly (LFPO) has had to manage 209 specific VFR missions. This kind of VFR activity is inevitable.

In concrete terms, when a VFR activity has to be planned within class A airspace, the requesting pilot has to send a complete description of his mission to the ATS unit. The ATS unit can impose restrictions to the mission, accept or refuse it after evaluating its safety impact on other flights.

When accepted, a note is passed on to the supervisor in order to describe the mission's characteristics and to give to the ATCO on duty the appropriate instructions and information to handle the traffic safely. In real time, if operational conditions require so, the VFR activity can always be cancelled or stopped.

The present French regulatory framework and associated procedures allows to fulfil IFR and VFR user needs while maintaining a high level of safety.

Changing such a complex system should be done very carefully and would require attentive and deep safety analysis.

Possible solutions within the SERA B regulatory framework :

Within the proposed SERA B regulatory framework very few solutions exist to allow specific VFR activities in Parisian region (it is not possible to even imagine stopping these VFR activities).

These solutions are:

>>> Use globally or partly class B or C airspace instead of class A:

The possible use of a class B or C airspace instead of Class A would not offer the same level of protection, as it would allow all VFR flights to ask for a clearance in order to enter the airspace.

This would create a VFR attraction, as VFR are allowed in a class B or C airspace.

To give an idea of the VFR traffic density in the Parisian region, Lognes (LFPL) aerodrome counts more than 100 000 VFR flights per year.

There is a dozen of such crowded VFR aerodromes close to Paris Class A CTR !

The only protection for ATS would then be to refuse systematically the entrance clearance, which would

- be a severe misuse of the ICAO airspace classes
- induce confusion and frustration among VFR pilots,
- radically increase ATCO workload and frequency load.

>>> In order to try to decrease the induced ATCO workload and frequency load, one can imagine to protect such a class B or C airspace with a restricted area (R area) prohibiting this area to VFR flights unless exempted. This would neither be a correct solution since it would:

- increase maps complexity and then, decrease their legibility
- maintain the risk of misunderstanding by the VFR pilots,
- be again a misuse of ICAO class B or C airspace.

It's very likely that the previously identified side effects would significantly degrade the overall system safety level.

At this point, it's interesting to note that, in 2010, 78 events were counted in class A airspaces involving unauthorised VFR flights. When analyzing causes of these events, one can see that 18 (23%) were due to a lack of airspace comprehension by VFR pilots, mainly because of airspace's complexity. Increasing this complexity is likely to increase the number of such safety events.

Consequently, a proper safety assessment might not allow such a change.

>>> Substitute a restricted area for class A airspace:

The idea is to define the restricted area so as to recreate from scratch the present conditions of using class A airspace

As always with restricted areas, this solution leads to a higher complexity for VFR pilots (restricted area penetration conditions are not specified on the VFR map but in a separate text book) with a risk of misunderstanding by the VFR pilots.

Furthermore, due to the French mandatory process to change permanent airspace structures, such a change would imply to enter a very heavy and long process.

Whatever the solution chosen within the SERA proposed regulatory framework, France would have to stop using class A and would find alternative solutions that are likely to increase complexity and degrade safety level.



We propose the following text :

"After having been exempted by the competent authority and after having obtained an ATS clearance, an aircraft flying under VFR can circulate in a class A airspace."

We could then allow the competent authority of the State to determine what service is received in such a case. It should probably not be less than a control service.

Note that such a VFR is considered as a controlled flight (potential impact on §2.1 and §2.2.2 a) of the proposed text.

response *Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14.1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of September 2011.

comment 312

comment by: DGAC

1) An action plan, promoted by the French NSA in coordination with air operators, DSNA and BEA, was adopted in 2005, aiming at mitigating the occurrence of non stabilised approaches. One of the actions decided was the generalisation of the 250 kts speed limitation under FL100, to all class of airspace.

The proposition of SERA Part B contradicts this action.

2) If the change proposed by France is not included in SERA, France wishes to keep the possibility to impose this rule over its own territory, at least for arriving aircraft :

- via aeronautical information publication (STARs, AIP ARR/DEP) for pilots.
- via a DSNA order for ATCOs.

3) We believe this would not contradict SERA.

Rationale :

Non stabilised approaches are a recurrent cause of incidents and accidents during the arrival phase. One of the main factors of the occurrence of non stabilised approaches is an excessive speed during the approach phase. The action plan adopted in 2005 put forward the speed limitation under FL100 as a solution.

The 250 kt speed limitation also :

- minimizes the impact of avian collision,
- permits a better time of reaction in the event of avoiding another aircraft (and allows for easier visual separation),
- reduces cases of TCAS alarm release,
- is consistent with the present ICAO RCF procedure in VMC (aircraft has to maintain VMC, low speed facilitates "see and avoid").

We propose the following text :

*"In all airspace classes, a speed limitation of 250 kt IAS applies to all flights below 3 050 m (10 000 ft) AMSL. When the height of the transition altitude is lower than 3 050 m (10 000 ft) AMSL, FL 100 should be used in lieu of 10 000 ft."*

response *Partially accepted*

As regards the proposal to change the systematic speed limitations: ***not accepted***. The speed limitation to 250 kt in some airspace classes relates to the application of separation and the 'see and avoid' principle for self-separation. In airspace classes A and B all flights are separated by ATC — hence, no need for a systematic speed limitation. In class C airspace IFR flights are separated from all other flights whilst VFR flights are not separated from each other — therefore, no speed limitation is required for IFR flights, only for VFR. Imposing a speed limit in classes where it is not necessary to support the 'see and avoid' principle would reduce the number of tools available for ATC to expedite the traffic. It must be noted that in controlled airspace the ATC clearance is to be elaborated and used in order to ensure full safety within the airspace concerned.

However, the reference to FL100 when the TA is lower than 3 050 m is ***accepted***.

comment 314

comment by: DGAC

It is necessary to relax the speed limitation under FL100/10,000' for particular aircrafts.

Rationale :

Some aircraft are not able to maintain a speed lower than 250 kts.

We propose the following text :

*...250 kts max "except for aircraft unable to maintain this speed due to technical reasons."*

response *Not accepted*

The SERA Part B proposal is directly copied from the ICAO Annex11 provisions on the subject of speed limitation related to the class of airspace. There is no sufficient justification or significant notified difference to support exemptions to the speed limitation.

comment

315

comment by: DGAC

The text should take into account the fact that the transition altitude is often lower than 10,000'.

Rationale :

The transition altitude is often lower than 10,000'.

We propose the following text :

*"When the height of the transition altitude is lower than 3 050 m (10 000 ft) AMSL, FL 100 should be used instead of 10 000 ft."*

response

*Accepted*

A reference to FL100 when the TA is lower than 3 050 m will be included.

comment

318

comment by: UK CAA

**Page No:** 29

**Paragraph No:** 1.2.1

**Comment:**

Reversion to the text at Annex 11 Chap 2 para 2.6.1 is strongly advocated as the descriptions of the airspace classifications in this paragraph are overly complicated. Conversely, the table at Appendix 1 is very easy to understand. Note that, unlike ICAO Annex 11 para 2.6.3 which refers readers to the table at Annex 11 Appendix 4, the reader of SERA Part B is not directed to the equivalent Appendix 1. In addition, the textual descriptions are at fault in that each fails to refer to the use of FL100 where the Transition Altitude is below 10,000 ft amsl, whereas this is addressed in Appendix 1.

It is essential to note that higher or lower speed limitations are appropriate in certain airspace environments or to more appropriately reflect aircraft performance. This needs to be fully and explicitly addressed in the IR.

Furthermore, there is no reference to the requirements at paras 2.1.1 and 2.2.2 regarding separation from (and/or between) Special VFR, however it is recognised that this is a product of transposition as it reflects ICAO Annex 11.

Finally, Paragraph 1.2 transposes each airspace classification as described in ICAO Annex 11 Chapter 2, however the supporting note after Annex 11 para 2.6.3 has not been transposed. Given that there is no specific reference to the note in the Part B NPA Explanatory Material, we have assumed that the note will be transposed into SERA as Guidance Material.

**Justification:**

The descriptions of the airspace classifications in this paragraph are overly (and unnecessarily) complicated, incomplete and open to misinterpretation. Reversion to the text within ICAO Annex 11 is necessary, with reference made to Appendix 1. In addition, the use of FL100 where appropriate is reflected in Appendix 1.

Losing the ability to cancel the speed restriction for IFR traffic would require changes for some operators of some Heavy aircraft who currently require 270kts to fly some SIDs in a more flight-efficient configuration. Note that there is a trade off for operators between safety (slow speed) and flight efficiency/fuel burn (a clean aircraft is more efficient but must fly faster).

No reflection of SVFR provisions at para 2.1.1 and 2.2.2.

**Proposed Text:**

Revert to text at Annex 11 Chap 2 para 2.6.1 and see UK CAA comment against Appendix 1.

Transpose material on speed control contained within ICAO Doc 4444 into SERA Part C.

response *Partially accepted*

**Not accepted.** Regarding the first point it should be noted that reference is made to Appendix 1 in the main text of paragraph 1.2.1. Furthermore, it is considered that the text reflects more accurately the requirements than that of ICAO Annex 11. However, the reference to FL100 when the TA is lower than 3 050 m is **accepted**.

Regarding the second point, the speed limitation to 250 kt in some airspace classes relates to the application of separation and the 'see and avoid' principle for self-separation. In airspace classes A and B all flights are separated by ATC — hence, no need for a speed limitation. In class C airspace IFR flights are

separated from all other flights whilst VFR flights are not separated from each other — therefore, no speed limitation is required for IFR flights, only for VFR. The SERA Part B proposal is directly copied from the ICAO Annex11 provisions on the subject of speed limitation related to the class of airspace. There is no sufficient justification or significant notified difference to support exemptions to the speed limitation.

Regarding the third point it is not considered necessary to cover the case of special VFR within the airspace classification but only in the SVFR provisions.

Regarding the final point, it is intended that the note under ICAO Annex 11, 2.6.3, be transposed into guidance material.

comment

383

comment by: *Aero-Club of Switzerland*

Classification of airspaces: In Switzerland classes A and B do not exist. We know, however, that in EU and other airspaces VFR flights are permitted in these classes. So please include such provisions in Part-B, with functional radio communications requirements.

Justification: In permitting VFR flights in airspaces A and B you could create room for gliders (e.g. glider segregated areas)

And:

Please respect the ICAO provisions for IFR and VFR flights in airspace G which are permitted and receive flight information service if requested.

Justification: In doing so possible confusion is avoided.

response

*Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of September 2011. In class B airspace VFR flights are permitted in accordance with the rules. The proposed IR does not change any of the provisions relating to flight in Class G airspace as compared to ICAO.

comment

393

comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

Class C: This means an additional workload for ATC units and would in some cases mean, that current procedures to allow VFR flights to operate in VMC in airspace C have to be reconsidered.

response

*Not accepted*

VFR flights continue to be allowed in Class C airspace.

comment

394 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

Class C:  
that would mean, that also PARA flights would need an ATC clearance while operating within airspace C.  
Currently there is only an approval necessary for those flights.

response

*Not accepted*

In Class C airspace separation is to be provided between IFR and VFR flights, which is in accordance with the present rules.

comment

395 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

Class D:  
This means an additional workload for ATC units and would in some cases mean, that current procedures to allow VFR flights to operate in VMC in airspace D have to be reconsidered.

response

*Not accepted*

The rules regarding operations in Class D airspace have not been changed as compared to the present situation.

comment

396 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

Class D:  
currently those flights don` t have to be on a control frequency. Avoiding advices in airspace D are changing the current ATC clearance, but THAT has to be done by ATC on a control frequency. It is therefore not acceptable, that ALL VFR Flights operating within airspace D will, though on request only, get avoidance advices from ALL other flights.

response

*Not accepted*

The rules regarding operations in Class D airspace have not been changed as

compared to the present situation.

comment

397 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

Class E

that would mean, that also PARA flights would need an ATC clearance while operating within airspace D.

Currently there is only an approval necessary for those flights.

response

*Not accepted*

The rules regarding operations in Class E airspace have not been changed as compared to the present situation. Para flights operating VFR do not require a clearance yet.

comment

411

comment by: *SWISS AERODROMES ASSOCIATION*

<![endif]-->

Comments on Part. B, Chapter 1, Item 1.2.1, page 30.

The Draft proposes additional requirements for all Airspace Classes, which are not prescribed by ICAO in its Airspace Classes definition and are not demonstrated as necessary. From the point of view of regional aerodromes, these supplementary requirements and their potential associated costs are not proportionate.

response

*Not accepted*

The requirements relating to airspace classes are not different than those of ICAO, except that they are more explicitly explained.

comment

412

comment by: *SWISS AERODROMES ASSOCIATION*

Comments on Part. B, Chapter 1, Item 1.2.2, page 30.

We refer to our comment on Item 63, pages 14 and 15, fourth bullet of Chapter 1 and disagree with the proposal to remove ICAO Class F airspace from the SERA



Part B provisions.

Class F airspace has shown its justification in Germany for instance and there is no demonstrated reason to reduce the ICAO-list of possible airspace structure in Europe. No Safety related issue requires such a restrictive step. Class F should therefore be maintained, without any time limitation. Regional aerodromes/specific situations and the growing possibilities of using new technology-based approaches without need to rely on local ATM require to keep the variety and choice of Airspace classes open.

response *Partially accepted*

It is agreed not to remove class F airspace from the list of airspace classes; however, as regards the time limit proposed, the notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary

experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

416

comment by: *IDRF e.V. (association of regional airports)*

#### 1.2.2 Class F as a temporary measure:

Due to limited capacity of the small entities of ERAC (european regional aerodromes community), we were not able to coordinate a full comment document. Therefor some national associations have to comment individual. We know, agree and support the comments of AOPA Germany and the Swiss Aerodromes Association.

Furthermore it has to be stated, that ICAO-SARPs do not require a specific time-limitation for airspace F. A limitation like the proposed 1.2.2-text, which harms presently at least 19 german aerodromes and create unnesseccary burden for further development of active flight safety at all european aerodromes, cannot be implemented just on basis of a note within ICAO Annex 11 without any justification.

In germany the airspace F-concept works since 17 years properly and there is no evidence of a limited level of safety, which can be solved by time-limitation.

A better choice for an appropriate airspace-structure is to take into account the kind, quality and density of traffic within the respective airspace and at the adjacent aerodrome.

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that ‘... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.’. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: ‘As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.’.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment

421

comment by: *Luca Valerio Falessi*

The use of the classification of airspaces describing Class A is a major issue for State which put some portions of their airspace in Class A where specific VFR flights are permitted under restricted conditions/ where ANSPs can refuse ATC clearance to VFR flights.

ENAC proposes to define the Class A as follows:

IFR only are permitted unless specific VFR flights (namely exempted VFR flights) are permitted by the competent authority.

response

*Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14.1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of

September 2011.

comment

430

comment by: *René Meier, Europe Air Sports*

Pages 29 and 30

1.2 Classification of airspaces

1.2.1 States shall...

Class A. The Agency proposes that no VFR flights shall be permitted in this airspace class, VFR flights being prohibited.

Our view: VFR flights should be permitted in Class A airspaces, in segregated areas.

Justification: SERA Part-A makes provisions for such a solution, under para 3.9.1. SERA Part-B should not contradict Part-A.

Continuous air-ground voice communications required for all flights in Class A and Class B airspaces.

The Agency proposes that uninterrupted communication is established.

Our view: Gliding and parachuting occur throughout Europe in Class A and in Class B airspace using exemptions and/or clearances even when these stakeholders are not always in a position to comply with the requirement in place. Provisions should be made available for the continuation of these activities.

Justification: What is permitted now shall not disappear simply because of the creation of new rules.

Class G airspace

The Agency proposes that all IFR flights shall be capable of establishing air to ground voice communications.

Our view: The sentence "IFR and VFR flights are permitted and receive flight information service if requested" covers all the needs.

Justification: We believe to see here a contradiction to the relevant provisions of ICAO Annex 11.

response

*Not accepted*

It is considered necessary to retain the intended usage of Class A airspace exclusively for IFR flights. Other solutions should be sought for the acceptance of any VFR flights into a certain volume of airspace [e.g. for usual operations a re-classification or establishment of a TSA/TRA, for unusual operations the application of draft article 4 of SERA IR, and for unexpected circumstances the application of draft article 3 of SERA IR (Article 14. 1 of the EASA Basic Regulation)]. This will be explained further in the workshop on the 19th of September 2011. This also applies to class B airspace. The proposed IR does not change any of the provisions relating to flight in class G airspace as compared to ICAO; they just detail further the provisions based on the content of the Appendix 4.

comment

431

comment by: René Meier, Europe Air Sports

Page

30

1.2.2 Implementation of Class F airspace as a temporary measure...

Our view: Airspace Class F should be retained as a permanent category in SERA Part-B. No time restriction should apply.

Justification: Any timescale is not necessary, pilots involved are trained to deal with the conditions of operation within this airspace class and no State will be obliged to create a Class F airspace if the circumstances do not permit such an airspace.

response

*Not accepted*

The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediary* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'

It is considered that the proposed IR relating to advisory airspace reflects the

intentions of ICAO when introducing this class of airspace into the ICAO provisions.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.3 Requirements for communications and SSR transponder** p. 31

comment

16

comment by: *HungaroControl Hungarian ANS Pte. Ltd. Co.*

In a TMZ „all flights” are required to carry a transponder. There should be an option to prescribe transponder obligation based on type of flight as well. In some cases it is necessary to exempt certain aircraft only.

response

*Not accepted*

The intention is the have the same transponder requirement for all flights.

comment

37

comment by: *Finnish Transport Safety Agency (NSA)*

1.3.1

Regarding RMZ, there should be a possibility for the competent authority to accept local procedures which in exceptional cases allow individual flights to enter RMZ without radio equipment.

Currently RMZ is defined as an airspace wherein the carriage and operation of radio equipment is mandatory and as such does not allow any exceptions. This requirement is more stringent than what the requirements for communication are in controlled airspace as far as aerodrome traffic is concerned (ATC may allow aircraft without radio in aerodrome traffic, i.e. fly in traffic circuit or enter or leave the traffic circuit, which we interpret as including the entire control zone), and that should not be the case.

In some airports the volume of traffic may fluctuate and at times be such that aircraft without radio equipment can be accommodated without risk although designation of the particular airspace as RMZ is otherwise necessary.

**ADD text at the end of 3.1.1 : ", except as may be prescribed by the competent authority in respect of aircraft forming part of aerodrome traffic."**

1.3.2

Regarding TMZ, there should be a possibility for the competent authority to accept local procedures which in exceptional cases allow individual flights to enter

TMZ without a transponder.

Currently TMZ is defined as an airspace wherein the carriage and operation of pressure-altitude reporting transponders is mandatory. The requirement is too stringent. For example volume of traffic may fluctuate and at times be such that flights can be allowed to enter TMZ without a transponder.

**ADD text at the end of 1.3.2.1: ", except as may be prescribed by the competent authority."**

response *Partially accepted*

The RMZ should not be linked to aerodrome traffic. However, see response to comment No 320 where alternative text is proposed.

comment

46

comment by: *CANSO*

### 1.3 Requirements for communications and SSR transponder

These provisions added in SERA Part B which are not part of ICAO SARPS are of great added value even if it leads to some adaptations at national level.

#### 1.3.1.1 Radio Mandatory Zone

For better clarity, this provision should be re-worded as follows:

"... shall maintain continuous voice ~~air-ground~~ communication watch and establish two way ~~air-ground~~ communication, as necessary, ..."

#### 1.3.2.1 Transponder Mandatory Zone

Paragraph 1.3.2.1 should be reworded in consistency with paragraph 1.3.1.1. CANSO proposes the following rewording:

1.3.2.1 ~~For a~~ **All** flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ **shall carry and operate** SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required~~

response *Partially accepted*

1.3.1.1. **Not accepted.** The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained.

1.3.2.1. **Accepted.** The proposed wording is considered to be an improvement of the present text. Therefore, an amendment is proposed as follows: ~~For~~All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ shall carry and operate SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required.~~

See also response to comment No 320 where additional text is proposed.

comment 79 comment by: CAA-NL

Requirements for communications and SSR transponder. These provisions added in SERA Part B which are not part of ICAO SARPS are of great added value even if it leads to some adaptations at national level.

response *Noted*

The support to the requirement is noted.

comment 80 comment by: CAA-NL

Radio Mandatory Zone

For better clarity, this provision should be re-worded as follows:

*"... shall maintain continuous voice ~~air-ground~~ communication watch and establish two way air-ground communication, as necessary, ..."*

response *Not accepted*

The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained.

comment 81 comment by: CAA-NL

Transponder Mandatory Zone

Paragraph 1.3.2.1 should be reworded in consistency with paragraph 1.3.1.1. NL proposed rewording:



1.3.2.1 ~~For a~~All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ shall carry and operate SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required~~

response Accepted

See response to comment No 46. See also response to comment No 320 where additional text is proposed.

comment 90

comment by: NFellay

§ 1.3.2.1 ~~For a~~All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ shall carry and operate SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required~~.

*For better clarity of the requirement and to use the normal manner of expressing this type of requirement.*

response Accepted

See response to comment No 46. See also response to comment No 320 where additional text is proposed.

comment 110

comment by: LVNL

These provisions added in SERA Part B which are not part of ICAO SARPS are of great added value even if it leads to some adaptations at national level.

response Noted

The support to the requirement is noted.

comment 111

comment by: LVNL

Sub 1.3.1.1 - RMZ

For better clarity, this provision should be rephrased as follows:

"... shall maintain continuous voice ~~air-ground~~ communication watch and establish

response	<p><i>two way <u>air-ground</u> communication, as necessary, ..."</i></p> <p><i>Not accepted</i></p> <p>The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained.</p>
comment	<p>112 <span style="float: right;">comment by: LVNL</span></p> <p>Paragraph 1.3.2.1 should be rephrased in consistency with paragraph 1.3.1.1. LVNL proposes: 1.3.2.1 <del>For a</del> <i>All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, the mandatory carriage and operation of shall carry and operate</i> SSR transponders capable of operating on Modes A and C or on Mode S <del>shall be required.</del></p>
response	<p><i>Accepted</i></p> <p>See response to comment No 46. See also response to comment No 320 where additional text is proposed.</p>
comment	<p>151 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></span></p> <p>SPECIFIC COMMENTS ON REQUIREMENTS IN SERA Part B</p> <p><b>§1.3.2.1</b></p> <p>1.3.2.1 <del>For a</del> <i>All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, the mandatory carriage and operation of shall carry and operate</i> SSR transponders capable of operating on Modes A and C or on Mode S <del>shall be required.</del></p> <p><i>For better clarity of the requirement and to use the normal manner of expressing this type of requirement.</i></p>
response	<p><i>Accepted</i></p>

See response to comment No 46. See also response to comment No 320 where additional text is proposed.

comment

181

comment by: *UK General Aviation Alliance*

Comment 181

Part B Para 1.3.2 Transponder Mandatory Zones (TMZ).

The mandatory carriage and operation of SSR transponders capable of operating on Modes A and C or on Mode S shall be required in TMZs.

To operate effectively and safely many existing TMZs have a provision for certain access by aircraft that are not equipped with Mode A & C or Mode S provided they obtain a clearance or follow a prescribed procedure. For example, access lanes to minor airfields or sites. Paragraph 1.3.2 should make provision for these procedures and we propose that it should be amended to finish with the phrase .... except where prescribed by the competent authority.

response

*Partially accepted*

See response to comment No 320 where new text is proposed.

comment

194

comment by: *Julian Scarfe*

[PPL/IR comment 4]

*1.3.1 Radio Mandatory Zone (RMZ)*

The name is poor, as "radio" can refer to navigational radios.

This should be renamed: **Communication Mandatory Zone (CMZ)**.

response

*Not accepted*

The term 'radio' in isolation does not refer to any other applications. Also, communication can also be by CPDLC.

comment

195

comment by: *Julian Scarfe*

[PPL/IR comment 5]

*1.3.1.1 ...shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel*

"As necessary" is not clear. Does this mean "when considered necessary by the competent authority", "when considered necessary by the pilot" or "when the ground station replies"? As it says in the NPA para 63, in case of no answer, continuous air-ground communication watch (listening watch) would be maintained throughout the RMZ.

Replace with:

*1.3.1.1 ...shall maintain continuous air-ground voice communication watch and establish two-way communication, **as far as is practical**, on the appropriate communication channel*

The same comment applies to the revised 5.3.2.1 in Part A.

*5.3.2.1 An IFR flight operating outside controlled airspace but within or into areas, or along routes, designated by the Competent Authority in accordance with 3.3.1.2. c) or d) shall maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service.*

Replace *as necessary* with *as far as is practical*.

response

*Not accepted*

By using the words 'as far as is practical' there would be a requirement to establish a two-way communication at all times whenever it would be possible, which is not the intent. 'As necessary' implies that the pilot would e.g. respond to a call or establish a two-way communication in order to obtain e.g. a weather report of a flight information service.

comment	<p data-bbox="363 275 421 300">196</p> <p data-bbox="1070 275 1437 300" style="text-align: right;">comment by: <i>Julian Scarfe</i></p> <p data-bbox="363 360 639 385">[PPL/IR comment 6]</p> <p data-bbox="363 488 1501 589"><i>1.3.1.1 ...shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel</i></p> <p data-bbox="363 689 1501 757">If the RMZ is intended to be equivalent to e.g. the Aerodrome Traffic Zone in the UK, a requirement to obey the instructions of an ATC unit (if present) is missing.</p> <p data-bbox="363 824 1501 880">Append <i>and, if the communication is with an air traffic control unit, obey any instructions of that unit.</i></p>
response	<p data-bbox="363 913 544 938"><i>Not accepted</i></p> <p data-bbox="379 994 1485 1061">The assumption stated above is not correct. Also, the proposed addition is superfluous.</p>

comment	<p data-bbox="363 1187 421 1211">215</p> <p data-bbox="983 1187 1437 1211" style="text-align: right;">comment by: <i>Aura MARCULESCU</i></p> <p data-bbox="363 1272 437 1296">No: 1</p> <p data-bbox="363 1339 624 1364">Reference: <b>1.3.1.1</b></p> <p data-bbox="363 1406 932 1431">Quote/proposal: Radio Mandatory Zone</p> <p data-bbox="363 1473 959 1498">Comments//Remark (Reason for comment):</p> <p data-bbox="363 1541 1230 1565">For better clarity, this provision should be re-worded as follows:</p> <p data-bbox="363 1608 1501 1664"><i>"... shall maintain continuous voice <b>air-ground</b> communication watch and establish two way <b>air-ground</b> communication, as necessary, ..."</i></p> <p data-bbox="363 1832 437 1856">No: 2</p> <p data-bbox="363 1899 624 1924">Reference: <b>1.3.2.1</b></p> <p data-bbox="363 1966 995 1991">Quote/proposal: Transponder Mandatory Zone</p>
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Comments//Remark (Reason for comment):

For a better clarity of the requirement and in order to use the normal manner of expressing this type of requirement, the paragraph should be reworded in consistency with paragraph 1.3.1.1.as follows:

*1.3.2.1 ~~For a~~All flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, the mandatory carriage and operation of shall carry and operate SSR transponders capable of operating on Modes A and C or on Mode S shall be required*

response *Partially accepted*

1. 1.3.1.1. **Not accepted.** The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained.

