



European Union Aviation Safety Agency

# Comment-Response Document (CRD) 2022-04

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RELATED NPA: 2022-04 — RELATED OPINION: No 02/2023 — RMT.0476 (SUBTASKS 1 AND 2)

17.8.2023



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## 1. Summary of the outcome of the consultation

In total 377 comments were received from the public consultation of NPA 2022-04 from interested parties, including industry (ANSPs, an aircraft operator, aerodrome operators), national competent authorities (NCAs), social partners (pilot associations, another association, trade unions), a training organisation, an international organisation and private individuals as detailed in the following Table 1.

Group of commentators	Number of comments submitted	Approximate share
Aerodrome operator	5	1 %
Aircraft operator	3	1 %
ANSP	49	13 %
Aviation authority	152	40 %
Organisation	2	1 %
Other association	4	1 %
Pilot association	78	21 %
Private person	10	3 %
Trade union	70	19 %
Training organisation	4	1 %
<b>Total</b>	<b>377</b>	<b>100 %</b>

Table 1 — Statistics on NPA 2022-04 commentators

The comments submitted, together with the related EASA responses, are included in this CRD 2022-04 published together with the relevant Opinion. The analysis of the comments evidenced a substantial support to this regulatory initiative and determined the need for some amendments to the original NPA proposal; this also affected some proposed amendments to the associated AMC and GM, which are published with the Opinion as informative material. The following Sections summarise the main areas of interest evidenced by the NPA 2022-04 consultation with the related EASA views and resulting actions.



### 1.1. Prohibition of supersonic flights over EU land for environmental protection purposes

As an outcome of RMT.0476 Subtask 4, NPA 2022-04 included a regulatory proposal to prevent supersonic flights over the territory of the EU. Following the assessment of the comments received and after a careful evaluation of the status of the technological developments for the new generation of supersonic aircraft, EASA decided not to further pursue this regulatory proposal for the time being. EASA is determined to work with ICAO to enable the introduction of harmonised environmental standards and policies for supersonic aircraft to the extent that they ensure environmental compatibility and public acceptability. Accordingly, Subtask 4 of RMT.0476 will be temporarily put on hold; EASA will evaluate its reactivation, in conjunction with the related RMT.0733 'Environmental protection requirements for supersonic transport aeroplanes', in light of the progress of the aforementioned ICAO activities.

### 1.2. Requirements on sailplane thermal flights

NPA 2022-04 included a question to stakeholders on the need to address the right-of-way for sailplanes in thermal flights, together with the proposed introduction of amendments to SERA.3210 and of new GM.

Based on the stakeholders' feedback, both via comments to NPA 2022-04 and successive exchanges, and on a review of the related occurrences involving sailplanes or gliders in a (near) mid-air collision, TCAS resolution advisories or loss of separation between 2012 and 2022 that happened in the European and in the North Atlantic region, EASA decided to withdraw the proposed amendments, as the subject does not need to be regulated on a European level.

### 1.3. Additional proposed amendments following the NPA 2022-04 consultation

The title of the newly introduced SERA.3212 is changed to clarify the applicability of such provision at aerodromes where ATS are provided, as it regulates actions between the ATS unit and either pilots or vehicle drivers.

After a careful evaluation of comments received on the proposed amendments on the read-back of clearances, instructions and safety-related information, EASA decided to transpose the two new additional provisions identically to those introduced with Amendment 52 to Annex 11 as SERA.8015(e)(5) and (6).

The requirements in point SERA.8025 'Position reports' were redrafted considering the requirements already introduced in point SERA.14065 and Appendix 5 as well as the relevant provisions of PANS-ATM and ICAO Doc 7030.

SERA.12020 point (b) was reworded to accommodate the global reporting format (GRF) for reporting of runway surface conditions and still to facilitate the forwarding of special air-reports by ATS units to aerodrome operators. The difference to ICAO provision in PANS-ATM point 4.12.7 is that the text in SERA.12020 point (b) does not refer to braking action reported but to the runway condition report.

The title of point SERA.13015 was amended to include any kind of on-board aircraft identification settings and not just SSR transponders. The requirements themselves also include ADS-B transmitters, too.



As a result of the assessment of comments received from the consultation of NPA 2022-04, EASA considers necessary to propose the amendment of SERA.14035 'Transmission of numbers in radiotelephony' to eliminate the misleading wording of the requirements in point (a)(1), whether the wind speed or the aircraft speed shall be transmitted by pronouncing each digit separately.

It was identified that the phrase 'call sign, immediately followed by the word "super" or "heavy" corresponding, as appropriate, to wake turbulence category of the aircraft' is used in SERA.14065(a)(2), SERA.14065(c)(2) and SERA.14090(c). These points are harmonised by introducing the necessary amendments.

SERA.14083(c)(6) with regard to the use of a dedicated SSR code (Mode A Code 7601) in case of RCF to avoid the ambiguity related to the option for a flight under IFR experiencing radio communication failure (RCF) to remain in visual meteorological conditions (VMC) and land at the nearest suitable aerodrome was introduced. This results from a consultation with the pilot community, which strongly supported the introduction of this option, and it is considered instrumental for permitting IFR flights to fly under VMC and land at the nearest suitable aerodrome. Besides, concerns were expressed with regard to the need to adapt ATS systems to handle such special code. In the existing ATS systems, the transmission of Mode A Code 7600 automatically triggers the display of a special flag on the label associated with that aircraft, and the ATS system is designed such as not to lose the correlation with the flight plan. Selecting Mode A Code 7601 without adaptations of the ATS systems would just lead to losing the correlation and displaying only the raw data received from the surveillance data processing systems. The adaptations of the ATS systems for this purpose would take time and effort. In pursuing the proposed solution, it should be considered that the likelihood of an IFR flight that experiences RCF continuing its flight in VMC and landing at the nearest suitable aerodrome is very remote. For such cases, until the time the ATS systems would be adapted to retain the correlation, a manual correlation could be considered.

The accidental insertion of the requirements on two-way radio communication equipment installed on vehicles employed on the manoeuvring area in Appendix 1 'Signals' was withdrawn. The applicable requirements for this scenario are in the Aerodromes Regulation.



## 2. Individual comments and responses

In responding to the comments, the following terminology is applied to attest EASA's position:

- (a) **Accepted** — EASA agrees with the comment and any proposed change is incorporated into the text.
- (b) **Partially accepted** — EASA either partially agrees with the comment or agrees with it but the proposed change is partially incorporated into the text.
- (c) **Noted** — EASA acknowledges the comment, but no change to the text is considered necessary.
- (d) **Not accepted** — EASA does not agree with the comment or proposed change.

<b>(General Comments)</b>	-
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comment

6

comment by: *AOPA Sweden***AOPA Sweden****22-06-06****Comments on NPA 2022-04, update of the SERA regulatory framework**

In general AOPA do not have any comments on the proposed amendments as such, but as usual we have to emphasize the importance of clarity in the text. Any pilot must be able to follow the rules without having a law degree. The educational literature provided by the flight schools has to be correct in all manners which is not always so easy for the authors.

AOPA Sweden

Fredrik Brandel, member of the board

response

Noted.

comment

35

comment by: *GdF*

Comment to SERA.8015 which wasn't selectable in the CRT.

Agree with addition of (2) &amp; (3)

Propose to keep wording of 4444 to avoid a negative.

“...shall normally be the point at which the controlled flight terminates.”

Agree with addition of (e)(5) and (6).

response

Accepted.

The text of SERA.8015(b)(3) is reverted to the text published in Doc 4444 PANS-ATM.

comment

37

comment by: *GdF*

Comment to SERA.8020 which wasn't selectable in the CRT.

Agree. Please advise AOs and ANSPs that change management is needed.

(3) propose to delete "so"

response

Partially accepted.

Implementation support will be provided by EASA after publication of the amendments. The proposed editing is not accepted, and the ICAO wording is kept.

comment

41

comment by: *GdF*

Comment to SERA.8015 which wasn't selectable in the CRT.

Agree explicitly.

response

Noted.

comment

44

comment by: *GdF*

Comment to various parts of SERA:

We would be very grateful, if the Appendix 1 would list **all** prescribed phraseology phrases.

Therefore we ask to include the phrases from

SERA.5015

GM1 SERA.5015(c)(3)

GM1 SERA.11012

GM2 SERA.11015

SERA.14085

SERA.14090

SERA.14095

And potentially other SERA-regulations contain phraseology as well.



response	<p>Not accepted.</p> <p>Phraseology related to special/contingency procedures does not need to be incorporated on the ordinary/daily/basic exchanges. There is a context and parameters that are related to these specific situations as described in those points of SERA. Their present placement mirrors the ICAO material and facilitates maintenance. Last but not least, SERA is a regulation and not an operating manual. This comment can be considered by the editors of such manuals.</p>
comment	<p>45 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Comment to SERA.8020(b) which wasn't selectable in the CRT.</p> <p>In our experience, it seems very hard to adhere to an exact Mach number according to (b)(2). We think it would be beneficial to add a GM to define a range, which can be expected. We would propose to use the values from (b) (3).</p> <p>Does not apply to IAS.</p>
response	<p>Not accepted.</p> <p>The text is in accordance with ICAO Annex 2.</p> <p>‘Amendment 45 arises from the Separation and Airspace Safety Panel (SASP). This amendment concerns provisions related to adherence to flight plan and proposes a reduction in the allowable variation in assigned or planned true airspeed/Mach number. Experience by air traffic services (ATS) providers indicates that the current allowable tolerance of up to a 5 per cent change in speed before it is reported can prove to be too great in light of today’s reduced longitudinal separation minima. The amendment proposal corrects this potential risk and extends applicability of the Standard to aircraft utilizing the Mach number as a speed reference. This amendment also ensures that both inadvertent and intentional speed deviations are covered so as to more accurately reflect the intent and conditions under which this Standard would be applied.’ [State Letter AN 13/1.1-16/37]</p>
comment	<p>47 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Comment to SERA.14090 which wasn't selectable in the CRT.</p> <p>(a) Would it be possible to provide context about the rationale behind this change, please?</p> <p>(c)</p>





response	<p>The wording varies from the wording in Doc 4444 quite a bit and is unreasonably complicated, just to allow competent authorities to diverge from ICAO categories, if we understand it correctly.</p> <p>We propose to transpose the text from 4444 without change and to harmonise wake turbulence separation throughout the member states.</p> <p>“For aircraft in the SUPER or HEAVY wake turbulence categories, the word “super” or “heavy” shall be included, as appropriate, immediately after the aircraft call sign in the initial radiotelephony contact between such aircraft and ATS units.”</p> <p>With regard to SERA.14090(a), the comment is noted: Tow tractors are also vehicles and there is no need to additionally mention them. ‘The amendments will also reduce the risk of confusion caused by the difference in phraseologies between tow tractors and other vehicles in the aerodrome.’ [ICAO State Letter AN 13/2.1-18/67]</p> <p>With regard to SERA.14090(c), the comment is partially accepted. As a result of further assessment of Amendment 9 to PANS-ATM and the activities under RMT.0719, the text was amended to better reflect point 4.9.2 of PANS-ATM.</p>
comment	<p>64 <span style="float: right;">comment by: GdF</span></p> <p>Comment to SERA.14045:</p> <p>Request GM with the content: The phrase “GO AHEAD” should not be used, in its place the use of the calling aeronautical station’s call sign followed by the answering aeronautical station’s call sign should be considered the invitation to proceed with transmission by the station calling. e.g.: Pilot: “AFR123 request” ATC: “AFR123, PARIS RADAR”</p> <p>Source: Doc 9432 2.6</p>
response	<p>Not accepted.</p> <p>The phrase ‘GO AHEAD’ has never been introduced in SERA, so there is no need to draw attention to avoiding its. SERA contains the requirement to use standardised phraseology which is detailed in its Appendix 1.</p>
comment	<p>67 <span style="float: right;">comment by: GdF</span></p> <p>Comment to Appendix 4, which was not selectable in CRT:</p>



response	<p>While we obviously understand and support the reasoning, column 5 (Speed Limitation) does not improve in readability. Please check if a general footnote would suffice. Additionally, super and transonic speeds will (if allowed) take place above FL 195, which must be Airspace C. Maybe this could be used to simplify the table a little.</p> <p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>68 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Comment to Appendix 5, which was not selectable in CRT:</p> <p>Typos:</p> <p>PROMPTING should be PROMPTING</p> <p>duststrom should be duststorm</p> <p>Proposed comma: Section AD 2 contains the aerodrome-specific requirements, including the visual approach and landing charts with the...</p>
response	<p>Partially accepted.</p> <p>Typos are corrected.</p> <p>The proposed comma is grammatically not required.</p>
comment	<p>69 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Comment to SERA.14035:</p> <p>The German translation of SERA.14035 differs a little from the English version. Which punctuation mark should be covered? . , or both? Please confirm the German translation.</p> <p>(5) Numbers containing a <b>decimal point</b> shall be transmitted as prescribed in point (a)(1) with the <b>decimal point</b> in appropriate sequence, indicated by the word 'DECIMAL'.</p>



	<p>(5) Zahlen mit <b>Dezimalkomma/Dezimalpunkt</b> sind wie in Buchstabe a Nummer 1 vorgeschrieben zu übermitteln, wobei das <b>Dezimalkomma/der Dezimalpunkt</b> an der betreffenden Stelle durch das Wort ‚KOMMA‘/‚DECIMAL‘ anzugeben ist.</p>
response	<p>Noted.</p> <p>The English phraseology uses the term ‘DECIMAL’ only. SERA.14035(a)(5) is a direct transposition of paragraph 5.2.1.4.1.7 of ICAO Annex 10 Volume II without a difference.</p> <p>The use of the term ‘KOMMA’ in the radiotelephony when speaking in the German language would constitute a difference to SERA. It is expected that the competent authorities of the Member States ensure that ANSPs abide to the standardised phraseology.</p> <p>The difference in the translation shall be corrected by DG Translation.</p>
comment	<p>78 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Regarding ATS.TR.115 (not technically part of SERA, sorry):</p> <p>Would it be possible to include the call sign "DIRECTOR"? This is used to indicate to pilots that they are in contact with the last ATC-position before tower. According to pilots, this creates an improved awareness of what to expect.</p>
response	<p>Not accepted.</p> <p>In the case of different sectors with different suffixes in the approach phase, EASA is of the opinion that the same suffix (either APPROACH or ARRIVAL, depending on the case) provided in ATS.TR.115 may be used by two different approach sectors; this would not create confusion as the communication would in any case occur on two different frequencies. EASA encourages the competent authorities to ensure alignment with said provisions.</p>
comment	<p>79 <span style="float: right;">comment by: <i>Civil Aviation Authority the Netherlands</i></span></p> <p>There is a mismatch between the EU SERA and EU UAS rules. UAS has defined three categories, including the open category for which no rules are applicable. SERA divides all GA traffic in IFR and VFR, and doesn't define separate rules for UAS. Hence, the UAS open category is not supported by SERA. This problem has been recognized by EASA. This SERA update would provide EASA the opportunity to address this issue.</p>
response	<p>Noted.</p> <p>Specific rules for UAS flights are going to be developed as Subtask C of RMT.0230. The ‘open category’ has its own operations rules in Part A of the Annex to Regulation (EU) 2019/947.</p>



comment 112 comment by: LVNL

There is a mismatch between the EU SERA and EU UAS rules. UAS has defined three categories, including the open category for which no rules are applicable. SERA divides all GA traffic in IFR and VFR, and doesn't define separate rules for UAS. Hence, the UAS open category is not supported by SERA. This problem has been recognized by EASA. This SERA update would provide EASA the opportunity to address this issue.

response Noted.

Specific rules for UAS flights are going to be developed as Subtask C of RMT.0230. The 'open category' has its own operations rules in Part A of the Annex to Regulation (EU) 2019/947.

comment 125 comment by: European Transport Workers' Federation

There are a wide range of proposals that are new ways for both airspace operators and ATCOs to be aware of (in particular from page 43 onwards); some changes are significant and of course, safety critical. EASA should strongly consider other actions in addition to the publication of the Decision itself in order to ensure these safety-critical changes are understood. This could include safety promotion activities.

response Noted.

comment 143 comment by: Swiss Aeroclub

We thank EASA for submitting this NPA and allowing stakeholders to comment on it.

response Noted.

comment 151 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**General**

The Swedish Transport Agency notes that no detailed impact assessment has been carried out and understands the arguments EASA has given for this. However, some more details and a statement of costs would have been appreciated.



response Noted.

comment 177

comment by: LBA

**LBA comment:**

SERA 5005, 5015, 6001: Flights at transonic speeds or higher are proposed to be completely banned in the European airspace without any provision for exemptions, e.g. 14 CFR 91.818 in the US equivalent to SERA. Not only is it redundant to establish this ban in three different articles (SERA.5005(d)(1), SERA.5015(d), SERA.6001(c)), the ban itself also impedes on the possibility of development and/or utilization of low-boom or boom-mitigation technology by the European aerospace industry, which would put it at a disadvantage compared to foreign country aerospace industries. While the feasibility of low-boom technology has not yet been proven, it seems reasonable to provide for an exemption to be granted by the competent authority.

response Noted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

comment 187

comment by: LBA

**LBA comment:**

**Provisions for Exemptions:**

In general, LBA welcomes the proposed changes of the SERA regulatory framework regarding the restriction of supersonic flights over the territory of the EU. Nevertheless, we see a need to allow exceptions for research purposes.

According to the proposed paragraphs SERA.5005 and SERA.5015, flights at transonic speeds or higher are completely banned in the European airspace without any provision for exemptions like foreseen in 14 CFR 91.818, the US equivalent to SERA. Such an unconditional ban impedes the possibility to develop low-boom or other boom-mitigation technologies by European aerospace industry. That could hurt their competitiveness compared to foreign country industries.

The transonic speed limitation in SERA.6001 can be considered redundant when the two other above-mentioned paragraphs are in place.

***Additional Information about Boom-Mitigation Technologies:***

*Furthermore, for future amendments and additions of the relevant regulations it should be possible to examine the community acceptance/response of low boom effects within the framework of research projects. Such investigations have so far only been carried out over US territory and it seems questionable whether the results can be transferred to European*



	<p>conditions. However, appropriate investigations will only be possible if flights are carried out in the supersonic range.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>221 <span style="float: right;">comment by: <i>Europe Air Sports</i></span></p> <p>Europe Air Sports (EAS), the organisation for sports and recreational aviation in Europe, thanks EASA for the opportunity to comment on this NPA.</p> <p>In general, EAS finds the proposed amendments useful and supports them. However, we have several comments which are detailed in our comments below.</p> <p>In particular, the feedback received from EAS' member organisations suggests that the proposed changes to SERA.3210 and its GMs (Right of way) need a more detailed discussion in order to find an optimal solution. EAS therefore proposes EASA to arrange a workshop on this topic with representatives from EASA, the European Gliding Union (EGU), the European Hang- and Paragliding Union and EAS in order to develop the new amendments.</p>
response	<p>Noted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>226 <span style="float: right;">comment by: <i>FFA EUR</i></span></p>



response	<p>Thank you for the opportunity to comment the NPA 2022-04. We do not have objection to this proposal, but still a few comments</p> <p>Noted.</p>
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comment	<p>237 <span style="float: right;">comment by: NSA Austria</span></p> <p><b><u>SERA.8015 (b) (2):</u></b></p> <p>The term “<i>obtain a clearance</i>” might be interpreted in a way that a relay of a clearance according to SERA.9005 (b) (4) is not possible, furthermore the wording is not consistent with point (b) (1). Therefore we suggest changing the paragraph as follows:</p> <p><i>(2) When a flight plan specifies that the initial portion of a flight will be uncontrolled, and that the subsequent portion of the flight will be subject to air traffic control service, the flight crew shall obtain the clearance <del>from the appropriate ATC unit</del> prior to entering the area where controlled flight will be commenced.</i></p> <p><b><u>SERA.8015 (b) (3):</u></b></p> <p>Although the proposed SERA.8015 (b) (3) is correct, this point is difficult to comply with from a practical point of view, as the flight plan only includes information regarding the change of flight rules according to SERA.5015 (c) but does not state if the flight is subsequently conducted as controlled or uncontrolled flight.</p> <p>In our view this paragraph had the change from IFR to VFR in mind, however problems with its practical implementation arise when a flight is subsequently continued as a controlled VFR flight.</p> <p><b><u>Comment regarding point SERA.8015 (e) (5) and (6):</u></b></p> <p>The location of the proposed implementing rule SERA.8015 (e) (5) and (6) is not consistent as SERA.8015 regulates ATC clearances which are not applicable to vehicles according to the definition in Art. 2 (28) SERA. Therefore we suggest either an adaption of the definition in Art. 2 (28) SERA to also include vehicles or a replacement of the proposed text in a different part of chapter 8 of SERA.</p> <p>The term <i>air traffic services personnel</i> in SERA.8015 (e) (5) should be replaced with <i>air traffic controller</i> since authorisations are only applicable at controlled aerodromes. An AFIS officer should not issue authorisations to drivers.</p> <p><b><u>Comment regarding point SERA.8015 (e) (6):</u></b></p>
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response

The word *instruction* should only be used when aircraft are involved since instructions are directives issued by air traffic control for the purpose of requiring a pilot to take a specific action [see SERA Art.2 (29)].

It would be appreciated if in SERA Art. 2 a definition of the term *authorisation* could be added. The word *authorisation* is also used in the definition of the term *ATC clearance* which makes it difficult to distinguish between these terms.

**SERA.8020 (b)(2) Adherence to current flight plan**

It is not clear why the 5 % buffer margin was removed. If the pilot is required to report any deviation from the assigned indicated airspeed (even one knot) this could lead to an increased frequency load.

**SERA.8015(b)(2):**

Not accepted. The wording used in the requirement is considered to cover all cases and is considered satisfactory.

**SERA.8015(b)(3):**

Noted. The wording follows the wording of paragraph 4.5.2.2 of ICAO Doc 4444 PANS-ATM. The requirements do not consider the flight rules (VFR, IFR) but the actual flight route in the flight plan.

**SERA.8015(e)(5) and (6):**

Partially accepted.

As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes. For vehicles on the manoeuvring area on an AFIS aerodrome the requirements are in the ADR regulation.

**SERA.8015(e)(6):**

Not accepted. The definition of 'air traffic control instruction' (29) is found under SERA Article 2; in SERA.8015(e)(6) the word 'instruction' is used with a more generic meaning.

**SERA.8020(b)(2):**

Not accepted. The text is in accordance with ICAO Annex 2.

'Amendment 45 arises from the Separation and Airspace Safety Panel (SASP). This amendment concerns provisions related to adherence to flight plan and proposes a reduction in the allowable variation in assigned or planned true airspeed/Mach number. Experience by air traffic services (ATS) providers indicates that the current allowable tolerance of up to a 5 per cent change in speed before it is reported can prove to be too great in light of today's reduced longitudinal separation minima. The amendment proposal corrects this potential risk and extends applicability of the Standard to aircraft utilizing the Mach number as a speed reference. This amendment also ensures that both inadvertent and intentional speed





deviations are covered so as to more accurately reflect the intent and conditions under which this Standard would be applied.’ [State Letter AN 13/1.1-16/37]

comment 296 comment by: German NSA (BAF)

### Article 1

In general, it is suggested to amend Article 1 concerning UAS. With regard to Article 7 (2), (3) of CIR (EU) 2019/947 it should be unambiguously clear to which categories of UAS the regulation applies and to which it does not.

response Not accepted.

Specific rules for UAS flights are going to be developed as Subtask C of RMT.0230. It applies to ‘aircraft engaged in general air traffic’.

comment 346 comment by: DTA/MCU

We didn't find APPENDIX 1 SIGNALS 3.1.3. Instructions for ground vehicles in the syllabus, so we comment it here.

Comment: Signals are currently included in provisions applicable to aerodrome in AMC1 ADR.OPS.B.031 d). Subject to the outcomes of the consultation of this NPA, continuous consistency should also be kept with R UE 139/2014 on these matters. As a consequence, the rationale for this modification could have been written as follows: “this amendment is proposed to ensure alignment with point 7.6.3.2.3 of PANS-ATM. The same signals are currently included in GM1 ATS.OR.445(a) and in AMC1 ADR.OPS.B.031 b) 4) Communication. Subject to the outcomes of the consultation of this NPA, EASA will ensure the necessary regulatory consistency and consider amending provision ATS.OR.445 and the related GM as appropriate as well as ADR.OPS.B.031 and related AMC/GM.”

response Partially accepted.

In APPENDIX 1 ‘SIGNALS’ under point 3.1.3, the content of point a) was not intended to be transposed into SERA, consequently there is no need for amending the other regulations containing points b) and c).

The NPA cannot be amended any longer more, and the Opinion does not contain such information.

comment 348 comment by: DTA/MCU



	<p>Reference: SERA.6001 Classification of airspaces (c) and multiple other occurrences, in particular SERA.5015(d) A general speed limitation that requires all flights to fly below transonic and supersonic speeds is applicable in all classes of European airspace.</p> <p>Comment: Suborbital flights may be impacted by the proposed limitation, but it may be intentional. If not, the proposed modification might be further defined. Suborbital vehicles may typically reach flight altitudes between FL2000 and FL2600. Please note that this comment is an open remark, and it is formulated without the intention of expressing the French position on the topic.</p>
response	<p>Noted. EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>

comment	<p>390 <span style="float: right;">comment by: BULATSA</span></p> <p><b>GM1 Article 9 Safety requirements SAFETY ASSESSMENT</b></p> <p>The use of “ is to be” is inappropriate and does not correspond to EU commission <u>English style guide</u> also referred by <u>EASA</u>.</p> <p>It is not clear by whom the assessment should be made. Those applying regulation are different from those amending it</p> <p>Proposal: “Should” shall be used instead of “is to be”. More clarification of who will be responsible of the assessment is needed.</p>
response	<p>Accepted.</p>

comment	<p>392 <span style="float: right;">comment by: BULATSA</span></p> <p><b>SERA.8015 Air traffic control clearances [...] (b) Operation subject to clearance</b></p> <p>Text only covers 2 variants (controlled to uncontrolled and vice versa. It does not cover multiple changes. Text could be more generic to cover all/more variants.</p>
response	<p>Not accepted.</p>



No additional divergence from the ICAO text is considered necessary.

## 1. About this NPA

p. 4

comment 105

comment by: ENAV

### Comment

#### *SERA.9010 Automatic terminal information service (ATIS)*

Provide a GM to explain that to keep the ATIS message short within the desirable time limits the surface conditions could be summarized and the RCC may be transmitted for this purpose; the full RCR (very, long message) will be anytime available on pilot's request as per Doc4444 and will not be transmitted spontaneously by ATC nor included in ATIS

response

Accepted.

Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.

## 1.2. How to comment on this NPA

p. 5

comment 14

comment by: Uppsala Flying Club

The CRT application has no comment section for the changes to the implementing rule SERA.8015. I give my comments here instead:

The new subparagraph (b)(2) is redundant. (b)(1) already states that a clearance must be obtained before operating "a portion of a flight as a controlled flight."

The new subparagraph (b)(3) will cause major problems where the airspace structure is such that aircraft frequently leave and enter controlled airspace. E.g. in Sweden and Finland all enroute airspace below FL95 (sometimes higher in mountainous terrain) is uncontrolled. This means that aircraft without oxygen or pressurisation in practise only has the single level FL100 available for controlled flight. Combined with the lack of deicing and weather radar common in light General Aviation aircraft, such aircraft frequently operate as uncontrolled flights below FL95 to avoid icing or to visually avoid convective weather.

Given that TMAs extend below FL95, these flights can enter and exit controlled airspace several times. The proposed rule that clearances in the normal case should expire when



leaving controlled airspace will cause additional workload for both pilots and controllers as new clearances may have to be requested several times during a single flight.

The United Kingdom has operated such a scheme for many years, and the problems this causes IFR traffic operating partly in class G are well known. In particular, there is no guarantee that a clearance to reenter controlled airspace will be granted. If it is not, there is a major hazard as it might be difficult and in some cases impossible to safely conclude the flight entirely in uncontrolled airspace.