2. 1.3.2.1. **Accepted.** See response to comment No 46. See also response to comment No 320 where additional text is proposed.

comment 229

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response *Noted*

comment 241

comment by: *AENA*

1.3.2.1 and 1.3.3

The inclusion of these two new provisions should be both reported as differences in the supplement to the annex.

response *Not accepted*

RMZ and TMZ are not considered to create differences to ICAO. They simply constitute a standardised manner to implement existing ICAO provisions.

comment

249

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

### **Chapter 1 – Air Traffic Services**

1.3.1 Radio Mandatory Zone – If there is an aerodrome inside an RMZ the ATS unit shall be able to give permission (clearance) for an aircraft without radio or with the radio out of service through agreement by other means to fly to or from that aerodrome.

response

*Noted*

A control zone is established using any of airspace classes A–D where there is a requirement for a two-way radio communication. Permission (clearance) to enter a control zone is not intended to be covered by the RMZ provisions. However, see also response to comment No 320 where additional text is proposed.

comment

319

comment by: *DGAC*

§ 1.3 RMZ and TMZ

The proposed text is satisfactory.

response

*Noted*

The support to the proposed provision is noted.

comment

320

comment by: *UK CAA*

**Page No:** 31

**Paragraph No:** 1.3.1 and 1.3.2

**Comment:**

In accordance with how these airspace tools have been implemented in the EU, there is a need for exemption provisions to be specified within the local procedures for these blocks of airspace.

**Justification:** Proportionate rule making.

**Proposed Text:**

1.3.1.1 VFR flights operating in parts of classes E, F or G airspace and IFR flights operating in parts of classes F or G airspace, designated as a radio mandatory zone (RMZ) by the competent authority, shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel, unless in compliance with alternative provisions as specified for the particular airspace by the competent authority.

1.3.2.1 For all flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, the mandatory carriage and operation of SSR transponders capable of operating on Modes A and C or on Mode S shall be required, unless in compliance with alternative provisions as specified for the particular TMZ airspace by the competent authority.

response *Accepted*

(See also the response to comment No 46)

Amend the text to read: 1.3.1.1 VFR flights operating in parts of classes E, F or G airspace and IFR flights operating in parts of classes F or G airspace, designated as a radio mandatory zone (RMZ) by the competent authority, shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel, **unless in compliance with alternative provisions as specified for the particular airspace by the competent authority.**

1.3.2.1 ~~For~~ **All** flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ **shall carry and operate** SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required~~, **unless in compliance with alternative provisions as specified for the particular TMZ airspace by the competent authority.**

comment 423

comment by: *Luca Valerio Falessi*

ENAC supports the introduction of both RMZ and TMZ.

In particular, since the beginning of ACAS mandate the entire Italian Airspace is currently a TMZ, where only gliders, motorgliders and balloons are exempted from mandatory carriage when in G and F Class airspace.

The experience of this regulation is positive, considering the great advantage in terms of safety nets in case of Unauthorised Penetration of Airspace.

The mandatory carriage of Mode S transponder, should be seriously considered in the framework of SESAR project.



response *Noted*

The support to the proposed provision is noted.

comment 432

comment by: *René Meier, Europe Air Sports*

Page

31

1.3.2

TMZ

The Agency proposes under 1.3.2.1 that for all flights operating in a TMZ SSR transponders Modes A, C or S shall be required.

Our view: We do not oppose against TMZ, we ask however, for the creation access routes to minor sites within a TMZ.

Justification: In creating special access routes a distinct separation can be created, maintaining the requested level of safety. We think that competent authorities should be in a position to create such routes.

response *Accepted*

(See also the response to comment No 46)

Amend the text to read: 1.3.1.1 VFR flights operating in parts of classes E, F or G airspace and IFR flights operating in parts of classes F or G airspace, designated as a radio mandatory zone (RMZ) by the competent authority, shall maintain continuous air-ground voice communication watch and establish two-way communication, as necessary, on the appropriate communication channel, **unless in compliance with alternative provisions as specified for the particular airspace by the competent authority.**

1.3.2.1 ~~For~~ **All** flights operating in the airspace designated by the competent authority as a transponder mandatory zone (TMZ) in accordance with relevant Union and national rules, ~~the mandatory carriage and operation of~~ **shall carry and operate** SSR transponders capable of operating on Modes A and C or on Mode S ~~shall be required~~, **unless in compliance with alternative provisions as specified for the particular TMZ airspace by the competent authority.**

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.4 Service to aircraft in the event of an emergency** p. 31

comment 132

comment by: *NATS*

**1.4.2** NATS would be grateful for clarification of the legal responsibilities here when National Security considerations take precedence over normal ATM procedures.

response *Noted*

This subject is outside the scope of the activities of the European Commission and the EASA.

It is considered that Article 13 of Regulation (EC) No 549/2004 sufficiently covers the issue. See also SERA Article 3.

comment 322

comment by: UK CAA

**Page No:** 31

**Paragraph No:** 1.4

**Comment:**

Whilst the origin of this paragraph within ICAO Annex 11 is recognised, and the practice within the ATM system is long-established, reference to aircraft in emergency renders the requirement at Part A para 3.2.3.2 inconsistent with that at Part B para 1.4.

**Justification:**

Consistency of terminology and understanding amongst airspace users and ATS providers.

**Proposed Text:**

Amend Part A para 3.2.3.2 to read: 'Aircraft in emergency shall have right of way at all times.'

response *Not accepted*

The provisions of Part A are not subject to amendment at this time but could be considered later.

comment 323

comment by: UK CAA

**Page No:** 31

**Paragraph No:** 1.4.2 and 1.4.3

**Comment:**

The unlawful interference provisions are fragmented, in that some are contained within SERA Part A, and others in Part B. It is logical for such provisions to be consolidated in one place, and to that end it is considered essential that Part A and Part B elements are brought together and considered as a single element of the SERA package.

**Justification:**

Clarity of context and presentation, plus completeness of content.  
Aids understanding and implementation.

**Proposed Text:**

Consolidate unlawful interference provisions.

response *Noted*

Due to the EC target dates, the step by step approach of SERA (imposed by the mandate) requires that such distribution is initially maintained. A possible different 'grouping' of some items will be studied later on.

comment

398 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

1.4.1

this means a change to ICAO provisions.  
especially in regard to emergencies and the procedures aircraft operators will follow in these cases WORLDWIDE it seems not advisable to change those provisions on a european basis only.....

response *Not accepted*

The provisions of paragraph 1.4.1 mirror those of ICAO Annex 11, 2.23.1, i.e. there is no change proposed.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.5 p. 31-33 In-flight contingencies**

comment 13

comment by: *AFSBw/German Air Force*

Clarification

If civil and military authorities coordinate the necessary procedures the responsible unit/ authority could be a civil-military council

e.g.:

1.5.1.2.1 The air traffic services unit shall, as necessary, inform the **responsible national executive authority** as soon as the identity of the aircraft has been established.

(not every time only the military unit is the point of contact for an intercept, it might be civil-military unit acting as a national executive authority)

change "**appropriate military**" unit to "**responsible national executive authority**"

response

*Not accepted*

The set-up in different countries may vary; the use of the term 'appropriate military unit' could therefore in some countries be understood as a national executive authority. Furthermore, it should be noted that this paragraph does not relate to intercept procedures.

comment

26

comment by: *French State Aviation Authority*

**PARA**

**1.5.2**

The French MoD is not in favour of establishing a systematic communication with the intercepted aircraft.

**Instead**

**of**

1.5.2.1 As soon as an air traffic services unit learns that an aircraft is being intercepted in its area of responsibility, it shall take such of the following steps as are appropriate in the circumstances:

- a) attempt to establish two-way communication with the intercepted aircraft via any means available, including the emergency radio frequency 121.5 MHz, unless such communication already exists;
- b) inform the pilot of the intercepted aircraft of the interception;
- c) establish contact with the intercept control unit maintaining two-way communication with the intercepting aircraft and provide it with available information concerning the aircraft;
- d) relay messages between the intercepting aircraft or the intercept control unit and the intercepted aircraft, as necessary;
- e) in close coordination with the intercept control unit take all necessary steps to ensure the safety of the intercepted aircraft;
- f) inform air traffic services units serving adjacent flight information regions if it appears that the aircraft has strayed from such adjacent flight information regions.

**Proposal**

1.5.2.1 As soon as an air traffic services unit learns that an aircraft is being intercepted in its area of responsibility, it shall, as are appropriate in the circumstances, close coordinate with the intercept control unit take all necessary steps to ensure the safety of the intercepted aircraft and to inform air traffic

services units serving adjacent flight information regions if it appears that the aircraft has strayed from such adjacent flight information regions.

response *Not accepted*

The proposed provisions are in accordance with ICAO Annex 11 and are intended to provide for the safety of the civil aircraft.

comment 303

comment by: *Spanish Air Force Staff*

According to 1.5.1.1.3.a) when mentioning "...a possibility of interception or other hazard to the safety..." , it can be understood that "interception" is a hazard. When military aircraft carries out an interception, it is done in a safe way to both civil and military aircraft. "Interception" is a contingency not a hazard. Please rephrase the sentence.

response *Not accepted*

The close encounter between a civil and a military aircraft during an interception is considered to be a hazard to the safety of the civil flight.

comment 321

comment by: *DGAC*

§1.5.1.1 a) states :

*a) advise the aircraft of its position and corrective action to be taken. This advice shall be immediately provided where there is a possibility of interception or other hazard to the safety of the aircraft;*

This provision raises the following issues :

- A "possibility of interception" is not a very clear notion from the ATS point of view. It is hard to initiate an immediate action upon such a soft criterion. Interceptions are decided by the militaries on the basis of information that the ATS provider does not know. On the other hand, from the ATS point of view, there is always a risk of interception when a aircraft is strayed. What's more, ATC is always informed when an interception will take place.

- The controller may not always be able to advise the adequate corrective action

(especially at low levels), and he may not be aware of "other hazard to the safety of the aircraft".

We propose the following text :

*"a) advise the aircraft of its position and assist it if needed."*

The ICAO note should be included in a guidance material.

response *Partially accepted*

***Partially accepted.*** The 'possibility of interception' may not always be very clear; however, there are instances where national procedures are such that ATS will be aware that an interception may be forthcoming. It is ***accepted*** that the note should be included in the Guidance Material.

comment

325

comment by: *UK CAA*

**Page No:** 32

**Paragraph No:** 1.5.2

**Comment:**

The interception of civil aircraft provisions are fragmented, in that some are contained within SERA Part A, and others in Part B. It is logical for such provisions to be consolidated in one place, and to that end it is considered essential that Part A and Part B elements are brought together and considered as a single element of the SERA package to aid understanding and implementation.

**Justification:** Clarity of context and presentation, plus completeness of content.

**Proposed Text:**

Consolidate interception provisions.

response

*Not accepted*

Due to the EC target dates, the step by step approach of SERA (imposed by the mandate) requires that such distribution is initially maintained. A possible

different 'grouping' of some items will be studied later on.

comment 392

comment by: *Spanish Air Force Staff*

1.5.2.1 In section 1.5.2.1. the following paragraphs should be modified as follows:

"a and b) ...except told otherwise by the intercept control unit."

There are situations in which it is not advisable to inform the intercepted aircraft, for instance a "renegade" aircraft. Therefore, the first thing to do should be to contact the intercept control unit.

"c) It should be made clear that the interceptor will remain under the control of the intercept control unit."

The radio contact between the traffic services and the interceptor should be done only on request of the intercept control unit or the intercepting aircraft, because there are situations in which is not advisable let the intercepted aircraft know that it is being intercepted.

response *Not accepted*

There are numerous intercepts taking place on a daily basis, and in order to ensure the safety of the civil aircraft it is considered necessary to retain the provisions in their present form.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 2 – Air Traffic Control Service — 2.1 Application**

p. 33

comment 34

comment by: *Finnish Transport Safety Agency (NSA)*

2.1.1

	<p>The placement of 2.1.1 in its current place in SERA Part B is acceptable but it could also be placed in Part ATS as well</p>
response	<p><i>Noted</i></p> <p>It is considered that this provision relates to both pilots and ATS and, as such, should be part of SERA. Also, it is considered beneficial for the sake of completeness to keep some provisions in the same place.</p>
comment	<p>82 <span style="float: right;">comment by: CAA-NL</span></p> <p>The right place of the provisions in paragraph 2.1 is part ATS. It describes the applicability of ATC, one major part of ATS. The relevant parts of these provisions for SERA have already been included in the airspace definitions. The airspace definition describes the expected services for the airspace users, while provision 2.1 describes the basic requirements for ANSP's for the application of ATC.</p> <p>Therefore NL is of the opinion that these provisions should be addressed/included in the part where ATC objectives are introduced.</p>
response	<p><i>Noted</i></p> <p>It is considered that this provision relates to both pilots and ATS and, as such, should be part of SERA. Also, it is considered beneficial for the sake of completeness to keep some provisions in the same place.</p>
comment	<p>94 <span style="float: right;">comment by: NFellay</span></p> <p>§ 2.1.1 c)</p> <p><i>Skyguide understands that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.</i></p>
response	<p><i>Noted</i></p> <p>It is <b>noted</b> that the proposal is acceptable to skyguide. The provisions may be reviewed if more information is provided and as necessary.</p>
comment	<p>133 <span style="float: right;">comment by: NATS</span></p>



**2.1.1 c) + 2.2.2 e)** There is an apparent contradiction between these paragraphs:

2.1.1 c) says that an ATC service is to be provided to all SVFR flights. An ATC service prevents collisions between aircraft (Annex 2 Definition 26) and it does this by applying separation. So separation must be provided to all SVFR flights. 2.2.2 e) says that separation is to be provided to all SVFR flights, except as otherwise prescribed by competent authority.

NATS suggests amending 2.1.1 c) to read: "all special VFR flights, **unless otherwise prescribed by the competent authority.**"

response *Not accepted*

An air traffic control service does not necessarily imply separation. So, VFR flights for instance are obliged to obtain a clearance to operate in Class D airspace, whilst in that airspace separation from other flights is not provided. Consequently, the requirement for special VFR flights to be provided with an ATC service in accordance with 2.1.1 c) is absolute whilst the provision of separation in accordance with 2.2.2 e) is 'unless otherwise prescribed by the competent authority'.

comment 156 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§2.1.1 c), §2.2.2 d) & e), §2.6**

*We understand that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.*

response *Noted*

It is **noted** that the proposal is acceptable to FOCA. The provisions would be reviewed as necessary.

comment 167 comment by: *CNFAS*

This is to take into account the VFR exemptions granted in Class A airspace

*2.1.1 Air traffic control service shall be provided:*

*a) to all IFR flights in airspace Classes A, B, C, D and E;*

	<p>b) to all VFR flights in airspace Classes <b>A</b>, B, C and D;</p> <p>c) to all special VFR flights;</p> <p>d) to all aerodrome traffic at controlled aerodromes.</p>
response	<p><i>Not accepted</i></p> <p>VFR flights are not to be permitted in Class A airspace.</p>

comment	<p>182 <span style="float: right;">comment by: UK General Aviation Alliance</span></p> <p>Comment 182</p> <p>Part B Para 2.1.1 Air traffic control service shall be provided</p> <p>As per our comment number 7 on permitting certain VFR flight in Class A airspace, sub para b) should be amended to read "b) to all VFR flights in airspace Classes A, B, C and D;"</p>
response	<p><i>Not accepted</i></p> <p>VFR flights are not to be permitted in Class A airspace.</p>

comment	<p>243 <span style="float: right;">comment by: AENA</span></p> <p>From AENA point of view, the right placement of the provisions in paragraph 2.1 would be Part ATS, as it includes an obligation for the Member States rather than an information for the airspace users.</p>
response	<p><i>Noted</i></p> <p>It is considered that this provision relates to both pilots and ATS and, as such, should be part of SERA. Also, it is considered beneficial for the sake of completeness to keep some provisions in the same place.</p>

comment	<p>284 <span style="float: right;">comment by: AESA / DSANA</span></p> <p>Concerning paragraph 2.1.1 in SERA Part B, for which placement views of the stakeholders are sought, it is considered appropriate to</p>
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keep it in the draft IR text in SERA Part B, as it is deemed to have a rule of the air nature. Additionally paragraph d) is essential as it is not included elsewhere in Part B (paragraphs a), b) & c) are a summary of the disposition in 1.2.1 regarding ATC provision).

Conclusion: Keep paragraph 2.1.1 in SERA Part B.

response *Noted*

It is considered that this provision relates to both pilots and ATS and, as such, should be part of SERA. Also, it is considered beneficial for the sake of completeness to keep some provisions in the same place.

comment

343

comment by: UK CAA

**Page No:** 33

**Paragraph No:** 2.1

**Comment:**

The UK is of the opinion that retention of para 2.1 within SERA is both appropriate and essential as it provides pilots with the necessary clarity concerning the application of Air Traffic Control Service. It also underpins each of the later provisions.

**Justification:** Clarity of context and presentation, plus completeness of content.

response *Noted*

It is considered that this provision relates to both pilots and ATS and, as such, should be part of SERA. Also, it is considered beneficial for the sake of completeness to keep some provisions in the same place.

comment

433

comment by: René Meier, Europe Air Sports

Page 33

2.1.1 Air traffic control service shall be provided...

Our addition:

b) to all VFR flights in airspace classes A, B, C, D

Justification: We have to be consistent with our proposal stated earlier in this document.

Page 34

2.2.2 Clearances issued by air traffic control units shall provide separation

Our addition: b) between all flights in airspace classes A and B.

Justification: We have to be consistent with our proposal stated earlier in this document.

	In both cases exceptions may be stipulated by the competent authority.
response	<i>Not accepted</i>
	VFR flights are not to be permitted in Class A airspace.

<b>B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 2 – Air Traffic Control Service — 2.2 Operation of air traffic control service</b>	p. 33-34
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comment	17	comment by: <i>HungaroControl Hungarian ANS Pte. Ltd. Co.</i>
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We do not agree that exception from ATC separation provision is allowed in airspace class D and E (under the defined conditions) and not in airspace class C. What is the reason to exclude class C, while with regards to point b) of para 2.2.2 there is no difference between classes D-E and C.

response	<i>Not accepted</i>
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The difference between airspace classes C and D/E is that, in class C, IFR flights are separated from all flights (IFR and VFR) whilst in classes D and E separation is only provided to other IFR flights. Additionally, in class D all flights are provided by an ATC service which, however, does not include separation between VFR flights.

comment	27	comment by: <i>French State Aviation Authority</i>
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**PARA** **2.2.2**  
 Visual separation is a very useful tool to improve flexibility of operations, without adverse impact on safety if adequately used. But the conditions for visual separation described in §2.2.2, which are identical to ICAO provisions, should be relaxed. At least a possibility of derogation should be established, after a safety study.

response	<i>Not accepted</i>
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The conditions for VMC clearance to be restricted to airspace classes D and E is that there is a speed limitation of 250 kt which will allow pilots to 'see and be seen' in those airspaces. Furthermore, it should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that the

pilots of both aircraft involved need to agree to the application of VMC clearance.

comment 47

comment by: CANSO

#### 2.2.2 Clearances issued by the ATC units

CANSO has the following comments:

- CANSO recommends to repeat here the 2<sup>nd</sup> footnote of Appendix I Part B "*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*".
- CANSO wonders why it is not possible to separate the IFR flights visually in Class C while there is no difference between classes D-E and C.
- The requirement in this paragraph represents an extension of the original requirement of Annex 11 by adding provisions from PANS-ATM. However, the critical notion of 'maintaining own separation', as stated in PANS-ATM, §5.2.1.1, §5.9 and §5.10.1.2 is missing. Mention of wake turbulence separation obligations and essential traffic information is also missing. It appears that part of the conditions from the P-ATM paragraph 5.2.1.1 and 5.9 have been simply swapped leading to the increased complexity to reader and lack of clarity. Similarly to Annex 11, this possibility should be referred to in limited, general terms only, with the application details being provided (like PANS-ATM) in the section dealing with separation criteria/minima. CANSO proposes the following wording:

*2.2.2 Clearances issued by air traffic control units shall provide separation:*

- a) between all flights in airspace Classes A and B;*
- b) between IFR flights in airspace Classes C, D and E;*
- c) between IFR flights and VFR flights in airspace Class C;*
- d) between IFR flights and special VFR flights;*
- e) between special VFR flights ~~when so~~ unless otherwise prescribed by the ~~appropriate~~ ATS competent authority;*

*except, for the cases under b) above in airspace Classes D and E, when flights have been cleared to climb or*

*descend subject to maintaining own separation and remaining in visual meteorological conditions. Conditions applicable to the use of this procedure are contained in § 2.2.2 bis*

*2.2.2 bis*

*When so **proposed by ATC unit or** requested by an aircraft, and provided it is agreed by the pilot of the other aircraft and so authorized by the appropriate ~~ATS~~ competent authority, an ATC unit may clear a controlled flight, including departing and arriving flights, operating in airspace Classes D and E in visual meteorological conditions during the hours of daylight to fly subject to maintaining own separation to one other aircraft and remaining in visual meteorological conditions. When a controlled flight is so cleared, the following shall apply:*

*a) the clearance shall be for a specified portion of the flight at or below ~~3 050 m~~ (10 000 ft) AMSL, during climb or descent ~~and subject to further restrictions as and when prescribed on the basis of regional air navigation agreements;~~*

*b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight shall be provided with alternative instructions to be complied with in the event that flight in visual*

*meteorological conditions (VMC) cannot be maintained for the term of the clearance;*

~~*and subject to further*~~

*c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC*

*will become impossible, shall inform ATC before entering instrument meteorological conditions (IMC) and shall proceed*

*in accordance with the alternative instructions given.*

*NOTE: See also XXX*

*§XXX*

*Essential traffic information shall be given to controlled flights concerned whenever they constitute essential*

*traffic to each other. Information related to controlled flights cleared subject to maintaining own separation and remaining in visual meteorological conditions shall be considered as essential traffic*

*information*

(colour code for 2.2.2 bis :the yellow colour is what is added text in order to capture CANSO requirements, the grey is proposed new text to IR, however it is 100% ICAO P-ATM § 5.9).

response *Partially accepted*

As regards the first bullet: **accepted**. See response to comment No 45. As regards the second bullet: **not accepted**. The conditions for VMC clearance to be restricted to airspace classes D and E is that there is a speed limitation of 250 kt which will allow pilots to 'see and be seen' in those airspaces. Furthermore, it should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that ATC should not propose such a clearance and the pilots of both aircraft involved need to agree to the application of VMC clearance.

As regards the third bullet, the application details of this provision are intended to be covered under Part C of SERA.

Until the SERA IR becomes fully applicable, the provisions adopted under the Chicago Convention remain.

comment 55

comment by: *DFS Deutsche Flugsicherung GmbH*

### **Chapter 2.2.2**

#### **Comment 1:**

The procedure could also be initiated by ATC. The procedure should enable pilots and ATC to initiate this visual separation, both controllers or pilots are able to refuse the request.

#### **Comment 2:**

This paragraph represents an extension of the original requirement of Annex 11 by adding some provisions from PANS-ATM. However, the critical notion of

"maintaining own separation", the mentioning of wake turbulence separation obligations and essential traffic information are missing. This increases the complexity and decreases clarity.

We suggest to take over parts of PANS-ATM but limit the requirement in this paragraph to general terms with application details (of PANS-ATM) provided in the section dealing with separation minima.

Proposed new text (**in bold**):

2.2.2 Clearances issued by air traffic control units shall provide separation:

- a) between all flights in airspace Classes A and B;
- b) between IFR flights in airspace Classes C, D and E;
- c) between IFR flights and VFR flights in airspace Class C;
- d) between IFR flights and special VFR flights;
- e) between special VFR flights unless otherwise prescribed by the competent authority;

except, **for the cases** under b) above in airspace Classes D and E, **when flights have been cleared to climb or descend subject to maintaining own separation and remaining** in visual meteorological conditions.

**2.2.2.1 When so proposed by ATC unit or requested by an aircraft, and provided it is agreed by the pilot of the other aircraft and so authorized by the appropriate competent authority, an ATC unit may clear a controlled flight, including departing and arriving flights, operating in airspace Classes D and E in visual meteorological conditions during the hours of daylight to fly subject to maintaining own separation to one other aircraft and remaining in visual meteorological conditions.**

**2.2.2.2 When a controlled flight is so cleared, the following shall apply:**

- a) the clearance shall be for a specified portion of the flight at or below 10.000 ft AMSL during climb or descent;**
- b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight shall be provided with alternative instructions to be complied with in the event that flight in visual meteorological conditions (VMC) cannot be maintained for the term of the clearance;**
- c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC will become impossible, shall inform ATC before entering instrument meteorological conditions (IMC) and shall proceed in accordance with the alternative instructions given.**



**2.2.2.3 Essential traffic information shall be given to controlled flights concerned whenever they constitute essential traffic to each other. Information related to controlled flights cleared subject to maintaining own separation and remaining in visual meteorological conditions shall be considered as essential traffic information.**

response *Not accepted*

It should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that ATC should not propose such a clearance and the pilots of both aircraft involved need to agree to the application of VMC clearance. The application details of this provision are intended to be covered under Part C of SERA.

comment 91

comment by: *NFellay*

*This requirement represents an extension of the original requirement of Annex 11 by adding certain details provided in PANS-ATM. However, the critical notion of 'maintaining own separation', as stated in PANS-ATM, §5.2.1.1, §5.9 and §5.10.1.2 is missing. Mention of wake turbulence separation obligations and essential traffic information is also missing.*

***Either :***

*a) this paragraph needs to be further extended to capture all of the related requirements from Annex 11 and PANS-ATM in one package; **or***

*b) similarly to Annex 11, this possibility should be referred to in limited, general terms only, with the application details being provided (like PANS-ATM) in the section dealing with separation criteria/minima*

2.2.2 Clearances issued by air traffic control units shall provide separation:

a) between all flights in airspace Classes A and B;

b) between IFR flights in airspace Classes C, D and E;

c) between IFR flights and VFR flights in airspace Class C;

d) between IFR flights and special VFR flights;

e) between special VFR flights ~~when so~~ **unless otherwise** prescribed by the appropriate ATS **competent** authority; ~~except that, when requested by an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the appropriate ATS competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared~~ **except, for the cases under b) above in airspace Classes D and E, during the hours of daylight when flights have been cleared to climb or descend subject to maintaining own separation and remaining in visual meteorological conditions. Conditions applicable to the use of this procedure are**

~~contained in § 2.2.2.1 without separation being so provided in respect of a specific portion of the flight conducted below 3050 M (10 000 ft) during climb or descent, during day in visual meteorological conditions.~~

2.2.2.1 When so proposed by ATC unit or requested by an aircraft, and provided it is agreed by the pilot of the other aircraft and so authorized by the appropriate ATS competent authority, an ATC unit may clear a controlled flight, including departing and arriving flights, operating in airspace Classes D and E in visual meteorological conditions during the hours of daylight to fly subject to maintaining own separation to one other aircraft and remaining in visual meteorological conditions. When a controlled flight is so cleared, the following shall apply:

a) the clearance shall be for a specified portion of the flight at or below ~~3 050 m (10 000 ft)~~ AMSL, during climb or descent and subject to further restrictions as and when prescribed on the basis of regional air navigation agreements;

b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight shall be provided with alternative instructions to be complied with in the event that flight in visual meteorological conditions (VMC) cannot be maintained for the term of the clearance;

c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC will become impossible, shall inform ATC before entering instrument meteorological conditions (IMC) and shall proceed in accordance with the alternative instructions given.