The previous principle that all flights are normally cleared to their destinations should be retained, even when portions of the flight is uncontrolled.

response

Not accepted.

There is no redundancy. SERA.8015(b)(1) requires the submission of a flight plan and SERA.8015(b)(2) requires obtaining the clearance from the appropriate unit.

The amendment does not affect the clearance limit. The proposed amendments stipulate the procedures for the issuance of clearances to aircraft transiting from controlled to uncontrolled airspace and vice versa.

comment

260

comment by: *Danish Civil Aviation and Railway Authority - DCARA*

When commenting on this NPA, not all specific amendments are presented in the CRT tool. That means that some comments have to be made to another headline than what is relevant. That is the case for a few of DCARAs comments in this NPA.

response

Noted.

**2.1. Why we need to amend the rules - issue/rationale**

p. 6

comment

176

comment by: *Norwegian Air Traffic Controller Association*

We think a good way to display RMZ/TMZ is directly on the map, øike for instance at EDFH, Frankfurt Hahn. See attechted photo.

response

Noted.

comment

190

comment by: *AESA*



response	<p>2.1.1. Synchronisation with ICAO provisions</p> <p>RECAT-ICAO wake turbulence scheme is not considered in this proposal for regulation, and in consequence the States can not implement ICAO RECAT solution without considering a complex AltMoC. There should be considered in synchronatization with the correspondent amendment to PART-ATS of Regulation EU 2017/373.</p> <p>Noted.</p> <p>Subtask 4b of RMT.0719 also aims to align Regulation (EU) 2017/373 with the evolving ICAO provisions (in particular with Annex 4, Annex 10, Annex 11, Annex 15, PANS-ATM, PANS-AIS) as well as introduce changes for regulatory consistency.</p>
comment	<p>191 <span style="float: right;">comment by: AESA</span></p> <p>2.1.1. Synchronisation with ICAO provisions</p> <p>Amendment 10 for PANS ATM is not mentioned</p>
response	<p>Noted.</p> <p>Amendment 10 to PANS-ATM was not mentioned because the implementation of the GRF has a different timescale in the European regulatory framework.</p>
comment	<p>192 <span style="float: right;">comment by: AESA</span></p> <p>2.1.7. References to the differences between the proposals of this NPA and relevant ICAO standards and procedures</p> <p>As there is no ICAO SL informing about new Annex 2 Amdt. related to this topic, would it be possible to share some further information on this amendment of ICAO Annex 2?</p>
response	<p>Noted.</p> <p>It is not understood from the comment what information is required in the given context. ICAO is currently working on further amendments to Annex 2, which might affect the subject for which the table in Section 2.1.7 does not include additional information.</p>
comment	<p>193 <span style="float: right;">comment by: AESA</span></p>



2.1.7. References to the differences between the proposals of this NPA and relevant ICAO standards and procedures

Concerning Annex 11 4.3.7 4.3.8 4.3.9, point (b)(8) of SERA.9010 should also be included in "Details of difference".

response

Accepted.

The table has been amended accordingly.

## 2.2. What we want to achieve - objectives

p. 12

comment

311

comment by: *Danish Civil Aviation and Railway Authority - DCARA*

Comment on section 2.1.3:

The proposed amendments to the regulation to prevent transonic and supersonic flight over the territory of the EU is fully supported.

response

Noted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

## 2.4. The expected benefits and drawbacks of the proposed amendments

p. 16

comment

80

comment by: *Civil Aviation Authority the Netherlands*

The introduction of GM1 SERA.6001(a)(5) will have drawbacks for a number of European ANSPs, regarding finances and the use of scarce human resources (ATCos). Currently uncontrolled VFR in both class E airspace and class G airspace below can be dealt with by one ATS unit, and controlled IFR in class E airspace can be handled by dedicated ATCos. GM1 SERA.6001(a)(5) forbids this practice and will force a reorganisation of ATC sectors. Hence the foreseen drawbacks.

response

Noted.



According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment 113

comment by: LVNL

The introduction of GM1 SERA.6001(a)(5) will have drawbacks for a number of European ANSPs, regarding finances and the use of scarce human resources (ATCos). Currently uncontrolled VFR in both class E airspace and class G airspace below can be dealt with by one ATS unit, and controlled IFR in class E airspace can be handled by dedicated ATCos. GM1 SERA.6001(a)(5) forbids this practice and will force a reorganisation of ATC sectors. hence the foreseen drawbacks.

response Noted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

### 3.1. Draft amendments to the SERA Regulation, as well as to the associated AMC & GM

p. 18

comment 5

comment by: DC-AL

This CRT does not allow comments on the proposed amendmnet to SERA 9010, which seems to conflict with SERA 12020 (b) which suggests that braking action has been reported.

response Not accepted.

The philosophy of the runway condition report is that the aerodrome operator assesses the runway surface conditions whenever water, snow, slush, ice or frost are present on an operational runway. From this assessment, a runway condition code (RWYCC) and a description of the runway surface are reported which can be used by the flight crew for aeroplane performance calculations. The concept of the RCR is premised on, among others, a unique runway condition code (RWYCC) linking the agreed set of criteria with the aircraft landing and take-off performance table, and related to the braking action experienced and eventually reported by flight crews.

Either the runway condition code and the associated aircraft performance or the special report of previous flight crew can define the reported braking action.



comment	<p data-bbox="345 203 391 235">16</p> <p data-bbox="992 203 1468 235">comment by: <i>Riga International Airport</i></p> <p data-bbox="345 289 1468 531">APPENDIX 1 SIGNALS 3.1.3. Instructions for ground vehicles a)2) would introduce a provision that a vehicle which is only occasionally used on the manoeuvring area and is employed in accordance with a pre-arranged plan established with the aerodrome control tower need not be capable of maintaining two-way radio communication nor accompanied by a vehicle with the required communications capability. Such provision would be more relaxed than the derogation specified in ADR.OPS.B.026 (e)(1) which stipulates that the vehicle, which is not equipped with a radio, is escorted at all times.</p> <p data-bbox="345 573 1468 674">3.1.3. b) would suggest that provisions that according to AMC1 ADR.OPS.B.031(b)(4) (a) and (b) reserved to radio communication failure may also be used for communications by a system of visual signals (i.e. in normal operations).</p> <p data-bbox="345 716 1468 779">It would be desirable to clarify that APPENDIX 1 SIGNALS 3.1.3. shall not apply to aerodromes falling under the scope of ADR.OPS.B.026 and ADR.OPS.B.031.</p>
response	<p data-bbox="345 814 578 846">Partially accepted.</p> <p data-bbox="345 867 760 898">Point 3.1.3 (a) has been removed.</p> <p data-bbox="345 930 1468 1031">Point 3.1.3(b) is maintained with the text proposed in the NPA as implementing rule in the SERA context. Concurrently, as a result of an analysis of the affected rules; the following amendments are proposed:</p> <ul data-bbox="345 1062 1468 1234" style="list-style-type: none"> <li data-bbox="345 1062 1468 1136">• GM1 ATS.OR.445(a) will be removed from Part-ATS requirements because it overlaps this SERA amendment;</li> <li data-bbox="345 1167 1468 1234">• ADR.OPS.B.031 ‘Communications’ and the related AMC1 ADR.OPS.B.031(b)(4) are also amended accordingly.</li> </ul> <p data-bbox="345 1266 1198 1297">The comment regarding the applicability of point 3.1.3 is not accepted.</p>
comment	<p data-bbox="345 1413 391 1444">88</p> <p data-bbox="1211 1413 1468 1444">comment by: <i>IFATCA</i></p> <p data-bbox="345 1528 773 1591">GM1 Article 9 Safety requirements SAFETY ASSESSMENT</p> <p data-bbox="345 1633 1468 1734">The safety assessment on the implementation plan is to be conducted after the introduction of any amendment to this Regulation to identify any hazard, assess the risks and mitigate them before implementing the changes to the previously applied procedures.</p> <p data-bbox="345 1745 1468 1808">The use of “is to be” is inappropriate and does not correspond to EU commission English style guide also referred by EASA.</p>





## 1. Summary of the outcome of the consultation

	It is not clear by whom the assessment should be made. Those applying regulation are different from those amending it. "Should" shall be used instead of "is to be". More clarification needed.
response	Accepted.  The text has been amended accordingly.

comment	126 <span style="float: right;">comment by: <i>European Transport Workers' Federation</i></span>
	Page 20 - GM1 Article 9 Safety requirements
	Why should this be <u>after</u> the implementation? Should they not be before the implementation? It seems to contradict the text of the article.
response	Not accepted.  The text is 'after introduction' and not 'after implementation'. This guidance for the Member States is intended to clarify when the safety assessment on the implementation plan is to be conducted, as well as its scope. Safety assessment should be conducted to identify any hazard, assess the risks, and mitigate them before implementing the changes to the previously applied procedures.

comment	194 <span style="float: right;">comment by: <i>AESA</i></span>
	Article 2 Definition (89a) Some GM clarifying the concept of "lateral and vertical navigation guidance" (aligned with the note of Annex 2) should be included as it was included in GM1 203 of Regulation 2017/373.
response	Noted.  It is already included in the Guidance Material for SERA GM1 Article 2(89a).

comment	195 <span style="float: right;">comment by: <i>AESA</i></span>
	GM1 Article 9 Safety requirements
	Article 9 Safety requirements for Regulation (EU) No 923/2012 states the following: <i>Further to the entry into force of this Regulation and without prejudice to Article 7, Member States shall, in order to maintain or enhance existing safety levels, ensure that, within the context of a safety management process addressing all aspects of the implementation of this Regulation, a safety assessment on the implementation plan, including hazard identification,</i>



risk assessment and mitigation, is conducted, preceding the actual changes to the previously applied procedures. Such mitigation may include the application of Article 3.

Should we understand that safety management process addressing all aspects of the implementation of this Regulation... could be handled by the Member States within the processes for evaluating functional changes?

response

Noted.

This safety assessment should be conducted at the Member State level before conducting any changes to the functional systems.

comment

196

comment by: AESA

Article 10 Amendments to Regulations (EC) No 730/2006, (EC) No 1033/2006, (EC) No 1794/2006, (EC) No 1265/2007, and (EU) No 255/2010 and Implementing Regulation (EU) No 1035/2011

Is it necessary to delete modifications to Regulations no longer in force? It seems adequate to maintain them in order to guarantee the coherence of the process.

response

Noted.

The reference to repealed regulations is not maintained to avoid establishing misleading obligations.

comment

266

comment by: FOCA Switzerland

Typo (in bold, comma should be added):

"21. 'AIRMET' means **information, issued** by a meteorological watch **office, concerning** the occurrence or expected occurrence of specified en-route weather phenomena which may affect the safety of low-level aircraft operations and of the development of those phenomena in time and space, and which was not already included in the forecast issued for low-level flights in the flight information region concerned or sub-area thereof;"

Rationale: alignment with the proposed definition 119 regarding SIGMET.

response

Accepted.

The commas are removed from both definitions to ensure consistency.



comment	297	comment by: <i>German NSA (BAF)</i>
	<p><b>GM3 Article 4, page 20</b></p> <p>The intention of GM3 Article 4 is not clear. What is the point of saying that the requirement for the notification does not affect the mentioned operations? Is the phrase intended to refer only to the requirement for notification the exemption to EASA or also to the requirement to issue an exemption itself? And to which sentence in Article 4 does the GM refer? There is no corresponding requirement in Article 4 to which the GM material would refer. Paragraph 3 sentence 2 refers only to helicopter operating minima contained in the specific approvals pursuant to Annex V to CIR (EU) No 965/2012.</p> <p>Furthermore, both regulations have to be considered separately from each other. As long as the CIR (EU) No 923/2012 (SERA) does not exclude GAT flights carried out with a specific approval granted based on Annex V to CIR (EU) No 965/2012 from the scope of application, the requirements of the regulation “SERA” are in principle also applicable to them. A GM can’t change this fact. So these flights would need an exemption in accordance with Article 4 needed to be notified to EASA. If it is intended that they shall not need an exemption of “SERA”, the regulation has to be amended accordingly and not only the GM.</p>	
response	<p>Accepted.</p> <p>The GM is removed.</p>	
comment	298	comment by: <i>German NSA (BAF)</i>
	<p><b>GM1 Article 9, page 20</b></p> <p>The following wording is suggested: “The safety assessment on the implementation plan is to be conducted after the introduction of any amendment to this Regulation to identify any hazard, assess the risks and mitigate them before implementing <u>any necessary</u> <del>the</del> changes to the previously applied <u>national</u> procedures.”</p> <p>Otherwise the MS have to conduct a safety assessment on the implementation plan concerning the new regulations regardless whether these amendments would require changes to national procedures or not.</p>	
response	<p>Not accepted.</p> <p>The intention is to provide clarification that the safety assessment has to be conducted in the case of any amendment to the regulation.</p>	
comment	373	comment by: <i>European Cockpit Association</i>



It is not proposed to comment Appendix 4 ATS airspace classes – services provided and flight requirements.

However we would like to point out the addition of the transonic/supersonic speed limitation unnecessarily extends the table as it applies to all airspace classes.

It is therefore suggested to consider to include this limitation in a footnote.

response Noted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

### SERA.3210 Right-of-way

p. 22

comment 3

comment by: DC-AL

Proposed para (6) suggests that powered aircraft shall give way to a soaring glider at all times including when approaching head on, which does not accord with ICAO and is unsafe. Suggest the addition of the words “over other sailplanes” be inserted after “have right of way”.

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.



As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 28

comment by: GdF

Yes, we agree that this should be addressed in SERA.  
Other points in 3210 give the right of way to an aircraft, e.g. (4) gives the right of way to a landing aircraft over any other. The proposed paragraph should in our opinion only address the right of way of sailplanes to other sailplanes.  
We would like to propose a small addition to clarify that this paragraph only applies to the right-of-way between sailplanes.

Additionally, do the terms ridge and slope soaring need to be defined in order to be used? We do not agree that these kinds of manoeuvres can be considered to be common knowledge. Possibly, a reference to the applicable SERA.3105 would be helpful.

Sailplanes already established circling in a thermal, or in ridge or slope soaring, have the right of way to other sailplanes.

—  
the sailplane with the slope at on the left side shall alter

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.



comment	<p>85 <span style="float: right;">comment by: <i>Civil Aviation Authority the Netherlands</i></span></p> <p>Proposed new text: Sailplane thermal flight. Sailplanes <del>already</del> established circling <b>the highest</b> in a thermal, or in ridge or slope soaring, have the right of way.</p> <p>Rationale: It should be the aircraft highest in the thermal that has right of way. The first sailplane can also be in the middle. Than it is not sure who was the first.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>

comment	<p>93 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>Comment</b> <i>SERA 3210 point d) 4) i)</i> <i>Movement of persons and vehicles at aerodromes:</i> <i>The movement of persons or vehicles, including towed aircraft, on the manoeuvring area of an aerodrome shall be controlled by the aerodrome control tower as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off.</i></p> <p>The sentence should be amended in order to reduce its ambiguity: “...necessary to avoid hazard <del>to them or</del> to aircraft...”</p> <p><b>Note</b> From the ATS point of view the provision is covered by ATS.TR.240 (a) (transposed from Doc4444)</p>
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The part of the text “*necessary to avoid hazard to them*” expands the responsibility of ATC beyond the objectives of ATS requiring controlling actions with the intent of avoiding hazard to vehicles.

response Not accepted.

This point shall be transposed identically both into Part-ATS and into SERA. This point is a direct transposition of 3.8.1 of ICAO Annex 11.

comment 94 comment by: ENAV

**Comment**

*SERA 3210 point d) 4) iv)*

*Subject to the provisions in (iii), vehicles on the manoeuvring area shall be required to comply with the following rules:*

...

*C) vehicles shall give way to other vehicles in accordance with air traffic services unit instructions;*

The sentence should be amended to reduce its ambiguity:

*C) vehicles shall give way to other vehicles ~~in accordance with air traffic services unit instructions;~~*

**Note**

The requirement is hardly applicable; instructions by ATS do not include the requirement for providing the right of way between vehicles.

response Not accepted.

This point needs to be identical to that in the Aerodrome Regulation.

comment 135 comment by: European Gliding Union

6) Sailplane thermal flight. Sailplanes already established circling in a thermal, or in ridge or slope soaring, have the right of way.

It is necessary to separate the regulation of thermal flight from regulating ridge soaring. Otherwise more than one aircraft could demand right-of-way if a slope lift merges into a thermal - which is quite common.

response Not accepted.



EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

139

comment by: *Swiss Aeroclub*

Right-of-way means that the aircraft "shall maintain its heading and speed" (SERA.3210(a). Flying in a thermal, or in ridge or slope soaring corresponds hardly to maintaining heading and speed. Therefore, the introduction of the term "Right-of-way" in this context is not suitable and could be rather confusing than adding any value.

Furthermore, the rules contained in 3210(c)(6)(i) and (ii) are unambiguous and state clearly different obligations of pilots involved in thermal flight.

Therefore, we suggest that the text under 3210(c)(6) be reworded with the omission of the term "Right-of-way".

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.





As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 152

comment by: NSA Austria

The term “gilder” is commonly used by ICAO. Why is the term “sailplane” used in the context of the SERA regulation?

response

Not accepted.

‘Sailplane’ is used in the European civil aviation regulatory framework.

comment 181

comment by: The Norwegian Air Sports Federation

The Norwegian Air Sports Federation agrees with the Agency that this topic needs to be addressed in harmonized hard and soft law. We have in fact experienced that a pilot complying with SERA abroad was involved in a collision during soaring, partly because the visiting pilot was unaware of national "rules" or "best practice" that *complemented* SERA. Both injuries and legal action could be the result of such issues, and SERA hence has to be changed to ensure consistency and legal clarity.

The wording of the draft solution, however, should be adjusted through a close dialogue between the Agency, the glider community and the hanggliding/paragliding community. For instance, we see a need to distinguish between sailplanes circling at a slope or ridge, and those slope soaring without circling: A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.

The details should be carved out by the experts in the field, however. We respectfully suggest that representative organisations are invited to a workshop or similar.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.



The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

225

comment by: DHV

SERA.3210 (c) (6) (ii) Right-of-way

(c) [...]

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes who are slope soaring.

(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.

SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING

The current rule is that a sailplane can overtake on both sides. EASA's proposed new rule that overtaking should be done on the slope side should be rejected, and the following proposed instead:

"Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision."

The German DHV (Hanggliding and paragliding union) discussed "right of way" vs "give way". "Right of way" implies "not needing to take any action". **To give way rather than right of way** was generally agreed by the DHV as the preferred option.

This is consistent with other paragraphs in SERA

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.



EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

230

comment by: *Europe Air Sports*

SERA.3210 (c) (6) Sailplane Thermal flight.

EAS has received several comments to this section from its members.

**Comment from EAS member 1.** Avoid use of the word "Right-of-way". "Right of way" implies "not needing to take any action", which is not the same as "shall maintain its heading and speed" as stated in SERA.3210 (a).

Alternative text:

"A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes which are slope soaring."

**Comment from EAS member 2:**

Text in NPA:

"Sailplanes already established circling in a thermal, **or** in ridge or slope soaring, have the right of way."

Comment:

It is necessary to separate the regulation of thermal flight from regulating slope soaring. Otherwise more than one aircraft could demand right-of-way if a slope lift merges into a thermal - which is quite common.

**Comment from EAS member 3:**

Right-of-way means that the aircraft "shall maintain its heading and speed" (SERA.3210(a)). Flying in a thermal, or in ridge or slope soaring corresponds hardly to maintaining heading and speed. Therefore, the introduction of the term "Right-of-way" in this context is not suitable and could be rather confusing than adding any value.



Furthermore, the rules contained in 3210(c)(6)(i) and (ii) are unambiguous [should be "ambiguous"?, note by EAS editor] and state clearly different obligations of pilots involved in thermal flight.

Therefore, we suggest that the text under 3210(c)(6) be reworded with the omission of the term "Right-of-way".

**EAS Summary comment:**

Based on the above members comments, EAS suggests EASA to arrange a workshop on this topic with representatives from EASA, the European Gliding Union (EGU), the European Hang-and Paragliding Union and EAS in order to develop the new amendments.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

241

comment by: *Karl Slezak*

Comment from: Deutscher Hängegleiterverband e.V., official delegate from the German Ministry of Transport

**Instead of the present proposal, we would like to make an alternative suggestion:**

SERA.3210 (c) (6) (ii) Right-of-way

(c) [...]

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes who are slope soaring.



(i) All pilots shall circle in the same direction as the first sailplane already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

248

comment by: *Danish Civil Aviation and Railway Authority - DCARA*

We do support the inclusion of "right of way" provisions for sailplanes which are seen as relevant for SERA.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.



As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 265

comment by: LAA CR

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 286

comment by: FOCA Switzerland

Regarding the question asked by EASA (on the top of the page 23), the proposed amendments are supported.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.



The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

292

comment by: SHV

Instead of the present proposal, we would like to make an alternative proposal as follows:

SERA.3210 (c) (6) (ii) Right-of-way

(c) [...]

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.

(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.



comment	299	comment by: <i>German NSA (BAF)</i>
	It is suggested to review whether specific rules for UAS are necessary or useful.	
response	Noted. Specific rules for UAS flights are going to be developed as Subtask C of RMT.0230.	

comment	300	comment by: <i>German NSA (BAF)</i>
	<b>SERA.3210 (c) (6) (i)</b>	
	The following clarifying addition to the wording is proposed: "All <u>other sailplane</u> pilots shall circle...". Than it is clear that only other sailplane pilots shall be addressed of this rule.	
response	Not accepted.	
	EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.	
	EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.	
	The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.	
	As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.	

comment	305	comment by: <i>David Thompson</i>
	This proposal is dangerous. You can not say " <i>Sailplanes already established circling in a thermal, or in ridge or slope soaring, have the right of way.</i> "	
	It is common for gliders to be both circling in thermals <b>AND</b> slope soaring at the same site. They can not both have right of way!	
	In any case the whole notion of 'right of way' (with the exception of an aircraft on final approach) is flawed. An aircraft should be required to "give way" and NOT suppose itself to have a "right of way".	





	<p>Propose the following on the basis that less experienced pilots are more likely to be slope soaring:</p> <p><a href="#">SERA.3210 (c) (6) (ii) Right-of-way (c) [...]</a>  <a href="#">(6) Sailplane thermal flight and ridge or slope soaring.</a>  A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes who are slope soaring.</p> <p><a href="#">(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.</a></p> <p><a href="#">(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</a></p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>336 <span style="float: right;">comment by: <i>EHPU</i></span></p> <p>The European Hang Gliding and Paragliding Union proposes as an alternative to the current NPA proposal:</p> <p><a href="#">SERA.3210 Right-of-way (c) [...]</a></p>



	<p>(6) <i>Sailplane thermal flight and ridge or slope soaring.</i> A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.</p> <p>(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.</p> <p>(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>338 <span style="float: right;">comment by: <i>Finnish Transport and Communications Agency</i></span></p> <p>Finnish Transport and Communications Agency supports the content of the proposed requirements on the right of way to sailplanes.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation</p>



between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

360

comment by: DTA/MCU

Reference: SERA.3210 Right-of-way – Paragraph (c) item 6

(6) Sailplane thermal flight

Sailplanes already established circling in a thermal, or in ridge or slope soaring, have the right of way.

(i) All pilots shall circle in the same direction as the first sailplane already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope at the left side shall alter the course to the right.

Comment: The highlighted part is problematic in the case of sailplanes established in a thermal close to other sailplanes in ridge or slope soaring. In that case, both would have the right of way. The rule should be clarified:

Proposal:

(6) Sailplane thermal flight

Sailplanes already established circling in a thermal, or in ridge or slope soaring, have the right of way. A sailplane already established circling in a thermal near a ridge or a slope shall not interfere with sailplanes in ridge or slope soaring.

(i) All pilots shall circle in the same direction as the first sailplane already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope at the left side shall alter the course to the right.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.



EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

371

comment by: DTA/MCU

Reference : Question – EASA requests its stakeholders to express their explicit views on the need to address the right of way for sailplanes and on the content of the proposed requirements.

Comment: we are not sure that trying to address all conflictual situations by prescribing very precise practices is a proportionate way forward in this matter. SERA regulation already gives general rules to deal with collision avoidance situations, namely SERA.3201 and SERA.3205. Even though, it is proposed as GM we think that this kind of very detailed good practices is more suited to sailplane pilot manual.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

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As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.



comment	<p data-bbox="354 203 407 237">375</p> <p data-bbox="1078 203 1476 237" style="text-align: right;">comment by: <i>Ewald Kaltenhofer</i></p> <p data-bbox="354 289 1300 321">Instead of the present proposal, I would like to make an alternative suggestion:</p> <p data-bbox="354 359 760 426">SERA.3210 (c) (6) (ii) Right-of-way (c) [...]</p> <p data-bbox="354 432 992 464">(6) Sailplane thermal flight and ridge or slope soaring. A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.</p> <p data-bbox="354 611 1476 678">(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.</p> <p data-bbox="354 716 1476 821">(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p data-bbox="354 846 526 877">Not accepted.</p> <p data-bbox="354 905 1476 1010">EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p data-bbox="354 1041 1476 1188">EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p data-bbox="354 1220 1476 1325">The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p data-bbox="354 1356 1476 1461">As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>

comment	<p data-bbox="354 1564 407 1598">380</p> <p data-bbox="883 1564 1476 1598" style="text-align: right;">comment by: <i>Deutscher Segelflug Verband (DSV)</i></p> <p data-bbox="354 1654 1476 1864">Deutscher Segelflugverband (DSV), a German non-profit association represents in its membership gliding clubs as well as glider pilots. The proposed changes of SERA.3210 Right of way are on this level of European legislation in doubt to increase or change the level of safety in gliding activity. Justification of this opinion is the fact that in the training manuals and training syllabus in gliding all over Europe the procedures for ridge and slope flying are already defined and, more important, trained. The procedures are trained on local level very</p>
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specifically as local circumstances are dictating the local procedures and level of competences for the affected pilots. However, in general, the rules are already implemented in the community in a level below regulation and followed.

Due to this, DSV is reluctant to implement such regulation in SERA and would not support this idea and think that the implemented level of regulation is sufficient to ensure an appropriate level of safety measure.

Further justification is as follows:

(6) (i) The rule that all sailplanes have to circle in the same direction is in principle difficult to be followed by all pilots as the height between ground level and maximum thermal height shows large differences due to meteorological conditions. So, such rule can only be a general recommendation as the circumstances between the aircraft entering a thermal at different altitudes might not allow to evaluate the turning direction of the other already circling aircraft. Maybe the aircraft entering a thermal does not even know about the other aircraft, because they are so much higher or lower or purely invisible. This comment does not mean that “good practice” does not advice the pilots to circle in the same direction in closely related altitude levels of both aircraft to avoid collision risks.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

381

comment by: *Deutscher Segelflug Verband (DSV)*

For the proposed clause in SERA3210(6)(ii) the evaluation is done by DSV under conclusion that in the measures by the responsible gliding associations and organisations the related topic is already addressed and therefore European regulation is not affordable.

Proposal:

First Priority: No regulation of the right of way for sailplanes in the SERA 3210.



Second Priority: At least delete in the clause (6)(ii): ....with a risk of collision....

Justification:

(6)(ii)

The subject of this para is "right of way" and therefore the aircraft having the slope/ridge on the left-hand side gives way to the one that has the slope/ridge on the right-hand side. The added requirement to evaluate for a risk of collision is not helpful in this point. As regulation enforces in principal all pilots to avoid any harm related to the activity as best as they can and have to have the related competence to their activity this addition does not induce further safety. Additionally, the judgement whether a collision is imminent or not is a matter of local circumstances, aircraft, speed etc. and therefore not clearly to be defined in the sense of legislation.

In training the competence of the pilot is and has to be established to show by clear behaviour that the correct way of acting is followed.

Giving way sufficiently early indicates to the other pilot who has the right of way the aircraft was seen and that he has not to take emergency action.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

**GM3 SERA.3105 Minimum heights**

p. 22

comment

11

comment by: *Uppsala Flying Club*

We fully agree with the spirit of this GM, but not with how it is worded. There are many unlicensed airports used for General Aviation where the obstacle clearance assessment has not been approved by the competent authority. E.g. in Sweden, unlicensed airports have the



obligation to ensure that obstacle clearance requirements are met, but there is no requirement to have a formal obstacle clearance assessment approved. Sweden has about 90 unlicensed airports listed in the AIP. Many of those are home to ATOs or DTOs. The proposed wording implies that the terms "take-off" and "landing" do *not* cover intentional touch-and-go or go-around exercises at those airports and – consequently – that the exception to the minimum heights requirement in SERA.3105 does not apply.

This would cause major disruption to flight training operations at these airports – including self-training by licensed pilots – including added expenses in flight time and airport fees for using licensed airports for touch-and-go or go-around exercises. The GM should be rewritten so as to not exclude airports without an approved obstacle clearance assessment.

response

Not accepted.

This GM does not exclude the execution of touch-and-go or go-around. The requirement for the approval by the competent authority for circumstances other than those explained in the GM is already applicable.

comment

15

comment by: *Tobias Schnell*

As a flight instructor and examiner (VFR+IFR) I strongly support this amendment as SERA.3105 is not clear whether e.g. an intended go-around during an instrument proficiency check or a balked landing exercise from the PPL-training syllabus constitutes a violation of the rule. While common sense and standard practice in flight training suggests that this is not the case there have been instances where Competent Authorities in Germany have published official statements that such operations require a specific approval by said CA, which is normally provided only to ATOs / DTOs.

The suggested amendment would provide unambiguous guidance for the whole industry and give a clear framework under which circumstances exceptions from the minimum heights can be used.

response

Noted.

comment

18

comment by: *Peter SCHOTT*

I commend the clarification to include touch-and-go, go-around and missed approaches within the scope of take-off and landing.

However, comparable operations such as 'low pass' or 'low approach' will remain in doubt. These terms are defined in Appendix 1 to AMC1 SERA.14001 General, section 1.4.16. Whereas a go-around "happens" during an approach to landing, a 'low approach' or 'low pass' carries





	<p>the intention <i>not</i> to land after performing an approach (be it an instrument or visual approach/traffic pattern).</p> <p>In light of fines levied against pilots in Germany after performing "low approaches" (citing violation of minimum heights as defined in SERA.3105 / SERA.5005 (f)), it seems desirable to clarify this point to include 'low pass' and 'low approach'.</p> <p>From an operational viewpoint, an approach to either land, go around, to do a low approach or low pass will all follow the same approach path for which an obstacle clearance assessment was conducted. The same is true for the subsequent climb-out after either procedure.</p>
response	<p>Not accepted.</p> <p>The availability of touch-and-go and go-around should be sufficient to accommodate low passes and low approaches.</p> <p>According to SERA.3105, the competent authority is allowed to give permission to manoeuvres or operations other than take-off and landing to fly below the prescribed minimum heights.</p> <p>This GM does not exempt the pilots from complying with SERA.3101 'Negligent or reckless operation of aircraft'.</p>
comment	<p>27 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>The enumeration does not include low approaches, which should be included explicitly to avoid organisations from misinterpreting SERA.3105 again.</p> <p>...such as <b>low approach</b>, touch-and-go, go-around or missed approach performed to an aerodrome...</p> <p>The intention of the GM is fully supported and substantiated very well by the rationale. Thank you very much.</p>
response	<p>Not accepted.</p> <p>The availability of touch-and-go and go-around should be sufficient to accommodate low passes and low approaches.</p>
comment	<p>138 <span style="float: right;">comment by: <i>Swiss Aeroclub</i></span></p> <p>For the sake of completeness it is suggested to also mention "low-passes" over runways in this context.</p>



## 1. Summary of the outcome of the consultation

response Not accepted.

The availability of touch-and-go and go-around should be sufficient to accommodate low passes and low approaches.

comment 144 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**GM3 SERA.3105, page 22**

With reference to Art. 7(2) (EU) 2019/947 that states that UAS-operations in the “specific” and “certified” category shall be subject to the applicable operational requirements laid down in 923/2012. The GM should also address the fact that it is expected that urban operations with UAS and eVTOLs will drastic change the frequency of departures and arrivals within urban areas and that it is important to define and distinguish between actual t/of-landing and actual air-operation. Since SERA.5005(f) e.g. states that VFR-operations (Except when necessary for take-off or landing), or except by permission from the competent authority, a VFR flight shall not be flown over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1 000 ft) above the highest obstacle within a radius of 600 m from the aircraft. (EU) 2019/947 art. (7) should be updated accordingly to assess the current arbitrariness of the requirements in SERA that for obvious reasons cannot be met.

response Noted.

Specific rules for UAS flights are going to be developed under Subtask C of RMT.0230.

comment 227 comment by: *FFA EUR*

**Minimum heights:** In our mind these exemptions do not intend to handle approaches, but are the necessary exceptions in order to allow aircrafts to fly under 500 feet under some circumstances, , such as during simulated emergency landings, a training task performed with a CFI.

response Noted.

comment 261 comment by: *LAA CR*

(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.



response Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 308 comment by: Europe Air Sports

For the sake of completeness it is suggested to also mention "low-passes" over runways in this context.

response Not accepted.

The availability of touch-and-go and go-around should be sufficient to accommodate low passes and low approaches.

### SERA.3212 Uncertainty as to the position on the manoeuvring area

p. 23

comment 1 comment by: Flughafen Berlin Brandenburg GmbH

The explanation to SERA.3215 mentions that "The proposed amendment [...] is transposed [...] in a harmonised manner with ADR.OPS.B.027 of Regulation (EU) 139/2014..."

Still, some differences remain, as ADR.OPS.B.027 contains the following wording:

"...(d) The driver of a vehicle that is operating in the manoeuvring area, when in doubt as to the position of the vehicle with respect to the manoeuvring area, shall:

- (1) notify the air traffic services unit of the circumstances, including the last known position;
- (2) simultaneously, unless otherwise instructed by the air traffic services unit, vacate the runway, taxiway, or other part of the manoeuvring area, to a safe distance as expeditiously as possible;
- (3) **after actions referred to in points (1) and (2), stop the vehicle...."**

Proposal: Use identical wording in both regulations.

response Not accepted.

The bold part of the proposal is covered with the phrase 'and then' at the end of point (2).



## 1. Summary of the outcome of the consultation

comment	29	comment by: GdF
	Agree	
response	Noted.	

comment	153	comment by: NSA Austria
	<p><u>Comment regarding point SERA.3212 (b) (2) and (c) (2):</u></p> <p>The use of the expression <i>air traffic service unit</i> together the word <i>instruction</i> is misleading and should be avoided. An instruction per definition [see SERA Art. 2 (29)] can only be issued by an <i>air traffic control unit</i>. Therefore, we suggest changing this part as follows:</p> <p><i>[...] unless otherwise instructed by the air traffic control unit [...]</i></p>	
response	<p>Not accepted.</p> <p>The definition of 'air traffic control instruction' (29) is found under SERA Article 2; in SERA.8015(e)(6) the word 'instruction' is used with a more generic meaning.</p>	

comment	301	comment by: German NSA (BAF)
	<p>What will be at an aerodrome without a responsible ats unit? The wording should be amended accordingly.</p>	
response	<p>Accepted.</p> <p>The title of the requirement is amended to clarify its applicability to aerodromes where ATS are provided.</p>	

comment	366	comment by: DTA/MCU
	<p>Reference: SERA.3212 Uncertainty as to the position on the manoeuvring area</p> <p>Comment: to impose the same methods whatever the situation and the type of aircraft seems not to be the most efficient way to address uncertainty as to the position of an aircraft on the manoeuvring area.</p> <p>For instance, in (a) provision, the idea of systematically stopping the aircraft does not always seem to be the wisest decision depending on the actual position of the aircraft, especially on the runway. In the case where a pilot appears to be lost on the manoeuvring area, it could</p>	



sometimes be more appropriate to notify the appropriate ATS unit, and then act as advised by the authority. Furthermore, setting a stopped aircraft back in motion does not allow to leave a conflictual situation fast enough, especially in case of a runway vacation.

Therefore, even though these provisions transposed from PANS-ATM seem to be adapted to most cases we recommend not to make these good practices mandatory but to keep them as guidance material.

response Noted.

The proposed SERA.3212(b) deals with the situation of aircraft getting lost on a runway and here the last option is to stop the aircraft after fulfilling requirements (1) and (2).

**GM1 SERA.3210(c)(6)(ii) Right-of-way**

p. 23

comment 8

comment by: *Belgian CAA*

In case of ridge or slope soaring... *the sailplane with the slope at the left side shall alter the course to the right.*

In instruction the rule is always explained and referred to as: "The sailplane with the slope at the right hand side has the right-of-way." As such, the sailplane with the slope to the left hand side shall indeed alter the course to the right, but this is the consequence of the rule that the other one has the right-of-way. In my opinion the rule should thus be "The sailplane with the slope at the right hand side has the right-of-way."

The phrasing is confusing in stead of being clear and precise, in reflecting this topic.

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.



As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 136

comment by: *European Gliding Union*

(b) Overtaking during ridge or slope soaring should be done on the slope side of the other sailplane.

If there is not enough space between the slope and the other sailplane, changing direction if traffic allows, or flying away from the slope for rejoining later, should be done.

Is this passage really necessary? SERA.3210 (3) (i) requires aircraft to overtake on the RIGHT side, while making a general exception for sailplanes. In this particular situation, overtaking on the LEFT side is required for gliders, but at the same time this requirement is again restricted. Thus there are two regulations with the same meaning (use of flexibility, but common sense must be applied), but opposite wording.

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 140

comment by: *Swiss Aeroclub*

Text under (b) is not accurate. SERA.3210(c)(6)(ii) does not address "overtaking", but "approaching approximately head-on at or above slope (...)".

Overtaking of sailplanes is already regulated under SERA.3210(c)(3)i.



response	<p>However, we propose to introduce a rule according to which overtaking sailplanes engaged in ridge or slope soaring is not allowed.</p> <p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>183 <span style="float: right;">comment by: <i>The Norwegian Air Sports Federation</i></span></p> <p>We suggest that the Agency – from a legal standpoint – carefully considers which requirements should be implemented in hard law, and which are more suitable as soft law. In principle, rules related to "right of way" are not of a nature well suited for soft law. Where legal requirements are actually foreseen, these should in our view be implemented in hard law.</p> <p>For example, this provision is not necessarily suitable for soft law:</p> <p>"(b) Overtaking during ridge or slope soaring should be done on the slope side of the other sailplane. If there is not enough space between the slope and the other sailplane, changing direction if traffic allows, or flying away from the slope for rejoining later, should be done."</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation</p>



between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 198

comment by: AESA

GM1 SERA.3210(c)(6)(ii) Right-of-way.  
COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING

The procedure established in point (b) may result in an unsafe situation if the pilot in front suddenly turns onto the slope. It is suggested to replace the text with "the sailplane to be overtaken will always have manoeuvring priority over the overtaking sailplane"

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 231

comment by: Europe Air Sports

GM1 SERA.3210(c)(6)(ii) Right-of-way  
COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING





EAS has received several comments to this section from its members.

**Comment from member 1:**

...The onus must be on the pilot who is making the manoeuvre to ensure it is clear before making the manoeuvre.

The group decided to recommend that the current rule should not be amended but it should stay as it is - we do not agree with the proposal in the NPA. Further, the following text was suggested to be adopted into SERA:

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

**Comment from member 2:**

Is this passage really necessary? SERA.3210(3)(i) requires aircraft to overtake on the RIGHT side, while making a general exception for sailplanes. In this particular situation, overtaking on the LEFT side is required for gliders, but at the same time this requirement is again restricted. Thus there are two regulations with the same meaning (use of flexibility, but common sense must be applied), but opposite wording.

**Comment from member 3:**

Text under (b) is not accurate. SERA.3210(c)(6)(ii) does not address "overtaking", but "approaching approximately head-on at or above slope (...)".

Overtaking of sailplanes is already regulated under SERA.3210(c)(3)i.

However, we propose to introduce a rule according to which overtaking sailplanes engaged in ridge or slope soaring is not allowed.

**EAS Summary comment:**

Based on the above members comments, EAS suggests EASA to arrange a workshop on this topic with representatives from EASA, the European Gliding Union (EGU), the European Hang-and Paragliding Union and EAS in order to develop the new amendments.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.



The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

239

comment by: *IHPA Chairman*

On behalf of the Irish Hang Gliding and Paragliding Association (IHPA) I propose below change to SERA 3210:

SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

242

comment by: *Karl Slezak*

Comment from: Deutscher Hängegleiterverband e.V., official delegate from the German Ministry of Transport

**Instead of the present proposal, we would like to make an alternative suggestion.**



response

SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING

Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

245

comment by: *Rodolfo Sacconi*

SERA.3210 (c) (6) (ii) Right-of-way  
(c) [...]

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.

(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation



between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 246

comment by: *Rodolfo Saccani*

SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING

The current rule is that a sailplane can overtake on both sides.

EASA's proposed new rule that overtaking should be done on the slope side should be rejected, and the following proposed instead:

"Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision."

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 247

comment by: *Rodolfo Saccani*

Adopt a further point (Point 3) to the SERA 5005 (f) low flying rules:



response	<p>SERA 5005 (f): (3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.</p> <p>Not accepted.</p> <p>The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.</p>
comment	<p>263 <span style="float: right;">comment by: LAA CR</span></p> <p>(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>290 <span style="float: right;">comment by: Johann G., Airspaces Commission Coordinator at FFVL</span></p> <p>SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING</p> <p>“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”</p>



response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>293 <span style="float: right;">comment by: SHV</span></p> <p>Instead of the presented proposal, we would like to make an alternative suggestion as follows:</p> <p><b>SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING</b>  Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>



comment 309 comment by: David Thompson

Overtaking on the ridge is an often discussed issue. Overtaking on the ridge side is risky at best as the glider in front may close the gap between themselves and the ridge, not knowing there is another glider behind and approaching. In reality, overtaking on the ridge side is rarely attempted. I would reject the proposal.

Propose the following:

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 335 comment by: EHPU

The European Hang Gliding and Paragliding Union (EHPU) proposes the alternative to the present NPA proposal on overtaking:

**SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING**

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

response Not accepted.



EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

379

comment by: *Deutscher Segelflug Verband (DSV)*

DSV clearly rejects this proposal in the GM, this can only be understood as a typo as "overtaking during ridge or slope soaring should be done on the slope side of the other sailplane" is a highly dangerous manoeuvre. The space between overtook aircraft and ridge or slope might be small and the aircraft overtook has the upcoming aircraft not in visual contact and might change its direction and close the gap between aircraft and slope. If the sentence is meant in an alternative way, it is highly misunderstandable.

All rules in the gliding world regulate this in an other way, please read below.

Proposal:  
Deletion!!

Justification:

**This proposal in GM1 SERA.3210(c)(6)(ii)(b) is highly dangerous.**

Rationale: Whether the aircraft has the left or right wing on the slope (better word: ridge) it is only kept airborne by the wind forcing the air up the ridge. While a wingspan distance (which one, Ka6 or ETA= exactly double) is recommended for operation the aircraft is subject to alterations in wind direction and wind strength and therefore no overtaking on the "inside" should be allowed. The wing-span distance is pure judgement by the pilots involved. The overtaking aircraft which will presumably be at, or just lower or higher than the aircraft to be overtaken approaches from the 6 o'clock position, which is by no chance visible to the pilot being overtaken.

Additionally, the anti-collision device FLARM if installed, will be triggered and suggest to the pilot in front that a mid-air collision is imminent.





	<p>This is a long-standing rule at least in the German SBO (sailplane operating manual) and proven for a proper working rule.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>383 <span style="float: right;">comment by: <i>Ewald Kaltenhofer</i></span></p> <p>Instead of the present proposal, I would like to make an alternative suggestion:</p> <p>SERA.3210(c)(6)(i) COLLISION AVOIDANCE IN A THERMAL</p> <p>There is no need for this paragraph. Collision avoidance in thermals is adequately covered by the previous paragraph SERA.3210 (c) (6) (ii) Right-of-way. The present proposal should therefore be deleted.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p>



As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 386

comment by: *DHPU Chairman*

Comment from DHPU, Danish Hanggliding and paragliding Union, Chairman

Instead of the present proposal, we would like to make an alternate suggestion

“Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.”

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

**GM1 SERA.3210(c)(6)(i) Right-of-way**

p. 23

comment 39

comment by: *GdF*

Proposal for replacement of ambiguous wording.



	<p>When thermaling with other sailplanes, in addition to the requirement of circling in the same direction, two sailplanes in the same thermal at the same or similar height should position themselves across from each other, so they can maintain <del>best</del> visual contact <b>best</b>.</p> <p>When entering the thermal, <del>the later arriving sailplane</del> sailplanes arriving later should not interfere with the other sailplanes and cause hazard to the other sailplanes.</p> <p>“should not interfere with” seems a little broad. Please consider “should not disturb the other”.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>182 <span style="float: right;">comment by: <i>The Norwegian Air Sports Federation</i></span></p> <p>We suggest that the Agency – from a legal standpoint – carefully considers which requirements should be implemented in hard law, and which are more suitable as soft law. In principle, rules related to "right of way" are not of a nature well suited for soft law. Where legal requirements are actually foreseen, these should in our view be implemented in hard law.</p> <p>For example, this provision is not necessarily suitable for soft law:</p> <p>"(c) When entering the thermal, the later arriving sailplane should not interfere with the other sailplanes and cause hazard to the other sailplanes."</p>
response	<p>Not accepted.</p>



EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

197

comment by: AESA

GM1 SERA.3210(c)(6)(i) Right-of-way.  
COLLISION AVOIDANCE IN A THERMAL

Add a point (e) Special care should be taken when flying a thermal near the base of clouds as pilot can suddenly penetrate them and lose visibility.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.



comment	<p data-bbox="354 203 407 237">238</p> <p data-bbox="1117 203 1476 237" style="text-align: right;">comment by: <i>IHPA Chairman</i></p> <p data-bbox="354 289 1476 352">SERA On behalf of the Irish Hang Gliding and Paragliding Association (IHPA) I propose below change to SERA 3210:</p> <p data-bbox="354 394 760 426">SERA.3210 (c) (6) (ii) Right-of-way</p> <p data-bbox="354 430 435 462">(c) [...]</p> <p data-bbox="354 466 995 497">(6) Sailplane thermal flight and ridge or slope soaring.</p> <p data-bbox="354 501 1476 606">A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes who are slope soaring.</p> <p data-bbox="354 648 1476 711">(i) All pilots shall circle in the same direction as the first sailplane already established in the area of lift.</p> <p data-bbox="354 753 1476 858">(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p data-bbox="354 863 524 896">Not accepted.</p> <p data-bbox="354 938 1476 1043">EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p data-bbox="354 1085 1476 1222">EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p data-bbox="354 1253 1476 1358">The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p data-bbox="354 1390 1476 1495">As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>

comment	<p data-bbox="354 1600 407 1633">243</p> <p data-bbox="1166 1600 1476 1633" style="text-align: right;">comment by: <i>Karl Slezak</i></p> <p data-bbox="354 1686 1476 1749">Comment from: Deutscher Hängegleiterverband e.V., official delegate from the German Ministry of Transport</p> <p data-bbox="354 1791 1352 1822"><b>Instead of the present proposal, we would like to make an alternative suggestion:</b></p>
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	<p>SERA 3210 (c) (6) (i) COLLISION AVOIDANCE IN A THERMAL There is no need for this paragraph. Collision avoidance in thermals is adequately covered by the previous paragraph SERA.3210 (c) (6) (ii) Right-of-way. The present proposal should therefore be deleted.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>249 <span style="float: right;">comment by: <i>Danish Civil Aviation and Railway Authority - DCARA</i></span></p> <p>Suggest to add the following to (b): "More than two sailplanes thermalling in the same thermal in same or similar height should divide the circle equally."</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p>



As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 262

comment by: LAA CR

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring.

(i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift.

(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.

response Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment 289

comment by: Johann G., Airspaces Commission Coordinator at FFVL

(c) [...]

(6) Sailplane thermal flight and ridge or slope soaring.

A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes who are slope soaring.



	<p>(i) All pilots shall circle in the same direction as the first sailplane already established in the area of lift.</p> <p>(ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>294 <span style="float: right;">comment by: SHV</span></p> <p>Insteas of the present proposal, we would like to make an alternative suggestion as follows:</p> <p>There is no need for this paragraph. Collision avoidance in thermals is adequately covered by the previous paragraph SERA.3210 (c) (6) (ii) Right-of-way.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p>





The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

306

comment by: *David Thompson*

This section is totally unnecessary and potentially confusing. There are too many "should do this...". Well meaning but ultimately rubbish!

Existing rules re avoiding collisions are perfectly adequate and understood by all.

Propose deleting in full.

response

Accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

377

comment by: *Deutscher Segelflug Verband (DSV)*

General comment:

The GM for SEAR.3210 (c)(6)(i) is not required as DSV thinks that implementation of such rule into European legislation is not appropriate. The given description of the measures has despite this opinion several difficulties and also mistakes.



The clause implicates the thermalling is a strong and defined procedure without any intermediate or associated gliding procedures. This could mean that all flight ways under clouds or areas of lift are defined as thermalling, which is not correct. The principle of gliding means that all manoeuvres of the aircraft have to follow the principle of collision avoidance. Glider operation is VFR Day operation and the right-of-way and collision avoidance is based on see-and-avoid which requires visual contact. Every pilot has to keep all other pilots at or about the same level in a thermaling environment inside.

Specific comment SERA.3210(c)(6)(i) b:  
Proposal:

Delete: ....across from each other.....

Justification:

(b) The text suggests that always one aircraft is joining one other which is not always the case and there can be more than one aircraft in the situation. The pilots are in duty to ensure visual contact to the other aircraft during the flight and that dictates positioning to the other aircraft in the respective situation.

response

Not accepted.

EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.

EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

comment

378

comment by: *Ewald Kaltenhofer*

Instead of the present proposal, I would like to make an alternative suggestion:

**SERA 3210 (c) (6) (ii) COLLISION AVOIDANCE IN RIDGE OR SLOPE SOARING**

Before overtaking or initiating a turn, the pilot must satisfy himself that the airspace in his planned flight path is clear and that there is no risk of collision.



response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.</p> <p>The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.</p> <p>As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.</p>
comment	<p>385 <span style="float: right;">comment by: <i>DHPU Chairman</i></span></p> <p>Comment from DHPU, Danish Hanggliding and Paragliding union, Chairman</p> <p>Instead of the present proposal, we would like to make an alternate suggestion</p> <p>SERA.3210 (c) (6) (ii) Right-of-way (c) [...] (6) Sailplane thermal flight and ridge or slope soaring. A sailplane wishing to enter a thermal must give way to those sailplanes already established circling in the thermal. A sailplane circling in a thermal at a slope or ridge must give way to those sailplanes that are slope soaring. (i) All pilots shall circle in the same direction as any other sailplane(s) already established in the area of lift. (ii) In case of ridge or slope soaring, when approaching approximately head-on at or above a slope with a risk of collision, the sailplane with the slope on their left side shall alter course to the right.</p>
response	<p>Not accepted.</p> <p>EASA posed a question to collect the explicit views of the stakeholders on the need to address the right-of-way for sailplanes as it was proposed in NPA 2022-04. The replies received were either supportive or requesting further coordination before rule amendment.</p> <p>EASA reviewed occurrences that happened in the European and North Atlantic region involving sailplanes or gliders in a (near) mid-air collision, ACAS alert or loss of separation</p>



between 2012 and 2022. The review resulted in 65 occurrences involving only sailplanes/gliders and in some cases paragliders/parachutes.

The stakeholders conducted further coordination among themselves and reached the consensus to request the withdrawal of the proposal and leave the present practice of local regulation of thermal and ridge soaring flights in the Member States.

As a result of the low risk substantiated by the occurrence review and the stakeholder consensus, EASA decided to withdraw the proposed amendments of SERA.3210(c) and the related guidance material with regard to sailplane thermal flights.

### AMC1 SERA.3212 Uncertainty as to the position on the manoeuvring area

p. 24

comment 81 comment by: *Civil Aviation Authority the Netherlands*

The benefit of AMC1 SERA.3212 is unclear as the ATCo task is already included in ATS.TR.240(a). Furthermore, there is in our opinion a legal inconsistency between SERA.3212 and its AMC1 SERA.3212; SERA.3212 targets pilots and drivers, while AMC1 SERA.3212 targets ATCos.

response Accepted.  
AMC1 SERA.3212 will not be included in the final proposal.

comment 89 comment by: *IFATCA*

It is unclear what could be considered as appropriate action by ATC. If ATC can see the traffic either visually or via surveillance system, he/she can take appropriate action (to issue clearance or instruction or to pass information to that and to other traffic. On the other hand, if ATC is also unfamiliar with that traffic position he can only issue instruction to stop or vacate maneuvering area and to transmit information for other traffic.

GM should be provided with a guidance what could be considered as appropriate action of ATC.

response Noted.  
AMC1 SERA.3212 will not be included in the final proposal.



## 1. Summary of the outcome of the consultation

comment	114	comment by: LVNL
	The benefits of AMC1 SERA.3212 is unclear as the ATCo task is already included in ATS.TR.240(a). Furthermore, there is our opinion a legal inconsistency between SERA.3212 and its AMC1 SERA.3212; SERA.3212 targets pilots and drivers, while AMC1 SERA.3212 targets ATCos.	
response	Accepted. AMC1 SERA.3212 will not be included in the final proposal.	

comment	127	comment by: <i>European Transport Workers' Federation</i>
	SERA.3212  Should there be consideration given to ATC stopping all movements until the location of the aircraft in question is verified?	
response	Noted.  Stopping all movements can be impossible under certain circumstances.	

comment	271	comment by: <i>FOCA Switzerland</i>
	It is suggested to remove this AMC.  Rationale: SERA.3212 establishes duties for pilots and vehicle drivers. AMC1 SERA.3212, however, is addressing the ATCO's duties. The text of this AMC is a copy paste from AMC2 TR.240(a) Reg. 2017/373. Only in the context of the 373-Regulation, the AMC makes sense.	
response	Noted.  AMC1 SERA.3212 will not be included in the final proposal.	

comment	339	comment by: <i>Finnish Transport and Communications Agency</i>
	Finnish Transport and Communications Agency proposes to change "he or she" to "the controller". Text in the AMC would then state: "In the event that the aerodrome air traffic controller becomes aware of an aircraft or vehicle that is lost or uncertain of its position on the manoeuvring area, the controller should immediately take appropriate action to safeguard operations and assist the aircraft or vehicle concerned in determining its position."	



response

Noted.

AMC1 SERA.3212 will not be included in the final proposal.

comment

367

comment by: DTA/MCU

Reference: AMC1 SERA.3212 Uncertainty as to the position on the manoeuvring area

Comment: this AMC pertains to air traffic control and does not seem to be a way to comply with SERA.3212 rules which are to be applied by pilots. On the other hand AMC2 ATS.TR.240 (a) is precisely a mean to comply with ATS.TR.240 (a). So it seems not relevant to keep this AMC in SERA regulation.

response

Accepted.

AMC1 SERA.3212 will not be included in the final proposal.

comment

391

comment by: BULATSA

It is unclear what could be considered as appropriate action by ATC. If ATC can see the traffic either visually or via surveillance system, he/she can take appropriate action (to issue clearance or instruction or to pass information to that and to other traffic. On the other hand, if ATC is also unfamiliar with that traffic position he can only issue instruction to stop or vacate maneuvering area and to transmit information for other traffic.

Proposal: GM should be provided with a guidance what could be considered as appropriate action of ATC.

response

Not accepted.