§ 2.2.2.2 Essential traffic information, as information on controlled traffic to which the provision of separation by ATC is applicable, but which, in relation to a particular controlled flight is not, or will not be, separated from other controlled traffic by the appropriate separation minimum, shall be given to controlled flights concerned whenever they constitute essential traffic to each other. Information related to controlled flights cleared subject to maintaining own separation and remaining in visual meteorological conditions shall be considered as essential traffic information.

response *Not accepted*

As regards the proposal to extend paragraph 2.2.2 e), it should be noted that the proposal is mixing the concept of special VFR flights and VMC clearance. Special VFR flights are by definition in weather less than VMC and can only take place in control zones after a clearance. As regards the proposal to include additional provisions, it should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that ATC should not propose such a clearance and the pilots of both aircraft involved need to agree to

the application of VMC clearance. The application details of this provision are intended to be covered under Part C of SERA.

comment

95

comment by: NFellay

§2.2.2 d) & e)

*Skyguide understands that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.*

response

*Noted*

It is **noted** that the proposal is acceptable to Skyguide. The provisions would be reviewed as necessary.

comment

113

comment by: LVNL

Clearances issued by the ATC units shall ...

“except that, when requested by an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared without separation being so provided in respect of a specific portion of the flight below 3050 M (10 000 ft) during climb or descent, during hours of daylight in visual meteorological conditions.”

LVNL has the following comments:

- The procedure of visual separation can be also be suggested by ATC.
- The critical notion of “maintaining own separation” as stated in the PANS-ATM is missing.
- Why should it not be possible to separate the IFR flights visually in Class C while there is no difference between classes D-E and C, regarding IFR-IFR separation? Visual separation is one of the key instruments of a TWR-controller, when controlling the traffic within their class C CTR.

The 2<sup>nd</sup> footnote of Appendix I Part B must be repeated: “*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*”.

response

*Partially accepted*

It should be noted that the application details of VMC clearance will be covered

in SERA Part C. The reason for the difference between class C airspace and D/E is that in class C there is a speed limit of 250 kt applied which allows an aircraft to 'see and be seen' in time to avoid collision. As regards the application of visual separation by a TWR controller, this will be covered in SERA Part C in connection with 'reduction in separation minima in the vicinity of aerodromes'. As regards inclusion of the information in the footnote, this is **accepted**.

comment

134

comment by: NATS

**2.1.1 c) + 2.2.2 e)** There is an apparent contradiction between these paragraphs:

2.1.1 c) says that an ATC service is to be provided to all SVFR flights. An ATC service prevents collisions between aircraft (Annex 2 Definition 26) and it does this by applying separation. So separation must be provided to all SVFR flights. 2.2.2 e) says that separation is to be provided to all SVFR flights, except as otherwise prescribed by competent authority.

NATS suggests amending 2.1.1 c) to read: "all special VFR flights, **unless otherwise prescribed by the competent authority.**"

response

*Not accepted*

An air traffic control service does not necessarily imply separation. So are, e.g., VFR flights obliged to obtain a clearance to operate in Class D airspace, whilst in that airspace separation from other flights is not provided. Consequently, the requirement for special VFR flights to be provided with an ATC service in accordance with 2.1.1 c) is absolute, whilst the provision of separation in accordance with 2.2.2 e) is 'unless otherwise prescribed by the competent authority'.

comment

135

comment by: NATS

**2.2.3** This is a very explicit prescription of what constitutes separation, with apparently no provision for either 'Reduced Separation in the Vicinity of the Aerodrome' or 'Radar Separation'. We presume this is an oversight since losing these two types of separation would have a major and adverse effect on European ATS provision.

NATS therefore suggests that the relevant material on other possible separations from PANS ATM be included within this paragraph before it can be considered for adoption by the Commission. We acknowledge that time constraints could mean that paragraph 2.2.3 might have to be moved to SERA Part C in order to achieve this.

response

*Not accepted*

Although it is agreed that it would be preferable to include all provisions relating to separation in one document, it is not possible to accomplish this for the time being. More detailed description will be included in Part C.

comment

152

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

### §2.2.2

2.2.2 Clearances issued by air traffic control units shall provide separation:

- a) between all flights in airspace Classes A and B;
- b) between IFR flights in airspace Classes C, D and E;
- c) between IFR flights and VFR flights in airspace Class C;
- d) between IFR flights and special VFR flights;
- e) between special VFR flights ~~when so~~ **unless otherwise** prescribed by the ~~appropriate ATS~~ **competent** authority;

except that, when requested by an aircraft and **agreed by the pilot of the other aircraft** and if so prescribed by ~~the appropriate ATS~~ **competent** authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared **subject to maintaining own separation** ~~without separation~~ being so provided in respect of a specific portion of the flight ~~conducted~~ **below 3050 M (10 000 ft) during climb or descent, during day** in visual meteorological conditions.

*This requirement represents an extension of the original requirement of Annex 11 by adding certain details provided in PANS-ATM. However, the critical notion of 'maintaining own separation', as stated in PANS-ATM, §5.2.1.1, §5.9 and §5.10.1.2 is missing. Mention of wake turbulence separation obligations and essential traffic information is also missing.*

**Either :**

- a) *this paragraph needs to be further extended to capture all of the related requirements from Annex 11 and PANS-ATM in one package; **or***
- b) *similarly to Annex 11, this possibility should be referred to in limited, general terms only, with the application details being provided (like PANS-ATM) in the section dealing with separation criteria/minima.*

5.9 When a controlled flight is so cleared, the following shall apply:

- a) the clearance shall be for a specified portion of the flight at or below 3 050 m (10 000 ft), during climb or descent and subject to further restrictions as and

when prescribed on the basis of regional air navigation agreements;

b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight shall be provided with alternative instructions to be complied with in the event that flight in visual meteorological conditions (VMC) cannot be maintained for the term of the clearance;

c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC will become impossible, shall inform ATC before entering instrument meteorological conditions (IMC) and shall proceed in accordance with the alternative instructions given.

5.10.1.2 Essential traffic information shall be given to controlled flights concerned whenever they constitute essential traffic to each other.

*Note.— This information will inevitably relate to controlled flights cleared subject to maintaining own separation and remaining in visual meteorological conditions and also whenever the intended separation minimum has been infringed.*

response *Partially accepted*

As regards the proposal to change the text ‘... may be cleared without separation being so provided ...’, it is accepted. Therefore, amend the text below 2.2.2 e) as follows: ‘except that, when requested by an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared subject to maintaining own separation without separation being so provided in respect of a specific portion of the flight below 3 050 m (10 000 ft) during climb or descent, during day in visual meteorological conditions’. It should be noted that the application details of VMC clearance will be covered in SERA Part C.

comment 155 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§2.1.1 c), §2.2.2 d) & e), §2.6**

(copie)

*We understand that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.*

response *Noted*

It is **noted** that the proposal is acceptable to FOCA. The provisions would be reviewed as necessary.

comment 183 comment by: UK General Aviation Alliance

Comment 183

Part B Para 2.2.2 a) Clearances issued by air traffic control units shall provide separation between all flights in airspace Classes A and B

Procedures presently allow uncontrolled traffic in defined areas of Class A and B airspace, for example, "gliding boxes". Para 2.2.2 a) should make provision for this and we suggest adding a note to state "except where prescribed by the competent authority"

response *Not accepted*

In airspace classes A and B all traffic is controlled and separated; any type of e.g. 'gliding boxes' should take place in TSA or TRA.

comment 216 comment by: Aura MARCULESCU

No: 1

Reference: **2.2.2**

Quote/proposal: Clearances issued by the ATC units

Comments//Remark (Reason for comment):

- it is recommended to repeat here the 2<sup>nd</sup> footnote of Appendix I Part B "*When the height of the transition altitude is lower than 3050 m (10000 ft) AMSL, FL 100 should be used in lieu of 10000 ft*".

- Why it is not possible to separate the IFR flights visually in Class C, while there is no difference between classes D-E and C ?

- This requirement represents an extension of the original requirement of Annex 11 by adding provisions from PANS-ATM. However, the critical notion of 'maintaining own separation', as stated in PANS-ATM, §5.2.1.1, §5.9 and §5.10.1.2 is missing. Mention of wake turbulence separation obligations and essential traffic information is also missing. It appears that part of the conditions from the PANS-ATM paragraph 5.2.1.1 and 5.9 have been simply swapped. Similarly to Annex 11, this possibility should be referred to in limited, general terms only, with the application details being provided (like PANS-ATM) in the section dealing with separation criteria/minima. We propose to take on board the Section 5.9 from PANS-ATM, resulting the rewording of art. 2.2.2. and adding of a

new article as follows:

*2.2.2 Clearances issued by air traffic control units shall provide separation:*

- a) between all flights in airspace Classes A and B;*
- b) between IFR flights in airspace Classes C, D and E;*
- c) between IFR flights and VFR flights in airspace Class C;*
- d) between IFR flights and special VFR flights;*
- e) between special VFR flights unless otherwise prescribed by the competent authority;*

*except, for the cases under b) above in airspace Classes D and E, when flights have been cleared to climb or descend subject to maintaining own separation and remaining in visual meteorological conditions. Conditions applicable to the use of this procedure are contained in § 2.2.2 bis*

*2.2.2 bis* When so proposed by ATC unit or requested by an aircraft, and provided it is agreed by the pilot of the other aircraft and so authorized by the appropriate competent authority, an ATC unit may clear a controlled flight, including departing and arriving flights, operating in airspace Classes D and E in visual meteorological conditions during the hours of daylight to fly subject to maintaining own separation to one other aircraft while remaining in visual meteorological conditions. When a controlled flight is so cleared, the following shall apply:

No: 2

Reference: **2.2.2**

Quote/proposal: Clearances issued by ATC units

*a) the clearance shall be for a specified portion of the flight at or below 10 000 ft AMSL, during climb or descent;*

*b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight shall be provided with alternative instructions to be complied with in the event that flight in visual meteorological conditions (VMC) cannot be maintained for the term of the clearance;*

*c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC will become impossible, shall inform ATC before entering instrument meteorological conditions (IMC) and shall proceed in accordance with the alternative instructions given.*



*NOTE: See also XXX*

*§XXX*

*Essential traffic information shall be given to controlled flights concerned whenever they constitute essential traffic to each other.*

*Note. — This information will inevitably relate to controlled flights cleared subject to maintaining own separation and remaining in visual meteorological conditions and also whenever the intended separation minimum has been infringed.*

response *Partially accepted*

The inclusion of the text from the note is **accepted** (see also response to comment No 152). As regards the proposal to include additional elements from PANS-ATM, it is **not accepted**. It should be noted that the application details of VMC clearance will be covered in SERA Part C.

comment

230

comment by: *Aura MARCULESCU*

Editorial Convention: Source text is copied in *italic.* Text proposed for deletion is ~~strokethrough~~. Text proposed for insertion is in red colour. Comments/Remarks are in normal font.

response *Noted*

comment

244

comment by: *AENA*

2.2.3

The concepts of "composite separation" and "modified table of cruising levels" are not longer included, which should be reported as a difference in the supplement to the annex.

response *Not accepted*

Composite separation is applied in accordance with the regional air navigation agreement; there is no such agreement in the EUR Region. As regards the 'modified table of cruising levels', it should be noted that in SERA Part A there is only one table of cruising levels which will be consequently used.

comment	262	comment by: CAA Norway
response	<p>Para 2.2.2 A new letter f) Between IFR flights and VFR Night flights in airspace class D.</p> <p><i>Not accepted</i></p> <p>Airspace Class D is controlled airspace and therefore ATC clearance is required for all flights. The clearances must be elaborated and delivered by the ATS Unit in a manner which ensures full safety within the considered airspace for all authorised flights. The informal consultation showed a substantial disagreement with such an obligation.</p>	
comment	305	comment by: AESA / DSANA
response	<p>Concerning paragraph 2.2.2 in SERA Part B. The text "<i>if so prescribed by the competent authority</i>" is suggested being replaced by "<i>if so established by the ATS unit concerned</i>". The reason for the proposed change is that this is an operational issue, and the conditions required to apply this are clearly stated in the text. The ATS Unit concerned is considered to be better positioned to decide about the application of the particular procedure (own separation).</p> <p><u>Conclusion</u>: Replace "<i>if so prescribed by the competent authority</i>" by "<i>if so established by the ATS unit concerned</i>".</p> <p><i>Not accepted</i></p> <p>This is considered an essential safety issue which should be regulated by the competent authority and not by the ATS unit.</p>	
comment	326	comment by: DGAC
	<p>Visual separation is a very useful tool to improve flexibility of operations, without adverse impact on safety if adequately used, especially when used in TMA operations.</p> <p>But the conditions for visual separation described in §2.2.2, which are identical to ICAO provisions, are too tightened and should be relaxed.</p> <p>At least a possibility of derogation, given by the NSA and after a proper safety</p>	

study, should be established.

The present French regulatory framework:

France applies the ICAO provisions since 2007 for visual separation with a possibility of local derogation given by the NSA.

The French NSA has had to deliver derogations to many control approach units, as the ICAO conditions for visual separation are too tightened: under FL100, during daytime, D or E class airspace, double pilot acceptance... In every case, this was done on the basis of a safety study, under clearly defined conditions, and subject to continuous supervision by the NSA.

Today, 9 derogations are still valid and frequently used. They concern the following airports: Paris CDG (LFPG), Paris Orly (LFPO), Paris Le Bourget (LFPB), Nice (LFMN), Marseille (LFML), Montpellier (LFMT) and Pau (LFBP).

**Airport:** LFML

**Met conditions:** Under VMC conditions.

**Operational situation:** Clearance given to a traffic executing a visual approach behind another IFR traffic arriving to LFML.

**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required.

**Airport:** LFMN

**Met conditions:** Under VMC conditions at night.

**Operational situation:** Clearance given to a helicopter arrival in relation to an IFR traffic arriving / departing to / from LFMN.

**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required.

**Airport:** LFMT**Met conditions:** Under VMC conditions.**Operational situation:** Clearance given to a traffic executing a visual approach behind another IFR traffic arriving to LFMT.**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required.**Airport:** LFBP**Met conditions:** Under VMC conditions.**Operational situation:** Clearance given to a traffic departing from LFBT QFU 02 in relation to an IFR traffic arriving to LFBP.**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required.**Airport:** LFPB**Met conditions:** Under VMC conditions.**Operational situation:** Clearance given to a traffic departing from LFPB QFU 07 in relation to an IFR arrival to LFPG QFU 08L or 08R.**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required. In class A CTR Paris.**Airport:** LFPO**Met conditions:** Under VMC conditions with horizontal visibility > 1500m and ceiling > 600ft.**Operational situation:** Clearance given to a VFR helicopter in relation to an IFR arriving / departing to / from LFPO QFU 06/24 or 08/26.**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required. In class A CTR Paris.

**Airport:** LFPO

**Met conditions:** Under VMC conditions with horizontal visibility > 3000m and ceiling > 900ft.

**Operational situation:** Clearance given to a VFR airplane in relation to an IFR arriving / departing to / from LFPO QFU 06/24 or 08/26.

**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required. In class A CTR Paris.

**Airport:** LFPG

**Met conditions:** During day: Horizontal visibility > 3000m and ceiling > 600ft. At night : Horizontal visibility > 4000m and ceiling > 1500ft.

**Operational situation:** Clearance given to a VFR helicopter in relation to an IFR arriving / departing to / from LFPG.

**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required. In class A CTR Paris

**Airport:** LFPG

**Met conditions:** During day, with horizontal visibility > 3000m and ceiling > 900ft.

**Operational situation:** Clearance given to a VFR airplane in relation to an IFR arriving / departing to / from LFPG.

**Derogation clause:** Clearance can be proposed at the initiative of the ATCO. The double pilot acceptance is not required. In class A CTR Paris

All of these derogations were delivered after a proper safety study.

Every event related to these derogations has to be notified to the French NSA and regular safety reports summarizing events linked with these derogations are produced.

Additional conditions and procedures:

In order to maintain a high safety level, some additional conditions and procedures are required to allow visual separations in a derogative context.

For example:

- specific Met conditions can be required,
- pilot read back to ensure visual acquisition of the other aircraft can be required,
- specific radar surveillance by ATCO can be required,
- specific traffic information given by ATCO can be given

Advantages of derogations in force:

Derogations in force were introduced to improve flexibility and fluidity of operations in TMA in specific contexts by reducing frequency load and by allowing ATCO to propose visual separations when safe and adequate. What's more, it allows to deal with special flights such aerial work flights.

The obligation to comply with all the ICAO conditions transposed in SERA B would entice operational difficulties on some big French airports.

The requirement that both aircrafts accept the visual separation takes a long time on the radio communication channel. Furthermore, sometimes, this requirement is not relevant since pilots don't always have a global view of the operational situation.

Safety statistics:

Since July 2007, safety statistics shows that France only had 5 events linked with visual separation derogations. The analysis of these events showed that none of them was sufficiently serious to force the French NSA to cancel any of the given derogation.

It clearly shows that the present French procedures for visual separation are safe and can be maintained within the SERA regulatory framework.

Proposed modification:

At least offer a possibility for local derogations if acknowledged by NSA, on the basis of a safety study and a continuous supervision by the NSA.

response *Not accepted*

It should be noted that a pilot filing an IFR flight plan would expect to be provided with separation, at least from other IFR flights, in all classes of controlled airspace; hence, the requirement that ATC should not propose such a clearance and the pilots of both aircraft involved need to agree to the application of VMC clearance. In class D/E there is a speed limit of 250 kt applied which allows an aircraft to 'see and be seen' in time to avoid collision. It should be noted that the majority of the derogations mentioned in the comment are acceptable under other provisions related to 'reduction in separation minima in the vicinity of aerodromes' which will be covered in SERA Part C. (PANS-ATM, Chapter 6, paragraph 6.1 refers.)

comment 329

comment by: DGAC

§2.2.2

*"except that, when requested by an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the appropriate ATS competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared without separation being so provided in respect of a specific portion of the flight conducted below 3050 M (10 000 ft) during climb or descent, during day in visual meteorological conditions."*

The NPA's proposed wording states that the separation is then no more provided by ATC. But maybe we could be even more precise, stating that separation is delegated to the pilots involved.

We propose the following wording (contained in PANS-ATM § 5.9) which is a bit

more precise:

*"a flight may be cleared subject to maintaining own separation in respect of a specific portion of the flight"*

response *Accepted*

Amend the text under 2.2.2 e) as follows: 'except that, when requested by an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared **subject to maintaining own separation** ~~without separation being so provided~~ in respect of a specific portion of the flight below 3 050 M (10 000 ft) during climb or descent, during day in visual meteorological conditions.'

comment 331

comment by: *DGAC*

§ 2.2.3 Correlation of levels to tracks

The proposed text referring to the AIP suits French DGAC.

response *Noted*

It is noted that the text is acceptable.

comment 344

comment by: *UK CAA*

**Page No: 34**

**Paragraph No: 2.2.2**



**Comment:**

SERA text states:

except that, when requested by an aircraft **and agreed by the pilot of the other aircraft** and if so prescribed by the competent authority for the cases listed under b) above in airspace Classes D and E,.....

whereas ICAO Annex 11 states:

except that, when requested by an aircraft and if so prescribed by the appropriate ATS authority for the cases listed under b) above in airspace Classes D and E,.....

This variation from Annex 11 (bold underlined text), requiring the other pilot to agree, makes an additional unnecessary complication.

The text is also incorrect in that requirement is on the pilot of an aircraft, not on the aircraft itself. **Justification:** Accurate applicability.

**Proposed Text:**

except that, when requested by the pilot of an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the competent authority for the cases listed under b) above in airspace Classes D and E, a flight may be cleared without separation being so provided in respect of a specific portion of the flight below 3050 M (10 000 ft) during climb or descent, during day in visual meteorological conditions.

response *Partially accepted*

It should be noted that the requirement that the pilot of the other aircraft must agree to the VMC clearance is in accordance with ICAO PANS-ATM.

Whilst it is common in ICAO documentation to refer to either the 'aircraft' or the 'pilot of the aircraft' it is agreed that the mixing of the two is not suitable. Therefore, amend the text under 2.2.2 e) to read: 'except that, when requested by **the pilot of** an aircraft and agreed by the pilot of the other aircraft and if so prescribed by the competent authority ...'.

comment

399

comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

2.2.3

that's an open item as far as I know, especially because there is NO agreement as to the fact WHERE cruising levels should start. the initiative to harmonise a common transition altitude is still ongoing.

Fact is, that there SHALL not be a different table than ICAO if there is no agreement on the HTA....

response *Noted*

There is no correlation of paragraph 2.2.3 with the issue of transition altitude. In this context it should also be noted that the table of cruising levels in Appendix 2 of SERA Part A also lists levels expressed in feet, as are the tables of cruising levels in ICAO Annex 2.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 2 – Air Traffic Control Service — 2.3 Separation minima** p. 34-35

comment 35

comment by: *Finnish Transport Safety Agency (NSA)*

2.3

The selection of the separation minima should be done by the competent authority based on the proposal and appropriate safety assessments by the ANS provider. This section can be placed in its present place in SERA Part B or in Part ATS as well.

Changes in separation minima may potentially introduce hazards which have severities of class 1 or 2 and consequently according to the EC regulation 1315/2007 the competent authority(NSA) must review the change and safety assessment made by the ANS provider.

response *Noted*

The provision could be placed in either Part ATS or in SERA Part B. It was decided, for the sake of completeness, to place the provision in SERA. It is agreed that the ANSP should propose for the competent authority to accept any changes, as appropriate.

comment 48

comment by: *CANSO*

2.3 Separation minima

The term “provisions adopted under the Chicago Convention” is significantly broadening the scope, as it may now also include Manuals, Guidance Material and even Circulars as issued by ICAO; The selection of separation minima should continue to be covered according to the PANS-ATM and regional supplement Doc 7030 as long as these documents are

not transposed as such in the SERA provisions.

It is not clear what responsibility and what actions the Commission will take so as to propose measures with regards to the selection of separation minima.

CANSO favours that the ANSP proposes the separation minima and that the Competent Authority adopts it.

response *Partially accepted*

The provisions 'adopted under the Chicago Convention' do not include Manuals, Guidance Material or Circulars but refer to Standards and Recommended Practices. Hence, in accordance with Annex 11 (and SERA Part B) the selection (for the time being) is to be made from PANS-ATM and Doc 7030. The Commission will make a proposal in due course as to the selection of the separation minima. In the meantime, due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

comment *83*

comment by: *CAA-NL*

It is not clear what responsibility and what actions the Commission intends to propose, and how, with regard to the selection of separation minima.

response *Noted*

It is expected that the Commission will propose the selection based on PANS-ATM and Doc 7030; however, it is still to be decided whether these should be Implementing Rules or Acceptable Means of Compliance.