AMC1 SERA.3212 will not be included in the final proposal.

**SERA.5005 Visual flight rules**

p. 25

comment

2

comment by: DC-AL

This amendment to para (b) does not change the problem with the original rule, which can be read as prohibiting any VFR flight within the traffic pattern of an aerodrome without an Air



response	<p>Traffic Controller in the designated conditions. It should be made clear that it only applies to controlled aerodromes.</p> <p>Noted.</p> <p>Alignment with ICAO Annex 2 provisions. Point (b) refers to a clearance obtained from ATC; meaning it is a controlled aerodrome.</p>
comment	<p>86 <span style="float: right;">comment by: <i>Civil Aviation Authority the Netherlands</i></span></p> <p>The text should remain as is in the present article in SERA. The Military Aviation Authority the Netherlands needs the possibility to Authorise transonic and supersonic flight over land in the Amsterdam FIR under IFR and VFR for reasons of Military Mission Effectiveness.</p> <p>Proposed text for SERA.5005 (d)(1): VFR flights shall not be operated: at transonic and supersonic speeds <b><u>unless authorised by the competent authority.</u></b></p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>92 <span style="float: right;">comment by: <i>avle</i></span></p> <p>Proposal of amendment to SERA 5005 f)</p> <p>To add a third point with the following text:</p> <p>(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.</p> <p>Justification:</p> <p>At present there are no explicit differences in SERA rules between hang gliders/paragliders and other types of sailplanes but in fact they are quite different especially regarding flights near the ground. We consider that rules should allow pilots from hang gliders/paragliders to take decisions more adequate to the characteristics of their aircrafts without compromising the safety of both persons on the ground and pilots themselves.</p>
response	<p>Not accepted.</p>



The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 95

comment by: ENAV

**Comment***SERA.5005 Visual flight rules*

The reference to Special VFR operations should not be removed.

**Note**

There is no clearance allowing the VFR operations other than that indicated in SERA.5005 point b).

Furthermore, the term is used and maintained in the rest of the Reg. special VFR (clearance) is defined by SERA 5010.

response Not accepted.

The special VFR clearance is only for control zones. Point 4.2 of ICAO Annex 2 does not contain 'special VFR' before the word 'clearance' either.

comment 141

comment by: Swiss Aeroclub

The proposed text under (b) is identical with the text currently in force.

However, we would appreciate a clarification that SERA.5005(b) only applies during the operating hours of the airport concerned, namely to allow sailplanes to land on a temporary closed aerodrome.

response Noted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations with regard to a closed aerodrome shall be covered by the competent authority considering the national specificities.

comment 224

comment by: DHV

It is suggested to add a further point to SERA 5005 (f) low flying rules.





**(3) Sailplanes may be flown below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.**

Reason: Allmost all member states recognize the nature of operation of sailplanes (and paragliders) in that it may become necessary to look for thermals below minimum safe height. The dsame applies for ridge soaring, where it may be necessary to fly closer to a rodge to catch lift.

Rather than every MS makes it's down extension to SEAR in above manner, it is suggested to write it into SERA.

response

Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment

240

comment by: *IHPA Chairman*

On behalf of the Irish Hang Gliding and Paragliding Association (IHPA) I propose below change to SERA 5005 (f) low flying rules:

**(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.**

response

Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment

244

comment by: *Karl Slezak*

Comment from: Deutscher Hängegleiterverband e.V., official delegate from the German Ministry of Transport

**We would like to make a proposal for SERA 5005 (f):**

**(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.**



response Not accepted.

The special needs to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 264 comment by: LAA CR

(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.

response Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 291 comment by: Johann G., Airspaces Commission Coordinator at FFVL

**SERA 5005.f.(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.**

response Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 295 comment by: SHV

**We would like to make following proposal for SERA 5005 (f)**  
 (3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.

response Not accepted.



The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 307

comment by: *Europe Air Sports*

SERA.5005 Visual flight rules

EAS notes that one of its member organisations has proposed an amendment to SERA.5005 (f) as follows:

- added pt. (3):

(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.

Another member organisation has a comment to SERA. 5005 (b):

"we would appreciate a clarification that SERA.5005(b) only applies during the operating hours of the airport concerned, namely to allow sailplanes to land on a temporary closed aerodrome."

EAS proposes to include these to the topics being discussed in the workshop EAS proposes. See our comment to SERA.3210 and General comments.

response Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations with regard to a closed aerodrome shall be covered by the competent authority considering the national specificities.

comment 310

comment by: *David Thompson*

Given the proposed changes to sailplane (glider) thermalling rules, I would also propose the following 'low flying rules'. In the UK it is already the case that gliders can fly closer than 500ft if slope soaring.

Proposed:

Adopt a further point (Point 3) to the SERA 5005 (f) low flying rules:



	<p><b>(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.</b></p>
response	<p>Not accepted.</p> <p>The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.</p>
comment	<p>334 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span></p> <p>SERA.5005 d)</p> <p>The Norwegian Civil Aviation Authority appreciate EASAs work with environmental protection and efforts to prevent the population from being exposed to unacceptable noise from sonic booms. We also appreciate the opportunity to comment on this NPA.</p> <p>Pre-covid there were often more than 100 intercontinental flights over Norwegian territory every day, at all hours of the day and night. We do not know how large a proportion of such flights we can expect to be replaced by supersonic aircraft in the future, but supersonic overflights can potentially pose a new major noise problem and sleep disturbance, also in quiet areas where there is no man-made noise today. In addition to the noise, we are concerned that the pressure waves from the supersonic planes will initiate vibrations and cause rattle in buildings and potentially trigger avalanches. Experiences with noise complaints from large heavy helicopters has taught us that people react far more to noise when it also initiates rattle in buildings. The Norwegian Civil Aviation Authority therefore agree with EASA that restrictions must be placed on this type of aviation so that it does not create noise or rattle that the public perceives as unacceptable.</p> <p>EASA proposes to prohibit overflights at supersonic speed over European territory and that the costal buffer must be determined later. A supersonic aircraft creates the most noise and pressure waves/vibrations as it passes the sound barrier, both when increasing and decreasing speed. This will lead to a focused boom or a lateral cutof boom at the coast. Our concern is that if it is decided that these aircraft cannot fly supersonic over our territory, without deciding on an adequate costal buffer first, we risk having a much bigger noise problem, with even louder noise that can be heard to a much greater extent along the coast, than if one allows flight at supersonic speed over land. The Norwegian Civil Aviation Authority therefore ask that this be investigated in more detail and that a sufficient costal buffer must be determined before these overflights start.</p> <p>This comment does also apply for the NPA, point SERA.5015 d) and SERA.6001c).</p>
response	<p>Noted.</p>



EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

comment 337

comment by: EHPU

The European Hang Gliding and Paragliding Union (EHPU) proposes the adoption of a further point (Point 3) to the SERA 5005 (f) low flying rules:

**SERA 5005 (f):**

(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.

response

Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment 340

comment by: Finnish Transport and Communications Agency

Finnish Transport and Communications Agency considers that it would be appropriate to retain the possibility for authorisation of competent authority regarding the speed limitations of VFR flights. This would however need detailed justification on the basis for such authorisation, where careful consideration of all environmental impacts need to be duly taken into account.

response

Noted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

comment 382

comment by: Deutscher Segelflug Verband (DSV)

**Proposal for SERA 5005 (f):**

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



over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1 000 ft) above the highest obstacle within a radius of 600 m from the aircraft;

elsewhere than as specified in (1), at a height less than 150 m (500 ft) above the ground or water, or 150 m (500 ft) above the highest obstacle within a radius of 150 m (500 ft) from the aircraft.

Add the following sentence: Sailplanes, balloons, hang gliders and paragliders may be flown below the minimum flight altitude according to (2), if it is necessary due to the nature of their operation.

Justification:

DSV proposes an addition of this explanation to the clause to allow long lasting activity of gliding in the established and operable way. This rule addresses the given possibility of outlanding due to the nature of the respective aircraft.

response

Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment

384

comment by: *Ewald Kaltenhofer*

I would like to make a proposal for SERA.5005 (f):

**(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.**

response

Not accepted.

The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

comment

387

comment by: *DHPU Chairman*

Comment from DHPU, Danish Hanggliding and Paragliding Union

We would like to make a proposal for SERA 5005 (f)



	(3) Sailplanes may fly below minimum flight heights and minimum distances specified in point (2) if the nature of their operation makes this necessary and there is no danger to persons on the ground.
response	Not accepted.  The special needs with regard to the minimum heights and distances allowed in sailplane, hang glider and paraglider operations shall be covered by the competent authority considering the national specificities.

**GM2 SERA.4005(a)(14) Contents of a flight plan**

p. 25

comment	185  comment by: <i>The Norwegian Air Sports Federation</i>
	The Norwegian Air Sports Federation strongly supports this proposal. This approach is better suited at solving the problem identified by the Norwegian Safety Investigation Authority in this report ( <a href="https://havarikommissjonen.no/Luftfart/Avgitte-rapporter/2021-06">https://havarikommissjonen.no/Luftfart/Avgitte-rapporter/2021-06</a> ) than implementing a national registration system.
response	Noted.  After reviewing the referenced report, it should be noted that the EASA Certification Specifications applicable to Light Sport Aeroplanes, CS-LSA, requires that installed ballistic parachute recovery systems (BPRS) comply with ASTM F2316-12 international standard 'Standard Specification for Airframe Emergency Parachutes' (refer to subpart K, CS-LSA.45).  In 2020, ASTM F3408/F3408M-20 standard 'Standard Specification for Aircraft Emergency Parachute Recovery Systems' was issued focusing on Level 1, 2, 3, and 4 Normal Category aeroplanes (under CS-23 Amdt 5). In 2021, the standard was revised to the -21 version.  The two above-mentioned ASTM standards require the provision of three types of placard or label ('danger', 'identifying' and 'warning' placards) in order to alert rescue or other personnel at the scene of an accident or incident.  It should be noted that EASA Member States may decide to adopt similar EU certification specifications for aircraft under their jurisdiction, i.e. within the scope of Annex I to Regulation (EU) 2018/1139.  At the level of ICAO, discussions on this topic that were held a few years ago have resulted in a decision not to amend the Standards and Recommended Practices (SARPs), but, instead, to include guidance in the Manual of Aircraft Accident and Incident Investigation, Part III — Investigation (Doc 9756).



In order to further improve the use of placards and labels to alert rescue and other personnel in a standardised way, Member States are encouraged to develop proposals and initiate discussions at ASTM International.

comment	233	comment by: <i>Europe Air Sports</i>
	SERA.4005 Contents of a flight plan Ballistic parachute recovery system	
	Europe Air Sports supports the amendment and its associated GM.	
response	Noted.	

comment	250	comment by: <i>Danish Civil Aviation and Railway Authority - DCARA</i>
	DCARA does not support the proposed text in SERA.4005(a)(14) and GM. DCARA instead encourages EASA to raise the issue to ICAO in order to ensure an aligned implementation.	
response	Noted.  At the level of ICAO, discussions on this topic that were held a few years ago have resulted in a decision not to amend the standards and recommended practices (SARP), but, instead, to include guidance in the Manual of Aircraft Accident and Incident Investigation, Part III — Investigation (Doc 9756). EASA proposes requirements on the subject to respond to a safety recommendation addressed to the Agency.	

comment	302	comment by: <i>German NSA (BAF)</i>
	Due to the amendment of SERA.5005 and SERA.5015 it is necessary to amend other rules such as CIR (EU) 2017/373 ATS.TR.235 (c) etc.	
response	Noted.  The comment is understood as a proposal to amend SERA.8015(c) and the similar ATS.TR.235(d), but EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a> ).	





## SERA.5010 Special VFR in control zones

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comment 96

comment by: ENAV

**Comment***SERA.5010 Special VFR in control zones*

Said that Special VFR may be conducted in CTR only (obviously when so cleared by ATC).

In the following cases:  
to take off or land  
enter the aerodrome traffic zone  
enter the aerodrome traffic circuit

an air traffic control unit shall not issue a special VFR clearance when the reported meteorological conditions at that aerodrome are below the following minima:  
(1) the ground visibility is less than 1 500 m or, for helicopters, less than 800 m;  
(2) the ceiling is less than 180 m (600 ft).

In any case to cross the CTR the clearance may be granted based on Pilot's report (ref GM1 SERA.5010(c))

**Note**

Removing the reference to the ATZ appears critical for the following reasons:

SERA.5010 c) only defines the minima for the special VFR in the CTR and it is not allowing it in an ATZ outside CTR; it is common to designate ATZ around aerodromes within the CTR; SERA.5010 c states the cases in which the reference to be considered for the special VFR clearance are the met conditions reported at the aerodrome; this should be the case also for traffic crossing the ATZ without landing

In order to cross the CTR the reference is the visibility assessed by pilots; this is not the case when crossing the ATZ

It is not advisable to have different conditions for the crossing of ATZ and the use of traffic circuit (see definition of ATZ); condition special VFR clearance should be the same for traffic circuit and crossing ATZ

response Not accepted.

The special VFR clearance is issued only for the control zone (CTR). By definition, an ATZ may be established also as uncontrolled airspace. The competent authority may prescribe consistent conditions to cross the ATZ or enter the aerodrome traffic circuit of a controlled aerodrome.

comment 97

comment by: ENAV



**Comment**

GM1 SERA.5010(c) Special VFR in control zones

To be amended as indicated below:

Without prejudice of SERA 5010 c) ATC may issue a special VFR clearance for a flight intending to operate in the control zone when the flight visibility reported by the pilot is not less than 1 500 m, or, for helicopters, not less than 800 m. The Pilot should when appropriate request the special VFR and report the visibility in flight

**Note**

See comment/note #96 and consider that the content of the GM is valid regardless the value of the reported ground visibility at the aerodrome so, the first sentence should be removed- New GM is proposed on the following basis: provided that in the cases listed in SERA 5010 c the reference is ground visibility reported at the aerodrome in no cases the flight should be operated in the CTR below the minima associated to the requested operations according to SERA 5010 point c).

(example fixed wings - 2km ground vis at a/d - 1km in flight – a/c request to enter CTR to land ->NO CLEARANCE

response

Not accepted.

The meteorological minimums acceptable in the CTR without take-off or landing (flight crossing) are defined in SERA.5010(b)(1) and (2), based on the observation of the pilot (flight visibility). For cases involving take-off or landing, the reported meteorological conditions apply as stated in SERA.5010(c) (ground visibility).

comment

128

comment by: *European Transport Workers' Federation*

SERA.5010 AND GM1 SERA.5010(c)

The reference to the ATZ is removed in these two above articles, however in the article immediately preceding these two (SERA.5005), it still makes reference to an aerodrome traffic zone.

In general: further clarity is required. If it's contradictory to the title, why not change the title? What has specifically changed in terms of the handling of SVFR clearances to warrant these changes?

response

Noted.

Special VFR requirements only apply to the VMC in the control zone. The proposed changes to SERA.5005 and SERA.5010 are consistent. 'Special VFR' is removed from SERA.5005 and 'ATZ' is removed from SERA.5010.



comment	199	comment by: AESA
	Further explanation about the contradiction of maintaining the "aerodrome traffic zone" is needed. The aerodrome transit zone is considered as a zone designed and designated to protect the aerodrome traffic circuit. This term has not been deleted from SERA.5005. The same is applicable to GM1 SERA.5010(c).	
response	Not accepted.	
	Special VFR requirements only apply to the VMC conditions in the control zone. The proposed changes to SERA.5005 and SERA.5010 are consistent. 'Special VFR' is removed from SERA.5005 and 'ATZ' is removed from SERA.5010 and the associated GM1.	

comment	253	comment by: Danish Civil Aviation and Railway Authority - DCARA
	DCARA does not fully support the proposed changes.	
	In relation to SERA.5010(c) DCARA proposes to align the provision with the PANS ATM text, as the proposed SERA amendments does not seem to fully support the operations to "cross a control zone or operate locally within a control zone".	
	DCARA proposal (which should also be reflected in ATS.TR.270 and possibly revise GM1 SERA.5010(c)):	
	(c) an air traffic control unit <i>may</i> issue a special VFR clearance to aircraft <i>to enter a control zone for the purpose of landing, take off and depart from a control zone, cross a control zone or operate locally within a control zone</i> when the reported meteorological conditions at that aerodrome are <i>not less than</i> :	
	(1) the ground visibility is <i>not</i> less than 1 500 m or, for helicopters, <i>not</i> less than 800 m;	
	(2) the ceiling is <i>not</i> less than 180 m (600 ft).	
	Rationale: The inclusion of "cross a control zone or operate locally within a control zone" ensures inclusion of all types of operations as described in PANS-ATM. Further, "may issue" is better aligned with the introductory text of SERA.5010, which says "Special VFR flights may be authorized...", further, "not less" is also better aligned with the terms described in SERA.5010(b) for pilots. Altogether the suggested text is seen as better aligned with PANS-ATM, 7.15.1.3.	
response	Not accepted.	
	The comment does not address a change proposed with the NPA but proposes a revision of the existing requirements concerning special VFR. The existing requirements in SERA were adopted following a thorough consideration of the various scenarios addressed, which included the following: the meteorological minimums acceptable in the CTR without take-off or landing (flight crossing) shall be as defined in SERA.5010(b)(1) and (2) based on the observation of the pilot (flight visibility), and for cases involving take-off or landing the	



reported meteorological conditions shall be as stated in SERA.5010(c) (ground visibility). EASA confirms the validity the current requirements.

comment 270

comment by: EUROCONTROL

Editorial suggestion:

"Special VFR flights may be authorised to operate within a control zone, subject to an ATC clearance. Except when otherwise permitted by the competent authority for helicopters in special cases such as, but not limited to, police, medical, search and rescue operations and fire-fighting flights, the following additional conditions shall be applied"

response

Accepted.

The text is amended accordingly.

comment 314

comment by: RoCAA

RoCAA proposal:

**SERA.5010 Special VFR in control zones**

Special VFR flights may be authorised 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, but not limited to, police, medical, search and rescue operations and ~~fire-fighting~~ **firefighting flights**, the following additional conditions shall **apply** ~~be applied~~:

[...]

(c) an air traffic control unit shall not issue a special VFR clearance to aircraft to take off or land at an aerodrome within a control zone,

or enter **the aerodrome traffic zone** or aerodrome traffic circuit when the reported meteorological conditions at that aerodrome are below the following minima:

(1) the ground visibility is less than 1 500 m or, for helicopters, less than 800 m;

(2) the ceiling is less than 180 m (600 ft).

Rationale:

As defined in Reg. 923/2012, Art.2(11), an `aerodrome traffic zone` (ATZ):

- may be defined either in a control zone (CTR) or flight information zone (FIZ);
- includes aerodrome traffic circuit.

Moreover, *GM1 to AMC2 Article 3(6) (a) Provision of ATM/ANS and design of airspace structures* stipulates that:

„*The aerodrome traffic zone should be linked to controlled aerodromes as potential aerodrome delineation.*”



	<p>Since there is the possibility that ATZ to be defined in a CTR, then a special VFR clearance shall not be issued to aircraft entering ATZ.</p> <p>Thus, the rationale, that ATZ is contradictory to the title “Special VFR in control zones”, should be further analyzed.</p>
response	<p>Noted.</p> <p>The definition of ‘aerodrome traffic zone (ATZ)’ does not refer to CTR, FIZ or traffic circuit.</p> <p>In such a case, where a CTR and an ATZ coexist, the special VFR clearance would be delivered on the basis of the CTR and not the ATZ.</p>
comment	<p>364 <span style="float: right;">comment by: DTA/MCU</span></p> <p>Reference: SERA.5010 Special VFR in control zones</p> <p>Comment: we don’t understand the reason why “aerodrome traffic circuit” is mentioned in this provision because:</p> <ol style="list-style-type: none"> <li>1) it is not stated in PANS-ATM equivalent (§ 7.15.1.3); and</li> <li>2) despite the title of SERA.5010, one could think that it also applies in aerodrome without control zones where no special VFR clearance can be delivered. The aim of mentioning “aerodrome traffic circuit” in addition to take off and landing in control zone shall be clarified. Depending on the aim of the wording, three possible amendments are foreseen.</li> </ol> <p>Proposal: <b>1)</b> use the wording of PANS-ATM paragraph “an air traffic control unit shall not issue a special VFR clearance to aircraft to take off or land at an aerodrome within a control zone, or <b>operate locally within a control zone</b> <del>enter the aerodrome traffic zone or aerodrome traffic circuit</del> when the reported meteorological conditions at that aerodrome are below the following minima: (...)”; or</p> <p><b>2)</b> clarify the proposed wording as follows: “an air traffic control unit shall not issue a special VFR clearance to aircraft to take off or land at an aerodrome within a control zone, or <del>the aerodrome traffic zone or</del> aerodrome traffic circuit <b>within a control zone</b> when the reported meteorological conditions at that aerodrome are below the following minima: (...)”; or</p> <p><b>3)</b> “an air traffic control unit shall not issue a special VFR clearance to aircraft to take off or land at an aerodrome within a control zone, <del>or enter the aerodrome traffic zone or aerodrome traffic circuit</del> when the reported meteorological conditions at that aerodrome are below the following minima: (...)”.</p>
response	<p>Partially accepted.</p> <p>Aerodrome traffic circuit was kept because of the case where an aircraft received the SVFR clearance in the context of GM1 SERA.5010(c). This could be reflected by the proposal number 2) above in the comment.</p>



## GM1 SERA.5010(c) Special VFR in control zones

p. 26

comment

313

comment by: RoCAA

RoCAA proposal:**GM1 SERA.5010(c) Special VFR in control zones**

When the reported ground visibility at the aerodrome is less than 1 500 m, ATC may issue a special VFR clearance for a flight crossing the control zone and not intending to take off or land at an aerodrome within a **the** control zone, or enter ~~the aerodrome traffic zone or~~ aerodrome traffic circuit when the flight visibility reported by the pilot is not less than 1 500 m, or, for helicopters, not less than 800 m.

Rationale:

As defined in Reg. 923/2012, Art.2(11), an `aerodrome traffic zone` (ATZ):

- may be defined either in a control zone (CTR) or flight information zone (FIZ);
- includes aerodrome traffic circuit.

Moreover, *GM1 to AMC2 Article 3(6) (a) Provision of ATM/ANS and design of airspace structures* stipulates that:

„*The aerodrome traffic zone should be linked to controlled aerodromes as potential aerodrome delineation.*”

Since there is the possibility that ATZ to be defined in a CTR, then a special VFR clearance shall not be issued to aircraft entering ATZ.

Thus, the rationale, that ATZ is contradictory to the title “Special VFR in control zones”, should be further analyzed.

Question:

EASA requests its stakeholders to express their explicit views on the most appropriate way to indicate RMZ and TMZ on a chart.

Rationale:

RMZ and TMZ should be depicted on a chart following the rules specified in ICAO Doc 8697 Aeronautical Chart Manual.

response

Noted.

The definition of ‘aerodrome traffic zone (ATZ)’ does not refer to CTR, FIZ or traffic circuit.

In such a case where a CTR and an ATZ coexist, the special VFR clearance would be delivered on the basis of the CTR and not the ATZ.



Reply to the question on the indication of RMZ and TMZ is also noted.

**GM2 SERA.5015(b) Instrument flight rules (IFR) - Rules applicable to all IFR flights**

p. 27

comment

12

comment by: *Uppsala Flying Club*

The NPA does not include any explanation or motivation for this GM. Compared with traditional radio beacon-based navigation, PBN would make it *easier* to comply with SERA.5015(b). This new GM should not be included – or at the very least completely rewritten.

response

Accepted.

The obligation to approve any flight procedure, including PBN procedures, is established in FPD.OR.100(a).

comment

98

comment by: *ENAV*

**Comment**

*GM2 SERA.5015(b) Instrument flight rules (IFR) – Rules applicable to all IFR flights*

The GM does not clarify the requirement; it should be reworded or removed

**Note**

The requirement dictates that pilots shall respect minimum altitudes.

MS may establish minimum flight levels.

The approval of instrument flight procedure is regulated by Reg 373 (see FPD.OR.100 and related GM)

There is no link between the MS decision to establish minimum FL and the design of flight procedures based on PBN

response

Accepted.

The obligation to approve any flight procedure, including PBN procedures, is established in FPD.OR.100(a).

comment

275

comment by: *FOCA Switzerland*

It is suggested to remove this GM.



Rationale: SERA.5015(b)(1) and (2) apply where no minimum flight altitudes have been established. Minimum flight altitudes, however, are established for ATS routes and procedures (IFP). Therefore, no specific authorisation from the competent is required in such cases. As a result, the proposed GM2 cannot serve as an example for a “specific authorisation”.

response

Accepted.

The obligation to approve any flight procedure, including PBN procedures, is established in FPD.OR.100(a).

**GM1 SERA.6001(a)(5) Classification of airspaces**

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comment

19

comment by: *DFS Deutsche Flugsicherung GmbH*

The proposed GM goes beyond the regulatory scope of SERA.6001 – the interpretation and application of which it allegedly serves. It establishes an exclusive provision of the flight information service for VFR aircraft by the ATC units responsible for the control of IFR traffic in Class E airspace, which is provided for neither in SERA.6001 or SERA.9001 nor in the relevant provisions of ICAO Annex 11 on which these rules are based. The proposed GM is therefore not limited to defining the regulation that is to be interpreted. It has a quasi-legislative effect. However, the making of legislation by means of GM is not possible.

It should, therefore, be deleted.

For elaborated justification see attachment.

response

Not accepted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment

32

comment by: *GdF*

GdF is the German PSO, representing ATCOs, AFISOs and FISOs. We support the implementation of ICAO compliant service provision and agree with the interpretation. Nevertheless, this will have huge ramifications to airspace design in many countries. We would ask EASA to give a reasonable deadline to member states to implement this.

response

Noted.





According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment 82 comment by: *Civil Aviation Authority the Netherlands*

This GM is based upon a strict interpretation by EASA of the difference between ATS to VFR in class G airspace and ATS to VFR in class E airspace. The operational practice is that these levels of ATS are not different when using ATS surveillance. This enables an ATS organisation in which uncontrolled VFR traffic and controlled IFR traffic in class E airspace are handled on a different frequency by separate ATS units. This is very beneficial as uncontrolled VFR pilots don't have to switch frequencies and operational personnel can be used in a more efficient way. The proposed GM forbids this, and will have major consequences in the organisation of ATS in a number of airspaces.

response Noted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment 100 comment by: *ENAV*

**Comment**

*GM1 SERA.6001(a)(5) Classification of airspaces*

Delete the GM

**Note**

The GM is not clear; by reading it seems that VFR flights in class E are controlled; this is not true (e.g VFR do not receive a clearance to cross E airspace)

response Noted.