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by

the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

comment

92

comment by: NFellay

*The term "provisions adopted under the Chicago Convention" is significantly broadening the scope, as it may now also include Manuals, Guidance Material and even Circulars as issued by ICAO; The selection of separation minima should continue to be covered according to the PANS-ATM and regional supplement Doc 7030 as long as these documents are not transposed as such in the SERA provisions.*

*It is not clear what responsibility and what actions the Commission will take so as to propose measures with regards to the selection of separation minima.*

2.3.1 The selection of separation minima for application within a given portion of airspace shall be as follows:

a) ~~the selection of separation minima shall be done in accordance with the provisions adopted under the Chicago Convention the separation minima shall be selected from those prescribed by the provisions of the PANS-ATM and the Regional Supplementary Procedures as applicable under the prevailing circumstances except that, where types of aids are used or circumstances prevail which are not covered by current ICAO provisions, other separation minima shall be established as necessary by:~~

**The Commission shall propose measures with regards to the selection of separation minima.**

response

*Noted*

The provisions 'adopted under the Chicago Convention' do not include Manuals, Guidance Material or Circulars but refer to Standards and Recommended Practices. Hence, in accordance with Annex 11 (and SERA Part B) the selection (for the time being) is to be made from PANS-ATM and Doc 7030. The Commission will make a proposal in due course as to the selection of the separation minima. In the meantime, due to the limited amount of inputs during

the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

comment 93

comment by: *NFellay*

b) the selection of separation minima shall be made in consultation between the ~~appropriate ATS authorities~~ **entities** responsible for the provision of air traffic services in neighbouring airspace, **and approved by the competent authorities concerned**, when

*Today, this is the prerogative of the ATS Authority and this is where it must stay. It is understood that the term ATS Authority may need to be changed and that different models in Europe do exist. However, moving this prerogative down, or upstream would be very counterproductive and would open issues of quality and consistency and as a result safety being compromised.*

*A clear need for defining the "entity" with such a prerogative is imposed by the proposed change, however this was nowhere in the document done. As it stands it implies also that wherever the ATS authority is replaced by the Competent Authority – that is not any more an entity that is providing the ATS. This is part of the big issue elaborated upon in the row N°1.*

response *Noted*

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment	<p>114 <span style="float: right;">comment by: LVNL</span></p> <p>It is not clear what responsibility and what actions the Commission intends to propose, and how, with regard to the selection of separation minima.</p>
response	<p><i>Noted</i></p> <p>It is expected that the Commission will propose the selection based on PANS-ATM and Doc 7030; however, it is still to be decided whether these should be Implementing Rules or Acceptable Means of Compliance. Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:</p> <ul style="list-style-type: none"> <li>— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b).</li> <li>— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.</li> </ul> <p>The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.</p>

comment	<p>153 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></span></p> <p><b>§2.3.1</b></p> <p>2.3.1 The selection of separation minima for application within a given portion of airspace shall be as follows:</p> <p>a) <span style="color: red;">the selection of separation minima shall be done in accordance with the provisions adopted under the Chicago Convention</span> <del>the separation minima shall be selected from those prescribed by the provisions of the PANS-ATM and the <i>Regional Supplementary Procedures</i> as applicable under the prevailing circumstances except that, where types of aids are used or circumstances prevail which are not covered by current ICAO provisions, other separation minima shall be established as necessary by:</del></p> <p><span style="color: red;">The Commission shall propose measures with regards to the selection of separation minima.</span></p>
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*The term 'provisions adopted under the Chicago Convention' is significantly broadening the scope, as it may, now, also include Manuals, Guidance Material and even Circulars as issued by ICAO.*

*Further, it is not clear what responsibility and what actions the Commission will take so as to 'propose measures with regards to the selection of separation minima.'*

response *Noted*

The provisions 'adopted under the Chicago Convention' do not include Manuals, Guidance Material or Circulars but refer to Standards and Recommended Practices. Hence, in accordance with Annex 11 (and SERA Part B) the selection (for the time being) is to be made from PANS-ATM and Doc 7030. The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

Additionally, due to the limited amount of inputs in the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

154

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§2.3.1 b)**

b) the selection of separation minima shall be made in consultation between the ~~appropriate ATS authorities~~ **entities** responsible for the provision of air traffic services in neighbouring airspace, **and approved by the competent authorities concerned**, when:

*Today, this is the prerogative of the ATS Authority and this is where it must stay. It is understood that the term ATS Authority may need to be changed and that*

*different models in Europe do exist. However, moving this prerogative down, or upstream would be very counterproductive and would open issues of quality and consistency and as a result safety being compromised.*

*A clear need for defining the "entity" with such a prerogative is imposed by the proposed change, however this was nowhere in the document done. As it stands it implies also that wherever the ATS authority is replaced by the Competent Authority – that is not any more an entity that is providing the ATS. This is part of the big issue elaborated upon in the row N°1.*

response

Noted

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

217

comment by: *Aura MARCULESCU*

No: 1

Reference: **2.3.1 a)**

Quote/proposal: Separation minima

Comments//Remark (Reason for comment):

The term "provisions adopted under the Chicago Convention" is significantly broadening the scope, as it may now also include Manuals, Guidance Material and even Circulars as issued by ICAO. The selection of separation minima should continue to be covered according to the PANS-ATM and regional supplement Doc 7030 as long as these documents are not transposed as such in the SERA IR provisions.

It is not clear what responsibility and what actions the Commission will take so as to propose measures with regards to the selection of separation minima.

Today, the selection of the separation minima is the prerogative of the ATS Authority and this is where it must stay. We favour that the ANSP proposes the separation minima and that the Competent Authority adopts it. The text is proposed to be modified as follows:

*b) the selection of separation minima shall be made in consultation between the*



*appropriate ATS authorities entities responsible for the provision of air traffic services in neighbouring airspace, and approved by the competent authorities concerned, when:*

response *Partially accepted*

The provisions ‘adopted under the Chicago Convention’ do not include Manuals, Guidance Material or Circulars but refer to Standards and Recommended Practices. Hence, in accordance with Annex 11 (and SERA Part B) the selection (for the time being) is to be made from PANS-ATM and Doc 7030. The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

- the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);
- the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

231

comment by: *Aura MARCULESCU*

Editorial

Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response

*Noted*

comment

245

comment by: *AENA*

2.3.1

Regarding the responsibility of selecting the separation minima is considered that this should be made by the ANSPs following the measures proposed by the Commission, and approved by the competent authority.

With respect to the placement of this provision, AENA considers that the most appropriate one would be Part ATS.

## 2.3.2

As in the case of the provision above, AENA believes that the most appropriate placement would be Part ATS, while SERA Part B should include that the minima separation within each airspace is published in the concerned AIP.

response *Noted*

It is agreed that these provisions could be either in Part ATS or in SERA.

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

comment 287

comment by: AESA / DSANA

Regarding paragraph 2.3.1.b) in SERA Part B.

It is considered not suitable for its inclusion in the proposed text as it lacks of a "rule of the air" nature. Furthermore it is considered within the scope of Commission Regulation 550/2004 on service provision, as article 10 of the mentioned regulation deals with relations between service providers and the selection of the separation minima in the applicable circumstances is considered to be subject to agreements between ANSPs.

Anyway, in case it is finally decided to include this standard in SERA Part B, it only would be acceptable if the expression "*approved by the competent authorities concerned*" is replaced by "*in accordance with Commission measures with regards to the selection of separation minima*". The reason for the change is twofold:

- In the Annex 11 standard it is not requested an approval.
- The selection of separation minima must be done in accordance with the appropriate Commission measures; and just in case, considering the scope of Commission Regulation 550/2004, Article 10.

Conclusion: Paragraph 2.3.1.b) is considered not suitable for its inclusion in SERA Part B.

response *Noted*

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

327

comment by: UK CAA

**Page No:** 35

**Paragraph No:** 2.3.1a

**Comment:**

The following requires guidance material to explain the meaning of:

'the selection of separation minima shall be done in accordance with the provisions adopted under the Chicago Convention as applicable under the prevailing circumstances. The Commission shall propose measures with regards to the selection of separation minima.'

Surely the criteria published within ICAO Doc 4444 (PANS-ATM) will apply?

Why is it deemed necessary for the Commission to propose measures with regards to the selection of separation minima, and in what timescales will this be achieved?

The separation minima to be used is developed by the ATS provider in consultation with relevant parties (adjacent providers, etc). The competent authority role is to review such proposals and supporting safety assurance documentation and to accept the proposal or not.

Will the anticipated work consider surveillance-based separation criteria?

Regarding the question posed at page 17 of the NPA, the development of appropriate separation minima is the responsibility of the ATS provider and requires associated safety assurance. The competent authority are responsible for reviewing and accepting (or otherwise) the proposal.

**Justification:** Clarification

response

*Noted*

The phrase 'adopted under the Chicago Convention' refers to ICAO Standards and Recommended Practices. In this context it should be noted that, in Annex 11, it is stated, *inter alia*, that the separation minima shall be selected from those in PANS-ATM and the regional SUPPs. As regards that part of the provision stating that the Commission shall propose measures, this is to be seen as a

placeholder until the time that a decision can be made as to the placement of the separation minima (SERA Part B or C, IR or AMC).

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

— the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);

— the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment 328

comment by: UK CAA

**Page No:** 35

**Paragraph No:** 2.3.1b

**Comment:** The text states that the competent authority 'approves' the separation minima. The correct term, in accordance with EC Reg 1315/2007 is 'accept'.

**Justification:** Consistent terminology.

**Proposed Text:**

Replace 'approve' with 'accept'.

response *Accepted*

Amend paragraph 2.3.1 b) as follows: '... responsible for the provision of air traffic services in neighbouring airspace, and **accepted** ~~approved~~ by the competent authorities concerned, ...'. (tbd)

comment 330

comment by: UK CAA

**Page No:** 35

**Paragraph No:** 2.3.2

**Comment:**

The requirement to publish in aeronautical information publications, where separation is based on the use by aircraft of specified navigation aids or specified navigation techniques, is excessive and will generate disproportionate administrative burden. This would result in all separation standards, other than surveillance and vertical, being replicated in the AIP.

**Justification:** Proportionate rule making.

**Proposed Text:**

'...to pilots and aircraft operators through aeronautical information publications, where separation is based on the use by aircraft of specified navigation aids or specified navigation techniques, where these are at variance to the separation standards promulgated within this rule and its associated Acceptable Means of Compliance.'

response

*Partially accepted*

The provision is based on present ICAO provisions of Annex 11 and no difference has been filed by any EU Member State to this specific provision. There would not be a need to publish every separation minimum that is used but rather those that require specific airborne equipment.

Due to the limited amount of inputs during the consultation, the subject will be proposed for discussion at the workshop based on the following principles:

- the principle that the selection of separation minima must be conducted by the ANSP and approved by the competent authority will be described in Part ATS in replacement of SERA Part B 2.3.1 b);
- the former 2.3.2 text will remain in SERA after adaptation and will be followed by text indicating that any separation minima which would not belong to those available in the rules must be described in AIP.

comment

400 comment by: *Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung*

2.3.1 a)

THIS would mean, that EVERY ICAO separation currently used AND adopted ( while published in DOC7030) would be allowed when SERA B is current.  
in THIS cases no objections against it.  
IF there is a change in direction "one set of separation rules", I would not agree to it !!

response

*Noted*

The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.

comment	424	comment by: <i>Luca Valerio Falessi</i>
response	<p>ENAC believes that the expression adopted here is not appropriate for an Implementing Rule. We believe that the process of selecting appropriate minima should be the subject of European Regulation (hard or soft regulation), based on ICAO provision, but autonomous from them, so that all involved elements may be taken into account.</p>	
	<p><i>Noted</i></p> <p>The text of 2.3.1 a) is a placeholder until further regulatory action is completed to cover the subject matter. This work is going to be carried out along with the transposition of PANS-ATM.</p>	

<p><b>B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 2 – Air Traffic Control Service — 2.4 Air traffic control clearances</b></p>	<p>p. 35-37</p>
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comment	30	comment by: <i>Finnish Transport Safety Agency (NSA)</i>
response	<p>2.4.4</p> <p>Section 2.4.4 should be moved from SERA Part B to the upcoming SERA Part concerning radiotelephony.</p> <p>Procedures regarding radiotelephony are in most part published in ICAO Annex 10 Vol II and regarding phraseologies in DOC 4444 PANS-ATM and DOC 7030 Regional Supplementary Procedures. Annex 11 contains only the issues relating to read back of clearances, which have now been included in draft SERA Part B. In order to create a logical and consistent set of rules regarding radiotelephony, all the issues relating to radiotelephony should be included in a single regulation/implementing rule. In our understanding the intent is to cover in SERA Part C/D all radiotelephony procedures. If SERA Part B would now include requirements regarding read back (which is essentially an issue covered normally in radiotelephony rules), and everything else would be in another Part, this would be against the ideology of SERA to establish a consistent set of European rules. Also from the point of view of the end user, it would be problematic if regulations concerning the same area are spread among many different documents.</p> <p><i>Noted</i></p> <p>It is agreed that it would be preferable to have all issues relating to radiotelephony and phraseology in the same place. This will be considered during the further developments under SERA. Further investigation of that option will be conducted at a later stage due to the EC mandate requirements and sequencing</p>	

which are requesting a step by step approach for the production and adoption of the deliverables.

comment 31

comment by: *Finnish Transport Safety Agency (NSA)*

We have proposed earlier that the whole of 2.4.4 is moved to the upcoming SERA Part regarding radiotelephony and assessed separately what it should include. In the case that it is decided not to move 2.4.4 from SERA Part B we would like to propose the following additions to 2.4.4.

#### 2.4.4.1

A new point should be added to include approach and arrival clearances and taxi clearances.

Approach and arrival clearances are essential items to be read back, and they currently are not included in the list of items to be read back. Also taxi instructions and clearances should be included in the list of items always to be read back, rather than keeping them in 2.4.4.1.1, which does not require mandatory read back. Taxi instructions particularly in airports where the layout is complex can have a major impact on safety if they are not understood correctly.

**ADD text: "approach and arrival clearances and taxi instructions."**

The heading, bearing or position relating to direction finding should be included in items to be read back.

In Annex 10 Vol II 6.2.9 it is stated that "As soon as the aircraft station has received the bearing, heading or position, it shall repeat back the message for confirmation or correction." Therefore it should be included in this list as well.

This example however further points out the need to consider all matters relating to radiotelephony in a single SERA Part to ensure consistency and ease of use.

**ADD text in 2.4.4.1 c) "direction finding-related bearing, heading or position information"**

A requirement for the controller to acknowledge the correct read back should be added.

Currently there is only the requirement for the controller to listen the read-back and correct any discrepancies. This however leaves the "loop" between pilot and controller open, since there is no acknowledgement from the controller to the pilot to confirm that the read back has been heard. If the pilot always assumes that the lack of acknowledgement is an implicit confirmation of the read-back and starts the appropriate action based on this assumption, it may lead to increased risk for example in the case that two aircraft read back a message that was only meant for one of them. Controller acknowledgement of correct read back is thus a useful safety net.

Confirmation of the correctness of readback could be done f.ex. by transmitting the call-sign of the ATS unit (such as in Note 2 of ICAO Annex 10 Vol II 5.2.1.9.2.2), the call-sign of the aircraft reading back the clearance or other appropriate phrase such as "CORRECT". From the safety net perspective the using

of aircraft call sign would be the most unambiguous choice since that would leave no uncertainty regarding to whom the clearance was intended.

response *Partially accepted*

As regards the first comment: **noted**. It is agreed that it would be preferable to have all issues relating to radiotelephony and phraseology in the same place. This will be considered during the further developments under SERA. Further investigation of that option will be conducted at a later stage due to the EC mandate requirements and sequencing which are requesting a step by step approach for the production and adoption of the deliverables.

As regards the inclusion of taxi, approach and arrival clearance: **partially accepted**. In this context it should be noted that route clearances and levels are already included in the mandatory readback items which will include clearances to follow SIDs and STARs, therefore they would not need to be included. As regards taxi clearance, it is **accepted** to include this item in paragraph 2.4.4.1 b) as follows: clearances to enter, land on, take off from, hold short off, cross, taxi and backtrack on any runway ...", but the proposed introduction of 'taxi instructions' in subparagraph c): 'Runway-in-use, altimeter settings, ...' is **not accepted**.

As regards readback of 'direction finding-related bearings, etc'., this is going to be discussed under SERA Part C.

comment 36

comment by: *Finnish Transport Safety Agency (NSA)*

2.4.4.2

The current text is acceptable. When implementing CPDLC, ATS units may initially propose that some CPDLC messages are read back if they so decide and in this case the competent authority shall approve the proposition if appropriate. Competent authority may also prescribe that CPDLC messages shall be read back by voice, independent of the proposition of the ATS unit. However the basic ideology is that there shall be no need for voice read back of CPDLC.

response *Noted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.



comment	<p data-bbox="365 277 405 300">99</p> <p data-bbox="1145 277 1437 300">comment by: <i>NFellay</i></p> <p data-bbox="365 360 504 383">§2.4.5.2.1</p> <p data-bbox="365 394 1501 483">When prescribed by the ATS unit, aircraft shall contact a downstream air traffic control unit, for the purpose of receiving a downstream clearance prior to the transfer of control point.</p> <p data-bbox="365 539 1094 562"><u>Editorial</u>: <i>Difference from ICAO Annex 11 not tracked.</i></p> <p data-bbox="365 595 1501 685"><u>Material</u>: <i>ICAO Annex 11 reads: 'When prescribed by the appropriate ATS authority...'. Please confirm that responsibility is deliberately shifted from ATS authority to ATS Unit.</i></p>
response	<p data-bbox="365 748 448 770"><i>Noted</i></p> <p data-bbox="379 831 1485 965">The editorial will be corrected. As regards the change, it is confirmed that it has been made deliberately since it was considered that the ATS unit concerned would be in a better position to make the decision as to when/if an aircraft should contact a downstream ATC unit.</p>
comment	<p data-bbox="365 1099 421 1122">136</p> <p data-bbox="1169 1099 1437 1122">comment by: <i>NATS</i></p> <p data-bbox="365 1178 1501 1357"><b>2.4.4</b> The inclusion of 'taxi instructions' under 'other clearances' in 2.4.4.1.1 has no logic as they are a fundamental part of an ATC service i.e. preventing collisions between aircraft and an incorrect or no readback can have more severe consequences for safety than the non readback of an assigned SSR code for example. Also, the current wording of c) allows for confusion.</p> <p data-bbox="365 1402 1501 1536">NATS therefore suggests that 2.4.4.1 be amended to read: "c) Runway-in-use, <b>taxi instructions</b>, altimeter settings, SSR codes, newly assigned communications channels, level instructions, heading and speed instructions; and</p> <p data-bbox="365 1581 1501 1637">d) transition levels, whether issued by the controller or contained in ATIS broadcasts,"</p> <p data-bbox="365 1682 1326 1704">AND that "and taxi instructions" be accordingly deleted from 2.4.4.1.1.</p>
response	<p data-bbox="365 1738 608 1760"><i>Partially accepted</i></p> <p data-bbox="379 1816 1485 1951">PARTIALLY ACCEPTED: The proposed introduction of 'taxi instructions' in subparagraph c): 'Runway-in-use, altimeter settings, ...' is not sufficiently justified and not accepted. Further work on this issue may be considered in the future. The proposed amendment of 2.4.4.1 d) is ACCEPTED.</p>

comment	137	comment by: NATS
	<p><b>2.4.5.2.1</b> The retention of downstream clearances is also important to enable the current procedures for OLDI failure between ACCs to be maintained. NATS therefore requests that the current text be retained.</p>	
response	<p><i>Accepted</i></p> <p>Downstream clearances will be retained in the provision.</p>	

comment	161	comment by: Federal Office of Civil Aviation (FOCA), Switzerland
	<p><b>§2.4.5.2.1</b></p> <p>When prescribed by the ATS unit, aircraft shall contact a downstream air traffic control unit, for the purpose of receiving a downstream clearance prior to the transfer of control point.</p> <p><i>Editorial: Difference from ICAO Annex 11 not tracked.</i></p> <p><i>Material: ICAO Annex 11 reads: 'When prescribed by the appropriate ATS authority...'. Please confirm that responsibility is deliberately shifted from ATS authority to ATS Unit.</i></p>	
response	<p><i>Noted</i></p> <p>The difference will be tracked. As regards the change, it is confirmed that it has been made deliberately since it was considered that the ATS unit concerned would be in a better position to make the decision as to when/if an aircraft should contact a downstream ATC unit.</p>	

comment	197	comment by: Julian Scarfe
	<p>[PPL/IR comment 7]</p> <p><i>2.4.2.1 An air traffic control clearance shall indicate:</i></p> <p>...</p> <p><i>b) clearance limit;</i></p>	

*c) route of flight;*

*d) level(s) of flight for the entire route or part thereof and changes of levels if required;*

...

The formulaic structure of a clearance set out in 2.4.2.1 is inappropriate in many circumstances, for example for a VFR flight at a controlled aerodrome, which requires a clearance by virtue of Part A 4.8.

*3.6.1.1 An air traffic control clearance shall be obtained prior to operating a controlled flight, or a portion of a flight as a controlled flight.*

*4.8 VFR flights shall comply with the provisions of 3.6:*

...

*b) when forming part of aerodrome traffic at controlled aerodromes; or*

Replace the introductory sentence with:

*2.4.2.1 An air traffic control clearance shall indicate, as appropriate to the nature of the flight, any or all of the following elements:*

...

response *Not accepted*

It is considered necessary to include all items also for a VFR flight at a controlled aerodrome.

comment 247

comment by: AENA

2.4.4.1

It is considered that the adverb "completely" should be added in order to make sure that the whole clearances and/or instructions are read back entirely by the flight crew.

2.4.4.2

AENA considers that the voice read back of CPDLC messages is an operational issue which should be decided according to communication procedures and conditions previously established in the EASA Basic Regulation, in Part ATM/ANS, while its specific applications should be decided by the ATSP concerned.

response *Partially accepted*

The addition of the word 'completely' does not add more clarity to the provision and is therefore **not accepted**. As regards the second comment, the operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment 288

comment by: AESA / DSANA

Regarding SERA Part B paragraph 2.4.2.1, it is kindly suggested to add the ATFM slot to the items to be issued in the ATC clearance. This is proposed for consistency with other dispositions such as Art 6 6.a) in European Regulation 255/2010 on ATFM common rules.

Conclusion: Add the ATFM slot to the items to be issued in the ATC clearance.

response *Not accepted*

A clearance is not only issued to aircraft with a slot time but also to aircraft en route, aircraft crossing controlled airspace, VFR flights, etc. Consequently, a slot time cannot be included in the generic description of a clearance.

comment 289

comment by: AESA / DSANA

Concerning SERA Part B paragraph 2.4.4.2, it is proposed to replace the text "*prescribed by the competent authority*" by "*prescribed by the ATS Unit concerned*", since it is deemed that the voice read-back of CPDLC messages is an operational issue and in many cases a real time issue based on particular/local circumstances. Approval by the competent authority is not in any case considered necessary.

Conclusion: replace "*the competent authority*" by "*the ATS Unit concerned*".

response *Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is

normally involved within its own role. This may be further clarified in future guidance material.

comment

290

comment by: AESA / DSANA

Concerning ICAO Annex 11 paragraph 3.7.4.2.1.4, it is proposed to include it in SERA Part B as it is considered an additional safety barrier which only brings benefits into the system.

Conclusion: Include ICAO Annex 11 paragraph 3.7.4.2.1.4 in SERA Part B.

response

*Not accepted*

Although it is agreed that the paragraph could add another safety barrier, it was not considered suitable for a mandatory implementing rule in the sense that it may not always be practicable (or possible) to establish two-way communications with the downstream unit. However, the paragraph could be considered for an AMC.

comment

333

comment by: UK CAA

**Page No:** 35

**Paragraph No:** 2.4

**Comment:**

SERA Part A also has a section on clearances. It is logical for such provisions to be consolidated in one place, and to that end it is considered essential that Part A and Part B elements are brought together and considered as a single element of the SERA package. This will help understanding and implementation.

**Justification:**

Clarity of context and presentation, plus completeness of content.

**Proposed Text:**

Consolidate clearances-related material from SERA Part A, Part B, and those being identified as within Part C.

response

*Noted*

Due to the EC target dates, the step by step approach of SERA (imposed by the mandate) requires that such distribution is initially maintained. A possible different 'grouping' of some items will be studied later on.

comment

334

comment by: UK CAA

**Page No:** 35**Paragraph No:** 2.4.3.2**Comment:**

Why 'shall'? Reversion to original ICAO Annex 11 text necessary.

**Justification:**

No justification for the use of the word 'shall' (e.g., when are supersonic/transonic flights envisaged within the route network/when operating as GAT?)

Consistency with Annex 11 may require this requirement to become AMC.

**Proposed Text:**

Either remove the draft text and develop it as AMC, or amend to read: 'The air traffic control clearance relating to the deceleration and descent of an aircraft from supersonic cruise to subsonic flight shall seek to provide for uninterrupted descent, at least during the transonic phase.'

response

*Accepted*

Amend the text of paragraph 2.4.3.2 to read: 'The air traffic control clearance relating to the deceleration and descent of an aircraft from supersonic cruise to subsonic flight shall **seek to** provide for uninterrupted descent during the transonic phase.'

comment

345

comment by: UK CAA

**Page No:** 35**Paragraph No:** 2.4.4.1c**Comment:**

The list includes 'transition level' but this is not defined.

Presentation of transition warrants own sub-para and further explanation.

**Justification:** Complete rules.

**Proposed Text:**

Include the ICAO definition of 'transition level' in the IR definitions.

Add new para 2.4.4.1d as follows:

d) transition levels, whether issued by the controller or contained in ATIS broadcasts.'

response *Noted*

The proposed amendment brings the issue of readback of transition levels to the forefront and is considered to be an improvement. Therefore, amend paragraph 2.4.4.1 as follows: 'c) runway-in-use, altimeter settings, SSR codes, newly assigned communication channels, level instructions, heading and speed instructions, and, ~~whether issued by the controller or contained in ATIS broadcasts, transition levels~~ **d) transition levels, whether issued by the controller or contained in ATIS broadcasts.'**

comment 346

comment by: UK CAA

**Page No:** 36

**Paragraph No:** 2.4.4.2

**Comment:**

Would this be a task for the competent authority to specify? The requirement would be generated from the ATS provider risk assessment and subsequently promulgated in the AIP. Deletion of 'by the competent authority' is suggested.

**Justification:** Clarification

response *Partially accepted*

The operational nature of the readback is accepted. It is accepted that it should be prescribed by the ATS unit, in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

comment 347

comment by: UK CAA

**Page No:** 36

**Paragraph No:** 2.4.5.2.1.1

**Comment:**

The text requires Aircraft to maintain the necessary two-way communication with the current air traffic control unit whilst obtaining a downstream clearance – this is not always possible as certain aircraft types may only be fitted with one radio (or

only have one radio available). In such circumstances aircraft must be allowed (subject to ATC approval) to leave the frequency to obtain their downstream clearance.

**Justification:** Reflection of actual need.

**Proposed Text:**

Unless otherwise authorised by ATC, aircraft shall maintain the necessary two-way communication with the current air traffic control unit whilst obtaining a downstream clearance.

response

*Noted*

It is considered necessary for the safety that the two-way communication is maintained with the current ATC unit. This is also in line with other Implementing Rules, such as SERA Part A, paragraph 3.6.5.1.

comment

348

comment by: *UK CAA*

**Page No:** 36

**Paragraph No:** 2.4.5.3

**Comment:** This is not a SERA provision as it relates to inter ATS unit coordination.

**Justification:** Consistent rule structure.

**Proposed Text:** Remove from SERA and allocate to Part ATS.

response

*Not accepted*

Although it is agreed that this paragraph could form part of Part ATS, it is considered beneficial to keep it in its present place for completeness of the provisions.

comment

425

comment by: *Luca Valerio Falessi*

ENAC believes that some text should be added in order to clarify that the pilot who ask for an ATC clearance subject to specific conditions or requirements (i.e. equipment, operational approvals, certificates, etc.) ensures implicitly that he/she, the aircraft, the certification and approvals, satisfy all the involved requirements, so to relieve the controller from any responsibility in front to the law.

Recent judiciary investigations after aircraft accidents, which resulted in the prosecution and sentence of Air Traffic Controllers, showed that the concept of ATC clearance may be sometimes misunderstood during a judiciary investigation.



response *Not accepted*

It is considered implicit in all regulations that a pilot who requests a clearance will be aware of the various requirements associated with such a clearance and that they are met.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 2 – Air Traffic Control Service — 2.5 Control of persons and vehicles at aerodromes**

p. 37

comment

138

comment by: *NATS*

**2.5.2 b)** NATS does not understand how a minimum separation between vehicles and taxiing aircraft could be practically applied and thus seeks clarification on this proposal.

response

*Noted*

This could be covered by Guidance Material.

comment

139

comment by: *NATS*

**2.5.2 c)** The appropriate restricted areas must be protected as applicable to the type of operation requiring to be protected at that moment. To have to give ILS protection to an MLS aircraft negates the purpose of MLS. The intent might have been to refer to the airfield protection that is delivered by the airport, but the wording infers this is also the protection applied tactically by ATC for each aircraft.