VFR traffic in class E airspace is not controlled but receives traffic information, as far as is practical.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment 115 comment by: *LVNL*

This GM is based upon a strict interpretation by EASA of the difference between ATS to VFR in class G airspace and ATS to VFR in class E airspace. The operational practice is that these



response	<p>levels of ATS are not different when using ATS surveillance. This enables an ATS organisation in which uncontrolled VFR traffic and controlled IFR traffic in class E airspace are handled on a different frequencies by separate ATS units. This is very beneficial as uncontrolled VFR pilots don't have to switch frequencies and operational personell can be used in a more efficient way. The proposed GM forbids this, and will have major consequences in the organisation of ATS in a number of airspaces.</p> <p>Noted.</p> <p>According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.</p>
comment	<p>118 <span style="float: right;">comment by: <i>President IFISA</i></span></p> <p>We do not believe this GM will deliver an increase in safety. In fact, we believe the opposite. Several states have, with great success, implemented a dedicated FIS unit that handles uncontrolled flights in airspace classification E.</p> <p>A setup with a dedicated FIS unit has been the working method for decades and brings reduced numbers of airspace infringements and a general increased situational awareness to the pilots. It also increases the IFR capacity of the ATC sectors on both a strategic and tactical level.</p> <p>Another significant benefit of a dedicated FIS with dedicated FIS personnel is the clarity for the pilot that the flight is uncontrolled, and the pilot should act accordingly.</p> <p>It is not viable to man a pure FIS position with air traffic controllers, and a single working position providing both services will bring the VFR traffic to the same controller working position as the IFR traffic. This setup will lead to fewer GA pilots receiving FIS, and those who do will be a lesser priority to the air traffic controller, who must prioritise IFR traffic according to the rules. Establishing radio contact for a VFR flight in airspace classification E is not mandatory. Therefore, we need to provide a solution to enhance the desire to do so.</p> <p>In short, this GM introduces the following negative impact:</p> <p>A significant part of the GA pilots will decide not to call on a control sector, thus receiving less FIS, and the consequence will be worse safety.</p> <p>Fewer GA pilots will receive FIS compared to establishing a dedicated FIS unit, leading to an increased number of airspace intrusions.</p> <p>IFR capacity and the service of IFR flights will be reduced if the ATC shall also handle uncontrolled flights</p>
response	<p>Noted.</p> <p>According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.</p>
comment	<p>154 <span style="float: right;">comment by: <i>NSA Austria</i></span></p>



The proposed **GM1 SERA.6001(a)(5)** is contradictory to the implementing rule SERA.6001 (a) (5) and also in the general context to other implementing rules within the SERA regulation. This is also applicable with regard to the ICAO regulative as it has been largely adopted in the SERA regulation.

According to the SERA regulation, IFR flights in airspace class E receive air traffic control service (**SERA.8001 (a)**), flight information service (**SERA.9001 (a) (1)**) and alerting service (**SERA.10001 (a) (1)**) while VFR flights receive flight information service (**SERA.9001 (a) (2)**) and alerting service (**SERA.10001 (a) (2)**) only.

Flight information service means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights and includes all information listed in **SERA.9005**. Traffic information is only a part of flight information service (**SERA.9005 (b) (2)**) which has to be provided according to **SERA.9001 (a)**.

**SERA.9001 (a)** does not distinguish between different airspace classes regarding the obligation to provide flight information service to aircraft provided with air traffic control service or otherwise known to the relevant air traffic services units. Instead it extends the obligation to provide flight information service to all known flights regardless of airspace class and flight rules.

The definition of a flight information region (**Art.2 (76) SERA**) does not distinguish between different airspace classes regarding the obligation to provide flight information service.

The definition of a flight information center (**Art.2 (75) SERA**) does not distinguish between different airspace classes regarding the possibility to provide flight information service.

Neither **SERA.9001 (a)** nor any other regulation mandates that solely an air traffic control unit is responsible for the provision of flight information service (including traffic information) to an uncontrolled VFR flight within airspace class E. Such information may also be provided by an ATS unit (e.g. flight information center).

Additionally, the proposed **GM1 SERA.6001(a)(5)** could lead to a reduction of overall safety as it might lead to the incorrect assumption that providing flight information service to uncontrolled VFR flights within airspace class E is not required. Irrespectively the above mentioned, the provision of flight information service by an air traffic control unit is normally limited due to the precedence of air traffic control service according to **SERA.9001 (c)**.

Furthermore, the proposed **GM1 SERA.6001(a)(5)** improperly suggests a restriction of the provision of traffic information to VFR flights within airspace class E, since according to **SERA.6001 (a) (5)** all flights receive traffic information as far as practicable.

response

Noted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.



comment	179	comment by: <i>CANSO</i>
	<p>GM1 SERA.6001(a)(5) classification of airspaces “Class E Airspace”</p> <p>The proposed GM goes beyond the regulatory scope of SERA.6001 – the interpretation and application of which it allegedly serves. It establishes an exclusive provision of the flight information service for VFR aircraft by the ATC units responsible for the control of IFR traffic in Class E airspace, which is provided for neither in SERA.6001 or SERA.9001 nor in the relevant provisions of ICAO Annex 11 on which these rules are based. The proposed GM is therefore not limited to defining the regulation that is to be interpreted. It has a quasi-legislative effect. However, the making of legislation by means of GM is not possible. It should, therefore, be deleted.</p>	
response	<p>Not accepted.</p> <p>According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.</p>	
comment	186	comment by: <i>The Norwegian Air Sports Federation</i>
	<p>This clarification is supported, and it highlights the benefits and features of Class E airspace.</p>	
response	<p>Noted.</p>	
comment	201	comment by: <i>AESA</i>
	<p>It is noted that among GM1 ATS.TR.105(b) and AMCs and GMs to SERA.6001(a), point 9.1.4 of ICAO Document 4444 would be complete. However, the last part of point 9.1.4.1.3 (‘To make this quite clear, air traffic advisory service does not deliver “clearances” but only “advisory information” and it uses the word “advise” or “suggest” when a course of action is proposed to an aircraft.’) might not have been included. Such disposal might be inherent to the rest of disposals, and, consequently, it is considered that it should be included.</p>	
response	<p>Accepted.</p> <p>Relevant contents of point 9.1.4.1.3 are already transposed under SERA.14090(b) with regard to specific communication procedures and extensively in Part-ATS (GM1 ATS.TR.105(b).)</p>	
comment	255	comment by: <i>Danish Civil Aviation and Railway Authority - DCARA</i>
	<p>DCARA does not support the proposed GM which should be rejected.</p>	



SERA.6001(a)(5) defines Class E airspace as follows:

*Class E. IFR and VFR flights are permitted. IFR flights are provided with air traffic control service and are separated from other IFR flights. All flights receive traffic information, as far as is practical. Continuous air-ground voice communications are required for IFR flights. (...) All IFR flights shall be subject to ATC clearance. Class E shall not be used for control zones.*

It is clearly expressed by the provisions that only IFR flights are subject to air traffic control service and that VFR flight are not subject to this type of service. This is in contrast to airspace class D where VFR flights are subject to air traffic control service, and hence should be controlled by ATC. Moreover, only IFR flights are required to establish continuous air-ground voice communication. Given the lack of a requirement for continuous air-ground voice communication for VFR flights in class E, if a dedicated frequency for FIS in class E airspace is then made available DCARA sees that as an improvement of the service available for VFR flights.

Further SERA 9001 (a) states that: *Flight information service shall be provided by the appropriate air traffic services units (...)*. Hence it is not stipulated that such service (FIS) can only be provided by the ATC unit responsible for IFR traffic in class E airspace. In fact, it is presupposed e contrario in SERA 9001 (c) by the wording: *Where air traffic services units provide both flight information service and air traffic control (...)*, that flight information service and air traffic control services can also be provided in separate units.

DCARA is of the clear opinion based on the above that the regulation today allows the provision of flight information service to VFR flights in class E airspace by FIS personnel. Hence the proposed GM seeks to imply principles that are not based on the existing regulation in either SERA or ICAO Annex 11.

From an operational view the separation of ATC and FIS in class E airspace can be of benefit for safety. When FIS is provided by an ATC unit the ATC-service shall have precedence over the provision of flight information service cf. ATS.TR.300(b). That means that in cases where a separate frequency providing FIS is established in Class E airspace it is possible for the ATS unit to provide a better service to VFR flights which presumably improves situational awareness for the pilots and hence could reduce the risk of airspace infringements and in the worst case collisions. The FIS-frequency is also able to provide a more relevant service as well as it is expected that GA pilots are more willing to communicate on a dedicated FIS frequency instead of mixing with mostly professional airline pilots on the ATC sector. A single frequency to handle both controlled IFR traffic and uncontrolled VFR traffic will reduce the capacity, which due to ATS.TR.300(b) will reduce the service provided to VFR flights.

response

Not accepted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment

280

comment by: Navair



Naviar disagree with this interpretation of ICAO

First a general remark: A FIS unit operating in Airspace class E is always operating on behalf of the ATCO controlling the Airspace/sector. The final responsibility is always with the ATCO.

Naviar do not believe this GM will deliver an increase in safety. In fact, we believe the opposite.

Several states including Denmark have, with great success, implemented a dedicated FIS unit that handles uncontrolled flights in airspace classification E.

A setup with a dedicated FIS unit has been the working method for decades and brings reduced numbers of airspace infringements and a general increased situational awareness to the pilots. It also increases the IFR capacity of the ATC sectors on both a strategic and tactical level. Naviar has more than 30 years of experience of documented safety, capacity and service improvements to show for this.

Another significant benefit of a dedicated FIS with dedicated FIS personnel is the clarity for the pilot that the flight is uncontrolled, and the pilot should act accordingly.

It is not viable to man a pure FIS position with air traffic controllers, and a single working position providing both services will bring the VFR traffic to the same controller working position as the IFR traffic. This setup will lead to fewer GA pilots receiving FIS, and those who do will be a lesser priority to the air traffic controller, who must prioritise IFR traffic according to the rules. Establishing radio contact for a VFR flight in airspace classification E is not mandatory. Therefore, we need to provide a solution to enhance the desire to do so.

In short, this GM introduces the following negative impact:

A significant part of the GA pilots will decide not to call on a control sector, thus receiving less FIS, and the consequence will be a decrease in current safety level.

Fewer GA pilots will receive FIS compared to establishing a dedicated FIS unit, leading to an increased number of airspace intrusions.

IFR capacity and the service of IFR flights will be reduced if the ATC shall also handle uncontrolled flights.

In addition such a change will introduce a significant increase in the cost of the service in the airspace.

response

Noted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment

316

comment by: *German NSA (BAF)*

**GM1 SERA.6001(a)(5)**

SERA.6001 allows the provision of FIS by a separate unit.

The proposed GM goes beyond the regulatory scope of SERA.6001 – the interpretation and application of which it allegedly serves – and should therefore be rejected. It establishes an



exclusive provision of the flight information service for VFR aircraft by the ATC units responsible for the control of IFR traffic in Class E airspace, which is provided for neither in SERA.6001 or SERA.9001 nor in the relevant provisions of ICAO Annex 11 on which these rules are based. The proposed GM is therefore not limited to defining the regulation that is to be interpreted. It has a quasi-legislative effect. However, the making of legislation by means of GM is not possible.

It is also not stipulated by SERA.9001, which regulates the flight information service, that such service can only be provided by the ATC unit responsible for IFR traffic with regard to VFR traffic that is not subject to clearance in Class E airspace.

On the one hand, it is striking that the regulation speaks of “appropriate air traffic services units” and thus, in principle, allows for the provision of the flight information service also by a separate unit which is not at the same time an ATC unit. It remains unclear why this principle should no longer apply if only part of the traffic (namely IFR traffic) is subject to clearance and ATC.

Therefore, the GM draft seeks to imply a principle, which in fact is not laid down neither in SERA.6001, SERA.9001 or in the ICAO provisions (Annex 11) on which these regulations are based, and according to which a coexistence of ATS units in one airspace is not permissible. Based on the regulations it can only be assumed that only one ATC unit may exercise air traffic control in a section of airspace (and that this ATC unit also provides the flight information service for the flights subject to ATC). However, the regulations do not imply any limitation for the provision of FIS for the benefit of uncontrolled (VFR-) aircraft.

From a legal point of view the intended GM should therefore be rejected.

Operational Point of view:

Separate frequencies for IFR and VFR flights in airspace E can be a benefit for safety. Analysis of the German flight information service for VFR-flights have figured out, that situation awareness can be improved due to more user adapted communication. An additional benefit of a separate FIS for VFR-traffic is, that the VFR-Pilot is provided with a service tailored to the specific VFR-requirements. Furthermore, it is presumed that VFR-pilots with less professional communication skills are more willing to speak on a separate frequency and thereby improve the radio skills than on a frequency with mostly professional pilots. Also, from the ATCO point of view, dealing with VFR flights and IFR flights on separate frequencies results in less workload and reduced risk of frequency overload.

The aim should be to have as many VFR-pilots reachable by an ATCO or a FISO and therefore a service most suitable for these pilots should be offered. Also, separate service from ATCOs and FISOs within the same airspace can help to identify earlier upcoming difficulties as another pair of eyes is looking at the traffic. Of course, ATCO and FISO must be able to communicate in the most effective way to decide and act fast and in a cooperative manner, which is fulfilled in Germany with both services being provided by the same ATS-provider.



In some areas of airspace E, a separated service might not be the most useful approach, so it should be possible to define areas within this airspace where VFR-pilots have to be on the frequency of an ATCO, for example transponder mandatory zones.

Besides the safety aspects, a mandatory combination of VFR flight information and air traffic control services would lead to a reduction in capacity in high traffic sectors as ATCOs will have to deal with significantly more flights within their sectors. According to ATS.TR.300 (b), “[...] the provision of air traffic control service shall have precedence over the provision of flight information service whenever the provision of air traffic control service so requires.” As a consequence, this could lead to fewer VFR flights receiving the information required.

**Summary:**

The competent authorities will have the best knowledge of the local circumstances to decide where a separation of air traffic control services to IFR flight and flight information services is useful and where an integrated service is more beneficial for aviation safety.

In view of all this, the GM proposal has the potential of actually reducing flight safety and the effect of making SERA.6001 more specific by adding a regulation which is not included in the current legal status – and in particular not in SERA.6001 itself.

It should therefore be rejected.

response

Not accepted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment

354

comment by: DTA/MCU

Reference: GM1 SERA.6001(a)(5) Classification of airspaces

Comment: as it is proposed, only an ATC unit can give traffic information to VFR flights in class E airspace. We suggest to replace ATC by ATS to allow MS to decide which entity or entities are in charge of control and/or flight information services.

Proposal: Class E airspace is controlled airspace, in which the ATCS unit(s) is responsible for the provision of air traffic control service to IFR flights and/or traffic information to the VFR flights operating therein and having established two-way air-ground communication.

response

Not accepted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.





comment

388

comment by: FOCA Switzerland

This GM is not supported because there is no regulation (hard law) which covers the content of this GM. As such the GM as proposed cannot stand on its own.

Our understanding of the existing rules is that the responsible ATC unit is required to provide traffic information only to those VFR flights which have established two-way air ground communication with that specific ATC unit. It is not our understanding that traffic information to VFR flights in airspace class E may only be provided by an ATC unit. The possibility that a dedicated FIC unit provides traffic information to VFR flights still exists.

Should EASA's intent nevertheless be that traffic information in airspace class E can only be provided by an ATC unit, Switzerland would be confronted with enormous problems: As a waste part of Swiss airspace is airspace class E and a lot of mixed IFR/VFR operation exists, such an obligation would require the adaption of the airspace structure and/or the restructuring of the ATS provision within airspace class E (e.g. additional sectors). This would cause big investments and would require a long implementation period."

response

Noted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

## SERA.6001 Classification of airspaces

p. 27

comment

23

comment by: CANSO

GM1 SERA.6001(a)(5) mixes service (air traffic control) and single activity (traffic information). Secondly, this GM does not take count of the issue identified during standardisation inspections, e.g. as regards the duties of a FIS officer.

For these reasons we suggest to amend the GM as follows:

"Class E airspace is controlled airspace, in which the ATC unit is responsible for the provision of air traffic control service to IFR flights and **flight information service** to VFR flights operating therein and having established two-way air-ground communication.

**The competent authority may authorise the provision of flight information service to VFR flights operating in class E airspace by personnel of the ATC unit other than ATCO."**

response

Not accepted.

According to ATS.TR.110(a)(2), air traffic control units shall be established to provide air traffic control service, flight information service and alerting service within control areas.

comment

31

comment by: GdF



response	<p>Agree to restrict transonic or supersonic speeds.</p> <p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>99 <span style="float: right;">comment by: ENAV</span></p> <p><b>Comment</b>  <i>SERA.6001 Classification of airspaces</i>  New point c to be reworded or deleted (new point d in SERA.5015 should be sufficient to prohibit transonic and supersonic speeds).</p> <p><b>Note</b>  The wording may not be completely appropriate to the context, speed limitations for classes of airspace contribute to the prevention of collision (mitigate the non-provision of separation by ATC); it is not clear what a general speed limitation is. The provision in SERA.5015 appears to be sufficient for the objective of preventing transonic and supersonic flights.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>145 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</span></p> <p><b>SERA.6001, page 27</b>  Will clearance for transonic speed remain?  Will clearance be given over international water?  How is the connection between this paragraph and appendix 4 “Airspace classes”, where speed limits states that transonic is not allowed?</p> <p>For clarification, the STA interpret transonic to mean the actual transition to supersonic flights and not the actual Mach interval (0,8-1,2). The STA would appreciate a clear definition of this.</p>
response	<p>Noted.</p>



EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

comment 304

comment by: *German NSA (BAF)***SERA.6001**

The following wording is suggested: “In accordance with SERA.5005 (d) (1) and SERA.5015 (d), the general speed limitation...”

response

Not accepted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

**SERA.5015 Instrument flight rules (IFR) - Rules applicable to all IFR flights**

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comment 30

comment by: *GdF*

Agree.

response

Noted.

EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see [European Plan for Aviation Safety 2023-2025 | EASA \(europa.eu\)](#)).

comment 87

comment by: *Civil Aviation Authority the Netherlands*

The text should be aligned with SERA 5005 d.(1), including the text 'unless authorised by the competent authority'. The Military Aviation Authority the Netherlands needs the possibility to Authorise transonic and supersonic flight over land in the Amsterdam FIR under IFR and VFR for reasons of Military Mission Effectiveness.

Proposed text for SERA 5015 (d):



	IFR flights shall not be operated: at transonic and supersonic speeds <b><u>unless authorised by the competent authority</u></b>
response	<p>Not accepted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>122 <span style="float: right;">comment by: ENAIRE</span></p> <p>Proposed amended text:</p> <p>SERA.5015 Instrumental flight rules (IFR) - Rules applicable to all IFR flights (d) Speed limitation: IFR flights shall not be operated at <b>transonic and</b> supersonic speeds</p> <p>Rationale:</p> <p>Most of medium and long ratio aircraft today fly at Mach 0.80 or higher.</p>
response	<p>Not accepted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>172 <span style="float: right;">comment by: Bundesvereinigung gegen Fluglärm e.V.</span></p> <p>We appreciate the ban of transonic and supersonic speeds. But this rule should be valid also for VFR flights.</p>
response	<p>Not accepted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>180 <span style="float: right;">comment by: CANSO</span></p> <p>Proposed amended text:</p>



	<p>SERA.5015 Instrument flight rules (IFR) – Rules applicable to all IFR flights [...] (d) Speed limitation: IFR flights shall not be operated at <del>transonic</del> and supersonic speeds</p> <p>Rationale:</p> <p>Most of medium and long term ration aircraft fly at Mach 0.80 or higher.</p>
response	<p>Not accepted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>200 <span style="float: right;">comment by: <i>AESA</i></span></p> <p>Would this requirement imply new restriction to current IFR flights? Most commercial air transport operations for medium and long range fly at speeds near M0.8, specially overflights. A definition for supersonic and transonic speed should be included. This requirement may lead to some misinterpretations about the current situation.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>287 <span style="float: right;">comment by: <i>FOCA Switzerland</i></span></p> <p>The prevention of civil supersonic flights over the territory of the EU and the proposed SERA.5005 and 5015 amendments are fully supported.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>303 <span style="float: right;">comment by: <i>German NSA (BAF)</i></span></p>



	<p>Due to the amendment of SERA.5005 and SERA.5015 it is necessary to amend other rules such as CIR (EU) 2017/373 ATS.TR.235 (c) etc.</p>
response	<p>Noted.</p> <p>The comment is understood as a proposal to amend SERA.8015(c) and the similar ATS.TR.235(d), but EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>342 <span style="float: right;">comment by: <i>Finnish Transport and Communications Agency</i></span></p>
	<p>Finnish Transport and Communications Agency Traficom considers that it would be appropriate to retain the possibility for authorisation of competent authority regarding the speed limitations of IFR flights. This would however need detailed justification on the basis for such authorisation, where careful consideration of all environmental impacts need to be duly taken into account.</p> <p>Further to avoid unacceptable situation for the public due to sonic booms, buffer zones to sea coasts must be defined in a timely manner.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>
comment	<p>350 <span style="float: right;">comment by: <i>European Cockpit Association</i></span></p>
	<p>The term transonic is used through this NPA. It is usually defined as an exceedance of the critical Mach number, which the lowest Mach number at which the airflow over any part of the aircraft reaches the speed of sound. In certain cases this may occur during high cruise Mach numbers without any indication for flight crew. Although, this will not lead to shock waves, it would be legally prohibited by this rule.</p> <p>It is proposed to clarify the meaning of "transonic" in article 2: Definitions.</p>
response	<p>Noted.</p> <p>EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="#">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p>



comment	<p data-bbox="354 203 402 235">361</p> <p data-bbox="1174 203 1466 235">comment by: DTA/MCU</p> <p data-bbox="354 289 1359 321">Reference: SERA.5015 Instrument flight rules (IFR) – Rules applicable to all IFR flights</p> <p data-bbox="354 359 1466 495">Comment: according to the rationale, <i>“the speed restriction proposed under this NPA applies to airspace over land and territorial waters, which usually include a 12-mile zone off the coast. The speed restriction does not apply to the high seas airspace where Annex 2 to the Chicago Convention applies.”</i></p> <p data-bbox="354 506 1466 747">In SERA regulation ‘high seas airspace’ means airspace beyond land territory and territorial seas, as specified in the United Nations Convention on the Law of the Sea (Montego Bay, 1982). Yet Montego Bay convention defines “high seas” as parts of the sea that are not included in the exclusive economic zone [200 NM off the coast], in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. So it seems that it exists a discrepancy within the very SERA definition of “high seas airspace” (12 NM vs 200 NM). This issue should be clarified and tackled.</p>
response	<p data-bbox="354 768 440 800">Noted.</p> <p data-bbox="354 831 1466 936">EASA has put on hold RMT.0476 Subtask 4 concerning a speed restriction to avoid supersonic flights over land, but retains the option to reactivate this subtask in the future (see <a href="https://www.easa.europa.eu/en/aviation-safety/2023-2025">European Plan for Aviation Safety 2023-2025   EASA (europa.eu)</a>).</p> <p data-bbox="354 968 1466 1073">The exclusive economic zones have not been agreed among all the states and that is why cannot be used in the SERA Regulation. Furthermore, the SERA Regulation and the SES regulations define the territorial applicability of the SERA Regulation.</p>

<b>AMC1 SERA.6001(a)(6) Classification of airspaces</b>	p. 28
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comment	<p data-bbox="354 1331 391 1362">70</p> <p data-bbox="1247 1331 1466 1362">comment by: GdF</p> <p data-bbox="354 1419 1466 1482">Due to varying interpretations from stakeholders, we would like to request a GM for clarification and harmonisation.</p> <p data-bbox="354 1493 1373 1524">The proposed text would be: “This results in the following applicable airspace classes:</p> <p data-bbox="354 1535 488 1566">Example 1:</p> <p data-bbox="354 1577 646 1608">Airspace Class E to FL 69</p> <p data-bbox="354 1619 683 1650">Airspace Class C from FL 70</p> <p data-bbox="354 1661 1466 1724">In this example, flights at FL 70 should comply with the requirements and be given the service of airspace class _.</p> <p data-bbox="354 1734 488 1766">Example 2:</p> <p data-bbox="354 1776 651 1808">Airspace Class D to FL 74</p> <p data-bbox="354 1818 683 1850">Airspace Class B from FL 75</p> <p data-bbox="354 1860 1466 1923">In this example, flights at FL 75 should comply with the requirements and be given the service of airspace class _.”</p>
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Clarification in the CRD would suffice as well. Thank you.

response Noted.

AMC1 SERA.6001 is considered to fully address this comment.

comment 317 comment by: *German NSA (BAF)*

**AMC1 SERA.6001 (a) (6)**

In view of SERA.6001 (a) (8) it seems to be not necessary to establish new AMC for an airspace class which was only intended as a transitional measure. It is recommended to reconsider this topic.

response Noted.

During the development of Part-ATS all provisions of PANS-ATM were (re-)evaluated and Chapter 9.1.4.2 was considered to have a 'rules-of-the-air' nature and thus better transposed into SERA than Part-ATS. Although advisory airspace shall be considered as a temporary measure, the corresponding procedures should be available in the European regulatory framework.

comment 357 comment by: *European Cockpit Association*

The phrase "(...) as nearly as possible at an angle of 90 degrees (...)" in (b) (2) is unintelligible.

Reword this requirement, e.g. "(...) as close as possible at (...)"

response Not accepted.

EASA prefers to maintain the originating ICAO text.

**GM1 SERA.6005(d) Requirements for communications, SSR transponder and electronic conspicuity in U-space airspace**

p. 29





comment	<p>7</p> <p><b>AOPA Sweden</b> <span style="float: right;"><b>22-06-06</b></span></p> <p>GM1 SERA.6005 (d )</p> <p>Question about RMZ and TMZ in AIP</p> <p>Answer: Since the U-spaces might change from time to time, it might be appropriate to have a system where it is easy to change the zones quickly. A digital system might be to prefer or perhaps in NOTAM.</p> <p>AOPA Sweden</p> <p>Fredrik Brandel, member of the board</p>	comment by: <i>AOPA Sweden</i>
response	<p>Noted.</p> <p>The question in the NPA was about publication of RMZ and TMZ. EASA takes note of the comment related to the publication of U-Space information and advises to refer to the U-Space regulation and associated EDD.</p>	
comment	<p>33</p> <p>This is an existing problem and even if the information is included in the AIP some information providers still don't include it in their onboard briefing material. Therefore, we would propose to elevate this to AMC level.</p> <p>Considering the indication on charts: We would propose to move to the 21st century and create digital maps (in addition to paper maps) with selectable layers to improve readability. If EASA could try to motivate member states to do this, at least with GM, it would be a huge step forward.</p>	comment by: <i>GdF</i>
response	<p>Noted.</p> <p>It is a Member State responsibility to ensure the appropriate promulgation of information in the AIP. The requirements on digital data sets exist and this is a matter of implementation. The relevant specifications are under development.</p>	
comment	<p>34</p> <p>Proposed comma:</p>	comment by: <i>GdF</i>



response	<p>Section AD 2 contains the aerodrome-specific requirements, including the visual approach and landing charts with the information on RMZ and TMZ.</p> <p>Not accepted.</p> <p>EASA considers the actual text being appropriate.</p>
comment	<p>129 <span style="float: right;">comment by: <i>European Transport Workers' Federation</i></span></p> <p>Request for RMZ/TMZ display options, see:</p> <p><a href="https://nats-uk.ead-it.com/cms-nats/export/sites/default/en/Publications/AIP/Current-AIRAC/graphics/278525.pdf">https://nats-uk.ead-it.com/cms-nats/export/sites/default/en/Publications/AIP/Current-AIRAC/graphics/278525.pdf</a></p> <p>and</p> <p><a href="https://www.aurora.nats.co.uk/htmlAIP/Publications/2022-08-11-AIRAC/html/index-en-GB.html">https://www.aurora.nats.co.uk/htmlAIP/Publications/2022-08-11-AIRAC/html/index-en-GB.html</a></p>
response	<p>Noted.</p>
comment	<p>146 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p><b>GM1 SERA.6005 (d), page 29</b></p> <p>Why has U-space not been included in this GM?</p> <p>Sections for publication on UAS-geographical zones should be added, e.g. U-space-airspace with regards to harmonization and with reference to NPA 2021-09 AMC2 Article 15(3) Operational conditions for UAS geographical that the EASA Member States should publish in Section ENR 5.1 'Prohibited, restricted and danger areas' of the AIP information on UAS geographical zones that affect manned aircraft operations.</p>
response	<p>Noted.</p> <p>EASA will address this issue in the context of RMT.0230.</p>
comment	<p>184 <span style="float: right;">comment by: <i>The Norwegian Air Sports Federation</i></span></p> <p>Attachments <a href="#">#1</a> <a href="#">#2</a> <a href="#">#3</a> <a href="#">#4</a></p>



The Norwegian Air Sports Federation strongly supports this proposal. All requirements applicable to airspace users should be clearly stated and illustrated in the AIP and its charts. Compliance with rules requires that rules are known and accessible to airspace users.