NATS therefore requests EITHER that subparagraph c) be reworded so as to clarify the meaning OR that it be deleted.

response

*Not accepted*

This paragraph refers to 'critical and sensitive' areas necessary to protect the signal in the space of the ILS or MLS station. In mixed operations, it is considered necessary to apply to more restrictive area (ILS), to these operations, even though this at times may negate the purpose of MLS.

comment

184

comment by: *UK General Aviation Alliance*

	<p>Comment 184</p> <p>Part B para 2.5.1</p> <p>The requirement for the control tower to control the movement of persons or vehicles is only applicable at a controlled aerodrome. We suggest this para is amended to read "2.5.1 The movement of persons or vehicles including towed aircraft on the manoeuvring area of a controlled aerodrome shall be controlled by the aerodrome control tower as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off"</p>
response	<p><i>Not accepted</i></p> <p>It is implicit in the rule that 'control' can only be exercised by an ATC unit and at a controlled aerodrome.</p>
comment	<p>291 <span style="float: right;">comment by: AESA / DSANA</span></p> <p>Regarding paragraph 2.5.2 b) in SERA Part B, it is suggested replacing the expression "<i>approved by the competent authority</i>" by "<i>established by the airport manager</i>". This proposal is based on the fact that the selection of separation minima between Aircraft and vehicles when LVP are in force is considered to be an operational issue, as many local characteristics related to aerodrome services have to be taken into account (aids available, marshalling vehicles, service vehicles, airport layout,...).</p> <p>Additionally, please do note that in the Annex 11 standard the term approved is not used.</p> <p><u>Conclusion</u>: Replace the expression "<i>approved by the competent authority</i>" by "<i>established by the airport manager</i>"</p>
response	<p><i>Not accepted</i></p> <p>The development of the separation minima to be applied could be within the competence of e.g. the airport manager; however, the approval of such minima should not be under the authority of the manager or any other local entity, but under the authority of the competent authority.</p>
comment	<p>335 <span style="float: right;">comment by: DGAC</span></p> <p>The NPA states :</p> <p>"</p> <p><i>2.5.2 In conditions where low visibility procedures are in operation:</i></p>

...

*b) subject to the provisions in 2.5.3, the minimum separation between vehicles and taxiing aircraft shall be as approved by the competent authority taking into account the aids available; "*

France strongly believes that an approval by the competent authority is not relevant in this case.

- As regards to the management of low visibility conditions, there is a great variability of conditions, and solutions possible, on different aerodromes. Hence the minimum separation cannot be approved by the competent authority (understood as the NSA's).

- It should not be an obligation to prescribe separation minima under LVP conditions as the deconfliction between ground vehicles and aircraft can be managed through the establishment of an adapted circulation plan and of a letter of agreement between the ATS provider and the aerodrome operator. In some airports little equipped, it is not possible to operate an aircraft and a ground vehicle simultaneously. Today, on French airports manoeuvring areas, such minima do not exist.

Rationale:

The separation minima should be prescribed when necessary by the ANSP, taking into account the equipments available, the particular infrastructure of the aerodrome, and the type of traffic concerned. Because of these very local factors that have to be taken into account, it is not possible for the NSA to approve every specific aerodrome procedure.

It is very difficult for the NSA to judge the relevancy of the LVP organisation. The number of taxiways, their configuration (near the runway, etc.), the presence of an axial lighting, the existence of ATS surveillance equipments, the size of the aircraft operated, all these elements require a case by case study.

In this matter, the organisation which is more competent to evaluate the situation

is the ATS provider in coordination with the aerodrome operator. They have the local experience on the particular aerodrome which is indispensable to estimate the separation minima to be used.

For example, in France, letter of agreements are systematically signed between ATS providers and aerodrome operators. In this document, the ATS provider defines his requirements vis-à-vis the presence of vehicles on the manoeuvring area. Under LVP conditions, these requirements will be severe and only the unavoidable ground operations will continue to take place.

The French NSA checks the existence of such agreement, of regular ATS provider / airfield operators REX meetings, and of specific LVP instructions in ATS provider manuals and in aerodrome operator documentation. It then takes into consideration the effective implementation of all these provisions.

It would be risky to give the NSA's the responsibility to approve the separation minima as it could be counter productive with regards to safety. The NSA's have not got the local and particular experience necessary for this task. Moreover, it should be noted that the ICAO text refers to the competent ATS authority (the French regulation are in line with ICAO provisions on this matter, the competent ATS authority being understood as the ATS provider).

Proposed text:

2.5.3 *In conditions where low visibility procedures are in operation:*

...

*b) subject to the provisions in 2.5.3, the minimum separation between vehicles and taxiing aircraft can be prescribed by the ATS provider taking into account the aids available; "*

response *Partially accepted*

The text will be amended in accordance with the principle that the minimum separation shall be prescribed by the ATS unit and approved by the competent authority.

comment

350

comment by: UK CAA

**Page No:** 37**Paragraph No:** 2.5**Comment:**

This requirement only applies to controlled aerodromes. There is synergy here with comments on Part A text regarding stop bars. Therefore, for certainty and consistency it is necessary to specify that this refers only to controlled aerodromes.

**Justification:** Proportionate and clear regulation.**Proposed Text:**

2.5 Control of persons and vehicles at controlled aerodromes

2.5.1 The movement of persons or vehicles including towed aircraft on the manoeuvring area of a controlled aerodrome shall be controlled by the aerodrome control tower as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off.

response

*Not accepted*

It is implicit in the rule that 'control' can only be exercised by an ATC unit and at a controlled aerodrome.

comment

351

comment by: UK CAA

**Page No:** 37**Paragraph No:** 2.5**Comment:**

Regulations governing the control of movements of aircraft, vehicles and persons on the manoeuvring area of an aerodrome are fragmented, in that some are contained within SERA Part A (3.2.3.4), and others in Part B. In fact there is a

degree of duplication.

It is logical for such provisions to be consolidated in one place, and to that end it is considered essential that Part A and Part B elements are brought together and considered as a single element of the SERA package.

**Justification:**

Clarity of context and presentation, plus completeness of content.

**Proposed Text:**

Consolidate all SERA provisions governing rights of way and collision avoidance, including aircraft, vehicles and persons on the manoeuvring area of an aerodrome.

response

*Noted*

The provisions of Part A are not subject to amendment at this time; consolidation of the provisions could be considered at a later stage.

comment

352

comment by: UK CAA

**Page No:** 37

**Paragraph No:** 2.5.1

**Comment:**

The existing text requires that movements on aerodromes must be controlled by the control tower but this is not possible at aerodromes without a control tower or outside the hours of operation of the control tower. It is suggested that the term 'controlled aerodrome' be introduced here to filter out aerodromes without a control tower or ATC service in operation.

**Justification:**

The existing text is too restrictive for aerodromes without a control tower or active ATC service.

**Proposed Text:**

The movement of persons or vehicles including towed aircraft on the manoeuvring area of a controlled aerodrome shall be controlled by the aerodrome control tower as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off.

response

*Not accepted*

It is implicit in the rule that 'control' can only be exercised by an ATC unit and at a controlled aerodrome.

comment	<p data-bbox="365 208 421 232">354</p> <p data-bbox="1139 208 1437 232">comment by: UK CAA</p> <p data-bbox="365 293 544 318"><b>Page No:</b> 37</p> <p data-bbox="365 356 679 380"><b>Paragraph No:</b> 2.5.2b</p> <p data-bbox="365 418 517 443"><b>Comment:</b></p> <p data-bbox="365 472 1493 537">Although transposition of ICAO Annex 11 text is acknowledged, clarification is requested regarding the practical application of such minima.</p> <p data-bbox="365 562 1493 719">Use of the term 'competent authority' is not considered appropriate here. It would be more appropriate to state: 'the minimum separation between vehicles and taxiing aircraft shall be prescribed by the ATS unit, taking into account the aids available'. This would then be subject to approval and acceptance by the competent authority.<b>Justification:</b> Clarification.</p> <p data-bbox="365 763 592 788"><b>Proposed Text:</b></p> <p data-bbox="365 797 1493 887">Subject to the provisions in 2.5.3, the minimum separation between vehicles and taxiing aircraft shall be as prescribed by the ATC unit and approved by the competent authority, taking into account the aids available;</p>
response	<p data-bbox="365 949 491 974"><i>Accepted</i></p> <p data-bbox="379 1032 1493 1137">The text will be amended in accordance with the principle that the minimum separation shall be prescribed by the ATS unit and approved by the competent authority.</p>

comment	<p data-bbox="365 1261 421 1285">434</p> <p data-bbox="836 1261 1437 1285">comment by: René Meier, Europe Air Sports</p> <p data-bbox="365 1346 475 1370">Page 37</p> <p data-bbox="365 1379 1046 1404">2.5 Control of persons and vehicles at aerodromes</p> <p data-bbox="365 1413 1493 1478">The Agency makes no difference in 2.5.1 between controlled and un-controlled airfields equipped with a tower.</p> <p data-bbox="365 1487 1437 1512">Our view: Only at controlled aerodromes the requirement of 2.5.1 is applicable.</p> <p data-bbox="365 1520 1493 1608">Justification: Our organisation is of the opinion that such a requirement is not necessary for the safe operations at uncontrolled aerodrome equipped with a tower.</p>
response	<p data-bbox="365 1632 544 1657"><i>Not accepted</i></p> <p data-bbox="379 1715 1493 1780">It is implicit in the rule that 'control' can only be exercised by an ATC unit and at a controlled aerodrome.</p>

<b>Service — 2.6 Special VFR in control zones</b>
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comment 14

comment by: *AFSBw/German Air Force*

2.6.1 Special VFR flights may be authorized to operate within a control zone, subject to an ATC clearance. Except when permitted by the competent authority for

helicopters in special cases such as medical flights, search and rescue operations and fire-fighting, the following additional conditions shall apply: ...

Comment:

Military and/or police flights are not mentioned (training and/or executive missions).

It is recommended to use the term "state aircraft".

proposed change:

Except when permitted by the competent authority for helicopters in special cases such as **state aircraft flights (e.g. police or military)**, medical flights, search and rescue operations and fire-fighting, the following additional conditions shall apply: ...

Or alternatively:

Except when permitted by the competent authority in special cases for helicopters the following additional conditions shall apply: ...

response *Not accepted*

It should be noted that the present provisions do not apply to State aircraft. It should also be noted that State aircraft are not under the authority of the competent authority (NSA or EASA as referred to in the recently adopted safety oversight IR).



comment

84

comment by: CAA-NL

NL has 2 problems with the proposed S-VFR visibility criteria. These norms are not strict enough to be applied in busy CTR's. Currently 3000 m is applied for fixed wing in CTR of major Dutch airports. It will not be safe to apply the proposed SERA norm.

Furthermore, the proposed norms are too strict for military helicopter operations, especially regarding the cloudbase (which is the same for helicopters and fixed wing aircraft). Currently 200 ft base is applied for helicopters.

Therefore NL has the opinion that it is not possible to prescribe one set of S-VFR visibility criteria, to be applied for the whole or Europe.

Suggest to add to the contents of 2.6: "unless otherwise specified by the competent authority, separation shall be provided between special VFR flights with minima prescribed by that authority"

response

*Not accepted*

In accordance with SERA Part A, Table 3-2, the minimum visibility (when prescribed so by the competent authority) in airspace classes F and G is 1 500 m which corresponds to the minimum visibility for SVFR. It should also be noted that in accordance with paragraph 2.2.2 e) SVFR flights are to be separated from each other unless otherwise prescribed by the competent authority. Consequently, with separation applied, safety of operations should not be an issue. As regards the comment relating to military helicopter operations, it should be noted that the Implementing Rules do not apply to State aircraft.

comment

96

comment by: NFellay

*Skyguide understands that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.*

response

*Noted*

It is understood that skyguide supports these provisions with the understanding that they will be reviewed as necessary.

comment

115

comment by: LVNL

LVNL has two problems with the proposed S-VFR visibility criteria. These conditions are not stringent enough to be applied in busy CTR's. Currently 3000 m is applied for fixed wing in CTR of major Dutch airports. It will not be safe to apply the proposed SERA condition (1500 m).

Furthermore, the proposed conditions are too strict for (military) helicopter operations, especially regarding the cloudbase (which is the same for helicopters and fixed wing aircraft). Currently 200 ft base is applied for helicopters.

Therefore LVNL holds the opinion that it is not possible to prescribe one set of S-VFR visibility criteria, to be applied for the whole of Europe.

LVNL suggests to add to the contents of 2.6: "unless otherwise specified by the competent authority, separation shall be provided between special VFR flights with minima prescribed by that authority"

response *Not accepted*

In accordance with SERA Part A, Table 3-2, the minimum visibility (when prescribed so by the competent authority) in airspace classes F and G is 1 500 m which corresponds to the minimum visibility for SVFR. It should also be noted that in accordance with paragraph 2.2.2 e) SVFR flights are to be separated from each other unless otherwise prescribed by the competent authority. Consequently, with separation applied, safety of operations should not be an issue. As regards the comment relating to military helicopter operations, it should be noted that the Implementing Rules do not apply to State aircraft flying OAT.

comment 140

comment by: *NATS*

**2.6.1** The new night VFR rules in SERA Part A have created the possibility for all pilots to fly VFR in a CTR at night without IMC ratings. However the proposed SVFR rules only provide for flight in a CTR during the day and this presents a problem if a pilot is airborne at night and the weather deteriorates below the night VFR minima. ATC is no longer able to issue a SVFR clearance for the pilot to continue safely. If the pilot does not have an IMC rating and/or the aeroplane does not have IFR instruments, then the pilot has to declare an emergency and land at the nearest airfield.

Similarly an aircraft could not depart an aerodrome in a CTR at night if the weather is below night VFR minima but above daytime SVFR minima. The NPA states that the SVFR rules were taken from Airspace Classification Toolbox but the rationale for day time only clearances is not given. NATS request that this is clarified in relation to addressing the issue above and that the requirement for SVFR to be applied only during the day be reviewed.

response *Noted*

The issue will be further studied with a view to addressing the concerns in additional explanatory material during discussions at the workshop or in Guidance Material if appropriate.

comment 157

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§2.1.1 c), §2.2.2 d) & e), §2.6**

(copie)

*We understand that the SVFR related issues are of a serious complexity level, therefore it is acceptable that the text is kept as proposed with a clear commitment that these provisions will be reviewed with the degree of priority.*

response *Noted*

It is understood that FOCA supports these provisions with the understanding that they will be reviewed as necessary.

comment 168

comment by: CNFAS

To join an aerodrome must be possible, even on bad weather conditions. So, we limit the ceiling condition for departures, but permit take-off and landing training.

*2.6.1 Special VFR flights may be authorized to operate within a control zone, subject to an ATC clearance. Except when permitted by the competent authority for helicopters in special cases such as medical flights, search and rescue operations and fire-fighting, the following additional conditions shall be applied:*

*a) by ATC:*

*i) for a departure, during day only;*

*ii) the ground visibility is not less than 1 500 m or, for helicopters, not less than 800 m;*

*iii) for a departure leaving aerodrome circuit, the ceiling is not less than 180 m (600 ft); and*

*b) by the pilot:*

*i) clear of cloud and with the surface in sight;*

*ii) the flight visibility is not less than 1 500 m or, for helicopters, not less than 800 m;*

*iii) at speed of 140 kts IAS or less to give adequate opportunity to observe other traffic and any obstacles in time to avoid a collision;*

response *Not accepted*

It is not considered to be in the interest of safety to limit the conditions to be applied to departing aircraft only. This subject may be further developed during the workshop if required. Nevertheless, the drafting of paragraph 2.6.1 will be improved to clarify the application of both pilot and ATC criteria.

comment

185

comment by: *UK General Aviation Alliance*

Comment 185

Part B para 2.6.1, Special VFR in control zones

Para 2.6.1 a) would prevent ATC issuing a special VFR clearance to an aircraft at night. The circumstances may arise where an aircraft/pilot combination satisfy the requirements for IFR flight in Class G airspace but not in a Class A control zone so the only way to cross the class A airspace is on a special VFR clearance. We see no reason to preclude special VFR at night so propose that either para i) is deleted or a note is added "except where prescribed by the competent authority".

response

*Not accepted*

VFR flights are not permitted in class A airspace whether; hence, special VFR is not applicable in Class A airspace.

Regarding the clearance for special VFR flight at night.

Not accepted. It is not considered to be in the interest of safety to allow special VFR at night.

The 'day only' criterion is directly transposed from the Airspace Classification Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.

comment

198

comment by: *Julian Scarfe*

[PPL/IR comment 8]

*2.6.1 Special VFR flights may be authorized to operate within a control zone, subject to an ATC clearance. Except when permitted by the competent authority for helicopters in special cases such as medical flights, search and rescue operations and fire-fighting, the following additional conditions shall be applied:*

*a) by ATC:*

*i) during day only;*

This is overly restrictive, and may be dangerous. SVFR may be used to remove the requirement to maintain a separation of 1000 ft from cloud. This is equally applicable at night. With a cloud ceiling of 1500 ft, a VFR flight in a CTR is required to fly at a height of no more than 500 ft, which compromises terrain and obstacle clearance. A SVFR flight may operate more safely at, say, 1000 ft.

Delete *i) during day only;* (and renumber)

response

*Not accepted*

It is not considered to be in the interest of safety to allow SVFR at night. The 'day only' criterion is directly transposed from the Airspace Classification Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.

comment

273

comment by: *LFV Sweden*

Sweden allows Special VFR also during night. National addition/deviation?

response

*Noted*

National deviations are not foreseen.

comment

336

comment by: *DGAC*

§ 2.6.1 a) Special VFR : ATC criteria

France globally agrees with the minimum conditions proposed by the NPA.

However, the "ATC criteria", introduced in SERA, for the acceptance of the deliverance of a special VFR clearance by ATC may have an adverse effect on safety.

We think that this condition should only concern departing traffic.

Rationale:

- If an arriving VFR flight meets adverse meteorological conditions, it would be inappropriate to systematically refuse the clearance on the basis of the ATC criteria. With a visibility lower than 1500 m (or 800 m for helicopters), it is clear that the pilot would be in violation of SERA et therefore could be sanctioned. But if possible in the ATC context, and if required by dangerous circumstances, the clearance should not be refused. For departing traffic, the case is very different because the refusal by ATC does not endanger the aircraft.

- What's more, in a wide CTR, conditions in an area may be very different from the conditions observed just around the aerodrome. As a result, these ATC criteria may lead to refuse a transit clearance when the meteorological conditions met by the pilot are totally acceptable.

Proposed text:

"...

a) by ATC:

i) during day only ;

ii) *for a departing flight* the ground visibility is not less than 1 500 m or, for helicopters, not less than 800 m ;

iii) *for a departing flight leaving the aerodrome circuit* , the ceiling is not less than 180 m (600 ft) ;

and ..."

response *Not accepted*

It is not considered to be in the interest of safety to limit the conditions to be applied to departing aircraft only. This subject may be further developed during the workshop if required. Nevertheless, the drafting of paragraph 2.6.1 will be improved to clarify the application of both pilot and ATC criteria.

comment 356

comment by: UK CAA

**Page No:** 37**Paragraph No:** 2.6.1**Comment:**

The text reads:

Special VFR flights may be authorized to operate within a control zone, subject to an ATC clearance. **Except when permitted by the competent authority for helicopters in special cases such as medical flights, search and rescue operations and fire-fighting**, the following additional conditions shall be applied:

The bold underlined text does not appear to fit with SERA IR Article 4, which currently states:

1. At the request of the entities conducting the following activities, the competent authorities may grant exemptions from the specific requirements of this Regulation to the following activities of public interest and the training necessary to carry them out safely;
  - a) police and customs missions;
  - b) traffic surveillance and pursuit missions;
  - c) environmental control missions conducted by, or on behalf of public authorities;
  - d) search and rescue;
  - e) medical flights;
  - f) evacuations;
  - g) fire fighting;
  - h) exemptions required to ensure the security of flights by heads of State, Ministers and comparable State functionaries.
2. The competent authority authorising these exemptions shall inform EASA of the nature of the exemptions at latest two months after the exemption has been approved.
3. This article is without prejudice to article 3 and may be applied in the cases where the activities listed under paragraph 1, cannot be carried out as operational air traffic or where they otherwise may not benefit from the flexibility provisions contained in this regulation

In light of SERA Article 4, it would seem that there is no need for the underlined/bold text in SERA Part B para 2.6.1. **Justification:** Consistent rule making.

**Proposed Text:**

Special VFR flights may be authorized to operate within a control zone, subject to

an ATC clearance. Except when permitted by the competent authority in accordance with Article 4, the following additional conditions shall be applied:

response *Partially accepted*

The comment is absolutely correct and this situation is linked to the subsequent steps of the drafting process. There are other places where the similar effect could be taken into account (e.g. SERA Part A 3.9) and this should be considered in the final stage of adoption of the relevant SERA parts.

comment

357

comment by: UK CAA

**Page No:** 37

**Paragraph No:** 2.6.1 a) i)

**Comment:**

The restriction of SVFR to day time places undue limitation on the toolbox approach to defining State Rules of the Air.

The ability to inhibit VFR at night as specified within SERA Part A relies equally on being able to allow SVFR at night where appropriate.

Inhibition of SVFR at night means that there is excess pressure to allow VFR at night, as to do otherwise would result in significant unjustified impact on aircraft operators.

The SERA definition of SVFR (transposed from ICAO) is: **Special VFR flight**. A VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC. This makes no reference to day time only.

The need for special VFR during the day time is the same at night and there is no case made for its inhibition. During the development of the Airspace Classifications Toolbox and subsequent to Part A consultation, the UK was informed that Special VFR would be permissible at night.

Special VFR results in managed access to CTRs, rather than forcing aircraft to route around and potentially take more risk.

**Justification:**

Proportionate rule making and the need for requirement for SVFR to be during the day only to be reviewed and confirmed.

**Proposed Text:**



	<p>Delete i) or amend to read:</p> <p>i) during day only, unless approved otherwise prescribed by the Competent Authority</p>
response	<p><i>Not accepted</i></p> <p>It is not considered to be in the interest of safety to allow special VFR at night.</p> <p>The 'day only' criterion is directly transposed from the Airspace Classification Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.</p>
comment	<p>401 comment by: <i>Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung</i></p> <p>2.6.1.</p> <p>It is quite unlikely that a SVFR flight that has to be SEPARATED from IFR and other SVFR flights will be able to observe other traffic. This provision is probably to avoid obstacles only....</p>
response	<p><i>Noted</i></p> <p>It should be noted that separation of SVFR flights from each other should be applied 'unless otherwise prescribed by the competent authority', hence the reference to other traffic.</p>
comment	<p>435 comment by: <i>René Meier, Europe Air Sports</i></p> <p>Pages 37 and 38  2.6 Special VFR in control zones  2.6.1 Special VFR flights...  a) by ATC  i) during day only  Our view: We are in favour of a "Special VFR at night also" provision and see no reason to preclude such an operation.  Justification: The possibility to get a special VFR clearance also at night increases the operational flexibility of flight crews. Therefore, the list containing the difference A11-05 to ICAO should be adapted accordingly by correcting the "day only" entry.</p>

response *Not accepted*

It is not considered to be in the interest of safety to allow special VFR at night.

The 'day only' criterion is directly transposed from the Airspace Classification Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 3 – Flight Information Service — 3.1 Application**

p. 38

comment 18

comment by: *HungaroControl Hungarian ANS Pte. Ltd. Co.*

The definition of „known traffic” should be layed down as it is not obvious what it exactly covers. The category the term seems to cover now is too wide which may cause a problem in airspace class G.

response *Not accepted*

The adjective 'known' is used as it is defined in the dictionary, i.e. it covers all aircraft that have been made known to ATS in one way or the other.

comment 292

comment by: *AESA / DSANA*

Concerning paragraph 3.1.3 in SERA Part B and since the inclusion of the note in the ICAO standard is stated to be under discussion, it is suggested including it as it is considered to have a rule of the air nature.

Conclusion: Include the ICAO standard note.

response *Partially accepted*

The note is not considered to be suitable for an Implementing Rule but will be considered for AMC and/or Guidance Material.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 3 – Flight Information**

p. 38-39

<b>Service — 3.2 Scope of flight information service</b>
--

comment

49

comment by: *CANSO*

3.2.2. b) Flight Information Service

To reflect the traffic information limitations brought by the ICAO Annex 11 paragraph 4.2.2 note 1, CANSO proposes to re-word the provision as follows:

*" b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G, as far as practicable;"*

response

*Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment

85

comment by: *CAA-NL*

To reflect the traffic information limitations brought by the ICAO Annex 11 paragraph 4.2.2 note 1, NL proposes the following re-wording of this provision:

*" b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G, as far as is practicable;"*

response

*Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment

116

comment by: *LVNL*

To reflect the traffic information limitations brought by the ICAO Annex 11 paragraph 4.2.2 note 1, LVNL proposes to rephrase of this provision as follows:  
*" b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G, as far as is practicable;"*

response *Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment 141

comment by: NATS

**3.2.2 a)** Given modern aircraft range, ANSPs cannot possibly hold all this information for **every** airfield (including alternates) intended for use by **all** departing aircraft.  
 NATS recommends that subparagraph a) be deleted.

response *Noted*

The concern is understood. The text will be maintained as it was in the NPA, but will be complemented by appropriate GM/AMC to clarify that this provision relates to the necessary information to be made available for the departure, destination, and alternate aerodromes when required/requested.

comment 142

comment by: NATS

**3.2.2 b)** The current wording could be construed as meaning a proximity warning service is obligatory, whereas in some contexts it is provided subject to the constraints of higher priority duties (e.g. provision of an ATC service). To avoid confusion NATS suggests 3.2.2 b) be amended to read: "collisions hazards, to aircraft operating in airspace Classes C, D, E, F and G, **as far as practicable**"

response *Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment	143	comment by: NATS
response	<p><b>3.2.2 c)</b> Please clarify how and where this provision is intended to be relevant or practicable</p> <p><i>Noted</i></p> <p>The provision is relevant particularly in instances of potential emergencies over water where information on vessels could be important. Information on surface vessels, if not available at the ATS unit, can be obtained from the rescue coordination centre. The possibility to further complement with GM will be considered.</p>	
comment	169	comment by: CNFAS
response	<p>A pilot has to prepare his flight and, before departing, has to know weather conditions at destination and alternate aerodromes.</p> <p>Collision hazard can only be provided if known by the controller. In Class E airspace, all VFR flights are not known.</p> <p><i>3.2.2 Flight information service provided to flights shall include, in addition to that outlined in 3.2.1, the provision of information concerning:</i></p> <p><i>a) if requested by the pilot, weather conditions reported or forecast at departure, destination and alternate aerodromes;</i></p> <p><i>b) if known, collision hazards, to aircraft operating in airspace Classes C, D, E, F and G;</i></p> <p><i>c) for flight over water areas, in so far as practicable and when requested by a pilot, any available information such as radio call sign, position, true track, speed, etc., of surface vessels in the area.</i></p> <p><i>Noted</i></p> <p>As regards paragraph 3.2.2 a), the concern is understood and NOTED. The text will be maintained as it was in the NPA, but will be complemented by appropriate GM/AMC to clarify that this provision relates to the necessary information to be made available for the departure, destination, and alternate aerodromes when required/requested.</p> <p>As regards b), it is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be</p>	

considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment

218

comment by: *Aura MARCULESCU*

1.