We would like to suggest that GM1 SERA.6005(d)(a) includes a reference to the legal requirement in Regulation (EU) 2017/373 Article 6(f), cf. Annex VI (Part-AIS) point AIS.TR.305(c), cf. Appendix 1 point ENR 2.2. This provision already requires that the AIP includes "[d]etailed description of radio mandatory zones (RMZs) and transponder mandatory zones (TMZs)". Please also see our comments to GM5 AIS.TR.305(c) on page 72 in this NPA.

With regard to how RMZs and TMZs should be depicted on maps, we would like to suggest a depiction along the lines of how SkyDemon has implemented these zones on their maps of Germany, please see examples attached.

response

Noted.

AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.

comment

189

comment by: *Fintraffic Air Navigation Services*

Attachments [#5](#) [#6](#) [#7](#) [#8](#) [#9](#)

**Fintraffic ANS** has published Kauhava aerodrome RNP approaches in the AIP. Kauhava is an uncontrolled aerodrome with RMZ area. (Changes are to be made to radiodata box – EFKA UNCONTROLLED will be changed into KAUHAVA TRAFFIC + frequency.) [AIP SUOMI / FINLAND \(ais.fi\)](#)

4 separate RMZ areas has been published also on ANC charts.

There might be a challenge to publish charts from the areas where RMZ / TMZ has the same boundary as a TMA, CTR etc. How to make all the lines visually recognizable. We also think that this whole idea should be thought via data centric perspective rather than just a thing which must be published in an AIP. One question is how RMZ / TMZ will be constructed in AIXM 5.x for example when some of them are active only certain time of the day.

response

Noted.

The development of the specifications for the publication of data sets, for example AIXM 5.x, also needs to consider other types of zones and airspaces that have a temporary nature, not just RMZ and TMZ. These specifications are not developed yet by ICAO. When they are available, they will be applicable for RMZ and TMZ as well.



comment	203	comment by: AESA
	If these modifications are published before the entry into force of SERA.6005 (d) (26 January 2023), a note should be added to indicate that this disposition is not applicable until that date.	
response	Noted. No longer relevant.	

comment	204	comment by: AESA
	<p>ERNIP part 1 has already detailed indications about where and how to publish information about RMZ/TMZ in the different sections of the AIP. Both documents, this GM and ERNIP indications, should be aligned as much as possible. Coordination actions between EASA and ECTL would be appreciated at this point.</p> <p>Some differences detected:</p> <ul style="list-style-type: none"> <li>• GEN 2.2: in ERNIP 'RMZ' and 'TMZ' meanings are included in this AIP section, and for us it's ok. GM says nothing about it.</li> <li>• ENR 2.2: GM is too general in this case. ERNIP offers more details about the information recommended in this section. We prefer the ERNIP option.</li> <li>• ENR 6: GM is too general in this case. ERNIP offers more detailed instructions for this section. We prefer the ERNIP option. Additionally, a specific chart for RMZs (all in one chart) could be useful for the VFR users.</li> <li>• AD2: ERNIP doesn't consider information about RMZ/TMZ in this section. However, in AIP Spain, some details are already offered in AD2.17 Airspaces whenever an RMZ exists for that airport. Additionally, it is shown in the VAC. We prefer the GM option.</li> </ul>	
response	<p>Not accepted.</p> <p>AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.</p>	

comment	222	comment by: EUROCONTROL
	<p>Attachments <a href="#">#10</a> <a href="#">#11</a></p> <p>The comment below refers to the question in GM1 SERA 6005 (d).</p> <p>According to EUROCONTROL document “Guidance Material for Aeronautical Chart – ICAO 1 : 500 000” published in November 2011 and available on the EUROCONTROL website there is a proposal for the depiction of Transponder Mandatory Zone. See guidance 2.7 at page 9.</p>	



response	<p>Some countries e.g. Germany already use this depiction for TMZ. An example is attached as "AD 2 EDFH 3-1-3". Ideally it would be desirable to stick to this guidance for TMZ and to use the same symbology for RMZ, the differentiation would be on the label (see example in attachment).</p> <p>Despite this guidance, we notice that some states use different symbology in absence of any standards in ICAO Annex 4, with these zones having a pink tint, see examples for FR AD:Orleans-Bricy LFO and London Stansted</p> <p>Therefore some harmonisation in this respect is definitely required.</p> <p>Accepted.</p> <p>The EUROCONTROL document and proposal are used in the Opinion.</p>
comment	<p>228 <span style="float: right;">comment by: <i>FFA EUR</i></span></p> <p>Indication of TMZ and RMZ on the french maps is satisfactory, zone boundaries being shown with a "-.-.-" black line . It could be improved by adding a letter T or R to indicate whether it is indicating a TMZ or RMZ, in this fashion : "-.-T-.-T" or "-.-R-.-R."</p>
response	<p>Noted.</p> <p>AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.</p>
comment	<p>234 <span style="float: right;">comment by: <i>Europe Air Sports</i></span></p> <p>GM1 SERA.6005(d) Requirements for communications, SSR transponder and electronic conspicuity in U-space airspace PUBLICATION OF RADIO MANDATORY ZONES AND TRANSPONDER MANDATORY ZONES</p> <p>Europe Air Sports' view is that geographical coordinates are not enough to allow pilots to take due care of any portion of airspace such as RMZ, TMZ, U-space airspace. They should be depicted on a chart.</p>
response	<p>Noted.</p> <p>AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.</p>



comment 256 comment by: *Danish Civil Aviation and Railway Authority - DCARA*

DCARA is of the opinion that RMZ and TMZ should be indicated on a chart in the margins of the relevant area in connection to the airspace type CTR/TMA/FIZ etc.  
e.g. ESBJERG TIZ/RMZ G 1500; or ESBJERG FIZ/RMZ G 3500-1500

response Noted.

AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.

comment 276 comment by: *FOCA Switzerland*

Regarding the SERA.8015 (e) (5) (page 31), "Air traffic services personnel" should be replaced with "air traffic controller".

Rationale: SERA.8015 is titled "Air traffic control clearances" and those are provided by Air Traffic Controllers.

response Accepted. As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes. For vehicles on the manoeuvring area on an AFIS aerodrome the requirements are in the ADR regulation.

comment 277 comment by: *FOCA Switzerland*

Regarding SERA.8015 (e) (5), the term "radio-qipped" is not appropriate and should be deleted.

Rationale: Voice communications with vehicle drivers may be proceed by other means (e.g. telephone, face-to-face, intercom), for cases permitted by this NPA's item for Appendix 1 Signals § 3.1.3.

response Partially accepted.

As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes.

comment 278 comment by: *FOCA Switzerland*



response	<p>It is suggested to provide a definition of the term "runway strip" in Article 2 (Definitions). The ICAO definition is provided in ICAO Annex 14, Vol. I, Chapter 1.</p> <p>Not accepted.</p> <p>As the text of SERA.8015(e)(5) and (6) are reverted back to be identical with the relevant ICAO Annex 11 provisions, the term 'runway strip' is no longer used.</p>
comment	<p>315 <span style="float: right;">comment by: RoCAA</span></p> <p><u>RoCAA proposal:</u></p> <p>GM1 SERA.6005(d) Requirements for communications, SSR transponder and electronic conspicuity in U-space airspace PUBLICATION OF RADIO MANDATORY ZONES AND TRANSPONDER MANDATORY ZONES (a) Information on radio mandatory zones (RMZ) and transponder mandatory zones (TMZ) should be published in the aeronautical information publication (AIP) in a clear and unambiguous manner. This information should include a dedicated chart or dedicated charts. <b>Supplementary, this information should be presented on other charts( as an exemple, visual approach chart).</b></p> <p><u>Rationale:</u></p> <p>RMZ and TMZ should be included not only on dedicated chart or charts but also on all the charts where they are considered to be known by airspace users. Consequently, they could be presented on the visual approach chart, instrument approach chart, etc.</p>
response	<p>Partially accepted.</p> <p>AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.</p>
comment	<p>345 <span style="float: right;">comment by: Finnish Transport and Communications Agency</span></p> <p>Finnish Transport and Communications Agency has the following comment on the indication of RMZ/TMZ on a chart: Current practices should be considered when planning to require indication of RMZ/TMZ on a chart. Finland has indicated RMZ-areas on charts for some time, and it is a good practice that could be used on European level as well.</p>
response	<p>Noted.</p>



AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.

comment 349

comment by: DTA/MCU

Attachments [#12](#) [#13](#) [#14](#) [#15](#) [#16](#)

Reference:

Question

EASA requests its stakeholders to express their explicit views on the most appropriate way to indicate RMZ and TMZ on a chart.

Comment: FR (DSNA) publishes RMZ/TMZ on AD2 charts (VAC) and on large-scale maps (1:1 000 000, 1:500 000 and 1:250000) – see the attached examples regarding the Muret RMZ. It is not expected to publish RMZ/TMZ on IAC since IFR conditions imply the use of radio equipment. FR (DSNA) does not plan to have RMZ/TMZ dedicated charts.

response Accepted.

AMC1 AIS.OR.325 is amended and GM1 AIS.OR.325 and GM1 SERA.6005(d) are introduced to provide clarity on the publication of RMZ and TMZ and to ensure the consistency of the regulatory framework.

comment 351

comment by: DTA/MCU

Reference: GM1 SERA 6005(d) – Paragraph (b) item 2

Comment:

FR (DSNA) publishes RMZ/TMZ as follows:

- Those non related to an aerodrome are published in the ENR2.2 section
- Those related to a VFR aerodrome are currently published in the AD1.7 section, but it is planned to move them to the AD2 section
- Those related to an IFR aerodrome are published in the AD2 section

FR (DSNA) proposes to leave the information on ATS airspace out of section ENR2 since it is covered elsewhere (eg AD2) – see edit proposal below.

Proposal: (b)(2) Section ENR2.2 contains the information on RMZ and TMZ not related to an aerodrome in ~~the air traffic services airspace and~~ other regulated airspace.

response Not accepted.





Section ENR.2 includes information on both air traffic services airspace and other regulated airspace.

**GM2 SERA.6001(a)(6) Classification of airspaces**

p. 29

comment	40	comment by: <i>GdF</i>
	Potential use of the wrong word.	
	that a pilot will not <b>affect</b> a change in the	
response	Not accepted.	
	The wording is considered to be correct and is in accordance with the originating PANS-ATM point 9.1.4.2.1.	

comment	343	comment by: <i>Finnish Transport and Communications Agency</i>
	Finnish Transport and Communications Agency proposes to change words "he or she" with "the pilot".	
	The sentence would then read: It is assumed that a pilot will not effect a change in the current flight plan until the pilot has notified the intended change to the appropriate air traffic services unit and, if practicable, has received acknowledgement or relevant advice.	
response	Not accepted.	
	EASA considers the proposed text to be appropriate.	

**GM3 SERA.6001(a)(6) Classification of airspaces**

p. 29

comment	202	comment by: <i>AESA</i>
	Suggested to add: "The air traffic control unit shall inform the IFR flight when leaving control area to continue in an advisory area"	
response	Not accepted.	



The proposed text is transposed from ICAO PANS-ATM and the comment does not provide enough justification for the change.

**GM1 SERA.8015(b)(1) Air traffic control clearances**

p. 32

comment

36

comment by: *GdF*

Definitely agree with the content. We would propose to add an example to the GM to further illustrate the point, like: "Instructions like CANCEL SPEED RESTRICTIONS AT or UNRESTRICTED only apply to speed instructions issued by ATC or published restrictions on a SID/STAR."

response

Not accepted.

EASA prefers to avoid providing examples which could be misinterpreted.

**AMC2 SERA.8015(b)(1) Air traffic control clearances**

p. 32

comment

42

comment by: *GdF*

This creates a problem with AMC1, due to a change in philosophy when transitioning between SIDs/STARs and Enroute.

Let's say a controller has issued an IAS of 250 kts on a STAR and the aircraft later on passes a point on said STAR with a speed restriction. Which speed will be applicable? Unsurprisingly, we hold the opinion that ATC instructions must override published restrictions.

We propose to add a few words to AMC 2, like "Existing speed control instructions issued by ATC according to AMC1 overrule published restrictions."

Likewise, the phrase in 2.1.6 I) is not specific enough to be used in the context of SIDs and STARs, which might need to be specified in the Appendix.

response

Not accepted.

The clearances issued by ATC, especially in the context of SID and STAR, should take into account the requirements stemming out from the SID/STAR procedures promulgated at global level and proposed for transposition with this regulatory action. Activation or de-activation of



the published restrictions must be clearly specified in communications to pilots. Using cleared 'via' would entail that published restrictions must be complied with.

comment 90

comment by: IFATCA

(b) Operation subject to clearance

Text only covers 2 variants (controlled to uncontrolled and vice versa. It does not cover multiple changes. Text could be more generic to cover all/more variants

response Not accepted.

Flight plan types 'Z' and 'Y' normally cover flight plan changes from controlled to uncontrolled and vice versa. In case of multiple changes, the procedures described apply.

comment 173

comment by: Bundesvereinigung gegen Fluglärm e.V.

Speed restrictions published with SIDs and STARs should be valid in any case; we suggest to formulate „The flight crew should comply with published SID and STAR speed restrictions“. The cancellation of speed restrictions by the air traffic controller should be forbidden. It is a noise issue; faster planes are much louder due of aerodynamic noise and (during departure) lower altitude. And in some cases it is a safety issue, if small radii are designed.

response Not accepted.

The options for cancellation of the speed restriction must be available for the air traffic controller to ensure safe operations, e.g. to maintain the appropriate separation minima under specified circumstances.

comment 205

comment by: AESA

It is noted that the last note placed at the end of point 4.6.4 of PANS-ATM hasn't been incorporated into AMC2 SERA.8015(b)(1). It could be convenient to add such note (reference to AMC1 SERA.14090(e) and AMC2 SERA.14090(e)).

response Noted.

The note mentioned in the comment is transposed in GM2 SERA.8015(b)(1).



comment	<p>355</p> <p style="text-align: right;">comment by: DTA/MCU</p> <p>Reference: AMC2 SERA.8015(b)(1) Air traffic control clearances</p> <p>Comment: As speed restrictions for published SID and STAR could aim at maintaining aircraft within a safety volume regarding obstacle clearances, when ATC allows pilot to derogate these speed restrictions, obstacle clearance should be managed by the air traffic control unit.</p> <p>Proposal: The flight crew should comply with published SID and STAR speed restrictions unless the restrictions are explicitly cancelled or amended by the air traffic controller <b>in radar vectoring</b>.</p>
response	<p>Not accepted.</p> <p>By giving radar vectors the aircraft is deviated from the SID/STAR route and automatically the published restrictions are not applicable any longer; and the air traffic controller has to specify the applicable restrictions on that vector.</p>

<b>AMC1 SERA.8015(b)(1) Air traffic control clearances</b>	p. 32
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comment	<p>83</p> <p style="text-align: right;">comment by: Civil Aviation Authority the Netherlands</p> <p>The adding of the two items under SERA.8015(b) is understood and agreed. However, the Netherlands proposes to add them as (b)(7) and (b)(8) instead of the EASA proposal to add these items as (b)(2) and (b)(3) and to renumber the other items under (b). By adding these items as (b)(7) and (b)(8) confusion will be avoided with indentifying the requirements in the future. The current (b)(2) to (b)(7) will then keep the same content after the adoption of this NPA.</p>
response	<p>Not accepted.</p> <p>The placement proposed in the NPA follows the logic of the sequence of the requirements, namely first the necessity to obtain a clearance, and second the possible arrangements and specific cases of the clearance.</p>
comment	<p>101</p> <p style="text-align: right;">comment by: ENAV</p> <p><b>Comment</b>  <i>SERA.8015 Air traffic control clearances - point b)3)</i>  A GM is required to explain the meaning of using the word “normally” in new point b)3)</p>



	<p><b>Note</b> The use of “normally” refers implicitly to a certain degree of flexibility or the chances for exceptions; a GM should clarify the meaning of IR</p>
response	<p>Not accepted.</p> <p>The use of the word ‘normally’ originates from the PANS-ATM provision, from which the SERA requirement was proposed. EASA considers that GM to explain this term is not necessary. A clearance can also be given till an earlier point in the flight plan other than the one where the flight terminates.</p>
comment	<p>102 <span style="float: right;">comment by: ENAV</span></p>
	<p><b>Comment</b> <i>SERA.8015 Air traffic control clearances - point e)5 and e)6)</i> Apply a coherent taxonomy point 5 is about “authorization” while point 6 is about instructions</p>
response	<p>Accepted.</p> <p>According to existing SERA and Part-ATS requirements, AFIS units are entitled to manage vehicles and persons on the manoeuvring area and, therefore, they are entitled to issue instructions to them. As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes without any difference.</p>
comment	<p>103 <span style="float: right;">comment by: ENAV</span></p>
	<p><b>Comment</b> <i>GM2 SERA.8015(b)(1) Air traffic control clearances</i> Complete the GM with the indication that such speed restrictions ensuring containment should always be applied by the crew even in case of ATC instructing to cancel speed restrictions published on SID&amp;STAR</p>
response	<p>Not accepted.</p> <p>The controller is never expected to cancel speed restrictions that are essential to the containment of the track to be flown.</p>
comment	<p>116 <span style="float: right;">comment by: LVNL</span></p>
	<p>The adding of the two item under SERA.8015(b) is understood and agreed. However, LVNL proposes to add them as (b)(7) and (b)(8) in stead of EASA proposal of (b)(2) and (b)(3) and</p>



	renumbers the other items under (b). This will avoid confusion with indentifying the requirements in the future. The current (b)(2) to (b)(7) will then keep the same content after the adoption of this NPA.
response	<p>Not accepted.</p> <p>The placement proposed in the NPA follows the logic of the sequence of the requirements, namely first the necessity to obtain a clearance, and second the possible arrangements and specific cases of the clearance.</p>
comment	<p>121 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>Page 30 SERA.8015 (b) (2)          "...prior to entering the area where controlled flight will be commenced".</p> <p>Does the term "area" allow the flexibility that this can be any point in controlled airspace and used in the flight plan (e.g. the airspace boundary as defined, an RNAV waypoint, special activity area...)?</p>
response	<p>Noted.</p> <p>The controlled airspace boundaries are published, and the pilot is expected to be aware when crossing them.</p>
comment	<p>236 <span style="float: right;">comment by: <i>Europe Air Sports</i></span></p> <p>SERA.8015 Air traffic control clearances</p> <p>Europe Air Sports supports the efforts of EASA to clarify this topic.</p>
response	<p>Noted.</p>
comment	<p>257 <span style="float: right;">comment by: <i>Danish Civil Aviation and Railway Authority - DCARA</i></span></p> <p>Comment to SERA.8015(e)(5)          DCARA is of the opinion that point 5 does not constitute a difference to ICAO Annex 11 as the Regulation only clarifies what is already given by the Annex.</p>
response	<p>Noted.</p>



As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes.

comment

318

comment by: German NSA (BAF)

**SERA.8015 (b) (2), page 30**

The following wording is suggested: “When a flight plan specifies that the initial portion of a flight will be uncontrolled, and that the subsequent portion of the flight will be subject to air traffic control service, ~~the flight crew shall obtain the clearance from the appropriate ATC~~ air traffic control unit shall be obtained prior to entering the area where controlled flight will be commenced.”

With this wording, also aircrafts without a flight crew are covered by this regulation such as UAS etc.. Furthermore, from this point of view, contrary to the rationale, the content of the new SERA.8015 (b) (2) in this NPA deviates from 4.5.2.1 of PANS-ATM as it contains a time limit for obtaining a clearance.

response

Not accepted.

Amendments to SERA to accommodate UAS operations are being discussed and proposed in the context of RMT.0230.

comment

319

comment by: German NSA (BAF)

**SERA.8015 (b) (3)**

The following wording is suggested: “When a flight plan specifies that the first portion of a flight will be subject to air traffic control service, and that the subsequent portion will be uncontrolled, ~~the limit of the clearance shall not normally be beyond the point at which the controlled flight terminates~~ the aircraft shall normally be cleared to the point at which the controlled flight terminates.”

With the current wording in the NPA, the intention of the provision would be changed. The currently wording of the PANS-ATM assumes, as a standard case, that a clearance covers the entire controlled airspace up to the beginning of the uncontrolled airspace and that the clearance can, however, also end in a few cases before the end of the controlled airspace covering only a part of the controlled airspace till issuing a following clearance to the end of controlled airspace. With the wording of the NPA, the uncontrolled airspace behind would be considered as it would be possible to issue a clearance beyond the controlled airspace.

response

Accepted.



The text is amended accordingly.

comment 320 comment by: German NSA (BAF)

**SERA.8015 (b) (4)**

The following wording is suggested: “The pilot-in-command of an aircraft shall inform the responsible air traffic control unit if an air traffic control clearance is not satisfactory. In such cases, the air traffic control unit will issue an amended clearance, if practicable.”

response Not accepted.

The value of the addition is not understood.

comment 321 comment by: German NSA (BAF)

**SERA.8015 (e) (5)**

The following wording is suggested: “~~Vehicle drivers~~ ~~The drivers of a radio-equipped vehicle,~~ operating or intending to operate on the manoeuvring area shall read back to the air traffic controller ~~air traffic services personnel~~ safety-related parts of instructions or clearances ~~authorisations~~ which are transmitted by voice. Instructions and clearances ~~Authorisations~~ to enter, hold short of, cross and operate on any operational runway, taxiway or runway strip shall always be read back.”

response Partially accepted.

As a result of the consultation the decision was taken to add the Annex 11 provisions to SERA.8015(e) for ATC on controlled aerodromes.

comment 344 comment by: Finnish Transport and Communications Agency

Finnish Transport and Communications Agency is happy to see that the Amendment 7A of the PANS-ATM has finally been fully included in the EU legislation.

response Noted.

**GM1 SERA.8015(d)(3)(ii) Air traffic control clearances**

p. 33





comment	206	comment by: AESA
	It is noted that the last note placed at the end of point 4.5.7.2.1 of PANS-ATM hasn't been incorporated into GM1 SERA.8015(d)(3)(ii) (reference to AMC2 ATS.TR.235(b) and AMC4 ATS.TR.235(b)).	
response	Noted. EASA considers that this note does not qualify as regulatory material.	

<b>GM1 SERA.8015(b)(8) Air traffic control clearances</b>
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p. 33
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comment	268	comment by: Naviair
	Naviair finds the text a bit contradictionary and perhaps open for interpretation. The first part describes that an aircraft is to maintain last assigned level until descend on nominal glidepath. The other part describes, that if ATC request that the procedure is started from a different level than depicted this should be specified. Naviair believes that the first part should be changed to "When clearance for the approach is issued, the aircraft is cleared to descend to the level depicted on the instrument approach chart", which is more in line with the current ICAO specifications already in use and the same result is obtained. We prefer that changes are only introduced to ICAO wording if there is a specific purpose which is hard to identify in this case	
response	Not accepted. The GM is transposed from ICAO PANS-ATM without textual modifications and already included in Part-ATS with the same text. EASA is not aware of other current ICAO specifications applicable to this very context. When vectoring for approach, the controller is expected to ensure that the glide path is intercepted from below, as specified in AMC2 ATS.TR.155(c)(3).	

comment	356	comment by: DTA/MCU
	Reference: GM1 SERA.8015(b)(8) Air traffic control clearances  Comment: as this provision is already in R UE 2017/373 we think that the benefit of repeating it is minimal. In addition, the proposed GM does not really address directly what is stated in SERA.8015(b)(8). We propose to delete this GM from the proposition.	
response	Not accepted.	



The GM is relevant for air crew and well; hence, it is proposed also in the SERA framework.

### AMC1 SERA.8020(b) Adherence to current flight plan

p. 35

comment 104

comment by: ENAV

#### Comment

##### AMC1 SERA.8020(b) Adherence to current flight plan

Provision from Doc4444 5.4.2.4.1 and 5.4.2.4.2 are valid in the context of Mach Number Technique, the general requirement for pilots is in Doc4444 4.6.1.5 *The flight crew shall inform the ATC unit concerned if at any time they are unable to comply with a speed instruction. In such cases, the controller shall apply an alternative method to achieve the desired spacing between the aircraft concerned.*

This should be transposed into SERA

response

Not accepted.

The requirement for the flight crew to contact ATC if they are unable to comply with the speed instruction is already covered by SERA.8015(b)(2) and SERA.8020(b), the requirement in the implementing rule. In addition, the pilots must comply with all the restrictions issued by ATC and if they cannot, they should ask for an alternative.

comment 155

comment by: NSA Austria

The term *“true Mach number approved by ATC”* should be changed to *“true Mach number assigned by ATC”* since the Mach Number is usually given/assigned by ATC directly or after being requested by the pilot.

Since the term *“ATC clearance”* is generally used in SERA regulation, *“ATC approval”* should be changed to *“ATC clearance”*.

The part *“and should request ATC approval before making any changes thereto”* is not necessary in this context as the pilot is required to inform ATC if a clearance is not satisfactory (SERA.8015 (b) (2)).

response

Not accepted.

The comment does not provide robust justification that would justify the change of the PANS-ATM text that has been used for the NPA.



## AMC1 SERA.8025(a) Position reports

p. 36

comment 137 comment by: *Federal Ministry of Transport Germany, Aerodrome Department*

###Note ###

This comment is related to the proposed amendment to SERA.9010 (same page), which for some reason cannot be commented on directly in the CRT.

#####

The deletion of the word "significant" within the SERA.9010 is not supported because this will lead to a permanent broadcast of the RWY Status, even when the Status is not degraded by any contamination. This would lead to

- an unnecessary extension of ATIS broadcasts resulting in a degradation of awareness by the user
- increased burden on aerodrome operators and air traffic services due to the need to report RWCC on an ongoing basis.

In addition, a non-reported runway condition is interpreted as "good" by flight crews.

A definition of "significant" is provided in various places in the regulations.

response Not accepted.

Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.

comment 156 comment by: *NSA Austria*

Especially when utilising an ATS surveillance system position reports are normally redundant as the current position of the aircraft can continuously be withdrawn from the situation display. Therefore the proposed position reports would lead to an unnecessary frequency load.

We would prefer an *Opt-In Option* to the requirement of position reports, as they are obsolete for the majority of ATS units. A reporting requirement should furthermore only be prescribed if no communication between the ATS unit and the aircraft has occurred within the specified time periods.

response Not accepted.

The proposed text in the NPA already offers the necessary flexibility that would cover this comment.



comment	207	comment by: AESA
	The note from point 4.11.1.3 has not been transposed. It is suggested to include it as GM to clarify which type of conditions may be specified by the competent authority.	
response	Not accepted.	
	The provisions covered by the note in PANS-ATM are considered to be covered by point (b) of AMC1 SERA.8025(b).	

comment	285	comment by: FOCA Switzerland
	Regarding SERA.9010(b)(8), SERA.9010(c)(8) and SERA.9010(d)(7), on page 36 and 37, it is suggested to keep the term "significant".	
	Rationale: If the term "significant" is removed, this may mean that in future every runway surface condition (even a dry runway) must be published on ATIS and not only the significant ones where a runway is contaminated or wet. This would result in the ATIS becoming even longer without generating any added value.	
	If "significant" should be removed from the text, additional information will be needed on the content of the ATIS in relation to the GRF. This could be specified, for example, in form of AMC or GM.	
response	Not accepted.	
	Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.	

comment	322	comment by: German NSA (BAF)
	<b>SERA.8025 (c)</b>	
	Is it right that the new SERA.8025 (c) shall additionally allow the CA or the ATS unit to determine the use of abbreviated positions reports? And is it right that the requirement shall only prescribe the maximum content of the abbreviated position report so that the CA/ATS unit have the opportunity to prescribe less information? If so, the following wording is suggested. Furthermore, 3.1.4.1 of ICAO Doc 7030 contains the addition "unless otherwise specified". This addition has not been implemented in this NPA. What are the reasons therefore?	



“By derogation from point (a) and (b), if prescribed by the competent authority or determined by the appropriate air traffic services unit under conditions specified by that competent authority, abbreviated position reports shall be reported. These abbreviated position reports shall only contain the aircraft identification, position, time and flight level or altitude, unless the competent authority or the appropriate air traffic service unit determine less information.”

response Partially accepted.

The amendment was reconsidered to better reflect the intention of the amendment and promote clarity.

comment

323

comment by: *German NSA (BAF)*

**AMC1 SERA.8025 (a)**

The sentence “In applying this, account should be taken of the meteorological requirement for the making and reporting of routine aircraft observations.” should be deleted as it is not clear what is meant by “meteorological requirement”. Is the intention to evaluate existing routine aircraft observations and take them into account when granting exceptions? Then this should be formulated accordingly. At least it should be specified which requirements are meant here.

response Not accepted.

The proposed text in the NPA is a direct transposition of the provisions in PANS-ATM, and the comment does not justify the requested changes.

comment

325

comment by: *German NSA (BAF)*

**SERA.9010 (b) (8), (c) (8) and (d) (7)**

The respective deletion of the words “and, if appropriate, braking action” should be removed as it is a relevant information if available.

response Not accepted.

Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.



comment	<p>38</p> <p>Please consider, if the GM should follow the general emergency rule “aviate, navigate, communicate”.</p> <p>In this particular GM, we would propose to add “(1) Aviate, i.e. fly the aircraft by using the flight controls and flight instruments to direct the aircraft’s attitude, airspeed, and altitude.” or “Stabilise the aircraft and navigate by using ...”</p>	comment by: <i>GdF</i>
response	<p>Not accepted.</p> <p>The proposed comment relates to the pilots’ action and is more relevant for Regulation (EU) No 965/2012. The focus of the NPA proposal is on the ATM and is therefore aligned with Doc 4444 and 7030.</p>	
comment	<p>130</p> <p>Emergency descent procedures</p> <p>(a) (1)</p> <p>Is it worth considering if keeping the procedure is still the safest form of action, despite ICAO alignment? What hazard analysis has been done on this item to suggest divergence from ICAO is a less safe form of action to take?</p>	comment by: <i>European Transport Workers' Federation</i>
response	<p>Not accepted.</p> <p>The NPA proposal has the legitimacy of the ICAO working arrangements and adoption processes. No alternative proposal has been formulated against the ICAO approach and if so, it should bring a robust justification to deviate from ICAO since the EU requirement is to apply ICAO to the maximum extent possible.</p>	
comment	<p>147</p> <p><b>GM 1 SERA.11001, page 37</b></p> <p>Shouldn’t the existing IR, SERA.11001 (d) also be updated to include ATS in accordance with GM1 SERA.11001, where ATC is changed to ATS?</p>	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
response	<p>Not accepted.</p>	



SERA.11001(c) is about general ATS action, while SERA.11001(d) indicates actions to be taken only by ATC. The proposed GM provides further details of these actions.

### GM1 SERA.10001 Application

p. 37

comment 120 comment by: *DFS Deutsche Flugsicherung GmbH*

SERA.9010 ATIS

In order to align with GRF rules now the runway surface conditions have to be investigated and transmitted regularly, even if there are no significant changes to the runway surface and best weather conditions prevail. This is superfluous effort.

response Noted.

Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.

comment 258 comment by: *Danish Civil Aviation and Railway Authority - DCARA*

Comment to SERA.9010:

DCARA suggests that EASA raises the issue regarding the contradiction between GRF and Annex 11 with ICAO before it is implemented in EU regulation as to ensure a harmonized implementation.

response Noted. Further guidance material will be developed in due time considering the aerodrome and air operations domains together with ATM and standardisation aspects.

### SERA.12020 Exchange of air-reports

p. 39

comment 4 comment by: *DC-AL*

This amendment seems to conflict with SERA 9010 which suggests that braking action is not to be reported, and is not included in this CRT!

response Not accepted.



The philosophy of the runway condition report is that the aerodrome operator assesses the runway surface conditions whenever water, snow, slush, ice or frost are present on an operational runway. From this assessment, a runway condition code (RWYCC) and a description of the runway surface are reported which can be used by the flight crew for aeroplane performance calculations. The concept of the RCR is premised on, among others, a unique runway condition code (RWYCC) linking the agreed set of criteria with the aircraft landing and take-off performance table, and related to the braking action experienced and eventually reported by flight crews.

Either the runway condition code and the associated aircraft performance or the special report of previous flight crew can define the reported braking action.

comment 17 comment by: *Riga International Airport*

SERA.12020 (b) which is the same as ATS.OR.530 is open to interpretations as to how the ATS shall forward the AIREP to the aerodrome operator. It is desirable that a GM for SERA.12020 (b) is provided which could specify that communication procedures established according to ADR.OPS.B.031 b)3) may be applicable and a consideration shall be given to require the ATS to maintain records of forwarded AIREPs.

response Noted.

EASA will consider the development of such GM under RMT.0719.

comment 341 comment by: *Civil Aviation Authority Norway*

The Norwegian Civil Aviation Authority notices that SERA.12020. Exchange of air-reports b) still uses the phrase “braking action” although other references in SERA to this phrase have been removed.

We support the use of the phrase braking action, as it says in this point. The pilot cannot report the Runway Condition Code. The pilot can only say that the perceived braking effect does not match what was expected in the Runway Condition Report.

response Noted.





comment	106	comment by: ENAV
	<p><b>Comments</b>  AMC1 SERA.12005(a)(9) Special aircraft observations  Remove the reference to Reg 965/2012</p> <p><b>Note</b>  Including the reference to CAT.OP.MPA.311 gives the idea that the AMC applies to commercial air transport only.</p>	
response	<p>Accepted.</p> <p>The AMC is removed from the final proposal.</p>	

comment	347	comment by: DTA/MCU
	<p>Reference: AMC1 SERA.12005(a)(9) Special aircraft observations  GLOBAL REPORTING FORMAT  As soon as practicable, pilots should report by means of a special air-report (AIREP) as prescribed in CAT.OP.MPA.311 of Annex IV (Part-CAT) to Regulation (EU) No 965/2012.</p> <p>Comment: The reference to CAT.OP.MPA.311 of R UE 965/2012 doesn't seem useful in this AMC because the mere provision written as follows: "As soon as practicable, pilots should report by means of a special air-report (AIREP) <del>as prescribed in CAT.OP.MPA.311 of Annex IV (Part CAT) to Regulation (EU) No 965/2012.</del>" is sufficient to complement SERA.12005(a)(9) and therefore comply with CAT.OP.MPA.311 . Moreover, to apply regulatory references from CAT operations could be confusing for pilots not accustomed to operate in this type of operations.</p> <p>Proposal:  GLOBAL REPORTING FORMAT  "As soon as practicable, pilots should report by means of a special air-report (AIREP) <del>as prescribed in CAT.OP.MPA.311 of Annex IV (Part CAT) to Regulation (EU) No 965/2012.</del>"</p>	
response	<p>Partially accepted.</p> <p>The AMC is removed from the final proposal.</p>	

comment	359	comment by: European Cockpit Association
	<p>There seems to be missing what pilots are supposed to report: "runway breaking action" or maybe "runway condition code"?</p>	



	Add the information pilots are supposed to report.
response	Not accepted.  SERA.12005(a) and Appendix 5 clearly indicate what the pilots shall report. In addition, the proposed AMC1 SERA.12005(a)(9) is removed from the proposal.

<b>GM1 SERA.12020(a)(1) Exchange of air-reports</b>	p. 40
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comment	91	comment by: IFATCA
	All traffic should be considered.	
	The term 'other aircraft concerned' refers to <del>both departing and arriving</del> all aircraft on the maneuvering area.	

response	Not accepted.  The proposed GM is removed from the proposal.
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comment	131	comment by: European Transport Workers' Federation
	SERA.12020 Exchange of air-reports	
	(b)	
	Should the information not be transmitted as part of Essential Aerodrome Information?	

response	Not accepted.  The exchange of air-reports is not limited to aerodrome information.
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comment	208	comment by: AESA
	Although the SIB 2021-12R1 refers to departing and arriving aircraft, it is just in the case related to SERA.12020(b), that is, runway braking action not as good as reported. Additionally, the text in the SIB seems to be more correct than the one used in GM1: "to next departing and arriving aircraft until the aerodrome operator issues a new RCR".	



response Noted.  
The proposed GM is removed from the proposal.

comment 279 comment by: FOCA Switzerland

Regarding SERA.13015 (a) on page 40, it is suggested to delete the word "specific".

Rationale: Due to the fact that AMCs or GMs regarding the formal aspects of the approval by the competent authority are missing, the term "specific" seems to be inadequate. Each competent authority should have the freedom to decide by itself how to grant an approval. Therefore the term "approval from the competent authority" is sufficient.

response Accepted.  
The word is removed from the proposal.

comment 281 comment by: FOCA Switzerland

Regarding SERA.13015 (c) on page 40, it is suggested to replace "air traffic controller" with an appropriate term.

Rationale: These actions are also carried out by flight information service officers when using radar.

response Accepted.  
The 'air traffic controller' is replaced by 'air traffic services unit' in the proposal.

comment 393 comment by: BULATSA

All traffic should be considered.

proposal:

The term 'other aircraft concerned' refers to ~~both departing and arriving~~ **all aircraft on the maneuvering area.**

response Not accepted.  
The proposed GM is removed from the proposal.



## AMC1 SERA.13015 Mode S aircraft identification setting

p. 41

comment 209 comment by: AESA

Since ADS-B has been added in (a), (b) and (c) of SERA.13015, it should also be included in the title (Mode S or ADS-B...). This also affects to AMCs and GMs.

response Partially accepted.

The title of SERA.13015 and consequently of those of the related AMC and GM are amended to cover all on-board identification settings.

comment 259 comment by: Danish Civil Aviation and Railway Authority - DCARA

Comment to SERA.13015

DCARA supports the amendments, though suggests that the proposed text in (c) is also included in Part ATS as the provision clearly establishes actions to be taken by the ATCO.

response Noted.

comment 288 comment by: Naviair

Naviair is of the belief that the current text might be overreacting when it comes to the use of other Mode-S AircraftID other than included in flight plan or registration.

Naviair prefers to use this on specific flights like HeliDoc flights without a flight plan and we'd rather see them on CallSigns like in Denmark (DOC93) than a registration. We are of the belief that that regulation will complicate and not simplify operations. Complications and controller workload will lead to capacity constraints and increased costs. This needs to be taken into account in a CBA for the rule itself.

It is also important to take into account other stakeholders that are not regulated by this rule (923)

response Not accepted.

The proposed change introduces the flexibility for MSs to consider and specify the conditions under which an aircraft operated without a flight plan may transmit an aircraft identification different from the aircraft registration.



The requirement that an aircraft operating without the flight plan must select aircraft registration as aircraft identification transmitted by the Mode S transponder or ADS-B transmitter originates from ICAO Annex 10, Volume 4 SARPs.

When enabling the flexibility to transmit an aircraft identification different from the aircraft registration when operating without a flight plan, the competent authority needs to consider the elements listed in AMC1 SERA.13015(b).

comment 331

comment by: LfV

SERA.13015

For ANSPs to be able to handle aircrafts with specific approval not to use callsign as Mode S id, it's important that the competent authority informs all SUR- and ATS service providers of all approvals issued. Does SERA assure this, or are there other regulations aimed at the national regulators for this purpose?

AMC1 SERA.13015 (b) (2)

"the air traffic service provider has indicated...". An approval from the competent authority can affect all ANSPs operating within a national airspace, not just one. Important that all SUR and ATS providers are informed about the approvals issued.

response Accepted.

The wording of the AMC1 SERA.13015(b)(2) is amended to reflect that it should account for multiple ATSPs.

**GM3 SERA.13015 Mode S aircraft identification setting**

p. 42

comment 157

comment by: NSA Austria

Referring to ICAO Doc 8585 is not practicable since not all operators are listed therein and therefore unnecessarily limits the options of the competent authority

response Noted.

ICAO Doc 8585 recognises a set of designators allocated for the State to assign to local operators. Implicitly, the issues raised should not be a concern.

**Appendix 1 to AMC1 SERA.14001 General**

p. 43



comment	43	comment by: <i>GdF</i>
	<p>Quite a few phrases include the words “DUE TO” and some only “DUE”, which does not seem to make much sense in English. E.g. 1.1.13 *f) UNABLE RVSM DUE EQUIPMENT;</p> <p>Please deliberate, if it wouldn't be prudent to switch every instance to “DUE TO”. We would welcome this very much</p>	
response	<p>Not accepted.</p> <p>The proposed phraseology is part of global ICAO phraseology.</p>	

comment	60	comment by: <i>GdF</i>
	<p>2.1.6 Please advise AOs and ANSPs that change management is needed.</p>	
response	<p>Noted.</p>	

comment	61	comment by: <i>GdF</i>
	<p>Similar to GM1 SERA.8015(b)(1) we would propose to add an explanatory GM to clarify that 2.1.6 l) “NO SPEED RESTRICTIONS” does not affect airspace speed restrictions.</p>	
response	<p>Not accepted.</p> <p>The airspace speed restrictions are part of the regulation, whereas the term in the phraseology refers to ‘NO ATC SPEED RESTRICTIONS’, which does not overwrite the regulation by default.</p>	

comment	107	comment by: <i>ENAV</i>
	<p><b>Comment</b> <i>Appendix 1 to AMC1 SERA.14001 General</i> <i>2.1.6 Speed control “RESUME PUBLISHED SPEED”</i> Remove the phrase “RESUME PUBLISHED SPEED” or precisely define its meaning and the circumstance for its use</p>	



**Note**

There is no ATS procedure related to the use of such phrase. It is not possible to be sure of the pilot’s behavior when instructed to resume published speed.

It would be nice if these elements could be taken into account so that in case of amendment of SERA phraseology the addition of RESUME PUBLISHED SPEED is accompanied with the expected operational meaning of it.

In the context of speed control the following expression, (and those for speed limit cancellation on SID&STAR), apply with the meaning defined in Part ATS; RESUME NORMAL SPEED; NO [ATC] SPEED RESTRICTIONS.

(see AMC1 ATS.TR.210(a)(3) Operation of air traffic control service)

the expression RESUME NORMAL SPEED satisfies in almost every scenario the cancellation of any speed instruction (tactical) given by ATC and implies that any speed restriction published in the AIP remains applicable for the Pilot.

- It has to be noted that the expression NO [ATC] SPEED RESTRICTIONS (not to be used in the context of SID&STAR) is explicitly about restrictions and not about instructions.

- events may show misunderstandings derived from the use of RESUME PUBLISHED SPEED (it is possible that some operators may refer to the speeds published in their flight manual?); such phrase seems not always necessary because the needs of ATC may be fulfilled by using RESUME NORMAL SPEED.

response

Not accepted.

Additional clarification is added under the column ‘Circumstances’.

comment

148

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

**Appendix 1 AMC1 SERA.14001, page 43**

SID and STAR are abbreviations and should be written with capital letters. (Compare with doc 4444 and other abbreviations such as ILS and similar.)

Examples ” REJOIN SID [(sid SID designator)] [AT (waypoint)]

response

Accepted.

comment

158

comment by: *NSA Austria*



response	<p>As the continuation on the SID/STAR after the reception of a <i>direct to clearance</i> is common practice, the phraseology REJOIN SID [...] should be optional in order to reduce frequency load.</p> <p>Not accepted.</p> <p>The proposed phraseology is part of global ICAO phraseology. There is not enough justification provided in the comment.</p>
comment	<p>210 <span style="float: right;">comment by: AESA</span></p> <p>Point 1.3.1</p> <p>The reference to GM1 SERA.8015(d)(3)(ii) should be included. Although the Note is not included in PANS ATM, should it be included in point 1.3.2?</p>
response	<p>Accepted.</p> <p>The GM is added in the text and the note is repeated under 1.3.2.</p>
comment	<p>211 <span style="float: right;">comment by: AESA</span></p> <p>Point 5.2.2</p> <p>The note "Note.- Anti-icing code example..." should be included in the second column after letter d).</p>
response	<p>Accepted.</p> <p>The note is moved to the 'Phraseologies' column.</p>
comment	<p>272 <span style="float: right;">comment by: Navair</span></p> <p>ad. 1.1.2</p> <p>It is unclear if the rules requires the word "SID" or "STAR" requires the word to be included in any instruction given to an aircraft established on a SID or STAR or if it is only at first call. If the intention is that the word "SID" or "STAR" is to be included in any transmission regarding the rules, while an aircraft os on a SID/STAR that will introduce a lot of extra words in all transmissions. In a high density TMA will this incese frequency time and possibly reduce capacity. Navair finds that adding SID/STAR to any transmission other than first call will have a negative effect on capacity and controller workload and that any supposed safety improvements doesnt measure up to the negative impacts. Navair suggest the wording is</p>





	rephrased to state that this is only required at first call and as long as an aircraft continues on already assigned and acknowledged SID og STAR
response	Not accepted.  The proposed phraseology is part of global ICAO phraseology. There is not enough justification provided in the comment.

comment	324	comment by: RoCAA
	<p><u>RoCAA comment:</u></p> <p>ICAO State Letter AN 13/2.1-22/30 issued by ICAO on 29 April refers to Amendment 11 to PANS ATM (Doc. 4444) which amends the elements of approach control phraseology. According to <b>Draft recommendation for a reply to ICAO State Letter AN 13/2.1-22/30 (our reference: 22/30) issued by ICAO on 29 April 2022 (Subject: Approval of Amendment 11 to the PANS-ATM) prepared by EASA</b>, Member States are recommended for notification of differences that there will be no additional difference on 3 November 2022 between the regulations and/or practices of the European Member States and the provisions of the Procedures for Air Navigation Services – Air Traffic Management (PANS-ATM, Doc 4444) including Amendment 11.</p> <p>Based on the above, the NPA 2022-04 should reflect the changes and modifications included in Amendment 11 to PANS ATM (Doc. 4444).</p>	
response	Accepted.  The ED Decision will take into consideration the then applicable text of Appendix 1 to AMC1 SERA.14001.	

comment	332	comment by: LFV
	<p>Very good that the SID/STAR phraseology from Doc 4444 is now implemented in SERA, since the Swedish regulator has decided that this phraseology should not be used in Sweden. Via SERA it will become mandatory. Unfortunate that countries are using different phraseology.</p> <p>1.3.2 – “Cleared direct (waypoint), rejoin STAR (designator) at (waypoint)” Is it necessary to use the phrase “rejoin STAR” if an arriving aircraft already is established on STAR and gets a shortcut to a nav-point further ahead on the same STAR? Unnecessary phraseology? And if an aircraft is cleared direct a waypoint to “rejoin STAR” – why does ATC have to repeat the waypoint again? Unnecessary phraseology? Of course the rejoin is at the waypoint to which aircraft is being cleared.</p>	



response Not accepted.  
The proposed phraseology is part of global ICAO phraseology. There is not enough justification provided in the comment.

comment 362 comment by: *European Cockpit Association*  
"climb via SID" is often incorrectly pronounced as "climb via ESS EI DEE" (cf. ICAO Doc 8400)  
It is suggested to add a remark about the correct pronunciation of SID (as one word).

response Not accepted.  
This is supposed to be part of the basic training on radio communication.

#### GM5 SERA.13015 Mode S aircraft identification setting

p. 43

comment 326 comment by: *German NSA (BAF)*  
The words "needs to be assessed" in GM-Material are not possible, so the wording has to be changed.

response Not accepted. The wording is considered to be appropriate for the GM.

#### GM5 SERA.14035(a)(2) Transmission of numbers in radiotelephony

p. 47

comment 22 comment by: *DFS Deutsche Flugsicherung GmbH*  
GM5 SERA.14035(a)(2)  
SERA.14035 (a) (1) contains an introductory sentence, which is not contained in ICAO Annex 10. The purpose obviously was to better summarise the provisions.  
Unfortunately, the list of points ends with "... and speed", which could imply that speed is a last criteria of the list and therefore linked with the word "and".



## 1. Summary of the outcome of the consultation

response	<p>The context however shows that here, the term "speed" is fixed to the term "wind direction" GM1 shows how "wind direction and speed" shall be transmitted. (By the way, in the Easy Access Rules this table is wrongly formatted).</p> <p>So, in order to prevent misinterpretation of the "and" of the list of criteria in the first sentence of para (a)(1) it is suggested to change the sequence: "All numbers used in the transmission of aircraft call sign, <b>wind direction and speed</b>, headings <b>and runway</b> shall be transmitted by ...."</p> <p>Accepted.</p> <p>The order of the phrases is changed for clarity and the table mentioned in the comment is also corrected.</p>
comment	<p>62 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Thank you very much for the addition of this GM. This should remove any doubts about the interpretation of SERA.14035. Explicitly agree.</p>
response	<p>Noted.</p>
comment	<p>159 <span style="float: right;">comment by: <i>NSA Austria</i></span></p> <p>The table contains a typo: Indicate<b>d</b> airspeed</p>
response	<p>Accepted.</p> <p>The typo is corrected.</p>
comment	<p>212 <span style="float: right;">comment by: <i>AESA</i></span></p> <p>Typo: Indicated.</p>
response	<p>Accepted.</p> <p>The typo is corrected.</p>
comment	<p>363 <span style="float: right;">comment by: <i>European Cockpit Association</i></span></p>



	There is a typo in the header of the table: Indicatd.
response	Accepted. The typo is corrected.

**SERA.14045 Transmitting technique**

p. 47

comment	149 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
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**SERA.14045, page 47**

Either TAKE-OFF or TAKE OFF should be used. Now both ways of writing occurs.

response	Noted.
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The correction, where appropriate, is implemented.

comment	160 comment by: <i>NSA Austria</i>
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To prevent misunderstandings in the different translations of the SERA regulation the phrase should be changed as follows:

*When using the English phraseology, the expression TAKE-OFF shall only be used in radiotelephony when an aircraft is cleared for take-off or when cancelling a take-off clearance.*

response	Not accepted.
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The translation issues are not part of this regulatory activity.

**AMC1 SERA.14050 Radiotelephony call signs for aircraft**

p. 48

comment	9 comment by: <i>Zurich Airport</i>
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On the same frequency as the aircraft, yes. If this is a different frequency (e.g. trunked radio system), different phraseology guidance should apply.



response Partially accepted.

The text of the AMC is modified to differentiate between flights operated with a flight plan or those operated without a flight plan.

comment 65 comment by: GdF

Isn't this the wrong way around? The call sign should be the one filed in the flight plan and the aircraft identification should be the same (see AMC1 SERA.13015) unless a mistake has happened.

Example:  
filed call sign: AFR2  
erroneous flight ID: DLH2  
In our opinion, the flight should still call in as Air France and not as Lufthansa.

Please confirm the AMC's wording and that the sequence would be:

1. FPL callsign
2. Registration
3. Authorised callsign

response Partially accepted.

The text of the AMC is modified to differentiate between flights operated with a flight plan or those operated without a flight plan.

comment 327 comment by: German NSA (BAF)

**SERA.14065**

According to the Executive Summary, the NPA is supposed to “ensure synchronisation between the SERA regulatory framework and the originating transposed International Civil Aviation Organization (ICAO) provisions, especially those of ICAO Doc 4444 ‘PANS-ATM’ up to its Amendment 9”. However, concerning wake turbulence categories there is a discrepancy between PANS-ATM and Regulation 2017/373 (see AMC1 ATS.TR.220). According to point 4.9.1 PANS-ATM, SUPER is abbreviated with the letter “J” and defined as follows: “SUPER (J) - aircraft types specified as such in ICAO Doc 8643, *Aircraft Type Designators*”.

In contrast to that, AMC1 ATS.TR.220 uses the letter „S“ and defines SUPER as follows: „SUPER (S) if so identified by the competent authority;“.

It is recommended to adapt European Rules to point 4.9.1 PANS-ATM.

response Accepted.



This discrepancy is addressed by the regulatory proposal resulting from the processing of NPA 2022-04.

**SERA.14083 Radio communication failure procedures**

p. 49

comment 13 comment by: *Uppsala Flying Club*

The change in (c)(4)(i) to have a uniform time independent of procedural or surveillance-based ATC is very good!

The introduction of a separate transponder code in the case (c)(6) is also very good!

response Noted.

comment 66 comment by: *GdF*

We explicitly agree with the text and the prescribed actions. The regulations in (b) seem to be better suited to be included in an AMC than “hard law” - please deliberate.

Please advise AOs and ANSPs that change management is needed.

Potential typo:

The aircraft shall set the transponder ~~on~~ to Mode A Code 7600 and/or set the...

response Not accepted.

SERA.14083(b) contains provisions of ICAO Annex 10 Volume II. This does not allow the requirements to be transposed in AMC.

In ICAO Doc 4444 there are several occasions where Mode A Code 7600 is used. When the text only refers to the special code, then ‘to Code 7600’ is used.