**3.2.2 b)**

Flight Information Service

To reflect the traffic information limitations brought by the ICAO Annex 11 paragraph 4.2.2 note 1, the re-wording of the provision is proposed as follows:

*b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G, as far as practicable;*

response

*Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment

232

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response

*Noted*

comment

250

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Chapter 3 – Flight Information Service**

In paragraph 3.2.1 b) it says that volcanic activity shall be reported to aircraft. In ICAO Annex 3 there is a form “Volcanic Activity Report (VAR)” to be used when reporting volcanic activity. Sweden is of the opinion that this form should be included as an appendix.

response *Partially accepted*

The intention is understood and supported. It is to be noted that currently an ICAO form is under review and there is also an EASA form. Additional works will be conducted when the ICAO works are concluded in order to identify the form to be used. This form will be included in SERA in due time.

comment

293

comment by: AESA / DSANA

Concerning paragraph 3.2.2 in SERA Part B and as the inclusion of note 1 to the ICAO standard is said to be under discussion, it is suggested including it in a disposition in SERA Part B as it is considered to have a rule of the air nature.

Conclusion: Include the ICAO standard note.

response

*Not accepted*

Note 1 to ICAO Annex 11, paragraph 4.2.2 will be considered for an AMC or GM.

comment

294

comment by: AESA / DSANA

In relation with the text in recommendation 4.2.3 in ICAO Annex 11, which according to the ICAO Annex 11 checklist provided with the NPA is under discussion, it is suggested to include it in SERA Part B.

Conclusion: Include the ICAO Annex 11 recommendation 4.2.3 in SERA Part B.

response

*Accepted*

It is done in Chapter 5.

comment

338

comment by: DGAC

### § 3.2.2 Flight information service

The proposed text for SERA B states:

*"Flight information service provided to flights shall include, in addition to that outlined in 3.2.1, the provision of information concerning:*

...

*b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and*

*G; "*

The proposed text implies that FIS will provide collision hazards information, all the time, for all aircraft. This is a strong requirement on ATS, which is not realistic and cannot be contained as such in an IR.

For this reason, we believe that the note contained in ICAO annex 11, §4.2.2, should be included in the text of the IR:

*"Note 1.— The information in b), including only known aircraft the presence of which might constitute a collision hazard to the aircraft informed, will sometimes be incomplete and air traffic services cannot assume responsibility for its issuance at all times or for its accuracy."*

Proposed text:

*"Flight information service provided to flights shall include, in addition to that outlined in 3.2.1, the provision of information concerning:*

...

*b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and*

*G; This, including only known aircraft the presence of which might constitute a*



*collision*

*hazard to the aircraft informed, will sometimes be incomplete and air traffic services cannot assume responsibility for its issuance at all times or for its accuracy.»*

If we do not insert the ICAO note in the text of the IR, this should be at least contained in an AMC.

response

*Partially accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2; however, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

comment

339

comment by: DGAC

*"3.2.3 Flight information service provided to VFR flights shall include, in addition to that outlined in 3.2.1, the provision of available information concerning traffic and weather conditions along the route of flight that are likely to make operation under the visual flight rules impracticable."*

This strong requirement is excessive and can be very heavy for ATS in term of workload. What's more, there is no real limit – in distance for example - to what is required from the ATS unit.

Rationale:

- It is the pilot responsibility to prepare his flight by seeking the meteorological conditions he will meet along his route.

- The ATC does not necessarily know the precise route of the VFR (no flight plan requested).

- With this incomplete information, the controller has to provide information all

along the route.

- We can consider for example that TAF and METAR are available for the controller: but he has to look for it on a special terminal and read the adequate information (ceiling etc.). This task is not negligible.

- The induced frequency occupancy implied makes this requirement unrealistic.

We believe that the provision of this meteorological information (apart from significant phenomena) cannot be delivered on a systematic basis.

Proposed text:

*"3.2.3 Flight information service provided to VFR flights shall include, **if requested by the pilot**, in addition to that outlined in 3.2.1, the provision of available information concerning traffic and weather conditions along the route of flight that are likely to make operation under the visual flight rules impracticable."*

response *Not accepted*

It should be noted that the information to be provided relates only to weather conditions that are likely to make VFR operations impracticable. In general terms this wouldn't generate any excessive R/T. It is also not considered suitable to provide information on traffic only at the request of the pilot.

comment 358

comment by: UK CAA

**Page No:** 39

**Paragraph No:** 3.2.2a

**Comment:**

Given modern aircraft range, ANSPs cannot possibly hold all this info for **every** airfield intended for use by **all** departing aircraft.

**Justification:**

Although this is a transposition of ICAO Annex 11 text, the requirement is arguably impractical.

**Proposed Text:**

Amend a) to begin 'as far as practicable, weather....'

response *Noted*

The concern is understood. The text will be maintained as it was in the NPA, but will be complemented by appropriate GM/AMC to clarify that this provision relates to the necessary information to be made available for the departure, destination, and alternate aerodromes when required/requested.

comment 360

comment by: UK CAA

**Page No:** 39

**Paragraph No:** 3.2.2b

**Comment:**

Current wording could be construed as meaning a proximity warning service is obligatory.

Also, provision of collision hazard warnings will be subject to the level of information available to the service provider.

**Justification:** Reflection of reality.

**Proposed Text:**

Amend 3.2.2 b) to read;

"collisions hazards, to aircraft operating in airspace Classes C, D, E, F and G, **as far as practicable**"

response *Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for AMC or GM.

comment 426

comment by: Luca Valerio Falessi

To reflect the traffic information limitations brought by the ICAO Annex 11 paragraph 4.2.2 note 1, ENAV proposes to re-word the provision as follows:

" b) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G **as far as practicable**

response *Not accepted*

It is considered that the proposed addition does not reflect the intent of note 1 to ICAO Annex 11 paragraph 4.2.2. Instead, this note will be considered for GM/AMC.

It will be clarified that this provision relates only to the detected collision hazards.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 3 – Flight Information Service — 3.3 Automatic Terminal Information Service (ATIS)**

p. 39-42

comment 97

comment by: *NFellay*

§3.3.1.2 versus §5.3.1

3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided the appropriate air traffic services unit shall, when replying to **an aircraft acknowledging receipt of an ATIS** ~~the message in e) above~~ or, in the case of arriving aircraft, at such other time as may be prescribed by the **competent** authority, provide the aircraft with the current altimeter setting, ~~and~~

5.3.1 Special observations shall be made by all aircraft whenever the following conditions are encountered or observed:

*Editorial: Difference from ICAO Annex 11 not tracked.*

*Material: The corresponding requirement from ICAO Annex 11 contains explicit requirement for aircraft to acknowledge ATIS message, while in SERA Part B it is only implied. This would be justified assuming that aircraft acknowledging ATIS message does not constitute a 'collective action'. However, Chapter 5 places numerous requirements for aircraft to provide routine and special air reports, which similarly cannot constitute a 'collective action' (e.g. §5.3.1).*

*Clear and consistent principles of transposing ICAO SARPs are needed so as to ensure consistent and safe ATS procedures*

response

*Accepted*

The requirement for the aircraft to acknowledge receipt of the ATIS message should be included in this provision. Therefore, amend paragraph 3.3.1.2 as follows: 3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided:

a) aircraft shall acknowledge receipt of the information upon establishing communication with the ATS unit providing approach control service or the aerodrome control tower, as appropriate; and

b) the appropriate air traffic services unit shall, when replying to an aircraft acknowledging receipt of an ATIS message or, in the case of arriving aircraft, at such other time as may be prescribed by the competent authority, provide the aircraft with the current altimeter setting.

comment

98

comment by: *NFellay*

§3.3.2.1, § 3.3.3.1, §3.3.4.1

These elements are replaced by the term "CAVOK" when the following conditions occur simultaneously at the time of observation: a) visibility, 10 km or more, and the lowest visibility not reported; b) no cloud of operational significance; and c) no weather of significance to aviation.

***Cloud of operational significance.*** A cloud with the height of cloud base below 1 500 m (5 000 ft) or below the highest minimum sector altitude, whichever is greater, or a cumulonimbus cloud or a towering cumulus cloud at any height

***Editorial:*** *this is one of many changes to the Annex 11 text which is not tracked for the reviewer. Previously, "These elements are replaced by the term "CAVOK" whenever the conditions specified in the PANS-ATM (Doc 4444) Chapter 11 prevail".*

***Material:*** *"Cloud of operational significance" has a specific definition in Annex 3. This needs to be added to the SERA material, otherwise the specific meaning is lost.*

response

*Accepted*

The tracking will be improved as necessary and the definition of cloud of operational significance will be added to the list of definitions.

comment	<p>144</p> <p><b>3.3</b> NATS is not clear that all of these requirements are necessarily relevant to EU operations in the 21<sup>st</sup> century. Also it is not clear how it is decided when certain items in the lists are “appropriate” or “applicable”. NATS would therefore support a thorough review of the content of ATIS messages.</p>	comment by: NATS
response	<p><i>Noted</i></p> <p>The comment is understood. However, no available safety/impact assessment was identified which would allow such changes in the short term. The benefit of such review is recognised but it is not compatible with the current SERA deadlines. Additionally, no significant notified differences on the subject of ATIS messages were identified. This may be the subject of further work when time and resources allow.</p>	
comment	158	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<p><b>§ 3.3.1.2 versus § 5.3.1</b></p>	
	<p>3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided the appropriate air traffic services unit shall, when replying to <b>an aircraft acknowledging receipt of an ATIS</b> the message <del>in e) above</del> or, in the case of arriving aircraft, at such other time as may be prescribed by the <b>competent</b> authority, provide the aircraft with the current altimeter setting. <del>and</del></p>	
	<p>5.3.1 Special observations shall be made by all aircraft whenever the following conditions are encountered or observed:</p>	
	<p>...</p>	
	<p><i>Editorial: Difference from ICAO Annex 11 not tracked.</i></p>	
	<p><i>Material: The corresponding requirement from ICAO Annex 11 contains explicit requirement for aircraft to acknowledge ATIS message, while in SERA Part B it is only implied. This would be justified assuming that aircraft acknowledging ATIS message does not constitute a 'collective action'. However, Chapter 5 places numerous requirements for aircraft to provide routine and special air reports, which similarly cannot constitute a 'collective action' (e.g. §5.3.1).</i></p>	
	<p><i>Clear and consistent principles of transposing ICAO SARPs are needed so as to ensure consistent and safe ATS procedures.</i></p>	
response	<p><i>Accepted</i></p>	

The requirement for the aircraft to acknowledge receipt of the ATIS message should be included in this provision. Therefore, amend paragraph 3.3.1.2 as follows: 3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided:

- a) aircraft shall acknowledge receipt of the information upon establishing communication with the ATS unit providing approach control service or the aerodrome control tower, as appropriate; and
- b) the appropriate air traffic services unit shall, when replying to an aircraft acknowledging receipt of an ATIS message or, in the case of arriving aircraft, at such other time as may be prescribed by the competent authority, provide the aircraft with the current altimeter setting.

comment

160

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§ 3.3.2.1, § 3.3.3.1, § 3.3.4.1**

\* These elements are replaced by the term "CAVOK" when the following conditions occur simultaneously at the time of observation: a) visibility, 10 km or more, and the lowest visibility not reported; b) no cloud of operational significance; and c) no weather of significance to aviation.

***Cloud of operational significance.*** A cloud with the height of cloud base below 1 500 m (5 000 ft) or below the highest minimum sector altitude, whichever is greater, or a cumulonimbus cloud or a towering cumulus cloud at any height.

*Editorial: this is one of many changes to the Annex 11 text which is not tracked for the reviewer. Previously, "These elements are replaced by the term "CAVOK" whenever the conditions specified in the PANS-ATM (Doc 4444) Chapter 11 prevail"*

*Material: "Cloud of operational significance" has a specific definition in Annex 3. This needs to be added to the SERA material, otherwise the specific meaning is lost.*

response

*Accepted*

The tracking will be improved as necessary and the definition of 'cloud of operational significance' will be added to the list of definitions.

comment	<p>219 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>No: 1</p> <p>Reference: <b>3.3.2.1, 3.3.3.1, 3.3.4.1</b></p> <p>Quote/proposal: ATIS for arriving and departing aircraft, ATIS for arriving aircraft, ATIS for departing aircraft</p> <p>Comments//Remark (Reason for comment):</p> <p><i>"Cloud of operational significance"</i> has a specific definition in Annex 3. This needs to be added to the SERA IR, otherwise the specific meaning is lost.</p> <p>We have the following proposal:</p> <p><i>These elements are replaced by the term "CAVOK" when the following conditions occur simultaneously at the time of observation: a) visibility, 10 km or more, and the lowest visibility not reported; b) no cloud of operational significance; and c) no weather of significance to aviation.</i></p> <p><b><i>Cloud of operational significance. A cloud with the height of cloud base below 1 500 m (5 000 ft) or below the highest minimum sector altitude, whichever is greater, or a cumulonimbus cloud or a towering cumulus cloud at any height.</i></b></p>
response	<p><i>Accepted</i></p> <p>The tracking will be improved as necessary and the definition of 'cloud of operational significance' will be added to the list of definitions.</p>

comment	<p>233 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>Editorial Convention:  Source text is copied in <i>italic</i>.  Text proposed for deletion is <del>strokethrough</del>.  Text proposed for insertion is in <b>red colour</b>.  Comments/Remarks are in normal font.</p>
response	<p><i>Noted</i></p>

comment	<p>248 <span style="float: right;">comment by: <i>AENA</i></span></p> <p>3.3.1.2</p>
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Only paragraph f) from the ICAO SARP is transposed, without the explicit requirement for aircraft to acknowledge ATIS message. Therefore it is considered that this provision should be notified as a difference, including it in the supplement to the aneex.

response *Accepted*

The requirement for aircraft to acknowledge receipt of the ATIS message should be included in this provision. Therefore, amend paragraph 3.3.1.2 as follows:  
3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided:

- a) aircraft shall acknowledge receipt of the information upon establishing communication with the ATS unit providing approach control service or the aerodrome control tower, as appropriate; and
- b) the appropriate air traffic services unit shall, when replying to an aircraft acknowledging receipt of an ATIS message or, in the case of arriving aircraft, at such other time as may be prescribed by the competent authority, provide the aircraft with the current altimeter setting.

comment 340

comment by: DGAC

§ 3.3.1.1 ATIS

*"When requested by the pilot, the applicable ATIS message(s) shall be transmitted by the appropriate air traffic services unit."*

The NPA says :

*"In order to clarify some comments received on the provision 3.3.1.1 regarding the transmission of the ATIS message by the ATS Unit, the understanding of this provision is that when it is specifically requested by the pilot, the ATS Unit shall transmit the full content of the ATIS message. This point will be considered when guidance material is developed. "*

We then understand that the controller has to deliver the ATIS message by voice when requested by the pilot. It is not realistic, especially in big TMAs. The induced frequency occupancy implied makes this requirement impossible to comply with.

Or the "appropriate air traffic services unit" is clearly not the ATS agent, but the

ATS ATIS system?

Proposed text:

*“When requested by the pilot, the applicable ATIS message(s) identifier shall be transmitted by the appropriate air traffic services unit.”*

response *Not accepted*

The concern is understood but no impact assessment would currently allow the ICAO approach to be modified. Additionally, no case of abuse of this provision has been reported or identified.

comment 361

comment by: UK CAA

**Page No:** 40

**Paragraph No:** 3.3.2, 3.3.3 and 3.3.4

**Comment:**

It is inappropriate to introduce the term ‘CAVOK’ in a footnote. The term should be included in the Rule to ensure it is legally binding.

**Justification:**

CAVOK will be used to replace terms used in the Rule and therefore it is important that CAVOK is also mentioned in the Rule rather than as a footnote.

**Proposed Text:**

3.3.5 The term “CAVOK” may be used to replace individual reports for visibility, present weather and cloud when the following conditions occur simultaneously at the time of observation: a) visibility, 10 km or more, and the lowest visibility not reported; b) no cloud of operational significance; and c) no weather of significance to aviation.

response *Partially accepted*

The drafting of the text will be improved to better reflect the meaning of CAVOK.

Application
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comment

38

comment by: *Finnish Transport Safety Agency (NSA)*

4.1.1

SERA Part B brings binding requirements for air traffic services also when it comes to provision of alerting service and therefore any ambiguous statements should be avoided.

"Any other aircraft otherwise known to air traffic services" is a fairly vague term and open for interpretation regarding what is the responsibility of an air traffic controller, if an aircraft has at some point during its flight contacted ATC and requested f.ex. weather information and later on becomes under distress – after the first contact, should ATC have started to follow the aircraft and request it to report its intentions further in order to fulfil its duty to provide alerting service in case the aircraft eventually might need it.

The text in 4.1.1 should be written more explicitly to state the responsibilities of ATC in order to avoid potential responsibility misunderstandings in case of accidents etc.

**CHANGE text: "Alerting service shall be provided by the air traffic services units:**

**a) for all aircraft provided with air traffic control service;**

**b) ~~in so far as practicable,~~ to all other aircraft having filed a flight plan ~~or~~**

**~~otherwise known to the air traffic services;~~ and**

**c) to any aircraft known or believed to be in distress or the subject of unlawful**

**interference."**

response

*Not accepted*

As regards the adjective 'known', it is used as it is defined in the dictionary. Consequently, alerting service shall be provided to all aircraft that the ATS is aware of. It is considered that the phrase 'insofar as practicable' covers the concern expressed.

comment	<p>274</p> <p>para 4.1.1.b) The word "known" to be defined, i.e. the ways in which an aircraft may be known for an ATS except by a current flight plan.</p>	comment by: <i>LFV Sweden</i>
response	<p><i>Not accepted</i></p> <p>As regards the adjective 'known', it is used as it is defined in the dictionary. Consequently, alerting service shall be provided to all aircraft that the ATS is aware of. It is considered that the phrase 'insofar as practicable' covers the concern expressed.</p>	

<p><b>B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports</b></p>	p. 42
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comment	<p>50</p>	comment by: <i>CANSO</i>
<p>CANSO would like to raise the following comments:</p> <ul style="list-style-type: none"> <li>• What is the justification for the quantity and frequency of data required? CANSO sees potential adverse implications for the Radio/Frequency spectrum.</li> <li>• Some data may not be available from many aircraft. For instance, CANSO questions the physical capability of on board equipment to accommodate the quantity of data required in such a short time as required in the provision 5.2.2. Also, CANSO questions the availability of data link equipment on board helicopters as required in the provision 5.2.3.</li> <li>• 1090MHz is for surveillance. International agreements are in place to restrict the use of certain frequency bands for certain applications.</li> <li>• Current EU activities in this area (e.g. Datalink IR) do not include the requirement to downlink MET data.</li> <li>• CANSO wonders if safety assessments have been performed for any of the possible "data-link" technologies to show they can handle this extra data with the European traffic levels.</li> <li>• The new requirements, when properly scoped, should be fed into the definition work for future data-link.</li> <li>• We disagree with the modified version of the ICAO Annex 3 Chapter 5 provisions which have been proposed in SERA Part B Chapter 5 as we believe it does not fully implement the spirit of the ICAO requirements. We</li> </ul>		

are particularly concerned about the specific upgrading of the Recommendations to mandatory provisions given the resulting data burden, especially since the ICAO provisions which would limit this burden have not been transposed.

- We also stress that, regardless of the particular technical concerns raised above, as a general principle it is not possible for ANSPs or Airspace Users to accommodate unplanned infrastructure requirements within a few months. The nature of the provisions of Chapter 5 are therefore inappropriate for consideration within the general SERA entry into force date (anticipated as 4 December 2012). CANSO stands ready to discuss this matter further with EASA at any time.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 56

comment by: *DFS Deutsche Flugsicherung GmbH*

### **Comment on Chapter 5 and**

#### **View from the stakeholder as requested on page 20:**

We disagree with the modified version of the ICAO Annex 3 Chapter 5 provisions which have been proposed in SERA Part B Chapter 5 as we believe it does not fully implement the spirit of the ICAO requirements.

We see potential adverse implications for the Radio/Frequency spectrum.

1090MHz is for surveillance. International agreements are in place to restrict the use of certain frequency bands for certain applications.

Current EU activities in this area (e.g. Datalink IR) do not include the requirement to downlink MET data.

We wonder if safety assessments have been performed for any of the possible "data-link" technologies to show they can handle this extra data with the European traffic levels.

Some data may not be available from many aircraft. For instance, DFS questions the physical capability of on board equipment to accommodate the quantity of data required in such a short time as required in the provision 5.2.2. Also, DFS questions the availability of data link equipment on board helicopters as required in the provision 5.2.3.

Requirements and related technical specifications, when properly scoped, should be fed into the definition work for future data-link.

We are particularly concerned about the specific upgrading of the Recommendations to mandatory provisions given the resulting data burden, especially since the ICAO provisions which would limit this burden have not been transposed.

We also stress that, regardless of the particular technical concerns raised above, as a general principle it is not possible for ANSPs or Airspace Users to accommodate unplanned infrastructure requirements within a few months. The nature of the provisions of Chapter 5 is therefore inappropriate for consideration within the general SERA entry into force date (anticipated as 4 December 2012).

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 86

comment by: CAA-NL

NL would like to raise the following comments:

- What is the justification for the quantity and frequency of data required? NL sees potential adverse implications for the Radio/Frequency spectrum.
- Some data may not be available from many aircraft to fulfil the requirements of provision 5.2.2.
- Also, NL questions the availability of data link equipment on board helicopters as required in the provision 5.2.3. The current operation does not require this datalink service
- 1090MHz is for **surveillance**. International agreements are in place to restrict the use of certain frequency bands for certain applications. The proposed applications of SERA-B will reduce the reliability of the

surveillance function.

- Current EU activities in this area (e.g. Datalink IR) do not include the requirement to downlink MET data.

NL wonders if safety assessments have been performed for the datalink requirements of chapter 5.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 117

comment by: *LVNL*

LVNL has the following comments and questions:

1. What is the justification for the quantity and frequency of data required? LVNL sees potential adverse implications for the Radio/Frequency spectrum.
2. Appendix 2 prescribes the use of SSR mode S. International agreements are in place to restrict the use of certain frequency bands for certain applications; 1090 MHz is for surveillance. The proposed applications of SERA-B will reduce the reliability of the surveillance function.
3. Current EU activities in this area (e.g. Datalink IR) do not include the requirement to downlink MET data.
4. Have safety assessments been performed for the datalink requirements in chapter 5?

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 145

comment by: *NATS*

**Chapter 5** NATS notes that SERA has a proposed entry into force date of 4

December 2012. Although ICAO Annex 3 does contain some provisions which are broadly similar to the requirements of SERA Part B Chapter 5, our understanding is that many (most?) ANSPs and Airspace Users simply could not implement the proposed requirements for routine observations by "datalink" within that timescale as they do not have the necessary equipment in place. However, as currently drafted, applicability is based on the presence/absence of digital air-ground surveillance/communications equipment (e.g. Mode S, ADS, CPDLC), irrespective of whether the data is available on the aircraft or currently capable of being transmitted by that equipment.

Indeed, in some cases it has been questioned as to whether the proposals (which include substantial variations from their ICAO equivalents) are feasible at all without fundamental (and potentially expensive) changes to the current Communications / Surveillance infrastructure (see below for further detail).

Certainly this information is not currently collected or transmitted in anything like the quantities proposed in the draft text. We are therefore unclear as to exactly where the requirement comes from since it represents a significant change from current practice. It has also been questioned as to whether the meteorological service providers could actually make practical use of such vast quantities of data.

Additionally, it has been pointed out that the provision of routine observations by datalink only involves systems, not pilots or controllers. As such this subject could be better covered in an Interoperability Implementing Rule (which still has the necessary "all actors" scope) rather than SERA. Such an IR should only be developed once SESAR has firmly identified the Met data requirements necessary to support its operational concept.

For these reasons NATS strongly recommends that paragraphs 5.1.1 a), 5.2 and 5.6.1 be removed from SERA Part B, paragraph 5.5.1 be amended to read "Special and other non-routine aircraft observations during flight shall be reported by voice communications" and that Appendix 2 be amended accordingly (essentially, retain sections 1.3, 3.1 and 3.2 and remove the rest). NATS believes that SERA should only deal with the provision of special or other non routine aircraft observations by voice communications.

#### DETAILED

#### COMMENTS:

Based on a limited number of conversations it seems that some States have interpreted the Annex 3 provisions as being **how** routine observations should be provided **if** they are being provided by datalink – not that they must be provided. As such, NATS queries



how many EU ANSPs/Airspace Users are actually in a position to implement these proposals within the SERA deadline. Certainly NATS is not.

Additionally, the proposed SERA text upgrades two ICAO Recommendations to mandatory requirements (ICAO Annex 3 Recommendations 5.3.1 and 5.3.2) yet does not include the ICAO SARPS which acknowledge that it is not necessary for **all** aircraft to report in areas of high-density traffic (ICAO Annex 3 paragraphs 5.3.3 and 5.3.4). Although NATS is not clear how the allocation of legal responsibility to specific aircraft to provide Met data could be handled in practical terms, the implications in terms of the quantity of data to be transmitted (and thus the cost and viability of this proposal) are immense.

The Impact Assessment contains no evidence from spectrum capacity studies demonstrating that the SERA-proposed extra data can be handled safely by the identified technologies – with or without the anticipated increases in aviation traffic. It should also be noted that the datalink technologies currently being implemented across Europe are not based on a “guaranteed message delivery” concept. Actual data transmission rates would therefore have to be much higher than the desired reception rates in order to ensure compliance with the IR.

NATS does not believe there are currently any formally agreed plans at EU level to provide Met data over Datalink in the short term - the Datalink IR for implementation in 2013 does not include Met data. It is also questionable as to whether VDL Mode 2 could handle the extra data proposed in the current draft without other frequencies being made available.

NATS is also not aware that the routine transmission of Met data is in current EU plans for the use of Mode S or ADS-B – again Met data is not included in the draft SPI IR currently going through Comitology.

Adapting current technologies to provide Met data would require modification to/replacement of existing equipment. Detailed costs have yet to be determined but could potentially be in the order of €20m for NATS alone. Future technologies such as LDACS are currently under development and these may provide a more appropriate mechanism for the provision of this type of data.

Finally, the 1090MHz frequency is agreed internationally to be reserved for **surveillance**. It must be protected to ensure it is able to safely handle the future anticipated traffic levels which SESAR aims to facilitate. NATS is not currently convinced that the proposal

to use 1090Mhz for passing routine MET data over 1090MHz is compatible with this, particularly since we are already having to carefully manage Mode S Enhanced Surveillance interrogations to ensure that the necessary levels of service can be maintained.

For these reasons NATS believes that the current draft text could have a number of adverse unintended consequences, not least of which is a significant funding requirement for the airspace users (for their own equipment and, via route charges, for any resulting ANSP and Met Data Provider costs). NATS is ready to discuss these concerns with EASA in more detail at any time.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 220

comment by: *Aura MARCULESCU*

1.

## **Chapter 5**

Services related to Meteorology

- What is the justification for the quantity and frequency of data required? There may be potential adverse implications for the Radio/Frequency spectrum.
- Some data may not be available from many aircraft. For instance, questions may raise in relation with the physical capability of on board equipment to accommodate the quantity of data required in such a short time as required in the provision 5.2.2. The same question in regard with the availability of data link equipment on board helicopters as required in the provision 5.2.3.
- Have safety assessments been performed for any of the possible "data-link" technologies to show they can handle this extra data with the European traffic levels ?
- Data-link implementation rule require that both ATS messages and AOC messages to be delivered between ground and aircraft over the same radio

communication link. Hence the communication speed is reduced and number of messages will be consistent over an shared environment without message collision detection, congestion might occur very fast.

- 1090MHz is for surveillance. International agreements are in place to restrict the use of certain frequency bands for certain applications. Actually, DL IR (Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky) does not include the requirement to downlink MET data.

- The new requirements should be fed into the definition work for future data-link.

- We consider as inappropriate to change the ICAO provisions of Annex 3 in that way. Clarity is appreciated on the application data of the whole SERA IR package in consideration of the unplanned infrastructure requirements set by this Chapter.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 234

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response *Noted*

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports — 5.1 Types of aircraft observations**

p. 42

comment 39

comment by: *Finnish Transport Safety Agency (NSA)*

	<p>1.1 a)</p> <p>The words are in wrong order, point a) should read "routine aircraft observations during en-route and climb-out phases of the flight by air-ground data link".</p>
response	<p><i>Accepted</i></p> <p>However, it is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.</p>
comment	<p>221 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>No: 1</p> <p>Reference: 5.1.1</p> <p>Quote/proposal:</p> <p>Comments//Remark (Reason for comment):</p> <p>This para addresses the communication means to be used to transmit the data only for a); what about the b) ?, because it is presumed that the same means of communication would be used to transmit special and other no-routine aircraft observations (see also 5.7 in Annex 3)</p> <p><u>Proposal:</u> to keep the text as it is in Annex 3, with the following suggestion:</p> <p>5.1.1 <i>When air-ground data link is available and...., the following aircraft observations shall be made:</i></p>
response	<p><i>Accepted</i></p> <p>However, it is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.</p>

comment	235	comment by: <i>Aura MARCULESCU</i>
	Editorial Convention: Source text is copied in <i>italic.</i> Text proposed for deletion is <del>strokethrough.</del> Text proposed for insertion is in red colour. Comments/Remarks are in normal font.	
response	<i>Noted</i>	

comment	427	comment by: <i>Luca Valerio Falessi</i>
	The introduction of data link requirements exceeds the scope of SERA regulation and must be discussed in the appropriate Interoperability regulation, like the current regulation 29/2009.	
response	<i>Partially accepted</i>	
	It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.	

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports — 5.2 Routine aircraft observations by air-ground data link**

p. 43

comment	40	comment by: <i>Finnish Transport Safety Agency (NSA)</i>
	5.2.3 The proposed text regarding routine observations made by helicopters is acceptable.	
response	<i>Noted</i>	
	However, it is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air	

Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 118

comment by: LVNL

Some data may not be available from many aircraft to fulfil the requirements of provision 5.2.2.

The availability of data link equipment on board helicopters as required in the provision 5.2.3 is uncertain. The current operation does not require this datalink service.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 199

comment by: Julian Scarfe

[PPL/IR comment 9]

5.2.4 *Aircraft not equipped with air-ground data link shall be exempted from making routine aircraft observations.*

What about those equipped with an air-ground data link but no sensors? This is likely as datalinks become common on smaller aircraft.

Replace with:

*Aircraft not equipped with automated observation equipment, and aircraft not equipped with air-ground data link, shall be exempted from making routine aircraft*

	<p><i>observations.</i></p>
response	<p><i>Not accepted</i></p> <p>Whilst it is recognised that some aircraft don't have the capability to measure or assess meteorological parameters, a majority of aircraft have this capability without specific automated observation equipment installed. As a consequence, the proposed amendment is not shared. However, it is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.</p>
comment	<p>223 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span></p> <p>No: 1</p> <p>Reference: 5.2.3</p> <p>Quote/proposal</p> <p>Comments//Remark (Reason for comment):</p> <p>First phase of data-link implementation is ment for flights above FL285. Some aerodromes and offshore areas, among with flights at very low levels might not benefit of data-link radio coverage.</p> <p>The first sentence is confusing: routine observations are not made by air gound data link as it is the meaning of this sentence. Data link is a mean of communication, sometimes a very expensive equipment to suit an elicopter and that is why a wiser alternative might be the following:</p> <p><u>Proposal:</u></p> <p><i>5.2.3 For helicopter operations to and from aerodromes on offshore structures, routine observations <del>by air-ground data link</del> shall be made from helicopters at points and times <b>and</b> as agreed between the competent authorities and the helicopter operators concerned. <b>Where air-ground data link is not available or appropriate, the observations during flight shall be reported by voice communications.</b></i></p>
response	<p><i>Partially accepted</i></p> <p>It is considered that all provisions related to automatic aircraft observations and</p>

reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment

236

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.Text proposed for deletion is ~~strokethrough~~.Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response

*Noted*

comment

251

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

***Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports***

Paragraph 5.2.2 states that routine aircraft observations shall be made by air-ground data link. Sweden is of the opinion that this must not impose an increased work-load in cock-pit.

Paragraph 5.2.3 states that routine observations by air-ground data link from helicopters shall be an agreement between the competent authority and the helicopter operator. Sweden is of the opinion that this is a business agreement and not a matter relevant for the competent authority. Firstly we think this paragraph shall be removed. If the paragraph shall remain in SERA Part B we are of the opinion that the text shall be changed to be an agreement between the provider of meteorological service and the helicopter operator.

response

*Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be



included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment

363

comment by: UK CAA

**Page No:** 43**Paragraph No:** 5.2.1**Comment:**

The draft IR takes no account of the density of air traffic (and therefore the volume of air-reports that may be generated) against the limitations of the systems used to data link information. Secondary surveillance radar (SSR) Mode S within Europe does not support the downlinking of automatic air reporting. Current European Mode S Downlink Aircraft Parameters do not include the meteorological data block. Mode S SSR 1090MHz is primarily used for surveillance. It is essential that there is protection to ensure it is able to handle the future anticipated traffic levels. The draft IR takes no account of the density of air traffic (and therefore the volume of air-reports that may be generated) against the limitations of the systems used to data link information. In particular, with systems used for aircraft surveillance (e.g. Mode S or ADS), it is critical that data are not transmitted indiscriminately because loading on all the data links must be properly managed to ensure delivery of service.

Specifically, Member States are required under the existing European Regulation 29/2009 on Datalink Services for SES to ensure that air-ground communications services are available for aircraft flying within the airspace under their responsibility. The current loading on the Mode S data link is already heavy and the draft Surveillance Performance and Interoperability Implementing Rule places requirements on Member States to manage the volume of aircraft interrogations.

Neither the Regulation nor the draft Mandate has made provision for the transmission of meteorological information. Automated routine aircraft reports required from all aircraft in European airspace would place a significant additional bandwidth burden on datalink services and it is not clear that Met services would require data at the frequency specified. Resolution of this issue would require modification to or replacement of existing equipment both on the ground and on board the aircraft, which would require significant resources and impose significant costs.

Note that it is possible to derive winds from the current set of parameters that are being downlinked on Mode S SSR transmissions

Another method of air-ground data link is the World Meteorological Organisation's AMDAR programme, which uses ACARS as the data link mechanism. This uses a typical frequency of making observations around every 20 seconds during the climb-out phase for the first 8-10 minutes, then typically at 7 minute intervals during the en-route phase, followed by approximately every 40s intervals from the

top of descent to the surface.

Once again, it is necessary to distinguish between the observation i.e. the data gathering and the air-report i.e. the information transmission.

**Justification:**

The emerging EC Regulation on Surveillance Performance Interoperability (SPI) implementing rule (IR) places demands on Member States to manage the amount of transmission on surveillance frequencies (in particular Mode S) and unrestricted amounts of transmission will prevent this responsibility from being discharged.

ICAO Annex 3 Chapter 5 paragraph 5.3.3 requires routes with high density traffic to have aircraft designated at approximately hourly intervals, to make routine observations.

However, as requirements for up to date aircraft meteorological observations evolve over the short term to assist with concepts such as business trajectory operations, the interval frequency of observations may need to evolve. In order to facilitate this, it is suggested that the frequency should be expressed through AMC.

Furthermore, there are several mechanisms available currently, and possibly more in the future, for the transmission of air-reports from the aircraft to the ground. This includes the WMO AMDAR programme. Therefore an appropriate competent authority should be tasked with ensuring that the total systems approach delivers a suitable supply of routine aircraft reports. Alignment with the SPI regulation is necessary.

**Proposed Text:**

Amend para 5.2.1 to read: 'Automated routine aircraft observations shall be made by designated aircraft as agreed between the competent authority and the operators concerned and shall include...'

Consider the need for an EU Difference to reflect current limitations on the use of Mode S datalinking, and to reflect the SPI requirements.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment 364

comment by: UK CAA

**Page No:** 43

**Paragraph No:** 5.2.2**Comment:**

The draft IR takes no account of the density of air traffic (and therefore the volume of air-reports that may be generated) against the limitations of the systems used to data link information. In particular, with systems used for aircraft surveillance (e.g. Mode S or ADS), it is critical that data are not transmitted indiscriminately because loading on all the data links must be properly managed to ensure delivery of service. Specifically, Member States are required under the existing European Regulation 29/2009 on Datalink Services for SES to ensure that air-ground communications services are available for aircraft flying within the airspace under their responsibility. The current loading on the Mode S data link is already heavy and the draft Surveillance Performance and Interoperability Implementing Rule places requirements on Member States to manage the volume of aircraft interrogations. In addition, neither the Regulation nor the draft Mandate has made provision for the transmission of meteorological information.

Another method of air-ground data link is the World Meteorological Organisation's AMDAR programme, which uses ACARS as the data link mechanism and this uses a typical frequency of making observations around every 20 seconds during the climb-out phase for the first 8-10 minutes, then typically at 7 minute intervals during the en-route phase, followed by approximately every 40s intervals from the top of descent to the surface.

Once again, it is necessary to distinguish between the observation i.e. the data gathering and the air-report i.e. the information transmission.

**Justification:**

Emerging European Regulation places demands on Member States to manage the amount of transmission on surveillance frequencies (in particular Mode S) and unrestricted amounts of transmission will prevent this responsibility from being discharged. The periodicity of the transmission of air-reports suggested in the proposed text takes into account the emerging SPI IR and also the current typical frequencies used by the WMO AMDAR programme.

**Proposed Text:**

Routine air reports by air-ground data link shall be made at between 5 and 15 minute intervals during the en-route phase and at between 10 and 40 second intervals during the initial climb-out and descent phases of the flight.

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment

366

comment by: UK CAA

**Page No:** 43**Paragraph No:** 5.2.3**Comment:**

ICAO Annex 3 Chapter 1, Definitions, states that an aircraft observation is the evaluation of one or more meteorological elements made from an aircraft in flight, whilst an air-report is a report from an aircraft in flight prepared in conformity with requirements for position and operational and/or meteorological reporting.

**Justification:**

It is important to distinguish between the observation i.e. the data gathering and the air-report i.e. the information transmission. Therefore in the proposed text, air-reports are substituted for observations.

**Proposed Text:**

For helicopter operations to and from aerodromes on offshore structures, routine air-reports by air-ground data link shall be made from helicopters at points and times as agreed between the competent authority and the helicopter operators concerned.

response

*Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

comment

368

comment by: UK CAA

**Page No:** 43**Paragraph No:** 5.2.4**Comment:**

Data link capabilities have been, or will be, mandated through other European Regulation developed under the Single European Sky programme. For the VDL Mode 2 data link there exists EC Regulation No 29/2009 and for Mode S data link there a Surveillance Performance Interoperability (SPI) implementing rule mandate, currently under development. Whilst meteorological data can be provided over these data links (for example Mode S register 44<sub>16</sub>), neither of these Regulations has made provision for inclusion of meteorological data. It is therefore

likely that many aircraft will not at this time be capable of delivering the required reports over data link.

**Justification:**

The draft IR must be consistent with other Regulations to ensure the appropriate response from airline operators and ANSPs.

**Proposed Text:**

Aircraft not equipped with air-ground data link with meteorological reporting capability as detailed in Appendix 2 of Part B shall be exempted from making routine aircraft reports.

response

*Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports — 5.3 Special aircraft observations**

p. 43

comment

159

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**§ 3.3.1.2 versus § 5.3.1**

(copie)

3.3.1.2 Whenever Voice-ATIS and/or D-ATIS is provided the appropriate air traffic services unit shall, when replying to **an aircraft acknowledging receipt of an ATIS** the message ~~in e) above~~ or, in the case of arriving aircraft, at such other time as may be prescribed by the **competent** authority, provide the aircraft with the current altimeter setting. ~~and~~

5.3.1 Special observations shall be made by all aircraft whenever the following conditions are encountered or observed:

...

*Editorial: Difference from ICAO Annex 11 not tracked.*

*Material: The corresponding requirement from ICAO Annex 11 contains explicit requirement for aircraft to acknowledge ATIS message, while in SERA Part B it is only implied. This would be justified assuming that aircraft acknowledging ATIS message does not constitute a 'collective action'. However, Chapter 5 places numerous requirements for aircraft to provide routine and special air reports, which similarly cannot constitute a 'collective action' (e.g. §5.3.1).*

*Clear and consistent principles of transposing ICAO SARPs are needed so as to ensure consistent and safe ATS procedures.*

response *Partially accepted*

It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate.

As regards the 'collective action criteria', the drafting principles have been applied with proper care, including a specific analysis on a case by case basis. On the present item, the drafting group has considered that only f) of the Annex 11 (4.3.6.1) text would be transposed in SERA and that other requirements would be transposed either in Part OPS or Part ATS. The referred adaptation of the NPA text has been introduced to improve the link with the requirement on pilots to acknowledge the receipt of ATIS, a requirement which will be formalised in the other regulation.

comment 200

comment by: *Julian Scarfe*

[PPL/IR comment 10]

*5.3.1 Special observations shall be made by all aircraft whenever the following conditions are*

*encountered or observed:*

*a) moderate or severe turbulence; or*

*...*

*d) thunderstorms, without hail, that are obscured, embedded, widespread or in squall lines; or*

This is much too broad to be practical. On a convective day, the London Control frequencies would be overloaded with such observations. Part-OPS will require the reporting to ATC any hazardous weather or flight conditions encountered that are likely to affect the safety of other aircraft.

Replace with:

*5.3.1 Special observations shall be made by all aircraft whenever any hazardous weather or flight conditions are encountered that are likely to affect the safety of other aircraft*

response

*Not accepted*

The proposed amendment would introduce a clear difference with the existing Commission Regulation (EC) No 2096/2005 and ICAO Annex 3 provisions without a demonstrated benefit.

comment

369

comment by: UK CAA

**Page No:** 43

**Paragraph No:** 5.3.1

**Comment:** Text must reflect that an air report is required to be made.

**Justification:** Special observations should require delivery of an air report.

**Proposed Text:**

Special observations shall be made and reported by all aircraft whenever the following conditions are encountered or observed:

response

*Accepted*

The proposed amendment provides more clarity.

comment

370

comment by: UK CAA

**Page No:** 43

**Paragraph No:** 5.3.2

**Comment:**

Views on the suitable transposition of paragraphs 5.3.2 of ICAO Annex 3 are sought. The UK notes the use of the word 'may', which appears inconsistent with

the binding requirements of the draft IR. Either the wording could be changed (whilst retaining the meaning) or the requirement is transposed as AMC.

**Justification:** Greater clarity of purpose.

**Proposed Text:**

In addition, competent authorities shall determine any additional conditions to be reported by pilots when encountered or observed.

response *Partially accepted*

The article is redrafted in the spirit of the comment raised.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B –Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports — 5.6 Exchange of air-reports**

p. 44

comment

224

comment by: *Aura MARCULESCU*

No: 1

Reference: 5.6.1

Quote/proposal

Comments//Remark (Reason for comment):

Usually the ATS units transmit the routine air-reports to the associated meteorological watch office by local communications means, which normally are part of AFTN, and not by air/ground data link. As regards the World Area Forecast Centres (WAFC), there is no formal direct data link with an aircraft in flight.

Proposal: to delete „by air-ground data link“ in para. 5.6.1

response

*Accepted*

However, the Agency considers that all provisions related to automatic aircraft observations and reports should be removed from the amendment to the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the Agency. When required, proper coordination with the



drafting team for the Datalink IR will be set up as appropriate.

comment	237 <span style="float: right;">comment by: <i>Aura MARCULESCU</i></span>
	<p>Editorial Convention:          Source text is copied in <i>italic</i>.          Text proposed for deletion is <del>strokethrough</del>.          Text proposed for insertion is in red colour.          Comments/Remarks are in normal font.</p>
response	<i>Noted</i>

comment	372 <span style="float: right;">comment by: <i>UK CAA</i></span>
	<p><b>Page No:</b> 44</p> <p><b>Paragraph No:</b> 5.6.1 and 5.6.2</p> <p><b>Comment:</b>          It is felt that it would be more appropriate for these two paragraphs to be included under the Part-ATS, as they relate to actions being undertaken by ATS units.</p> <p><b>Justification:</b>          These two paragraphs place specific actions on the ATS units relating to the exchange of air-reports, as opposed to actions on the aircraft operator and/or crew.</p> <p><b>Proposed Text:</b>          Move to Part-ATS.</p>
response	<p><i>Partially accepted</i></p> <p>It is considered that all provisions related to automatic aircraft observations and reports should be removed from the Standardised European Rules of the Air (SERA) Part B — Requirements regarding Services in Air Navigation. The relevant provisions on automatic aircraft observations and reports shall be included in the appropriate rules currently under development by the EASA. When required, proper coordination with the drafting team for the Datalink IR or other teams will be set up as appropriate. With respect to the provisions for the exchange of special and non-routine reports, it is considered that for reasons of consistency and clarity the paragraph should be part of Chapter 5 instead of being moved to the relevant sections of Part-ATS. No other similar comment was expressed and a cross-reference could be inserted in Part ATS as necessary to indicate the link with this SERA requirement.</p>

comment

373

comment by: UK CAA

**Page No:** 44**Paragraph No:** 5.6.2**Comment:**

No limits are placed on the periodicity of transmission of special and non-routine air-reports to other aircraft.

**Justification:**

Limits on the frequency of transmission of ATS reports are required to ensure voice communications and data links can deliver the necessary levels of service to meet existing obligations.

**Proposed Text:**

ATS units shall transmit, as soon as practicable, special and non-routine air-reports to other aircraft concerned, to the associated meteorological watch office, and to other ATS units concerned. Transmissions to aircraft shall be repeated at a frequency, and continued for a period of time, to be determined by the competent authorities.

response

*Partially accepted*

The addition on the frequency of transition is supported. The obligation for the competent authorities for the frequency and period is changed to an obligation for the ATS unit concerned. In daily operations, it is accepted that it should be prescribed by the ATS unit in a process where the competent authority is normally involved within its own role. This may be further clarified in future guidance material.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — APPENDIX 1 OF PART B – ATS AIRSPACE CLASSES – SERVICES PROVIDED AND FLIGHT REQUIREMENTS**

p. 45-47

comment

11

comment by: AFSBw/German Air Force

for appendix 1 of Part B:

consider military deviations by short remarks that speed in airspace classes E, F, G may be more than 250kts below 10000ft in order to have GAT informed

reason:

1. no clear separation between GAT and OAT regulations
2. safety

(asterix: military jet aircraft may deviate from speed 250kts below 1000ft)

response *Not accepted*

SERA is designed for GAT and doesn't normally apply to State aircraft flying OAT.

comment 41 comment by: *Finnish Transport Safety Agency (NSA)*

Regarding class F and separation provided.

In airspace class F "separation provided" is IFR from IFR as far as practical. This should be replaced by "NIL".

Airspace class F is uncontrolled airspace and flights in that airspace are not subject to ATC clearance. Therefore ATC can not ensure separation, but merely provide information of collision hazards. The statement in the table that separation is provided between IFR and IFR in class F is misleading on who is responsible for the collision avoidance.

**Change text in Appendix 1 on Airspace class F – IFR - separation provided : NIL.**

response *Not accepted*

Separation is provided only to 'PARTICIPATING IFR FLIGHTS', therefore the term 'AS PRACTICAL' is justified.

comment 51 comment by: *CANSO*

CANSO welcomes the additional elements in the right columns on the communication requirements. It permits to clarify some ambiguities.

CANSO recommends including specifications on the special VFR flights - as quoted in the paragraph 2.2.1 c) -when appropriate.

For better clarity, the second footnote should be re-worded as follows:

*"... shall maintain continuous voice ~~air-ground~~ communication watch and establish two way ~~air-ground~~ communication, as necessary, ..."*

response *Not accepted*

POINT 1: NOT ACCEPTED. The suggestion is understood and might be interesting. However, in order to maintain readability and clarity in the table in

Appendix 1, the option to keep the SVFR elements separate from the table is favoured. Additionally, SVFR being subject to clearance and to local decisions, making reference to it in a general table might lead to confusion.

POINT 2: NOT ACCEPTED. The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. SERA Part A, 4.9) and in ICAO documentation and should therefore be retained (see 46-80-111-215).

comment

146

comment by: *NATS*

**Appendix 1 of Part B** Amend Table in accordance with the comments and proposed changes as per section 1.2.1.

response

*Noted*

Potential changes will be introduced in cases where the suggestions on 1.2.1 have been accepted.

comment

186

comment by: *UK General Aviation Alliance*

Comment 186

Appendix 1 of Part B

Row 1 amend IFR Only to IFR and VFR in two rows as per our comment 176 and SERA Part A

response

*Not accepted*

VFR flights are not to be permitted in Class A airspace.

comment

192 ❖

comment by: *Julian Scarfe*

[PPL/IR comment 2]

*1.2.1 Class F and G... and all IFR flights shall be capable of establishing air-ground voice communications.*

SERA Part A draft requires:

*5.3.2.1 An IFR flight operating outside controlled airspace but **within or into areas, or along routes, designated by the Competent Authority in accordance with 3.3.1.2. c) or d)** shall maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service.*

It is pointless to require the flight to be **capable** of establishing air-ground voice communications unless it is **required** by Part A to **establish** air-ground voice communications. The requirement does not appear in Annex 11, and must be deleted from SERA Part B.

response

*Not accepted*

The table reflects the general intention of SERA and therefore the capability to establish air-ground voice communication 'as necessary'. It should be noted that in accordance with ICAO Annex 11, Appendix 4, 'continuous two-way communication' is required for IFR flights in airspace Classes F and G. The inclusion of the word 'capability' in this Implementing Rule only indicates that an IFR flight is not required to establish communication with an ATS unit.

comment

225

comment by: *Aura MARCULESCU*

No: 1

Reference: **Appendix 1 of Part B**

Quote/proposal

Comments//Remark (Reason for comment):

It is recommended to include specifications on the special VFR flights - as quoted in the paragraph 2.2.2 c) - when appropriate.

No: 2

Reference: **Appendix 1 of Part B**

Quote/proposal: Second footnote

Comments//Remark (Reason for comment):

For better clarity, this footnote should be re-worded as follows:

*... shall maintain continuous voice **air-ground** communication watch and establish two way **air-ground** communication, as necessary, ...*

response *Not accepted*

POINT 1: NOT ACCEPTED. The suggestion is understood and might be interesting. However, in order to maintain readability and clarity in the table in Appendix 1, the option to keep the SVFR elements separate from the table is favoured. Additionally, as SVFR is subject to clearance and to local decisions, making reference to it in a general table might lead to confusion.

POINT 2: NOT ACCEPTED. The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained (see 46-80-111-215).

comment

238

comment by: *Aura MARCULESCU*

Editorial Convention:

Source text is copied in *italic*.

Text proposed for deletion is ~~strokethrough~~.

Text proposed for insertion is in **red colour**.

Comments/Remarks are in normal font.

response

*Noted*

comment

374

comment by: *UK CAA*

**Page No:** 45

**Paragraph No:** Appendix 1

**Comment:**

There is no reference to the requirements at paras 2.1.1 and 2.2.2 regarding separation from (and/or between) Special VFR, however it is recognised that this is a product of transposition as it reflects ICAO Annex 11.

Higher or lower speed limitations are appropriate in certain airspace environments or to more appropriately reflect aircraft performance (e.g., departures).

**Justification:**

Separation requirements incomplete.

Losing the ability to cancel the speed restriction for IFR traffic would require changes for certain operators of Heavy aircraft that currently require 270kts to fly some SIDs in a more flight-efficient configuration. Note that there is a trade off for operators between safety (slow speed) and flight efficiency/fuel burn (a clean aircraft is more efficient but must fly faster).

Speed requirements can be addressed on SID and STAR procedure charts as published in AIPs.

**Proposed Text:**

Amend to reflect the requirements at paras 2.1.1 and 2.2.2 regarding separation from (and/or between) Special VFR.

Against speed add '(or as published in procedures or instructed by ATC)' to each classification.

response

*Not accepted*

POINT 1: NOT ACCEPTED. The suggestion is understood and might be interesting. However, in order to maintain readability and clarity in the table in Appendix 1, the option to keep the SVFR elements separate from the table is favoured. Additionally, as SVFR is subject to clearance and to local decisions, making reference to it in a general table might lead to confusion.

POINT 2: NOT ACCEPTED. The expression 'air-ground voice communication watch' is used elsewhere in the Implementing Rule (e.g. Part A, 4.9) and in ICAO documentation and should therefore be retained (see answers to comments 46-80-111-215).

comment

436

comment by: *René Meier, Europe Air Sports*

Please amend "IFR only" to "IFR and VFR" according to our view.

response

*Noted*

Potential changes will be introduced in cases where the suggestions on 1.2.1

have been accepted.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — APPENDIX 2 OF PART B – REQUIREMENTS REGARDING SERVICES IN AIR NAVIGATION – TECHNICAL SPECIFICATIONS RELATED TO AIRCRAFT OBSERVATIONS AND REPORTS**

p. 48

comment 147

comment by: NATS

**Appendix 2 of Part B.** In accordance with NATS recommended amendments to Chapter 5, most of Appendix 2 should be removed, with the exception of sections 1.3, 3.1 and 3.2.

response *Partially accepted*

The draft IR will be amended according to the accepted amendment to Chapter 5.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Supplement to the Annex**

p. 56

comment 378

comment by: UK CAA

**Page No:** 56-58

**Paragraph No:** Supplement

**Comment:** The Supplement does not appear to list all the Differences to ICAO Annexes 3 and 11 proposed by SERA Part B. Review once other text has been agreed.

response *Accepted*

The text will be reviewed as necessary.

**B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Supplement to the Annex — PART B**

p. 56-58



comment	<p>187 <span style="float: right;">comment by: <i>UK General Aviation Alliance</i></span></p> <p>Comment 187</p> <p>Supplement to the Annex – ICAO Differences A11-05</p> <p>Sub para a) i) amend "day only" in accordance with our comment number 16</p>
response	<p><i>Not accepted</i></p> <p>Depends on the decision on the comment itself.</p>

comment	<p>275 <span style="float: right;">comment by: <i>LFV Sweden</i></span></p> <p>Though Sweden apply separation VFR/VFR also during night in CTA, we suggest following addition:  f) Between VFR flights during darkness in Class C-airspace, prescribed by the competent authority.  This if Sweden cannot have a national addition/exception.</p>
response	<p><i>Not accepted</i></p> <p>The text does not need to be modified for flights which are subject to ATC clearance. The ATC clearance can be designed in a way which ensures safety in the controlled airspace concerned.</p>

comment	<p>304 <span style="float: right;">comment by: <i>Spanish Air Force Staff</i></span></p> <p>2.6.1.a) i) Why "special VFR" only during the day?</p>
response	<p><i>Noted</i></p> <p>It is not considered to be in the interest of safety to allow special VFR at night. The 'day only' criterion is directly transposed from the Airspace Classifications Toolbox. When the toolbox was developed, it was identified that a very limited number of States were ready to allow special VFR at night, and general aviation itself was strongly opposing this option.</p>

## C. Appendices — I Snapshot of the proposed rule structure

p. 59-60

comment

163

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

## COMMENTS ON PROPOSED RULE STRUCTURE

*Note: Various European fora related to EASA rulemaking process indicate that the work on the proposed rule structure, as depicted in the SERA B NPA might have been halted. However, despite the uncertainty in this regard, we nevertheless decided to provide a set of high-level comments aimed at supporting an initial set of 'functional requirements' that will have to be taken into account in any similar undertaking on this matter.*

**1. Rule structure**

*Integrated rule structure must allow operational experts to identify the applicable rules in their entirety in one single (set of) document(s). Different approach will introduce an unstable and confusing environment in the "nerve system" of the European Aviation.*

Elaboration:

We endorse the principle of a rule structure that would allow the regulated persons and organizations, as well as the competent authorities, to identify the rules applicable to them and to avoid overlapping and conflicting requirements. In this regard, it shall be ensured that sets of rules, as per specific areas, are published under specific document titles and kept up-to-date under the same document title. **This must allow operational experts to identify the applicable rules in their entirety**, without adding an un-necessary layer of complexity.

EC Regulation introduces a new regulatory structure and process. If maintained, such a structure will necessitate operational experts to additionally track the applicable rules through a regulatory chain in which provisions of one regulation are amending or repealing provisions of a previous, or several previous ones. This will render the evolution and even maintenance of the compliance with the regulatory framework impossible.

A rule structure must result in consolidated texts of simultaneously valid and applicable rules in their entirety. Further, a mechanism shall be developed to ensure that the process of amending a set of rules for a certain area is clear, traceable and unambiguous, and with efficient means of advance notification.

**2. Authority Requirements**

*What was clear in the ICAO framework in terms of ATS Authority having a power*

*of prescription, is lost in transposition into SERA. "Competent authority", as defined in SERA and EC Regulation, represents an entity with different set of responsibilities leaving the prescriptive part of ATS Authority neglected and nowhere defined.*

Elaboration:

We endorse the principle of grouping Authority Requirements (AR) in a separate set of requirements. However, in order to achieve consistency with existing EC Regulations and proposed SERA drafts (Parts A & B), it shall be ensured that the role, responsibilities and tasks of 'competent authority' are clearly identified, both generally and in particular in relationship to ICAO defined 'appropriate ATS authority' and EC defined 'National Supervisory Authority'.

Namely, as per draft SERA IR, "competent authority" is defined as an authority "competent to ensure compliance with the requirements" which implies a supervisory role and responsibility. A body with such a supervisory role and responsibility had been established by EC Regulation 549/2004 (in same sense amended by EC Regulation 1070/2009). However, in the drafting of SERA IR and both parts A&B, two intentions may be observed: 1) linearly replacing the ICAO term 'ATS authority' with 'competent authority', or ATS Unit; and the more complex 2) shifting from ICAO's allocation of responsibility '... as prescribed by appropriate ATS authority' to '...as approved by Competent Authority'.

Without proper definition of 'competent authority' roles and responsibilities, the former approach is insufficient because the terms 'competent authority' and 'ATS authority' are of a different scope and imply different roles and responsibilities.

### **3. Airspace Requirements**

*We object to the placing of the whole of SERA Part B, as presented in current draft, under the requirements on 'airspace users' or 'aircraft operations'. It shall be placed under the ATM Requirements.*

Elaboration:

The vocabulary used in rule making (structuring) is of a critical importance. Using the words, that have evolved over 60 years with one meaning, now in a different context, introduces unnecessary confusion. In principle, we object to the use of the term 'Airspace Requirements' for describing requirements on 'airspace users' as being misleading and inducing ambiguity. In the global aviation community, requirements that address 'airspace users' are normally referred to as 'rules of the air' or 'aircraft operations', while the term 'airspace requirements' may logically imply requirements on 'airspace management' in its broadest sense.

In particular, our objects to the placing of the whole of SERA Part B, as presented in current draft, under the requirements on 'airspace users' or 'aircraft operations'. Namely, the requirements of the current draft of SERA Part B are not requirements on aircraft operations per se; on the contrary, they are primarily requirements on the provision of air traffic services, or aircraft operations in the context of air traffic services. For that reason, the requirements of SERA Part B, although of interest and applicable to airspace users, naturally fall under the scope of ATM Requirements (ATS being part of ATM).

response *Partially accepted*

The overall rule structure proposed in the NPA has not been retained, for the time being, by the Agency and the European Commission. The new rule structure will follow what the stakeholders are used to: the structure foreseen by Common Requirements [Regulation (EC) No 2096/2005] and Safety Oversight (Regulation (EC) No 1315/2007] which has been transposed into the EASA Basic Regulation and adopted by the European Commission at the end of May 2011.

With this new approach there will not be any differences to what the stakeholders are used to apply within the EU.

Except for the case of SERA, for which the European Commission mandated EUROCONTROL already specifying the content of the rule and therefore the structure as proposed in the EUROCONTROL report and in this NPA, the transposition of the relevant provisions from the rest of the annexes and the remaining parts of ICAO Annex 3 and Annex 11 will be done as amendments to the CRs.

It is the intent of the EASA and the European Commission to further discuss this aspect with the different stakeholders and the Member States to check the best way forward in order to make it user-friendly.

So for the time being SERA will remain an independent regulation as requested by the commentator.

Regarding the comment on competent authority, several comments were received with respect to the use of the term 'competent authorities' in SERA draft. The comments were mainly addressing the definition of the 'competent authority' in SERA Part A and its possible broad interpretation. The EASA considers that the comments are requesting more clarity in the use of the term to provide in this way unambiguous applicability of the provisions to the right entity. The draft SERA could be amended in a way which is coherent with the use of the term 'competent authority' in other EU legislative materials such as Regulation (EC) No 1702/2003, Regulation (EC) No 2042/2003, and the recently adopted rules under the fast-track process. This will be further refined in the final stage of the drafting.

As for the traceability issue, the EASA is thinking of ways to maintain electronic traceability of the ICAO provisions. Solutions are still under discussion.

comment

379

comment by: UK CAA

**Page No:** 60**Paragraph No:** Appendix C I, Para 114, Line 2**Comment:** Spelling error. Amend "trough" to "through".**Justification:** Spelling error.**Proposed Text:**

Personnel Requirements (PER): those are requirements on personnel subject to licensing or certification scheme. Licensing of air traffic controllers is regulated today through the national regulations which are transposing the ATCO Directive.

response

*Accepted*

However, the appendix will not be included in the resulting text.

### C. Appendices — II Drafting principles

p. 60-66

comment

202

comment by: Julian Scarfe

We support the general drafting principles outlined. We would, however, point out that the treatment of ICAO differences in 5.2.2 is overly simplistic.

A rule that is more restrictive or exacting than an ICAO requirement does not necessarily enhance flight safety. It might merely increase compliance costs, and therefore have a negative impact on safety by reducing the budget available for discretionary safety spend, or encourage a less safe behaviour. Conversely, a rule that is less restrictive might offer necessary operational flexibility where this has a positive safety impact.

For an example of such an effect, see comment 198.

response

*Noted*

The Agency's opinion is that where flexibility is necessary for the Member States to be able to react/prescribe some local aspects, the general applicable rule

should not be less restrictive than ICAO unless the ICAO provision has been demonstrated not to be applicable for the EU. Moreover, those notified differences that were shared by some Member States were also considered.

comment

337

comment by: *SWISS AERODROMES ASSOCIATION*

<![endif]--> <![endif]-->

Comments on Item No 3, pages 62 and 63

The aim of SERA IR according to Item 73, page 21 is "not to create new obligations for the Members States". It must be reflected by flexibility and proportionality in the implementation of new provisions and, therefore, not introducing new requirements or further restrictions.

<![endif]-->

ICAO has opted for a two level system. Only Standards are binding, unless a difference is notified. Recommended Practices not. In the transposition process, the Recommended Practices should therefore by principle be allocated as AMC or GM. As far as possible, differences to Standards needed to cope with particular situations should remain.

response

*Partially accepted*

The Agency's opinion is that where flexibility is necessary for the Member States to be able to react/prescribe some local aspects (such as in the case of SERA), the general applicable rule should not be less restrictive than ICAO unless the ICAO provision has been demonstrated not to be applicable for the EU. Moreover, those notified differences that were shared by some Member States were also considered.

The recommendations have been reviewed on a case by case basis and those which were considered to be necessary to be implemented at EU level were elevated to IRs, while those which could be made non-mandatory were considered as GM/AMC or they were not even transposed.

It is the Agency's understanding that not all the recommendations are automatically considered as non-binding but the recommendations are considered as binding if Member States decide to implement them. Therefore they need to be considered on a case by case basis.

comment

414

comment by: *AOPA Switzerland*

Under point 3.2 it is stated that ICAO recommendations will become an IR, if necessary or feasible. Otherwise an AMC would be the appropriate transposition.

If a recommendation is not necessary but feasible, an AMC will be fully adequate. There is no need at all to create an IR just on the fact that a recommendation is feasible.

We urge EASA to refrain from creating an IR based on a ICAO recommendations' feasibility study only.

response *Noted*

The Agency's opinion is that where flexibility is necessary for the Member States to be able to react/prescribe some local aspects (such as in the case of SERA), the general applicable rule should not be less restrictive than ICAO unless the ICAO provision has been demonstrated not to be applicable for the EU. Moreover, those notified differences that were shared by some Member States were also taken into account.

The recommendations have been reviewed on a case by case basis and those which were considered to be necessary to be implemented at EU level were elevated to IRs, while those which could be made non-mandatory were considered as GM/AMC or they were not even transposed. It must be noted that the sentence in 3.2 of the NPA reads: 'only where an IR is not necessary or feasible' and there only one of the two conditions is enough.

comment 419

comment by: *IDRF e.V. (association of regional airports)*

The aim of SERA IR according to Item 73, page 21 is "not to create new obligations for the Member States". It must be reflected by flexibility and proportionality in the implementation of new provisions and, therefore, not introducing new or further restrictions. This has two consequences at least:

ICAO has opted for a two level system. Only Standards are binding. In the transposition process, the Recommended Practices should therefore by principle be allocated as AMC or GM. At the most it could be necessary to transpose them also to binding rules, if there is a clear justification and there is an explicit need to enhance safety to an acceptable level.

response *Noted*

The Agency's opinion is that where flexibility is necessary for the Member States to be able to react/prescribe some local aspects (such as in the case of SERA), the general applicable rule should not be less restrictive than ICAO unless the ICAO provision has been demonstrated not to be applicable for the EU. Moreover, those notified differences that were shared by some Member States were also taken into account.

The recommendations have been reviewed on a case by case basis and those which were considered to be necessary to be implemented at EU level were elevated to IRs, while those which could be made non-mandatory were considered as GM/AMC, or they were not even transposed. It must be noted that the sentence in 3.2 of the NPA reads: 'only where an IR is not necessary or feasible' and there only one of the two conditions is enough.

**C. Appendices – III Summary of the safety assessment on the draft SERA  
Part B**

p. 67-80

comment 148

comment by: NATS

Recommendation: Requirement for ATS units to transmit special air reports to other units concerned is not well scoped. Which other units?

response *Noted*

The origin is the ICAO Annex 11, Recommendation 4.2.3.

It is assumed that AMC or GM will detail this requirement if necessary in coordination with the MET group.

comment 380

comment by: UK CAA

**Page No:** 68

**Paragraph No:** Appendix C III, Para 2.2.

**Comment:**

We are a little concerned by the statement, "That is to say that no incident reports indicating potential safety issues associated with the application of ICAO Annex 3 and 11 RoA aspects in the EU have been materialised."

**Justification:**

Materialised does not, necessarily, mean that there have not been any incidents only that none were received or made aware to the report co-ordinator.

response *Noted*

Incident/Accident reporting with regard to a particular topic or area is a critical path for most of the safety impact assessments. For SERA Part B, probability that requirements and/or procedures implemented in compliance with ICAO Annex 11 and/or 3 will lead to incident/accident without reporting is very unlikely considering the exposure of the ICAO Annexes in Europe and the current



reporting incident/accident scheme in Europe. Furthermore, a careful review of the notified differences by each State was done to check if differences could be safety-driven (e.g. following adverse in-service experience in a State).

comment

381

comment by: UK CAA

**Page No:** 70

**Paragraph No:** Appendix C III, Para 3.1.

**Comment:** What is the military appropriateness for the 'Functional Models'?

**Justification:** Clarification.

response

Noted

Functional analysis (relying for instance on Functional Model) is a 'tool' to identify safety functions associated to the 'change' under safety assessment. When necessary, civil-military coordination function could be represented in the Functional Model.

Considering SERA Part B, the relevant safety functions are ATC, FIS, Alerting Service, and Air Traffic advisory service.

Airspace users will receive the appropriate Air traffic Service for a safe flight in consistence with their flight regime (e.g. VFR, IFR).

comment

382

comment by: UK CAA

**Page No:** 70-71

**Paragraph No:** Issue 2

**Comment:** Issue is "closed" in the sense of what is being proposed but the underlying requirement and feasibility are not clear.

**Justification:** Clarification.

response

Noted

Most of the SERA Part B MET requirements are derived from ICAO Annex 3 which are currently applicable to any EU Member State except when differences have been notified.

See also responses to comments related to SERA Part B, Chapter 5.

comment	<p>384</p> <p><b>Page No:</b> 72</p> <p><b>Paragraph No:</b> Issue 6</p> <p><b>Comment:</b> Requirement for ATS units to transmit special air reports to other units concerned is not well scoped. Which other units?</p> <p><b>Justification:</b> ICAO Annex 11 origin noted, whoever further clarity required.</p>	comment by: UK CAA
response	<p><i>Noted</i></p> <p>It is assumed that AMC or GM will detail this requirement if necessary in coordination with the MET working group under ATM.001 rulemaking group.</p>	

comment	<p>385</p> <p><b>Page No:</b> 73</p> <p><b>Paragraph No:</b> Issue 9</p> <p><b>Comment:</b> Confusing text, what is the issue? Taxi and change of communication channel must be read back. See UK comments against para 2.4.4.1.</p>	comment by: UK CAA
response	<p><i>Noted</i></p> <p>The only intent of this issue is to highlight the fact that some airspace users might not be familiar with readback because it is not mandatory in ICAO Annex 11 (e.g. non-EU pilots). It is necessary that flight crew (for the readback) are fully aware of this new provision through adequate information/training.</p>	

comment	<p>387</p> <p><b>Page No:</b> 74</p> <p><b>Paragraph No:</b> Issue 13</p> <p><b>Comment:</b> See UK comments regarding para 5.2</p>	comment by: UK CAA
response	<p><i>Noted</i></p> <p>See answers to comments in para 5.2.</p> <p>Chapter 5 will be amended — see also responses to comments on Chapter 5.</p>	

comment

388

comment by: UK CAA

**Page No:** 76**Paragraph No:** Appendix C III, Para 3.8.**Comment:**

For ICAO Annex 11/Annex 3 provisions not modified by SERA Part B, the in service (operational) experience is used to show Safety Requirement achievability. This process is acceptable because no safety-related occurrences (incident/accident) related to the current application of ATS requirements (which are of a 'rule of the air' nature) by the different Member States have been identified so far. What identification processes were used?

response

*Noted*

Incident/Accident reporting with regard to a particular topic or area is a critical path for most of the safety impact assessments. For SERA Part B, probability that requirements and/or procedures implemented in compliance with ICAO Annex 11 and/or 3 will lead to incident/accident without reporting is very unlikely considering the exposure of the ICAO Annexes in Europe and the current reporting incident/accident scheme in Europe. Furthermore, a careful review of the notified differences by each State was done to check if differences could be safety-driven (e.g. following adverse in-service experience in a State).

comment

389

comment by: UK CAA

**Page No:** 77**Paragraph No:** Section 5**Comment:**

Transition from local requirements to SERA compliance shall be managed by Central Authority. 'Local' requirements' is understood to refer to 'State' requirements, however the impacts of change to these arising from SERA will undoubtedly have to be translated to the local unit level to varying degrees, depending upon the size and function of the aircraft operator, aerodrome operator and ATS unit. Please confirm that this assumption is correct.

**Justification:** Clarification.

response

*Noted*

The understanding is correct. The transition from the current State requirements (relative to the scope of SERA Part B) to SERA Part B requirements shall be managed by the State as described in this section.

comment

390

comment by: UK CAA

**Page No:** 80**Paragraph No:** Section 8**Comment:**

It is assumed that States issues and recommendations will be addressed through subsequent phases of SERA before draft legislation goes for SSC vote; however clarification on this issue is requested.

**Justification:** Clarification

response

*Noted*

The subsequent phases of SERA will be the next steps of the NPA consultation, including the EASA Review Group and public workshop. After the workshop, the final draft will be finalised and delivered to the European Commission. For the case of Part A, a SSC Working Group session has been organised, and several SSC meetings addressed the SERA issue. It might also be the case for Part B.

**C. Appendices — IV Draft SERA Implementing Rule presented at the 39th meeting of the Single European Sky Committee**

p. 81

comment

188

comment by: Eisten Nilsson

Definitions no 88:

Your proposal:

'night' means the hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6 degrees below the horizon.

My suggestion:

'night' means the hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6 degrees below the horizon, *or any other condition decided by competent authority.*

*Background:*

*Especially in northern Europe we can have almost daylight many hours after the sun have passed 6 degrees below horizon.*

*Best regards  
Eisten Nilsson*

response

*Noted*

However, this NPA does not cover the consultation of SERA Part A. The proposal could be considered as a separate rulemaking task in due course.

comment

189

comment by: *Eisten Nilsson*

VFR cruising level flight:

Your proposal:

4.7 Except where otherwise indicated in air traffic control clearances or specified by the competent authority, VFR flights in level cruising flight when operated above 900 m (3 000 ft) from the ground or water, or a higher datum as specified by the competent authority, shall be conducted at a cruising level appropriate to the track as specified in the table of cruising levels in Appendix 2.

My suggestion:

~~4.7 Except where otherwise indicated in air traffic control clearances or specified by the competent authority, VFR flights in level cruising flight when operated above 900 m (3 000 ft) 1500 m (5000 ft) above MSL from the ground or water, or a higher datum as specified by the competent authority, shall be conducted at a cruising level appropriate to the track as specified in the table of cruising levels in Appendix 2. At altitudes below 1500 m (5000 ft) the altimeter shall be set to QNH at departure aerodrome or QNH for the area.~~

*Background:*

*Today there are confusion among VFR-pilots how to set the altimeter when passing out from, through or in to Terminal areas. To change the altitude for using standard setting to 1500 m (5000 ft) will also give same procedures for VFR and IFR-flights as most airports use 5000 ft as transition altitude.*

*Best regards  
Eisten Nilsson  
CFI*

response

*Noted*

However, this NPA does not cover the consultation of SERA Part A. The proposal could be considered as a separate rulemaking task in due course.

comment	<p>253</p> <p>Several discrepancies have been found between the NPA document and the Tables (e.g. def. 43 and paragraphs 3.5.1 and 3.5.3 of SERA Part A and paragraph 1.1.3.1 of SERA Part B are considered to be included in Part ATS; and paragraph 5.6.2 of SERA Part B is considered "still under discussion"). Given this circumstance, AENA decided to use Appendixes V and VI as reference for consultations and for providing these comments.</p>	comment by: AENA
response	<p><i>Noted</i></p> <p>The comment is noted and the cross-reference tables will be amended in line with the final text. They are supposed to be amended to keep track of the changes to ICAO Annexes and their evolution within the EU regulations.</p>	
comment	<p>410</p> <p>Class F Airspace proved to be a very safe and efficient tool for airfields with a low number of instrument approaches. There were no incidents in the past. VFR pilots are aware of possible IFR approaches in that airspace.</p> <p>Alternatively, a CTR of class D will be too expensive and is not affordable anymore for airfields with a low number of IFR approaches.</p> <p>Class E airspace down to the ground could be a solution. But VFR pilots are aware of possible instrument approaches in class F, but not necessarily in class E. We cannot see any safety benefit in that solution.</p> <p>Since the good and safe experience made with class F, there is no need to change this structure. Too many changes and the loss of awareness of instrument approaches in class E instead of F do not rise any safety.</p> <p>In order to rise safety, AOPA Switzerland may envisage to declare class F airspace to become simultaneously a RMZ and TMZ.</p> <p>We urge EASA to maintain class F without any time restriction and to delete point 1.2.2.</p>	comment by: AOPA Switzerland
response	<p><i>Not accepted</i></p> <p>The notion that advisory service should be implemented as a temporary measure only was included in ICAO Annex 11 in 2001 based on provisions in the PANS-ATM, 9.1.4.1.2: 'Taking into account the considerations detailed in 2.4 of Annex 11, air traffic advisory service should only be implemented where the air traffic services are inadequate for the provision of air traffic control, and the limited advice on collision hazards otherwise provided by flight information service will not meet the requirement. Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service.'</p>	

It should be noted that the last sentence: 'Where air traffic advisory service is implemented, this should be considered normally as a temporary measure only until such time as it can be replaced by air traffic control service' dates back to 1960 when it was included in the seventh edition of Doc 4444, Part VII, paragraph 1.1.2.

The issue is also discussed in the ICAO ATS Planning Manual (Doc 9426) published in 1984. In Doc 9426, Part I, Section 2, Chapter 1, Section 1.5 – *Progressive development of ATS*, paragraph 1.5.9, it is stated that '... It is for this reason that ICAO has recognized the progressive development of ATS in its provisions of air traffic advisory service as a *temporary, intermediate* stage in the progression from flight information service to area control service in order to permit an orderly transition from a service which is primarily informative in nature to one which requires the assumption of increased responsibilities by controllers for the safety of flight operations.'. Furthermore, in Chapter 2, paragraph 2.7.1, it is stated that: 'As of its inclusion into the relevant ICAO provision, it was intended that air traffic advisory service was to be considered as a **temporary intermediary form of ATS** in order to allow for an orderly and progressive transition from FIS (en-route or around aerodromes) to the provision of ATC. It should therefore be understood that air traffic advisory service cannot and should not constitute an end in itself but should only be instituted to permit control personnel, during a limited period of time, to acquire the necessary experience in the provision of full ATC by allowing them to act as if they were controlling air traffic without assuming the full range of responsibilities which are inherent in its provision.'.

It is considered that the proposed IR relating to advisory airspace reflects the intentions of ICAO when introducing this class of airspace into the ICAO provisions.

comment 415

comment by: AOPA Switzerland

Under point 1.2.1 it is mentioned that class E airspace requires ATC clearance for IFR traffic.

Since the only ATS service provided in class E are traffic informations, there is no need for a ATC clearance for IFR flights. ICAO does not foresee either any clearance in class E airspace.

Therefore we urge EASA to withdraw the requirement of ATC clearance for IFR flights in class E airspace.

response *Not accepted*

Class E is controlled airspace — IFR are controlled in Class E — this is in compliance with ICAO and the airspace classification toolbox.

**C. Appendices — VI ICAO Annex 11 checklist**

p. 83

comment 253 ❖

comment by: AENA

Several discrepancies have been found between the NPA document and the Tables (e.g. def. 43 and paragraphs 3.5.1 and 3.5.3 of SERA Part A and paragraph 1.1.3.1 of SERA Part B are considered to be included in Part ATS; and paragraph 5.6.2 of SERA Part B is considered "still under discussion"). Given this circumstance, AENA decided to use Appendixes V and VI as reference for consultations and for providing these comments.

response *Noted*

The comment is noted and the cross-reference tables will be amended in line with the final text. They are supposed to be amended to keep track of the changes to ICAO Annexes and their evolution within the EU regulations.

comment 254

comment by: AENA

Homogeneity in designation should be desired (e.g., "ADQ" refers to "(EU) N° 73/2010"?; "Part ASD" is the same as "Airspace design"?)

response *Accepted*


Indeed, ADQ could refer to Regulation (EU) No 73/2010 but could also refer to the ongoing work with ADQ2 and also to the future provisions to be developed to implement chapter 2(a) of the Essential Requirements in Annex Vb to the EASA Basic Regulation.

Yes, ASD refers to airspace design.





**Appendix A - Attachments**

 [2010.11.23 CANSO position guiding principles for EASA rulemaking work and roadmap for ATM safety regulation.do.pdf](#)  
Attachment #1 to comment [#43](#)

 [SERA B NPA-ENAV comments.pdf](#)

Attachment #2 to comment [#100](#)