The warning to the change management procedure is noted.

comment 108 comment by: *ENAV*

**Comment**

*SERA.14083 Radio communication failure procedures*



response	<p>Provide guidance and requirements for aircraft experiencing RCF on the ground (maneuvering area)</p> <p><b>Note</b> It would be very helpful to standardize Pilots behavior in case of RCF occurring on the ground</p> <p>Not accepted.</p> <p>It is an area not covered by the current ICAO provisions. Aircraft in the vicinity of an aerodrome, including those on the manoeuvring area should watch for signals made by the aerodrome controllers.</p>
comment	<p>132 <span style="float: right;">comment by: <i>European Transport Workers' Federation</i></span></p> <p>The use of the word 'downstream' is understood by inference but is it a defined word in aviation lexicon or does it appear in any glossary?</p>
response	<p>Noted.</p> <p>'Downstream clearance' is defined in SERA Article 2(68), ICAO Annex 11 and in Regulation (EU) 2017/373 as (175) of Annex I – Part-Definitions, and it means a clearance issued to an aircraft by an air traffic control unit that is not the current controlling authority of that aircraft. For further clarification of the word 'downstream', please refer to the Oxford Dictionary.</p>
comment	<p>133 <span style="float: right;">comment by: <i>European Transport Workers' Federation</i></span></p> <p>"20 minutes"</p> <p>Why 20 minutes? This seems excessive and could cause issues elsewhere (navigation issues / fuel shortages etc.)</p>
response	<p>Noted.</p> <p>The 7-minute parameter for surveillance environment has been introduced in European regional procedures to accommodate RVSM transitions, and was later elevated to global provisions. Pilot communities struggled with this and requested a common parameter as in many situations they are not fully aware of surveillance or non-surveillance environment.</p> <p>The assessment of applying 20 minutes in all cases did not identify a critical reason for which this cannot be achieved.</p>



comment	<p>161</p> <p><u>SERA.14083 (a)</u></p> <p>It should be considered to also include the VHF emergency channel (121,5 MHz) in the first paragraph:</p> <p><i>(a) When an aircraft is unable to comply with SERA.8035(a), the flight crew shall attempt to establish contact on the previous channel used and, if not successful, on <b>the VHF emergency channel 121,5 MHz or another channel appropriate to the route. If these attempts fail, the flight crew shall attempt to establish communication with:</b></i> [...]</p>	comment by: NSA Austria
response	<p>Not accepted.</p> <p>The 121.5 MHz frequency can be used, if nothing else works because to communicate on any frequency is more important than to keep 121.5 only for emergency transmissions as required by Article 4a. The number of ‘loss of communication’ cases in Europe is considerably high, which would induce disruptions in the use of 121.5 MHz.</p>	
comment	<p>162</p> <p><u>SERA.14083 (b) (2) (iii):</u></p> <p>The aircraft operator does not need to be known by the ATC unit – Therefore we would prefer the following wording:</p> <p><i>(iii) <b>as far as practicable</b> initiate the notification to the aircraft operator, as soon as possible, of any failure in air-ground communication.</i></p>	comment by: NSA Austria
response	<p>Not accepted.</p> <p>The phrase ‘as soon as possible’ and the context of SERA.14083(b)(2)(iii) already reduce the obligation to comply with this requirement. There are requirements in ICAO Annex 11, transposed in Regulation (EU) 2017/373, for communication between ATC and aircraft operator (see, e.g., SERA.7005 or SERA.11005(c)).</p>	
comment	<p>163</p> <p><u>SERA.14083 (c) (6):</u></p> <p>In our understanding the flight rules do not change and the flight continues IFR in VMC.</p>	comment by: NSA Austria





	<p>GM2 SERA.14083(c) does not include the flight rules for decision making. Many aerodromes are not certified to handle IFR traffic, therefore an IFR landing on the nearest suitable aerodrome may not be possible since it is not permitted (“VFR only aerodrome”).</p> <p>As the pilot is unable to cancel IFR (SERA.5015 (c)) the pilot may therefore only be able to land at an aerodrome where IFR flights are accepted. Therefore it should be clarified under which flight rules the aircraft continues to operate when setting SSR Code 7601.</p>
response	<p>Not accepted.</p> <p>An IFR flight deciding to remain in VMC and land at nearest suitable aerodrome does not change the flight rules under which it is operated. To assess the suitability of the aerodrome, the pilot shall take into account, inter alia, the type of runway, the length of runway, the services at the aerodrome and so on. The provisions are applicable to both commercial and non-commercial IFR. An IFR Cessna 172 could easily use an VFR aerodrome if suitable.</p>
comment	<p>164 <span style="float: right;">comment by: NSA Austria</span></p> <p><u>SERA.14083 (e):</u></p> <p>The last sentence should be changed as described below since the ACC might not be the only unit responsible:</p> <p><i>The <b>ATS unit responsible</b> in whose area the destination aerodrome is located shall take steps to obtain information on the alternate aerodrome(s) and other relevant information specified in the filed flight plan, if such information is not available.</i></p>
response	<p>Not accepted.</p> <p>The provisions in SERA.14083 are designed to cover the scenarios where the requirements in SERA.8035 cannot be fulfilled (controlled flights). Hence, the follow-up actions should address ATC units.</p>
comment	<p>170 <span style="float: right;">comment by: NSA Austria</span></p> <p><u>SERA.14083 (f):</u></p> <p>The point (f) should be amended as described below since the information may also be received by an ATS unit:</p> <p>(f) When an air traffic <del>control</del> <b>services</b> unit receives information that an aircraft, after experiencing a communication failure, has re-established communication or has landed, that</p>



	<p>unit shall inform the air traffic control unit in whose area the aircraft was operating at the time the failure occurred, and other air traffic services units concerned along the route of flight, giving necessary information for the continuation of control if the aircraft is continuing in flight.</p>
response	<p>Not accepted.</p> <p>Although the information that an aircraft experiencing RCF has established communication or has landed may initially be from an ATS unit, the requirements to inform the ATC unit where RCF initially occurred and all other units along the route remains with the ATC unit as they normally have the possibility to communicate that via ground-ground communications available.</p>
comment	<p>232 <span style="float: right;">comment by: <i>Europe Air Sports</i></span></p> <p>SERA.14083 Radio communication failure procedures</p> <p>Europe Air Sports supports the proposed new provision including AMC and GM.</p>
response	<p>Noted.</p>
comment	<p>269 <span style="float: right;">comment by: <i>Naviair</i></span></p> <p>Naviair supports the implementation of SSR 7601A, as we see it as a safety improvement that ATC will be able to identify which procedure can be expected to be followed.</p> <p>However this will require a system update of the various radardisplay systems in use at all sites before it can be implemented. ATC systems today are designed to support the use of SSR 7500/7600/7700, where the labels are marked and identification is maintained. It is necessary to have the system support in place before the rule can be in force. Current lead times for system changes are up to 3 years and cannot in most cases be forced, hence such a timeframe needs to be taken into account when the rule comes into force. ANSPs cannot be compliant without the required system support and enforcing the rule before the systems are in place will introduce a new risk - the use of SSR 7601A will remove the radarlabel and identification. That risk is above acceptable level for Naviair to accept before system support is possible.</p> <p>Secondly, this has not been coordinated in SCPG in Eurocontrol, which we deem vital and also means that there is not coordinated approach to this. Hence, this topic needs to be discussed, planned and agreed at SCPG to ensure a European coordinated approach to the issue.</p>
response	<p>Noted.</p>



The issue of adapting the ground ATS systems to automatically retain correlation (as for the cases of A7500, A7600 and A7700) when an aircraft transmits A7601, is known and reflected in the rationale for introducing the change to regulation. Although the number of situations of loss of communication is relatively high, they do not result in declaring RCF, per se, which remains extremely low. As a consequence, the potential occurrences of A7601 would be extremely rare, indeed.

Initial discussions and appropriate awareness of the technical secretariat of the working arrangements dealing with the management of the SSR codes was initiated. The steps to reserve the use of A7601 are to be initiated when there is a clear indication that the proposed regulation has reasonable chances to be approved.

comment

282

comment by: FOCA Switzerland

Regarding SERA.14083 (c) (6) on page 51, it is suggested to remove this procedure.

Rationale:

- The 7601 procedure is not considered as necessary or beneficial. In non-radar environments, no code will be observed anyway. In radar environments, even with the existing 7600, ATS will observe the flight leaving its FPL route and conclude that the pilot is doing so for sound operational reasons (such as proceeding in VMC) and react accordingly.
- Reserving 7601 would remove a valuable scarce resource from the European network, for questionable benefit in return. Even the NPA itself (page 8) describes the likelihood of 7601 being used as "remote".
- Introducing 7601 procedures through SERA would only make them applicable in EU Member States (plus those with aviation agreements), creating confusing inconsistencies for pilots with regards to procedures in adjoining non-Member States and at the interfaces. Additionally, non-Member States would continue to use 7601 as a regular code, potentially creating alert nuisances on the displays of adjoining Member States. If 7601 is nonetheless to be introduced, an ICAO EUR Region or Global implementation would be much preferred.
- If 7601 is nonetheless introduced, before this, States must be given sufficient time to adapt their systems to highlight the flight concerned and maintain correlation. The NPA itself mentions these necessary adaptations (page 8) but suggests that manual correlation could instead be used in the meantime – however, obliging ATS to locate and manually re-correlate a decorrelated flight making VMC manoeuvres while in a contingency situation is not acceptable.
- If 7601 is nonetheless introduced, before this, those States which currently assign or retain 7601 (as a normal code) must be given sufficient time to adapt their systems, procedures and agreements accordingly.

response

Noted.



The proposed provisions are in line with agreements reached at ICAO EANPG levels as proposals to amend ICAO Annex 2, containing essential elements addressing differences published by several States in EUR Region to ICAO Annex 2.

The necessity of a separate SSR code to indicate the decision of a pilot of an IFR flight to remain in VMC and land at the nearest suitable aerodrome comes also from the responsibilities of the controller to separate all the other aircraft from the one experiencing RCF. As deviation from the flight plan will remove the needed predictability regarding the manoeuvres of the aircraft experiencing RCF, the tasks of ensuring separation would create an unmanageable burden in a dense traffic situation to the controller, as well as liability, while the controller is doing his or her best to avoid collision but might not be able to avoid infringement of separation between the aircraft experiencing RCF and other aircraft.

Initial discussions and appropriate awareness of the technical secretariat of the working arrangements dealing with the management of the SSR codes was initiated. The steps to reserve the use of A7601 are to be initiated when there is a clear indication that the proposed regulation has reasonable chances to be approved.

comment

328

comment by: *German NSA (BAF)***SERA.14083 (a)**

The following wording is suggested: “When an aircraft is unable to comply with SERA.8035(a), the flight crew shall attempt to establish contact on the previous channel used and, if not successful, on another channel appropriate to the route, in particular the Guard frequency on 121.5 MHz.”

Since Guard frequency is the most likely other channel appropriate to every route, where ATC would try to reach any flight that does not comply with SERA.8035 (a), it should be mentioned explicitly to highlight its value and easy to obtain approach in solving that problem.

response

Not accepted.

Article 4a of SERA describes the requirements with regard to the VHF emergency frequency. Although communications on 121.5 could be attempted as a last resort, they should not be the first to use. The number of ‘loss of communication’ cases in Europe is considerably high, which would induce disruptions in the use of 121.5 MHz.

comment

333

comment by: *LFV*

LFV suggest the use of Mode A Code 7601 to be implemented at the same time as ICAO (2025).



response Noted.

The necessary synchronisation with ICAO Annex 2 foreseen updates is difficult to implement as there is no clear picture of the ICAO ANC technical panels discussions and conclusions on this topic. Close monitoring of the progress in that area is maintained.

comment 358 comment by: DTA/MCU

Reference: SERA.14083 Radio communication failure procedures – Paragraph e)

The area control centre in whose area the destination aerodrome is located shall take steps to obtain information on the alternate aerodrome(s) and other relevant information specified in the filed flight plan, if such information is not available.

Comment: The ACC necessarily has the information from the submitted flight plan. Which case does this paragraph aim to cover?

response Noted.

Obtaining information on the alternate aerodrome is not meant to define the alternate aerodrome, but information relevant to operations at that aerodrome.

comment 374 comment by: DFS Deutsche Flugsicherung GmbH

SERA.14083 (c) (5) is deemed to be the exemption of point (4), meaning "apply the procedure as specified in (4) (i)-(vi) unless the SID or STAR chart contains a different procedure.

It is very practicable to make use of the standard RCF procedure and to map the procedure only when it deviates from it. The clarity of the charts is preserved by not putting too much information on it. This is also explained in EASA's rationale point a. iii. to "apply potential RCF procedures published on arrival and departure charts".

Point (5), however, could mean to publish the RCF procedure on any SID and STAR chart as it does not contain a hint that it applies only in case when point (4) can not apply. Could this be added for more clarity, please?

response Accepted.

The requirement is amended.

comment 389 comment by: German NSA (BAF)



**SERA.14083 (5)**

BAF suggests the following wording:

“An IFR flight following a standard instrument departure route or a standard instrument arrival route shall comply with the provisions for radio communication failure. Only non-standard radio communication failure procedures shall be specified on the Standard Departure Chart - Instrument (SID) or Standard Arrival Chart - Instrument (STAR).”

The publication of every radio communication failure procedure on the charts would lead to a complexity of information on the chart which could result in a safety issue which should be avoided. Therefore, we suggest to limit the wording to non-standard radio communication failure procedures.

response

Not accepted.

A different approach was taken giving more flexibility to the Member States to design the SIDs and STARs as required by local circumstances.

**AMC1 SERA.14083(b)(1) Radio communication failure procedures**

p. 53

comment

165

comment by: *NSA Austria***AMC1 SERA.14083(b)(3)**

The procedure to transmit on voice frequencies of available radio navigation or approach aids is not always practicable – Therefore it should only be prescribed as far as practicable.

response

Accepted.

The text of the AMC is amended accordingly.

comment

365

comment by: *European Cockpit Association*

This prescient change is highly appreciated.

response

Noted.



**AMC1 SERA.14083(b)(3) Radio communication failure procedures**

p. 53

comment 171 comment by: NSA Austria

The procedure to transmit on voice frequencies of available radio navigation or approach aids is not always practicable – Therefore it should only be prescribed as far as practicable.

response Accepted.

The text of the AMC is amended accordingly.

comment 213 comment by: AESA

Why the first part of point 15.3.5 of PANS-ATM hasn't been transposed?

response Noted.

The first part of the paragraph was transposed in SERA.14083(b)(3).

**GM2 SERA.14083(c) Radio communication failure procedures**

p. 54

comment 166 comment by: NSA Austria

GM2 SERA.14083(c)

Due to the lack of detailed values for assessing, the affected air traffic controller is not able to determine which specific airport the pilot will choose.

response Noted.

There is, indeed, uncertainty with regard to the suitability of the aerodrome to be assessed by the pilot, which cannot be overcome without the communication between the pilot and the air traffic controller. This is one of the reasons why VMC conditions are needed.

**AMC1 SERA.14083(d) Radio communication failure procedures**

p. 54



comment	167	comment by: NSA Austria
	<p><u>AMC1 SERA.14083(d) (c):</u></p> <p>If the actual position of the aircraft is known the ATCO is anytime able to provide separation according to the observed maneuvers of the aircraft.</p> <p>Point (c) should be changed:</p> <p><i>(c) if the actual position of the aircraft is unknown pertinent information should be given to other aircraft in the vicinity of the presumed position of the aircraft experiencing the failure.</i></p>	
response	<p>Partially agreed.</p> <p>The requirement is amended in a different way.</p>	

comment	169	comment by: NSA Austria
	<p><u>AMC1 SERA.14083(d) (e):</u></p> <p>The aircraft operator does not need to be known by the ATC unit (see also comment on the implementing rule).</p>	
response	<p>Noted.</p> <p>The action to be taken is with regard to the situation when at the arrival aerodrome normal operations are suspended in anticipation of the arrival of an aircraft with RCF. The suspension of normal operations would affect equally operators and pilots intending to operate from/to that aerodrome. They should be informed accordingly.</p> <p>There are requirements in ICAO Annex 11, transposed in Regulation (EU) 2017/373, for communication between ATC and aircraft operator (see, e.g., SERA.7005 or SERA.11005(c)).</p>	

comment	214	comment by: AESA
	<p>Should a reference to SERA.14083(c)(5) be included in point (a)(1) and (a)(2)?</p>	
response	<p>Not accepted.</p> <p>SERA.14083(c)(5) is defined on IR level and there is no need to include it in AMC1 SERA.14083(d).</p>	





comment 215 comment by: AESA

In point (e), the text: "When an air traffic control unit at the arrival aerodrome has suspended normal operations in anticipation of the arrival of an aircraft experiencing communication failure" does not appear in the current edition of the PANS ATM. What are the benefits of adding this clarification?

response Noted.

The suspension of normal operations is implied in the wording of PANS-ATM 15.3.10. For clarity, it was considered necessary to reiterate the assumptions under which the specific actions are required.

### GM1 SERA.14083(d) Radio communication failure procedures

p. 56

comment 216 comment by: AESA

Why the last part of point 8.8.3.2 of PANS-ATM hasn't been transposed?

response Noted.

The last part of 8.8.3.2 of PANS-ATM was subject to thorough review at the time EANPG endorsed changes to better accommodate the EUR environment.

From an EU rulemaking perspective, most of the requirements in the mentioned part are covered by the provisions in Regulation (EU) 2017/373 (GM1 ATS.TR.155(a) ATS surveillance services) addressing the case of unidentified aircraft.

### GM1 SERA.14090(a) Specific communication procedures

p. 58

comment 20 comment by: DFS Deutsche Flugsicherung GmbH

SERA.14090 c) indication of heavy wake turbulence category  
The text is amended to include super and heavy WTC, however the headline is not.  
Headline should be amended, too:  
"(c) Indication of **super and heavy** wake turbulence categories"

response Accepted.



The title is amended accordingly.

comment

26

comment by: *CANSO*

SERA.14090 c) indication of heavy wake turbulence category  
The text is amended to include super and heavy WTC, however the headline is not.  
Headline should be amended, too:  
"(c) Indication of **super and** heavy wake turbulence categories"

response

Accepted.

The title is amended accordingly.

comment

119

comment by: *DFS Deutsche Flugsicherung GmbH*

SERA.14090 (d) (3)+(4)

Although this is the order as proposed by ICAO, we suggest to put point (4) before point (3) for the sake of chronology and importance:

The pilot shall:

- (1) identify need for weather deviation and initiate communication to ATS
- (2) urge when necessary
- (3) request clearance to deviate
- (4) inform when no longer required or back on cleared route.

Otherwise it could be understood that the pilot can return on track without clearance.

response

Accepted.

The two points are swapped.

comment

329

comment by: *German NSA (BAF)*

### **SERA.14090**

According to the Executive Summary, the NPA is supposed to “ensure synchronisation between the SERA regulatory framework and the originating transposed International Civil Aviation Organization (ICAO) provisions, especially those of ICAO Doc 4444 ‘PANS-ATM’ up to its Amendment 9”. However, concerning wake turbulence categories there is a discrepancy between PANS-ATM and Regulation 2017/373 (see AMC1 ATS.TR.220). According to point



4.9.1 PANS-ATM, SUPER is abbreviated with the letter “J” and defined as follows: “SUPER (J) - aircraft types specified as such in ICAO Doc 8643, *Aircraft Type Designators*”.

In contrast to that, AMC1 ATS.TR.220 uses the letter „S“ and defines SUPER as follows: „SUPER (S) if so identified by the competent authority;“.

It is recommended to adapt European Rules to point 4.9.1 PANS-ATM.

response

Noted.

This discrepancy is addressed by the regulatory proposal resulting from the processing of NPA 2022-04.

### AMC1 SERA.14090(e) Specific communication procedures

p. 59

comment

21

comment by: *DFS Deutsche Flugsicherung GmbH*

AMC1 SERA.14090(e)

In Germany most of our SID-procedures are designed with the following items:

- PDGs for obstacle-clearance after take-off;
- low-level altitude restrictions below the initial published altitude of the procedure, to initiate the first turn or turns on the SID to manage noise abatement
- speed restrictions to enable a tight turn radius to manage noise abatement
- speed restrictions to avoid compression on the SID

The adherence to all of these items is covered by rules published by ICAO and now partially in this NPA.

The use of "climb via SID" on our procedures caused a significant increase in R/T-time without the benefit it could deliver on CCO-profile-SIDs, for which it was designed.

response

Not accepted.

Insufficient justification.

comment

25

comment by: *CANSO*

In some countries (e.g. Germany) some SID-procedures are designed with the following items:

- PDGs for obstacle-clearance after take-off;
- low-level altitude restrictions below the initial published altitude of the procedure, to initiate the first turn or turns on the SID to manage noise abatement
- speed restrictions to enable a tight turn radius to manage noise abatement



response	<p>- speed restrictions to avoid compression on the SID</p> <p>The adherence to all of these items is covered by rules published by ICAO and now partially in this NPA.</p> <p>The use of "climb via SID" on procedures caused a significant increase in R/T-time without the benefit it could deliver on CCO-profile-SIDs, for which it was designed.</p> <p>Not accepted.</p> <p>Insufficient justification.</p>
comment	<p>48 <span style="float: right;">comment by: GdF</span></p>
response	<p>When introducing the AMD7-Phraseology in our state, we had a lot of discussions about the form and content of the initial en-route clearance given to (mostly) departing aircraft. We think it would help harmonisation and standardisation, if EASA would include this in the Appendix 1.</p> <p>Attached is the version in use, proposed as a basis for discussion.</p> <p>Issuance of en-route clearance</p> <p>Pilot: REQUEST *EN-ROUTE* CLEARANCE</p> <p>ATC: CLEARED / PROCEED *TO* (clearance limit) (SID designator / details of route to be followed / instructions) FLIGHT PLANNED ROUTE (or description of route) CLIMB VIA SID (level) SQUAWK (four figures) *(instructions)*</p> <p>Not accepted.</p> <p>Insufficient justification. SID/STAR phraseology has been recently adopted at global level. The comment has no attachment.</p>
comment	<p>49 <span style="float: right;">comment by: GdF</span></p>
response	<p>Some countries have a tendency to pronounce SID as ESS-AI-DEE. Please consider a GM to clarify pronunciation as SID, as specified in Doc 8400 (page 1-14).</p> <p>Not accepted.</p> <p>Supposed to be part of the basic training on radio communication.</p>



comment	<p>50</p> <p style="text-align: right;">comment by: <i>GdF</i></p> <p>Request GM to cover the following case, which should be covered explicitly in our experience and not only implicitly:  ABC001 is at FL320 on a STAR.  DEF502 is at FL310 crossing the flight path.  The next restriction on the STAR is FL 260-300.  Obviously, ATC will not issue a descent clearance, due to traffic, which makes the flight ABC001 miss the restriction.  A related example would be a waypoint on a STAR with a restriction of FL290-360. The arriving flight is cruising happily at FL 280, thereby missing the first restriction window.  It needs to be made clear that no action may be taken by the pilot without clearance. The cancellation of the restrictions is implicit and should not require a cancellation.  Additionally, please consider if the restrictions apply to aircraft in a state of RCF.  Applies to AMC2 as well.</p>
response	<p>Not accepted.</p> <p>The example in the comment is covered by AMC2 SERA.14090(e).</p>

comment	<p>51</p> <p style="text-align: right;">comment by: <i>GdF</i></p> <p>“If there are no remaining published level or speed restrictions on the SID, the phrase CLIMB TO (level) should be used.”  There is a shift from the ICAO-should (recommendation) to the AMC-should, which is stronger, as far as we understand.  The number and complexity of SIDs and STARs in Central Europe is so high, that we request to change the wording to “<del>should</del> may be used.”  Applies to AMC2 as well.</p>
response	<p>Not accepted.</p> <p>The submission of an AltMoC is possible if the local operation cannot apply the AMC.</p>

comment	<p>52</p> <p style="text-align: right;">comment by: <i>GdF</i></p> <p>“When a departing aircraft is vectored or cleared to proceed to a point that is not on the SID, all published speed and level restrictions of the SID are cancelled and the air traffic controller should:  (1) reiterate the cleared level;”</p> <p>This creates unnecessary extra workload. Firstly, many countries have introduced Mode-S downlink of the selected level, which can be used to confirm the level. Secondly, compared to</p>
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	<p>many countries in the world, thanks to the work done by EASA, pilots flying in Europe are highly competent. Therefore, we would appreciate the addition of the word “in case of doubt” or a similar opening clause to (1). If needed a clarifying GM could be developed as well. Applies to AMC2 as well.</p>
response	<p>Not accepted.</p> <p>The comment does not provide sufficient justification for the requested change. The use of downlink airborne parameters (DAP) is not yet robust and harmonised for community specifications. The AltMoc solution is available, if needed.</p>
comment	<p>53 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>ATCOs will quite often use rates of climb or descent to ensure separation. It should be made clear that clearances with rates overrule published restrictions without any further unnecessary cancellation-phraseology. Applies to AMC2 as well.</p>
response	<p>Not accepted.</p> <p>The use of controlling techniques to maintain separation in vertical movements implies the cancellation of the vertical profile of the STAR or a SID. The ATCO has to use ‘CANCEL LEVEL RESTRICTION’.</p>
comment	<p>54 <span style="float: right;">comment by: <i>GdF</i></span></p> <p>Sometimes, e.g. due to flexible use of airspace, ATCOs need to add specific level restrictions to SIDs. Please provide guidance on how to achieve this using VIA-Phraseology and not having to reiterate the restriction at every clearance.  Applies mostly to AMC1.</p>
response	<p>Noted.</p> <p>It is considered that the combination of the tools in AMC1 and AMC2 are sufficient to cover the scenarios mentioned in the comment.</p>
comment	<p>56 <span style="float: right;">comment by: <i>GdF</i></span></p>



## 1. Summary of the outcome of the consultation

response	<p>The CLIMB VIA and DESCENT VIA clearances allow aircraft to move vertically on SIDs and STARs with restrictions. The question that arose already in the beginning was, if the clearance requires an aircraft to initiate the vertical movement right after receiving the clearance, or if the aircraft may maintain the level and initiate its vertical movement at its own discretion.</p> <p>Noted.</p> <p>The pilot should initiate the vertical manoeuvre to comply with the published vertical profile of the arrival or departure chart.</p>
comment	<p>174 <span style="float: right;">comment by: <i>Bundesvereinigung gegen Fluglärm e.V.</i></span></p> <p>Clearances on SID: (a) (2), (a) (4) , (a) (5) and (a) (6) can be cancelled; the cancellations of speed restrictions should be forbidden</p> <p>Clearances on STAR: (a) (4), (a) (5) and (a) (6) can be cancelled; the cancellations of speed restrictions should be forbidden</p>
response	<p>Not accepted.</p> <p>The options for cancellation of the speed restriction must be available for the air traffic controller to ensure safe operations; for instance, to maintain the appropriate separation minima under specified circumstances.</p>
comment	<p>235 <span style="float: right;">comment by: <i>Europe Air Sports</i></span></p> <p>AMC1 SERA.14090(e) Specific communication procedures CLEARANCES ON STANDARD INSTRUMENT DEPARTURE (SID)</p> <p>Europe Air Sports supports the efforts of EASA to clarify this topic.</p>
response	<p>Noted.</p>
comment	<p>273 <span style="float: right;">comment by: <i>Naviair</i></span></p> <p>It is unclear if the rules requires the word "SID" or "STAR" requires the word to be included in any instruction given to an aircraft established on a SID or STAR or if it is only at first call. If the intention is that the word "SID" or "STAR" is to be included in any transmission regarding the rules, while an aircraft os on a SID/STAR that will introduce a lot of extra words in all transmissions. In a high density TMA will this incease frequency time and possibly reduce capacity. Naviair finds that adding SID/STAR to any transmission other than first call will have</p>



a negative effect on capacity and controller workload and that any supposed safety improvements doesn't measure up to the negative impacts. Naviair suggest the wording is rephrased to state that this is only required at first call and as long as an aircraft continues on already assigned and acknowledged SID og STAR

See also comment on SERA 14001

response Not accepted.

Insufficient justification.

comment 368

comment by: *European Cockpit Association*

"The ICAO provisions do not provide any information regarding the possibility and consequences of rate of climb instructions on a SID. It is not uncommon for ATC to require an aircraft to follow the lateral routing of a SID but adhere to a rate of climb for separation, possibly only temporarily. Is it possible to instruct ""climb via SID"" in conjunction with the required vertical speed, e.g. ""climb via SID FLxxx, 1500 ft/min or greater""? What would this mean for altitude or speed constraints? Would these be automatically canceled or is it necessary to specify this?

Would it be sufficiently clear if no ""via"" is used, e.g. "climb FLxxx, 1500 ft/min or greater""? The aircraft would most probably follow the lateral SID routing but would level and speed restrictions still be valid or not?

It is urgently recommended to clarify this situation with AMC or GM.

response Not accepted.

The use of controlling techniques to maintain separation in vertical movements implies the cancellation of the vertical profile of the STAR or a SID. The ATCO has to use 'CANCEL LEVEL RESTRICTION'.

### GM1 SERA.14090(d)(4) Specific communication procedures

p. 59

comment 110

comment by: *ENAV*

#### **Comment**

*SERA.14090 Specific communication procedure – point d)*





	<p>Do not apply the change and review the IR</p> <p><b>Note</b> Provision is based on the transposition of PANS that are applicable in the Oceanic Airspace (see Doc4444 15.2 SPECIAL PROCEDURES FOR IN-FLIGHT CONTINGENCIES IN OCEANIC AIRSPACE) and not appropriate to the EU context, It is not always possible to accommodate the request via CPDLC (the implementation of CPDLC through EU in terms of message sets used should be verified before regulating)</p>
response	<p>Not accepted.</p> <p>It is understood that not all the ANSPs support request via CPDLC for deviation, however, those that do, have to comply with point (d).</p>

<b>AMC2 SERA.14090(e) Specific communication procedures</b>
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p. 61
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comment	55	comment by: <i>GdF</i>
	<p>The following is not technically new, but was noticed as worth requesting guidance on in the context of the AMD7-Phraseology. Does the phrase “CLEARED (waypoint)1A ARRIVAL” include the clearance to proceed on direct track to said waypoint?</p>	
response	<p>Noted.</p> <p>“CLEARED (waypoint)1A ARRIVAL” shall be complemented with clear instructions on how to fly to the starting waypoint of the STAR.</p>	
comment	57	comment by: <i>GdF</i>
	<p>Can CPDLC be used on SIDs and STARs with the current message set? In our opinion, the case of CPDLC is still an unresolved question, which must be addressed.</p>	
response	<p>Noted.</p> <p>If CPDLC is available, the system shall be set up to comply with SERA. Within the frame of Commission Regulation (EC) No 29/2009, CPDLC is intended to be used for non-urgent, non-critical ATC communications for IFR GAT operations above FL 285.</p>	



comment	58	comment by: <i>GdF</i>
	Some aircraft require the crew to select a specific level of the next restriction instead of the cleared level. E.g. a B747-800 being cleared to FL 250 on a STAR would display FL 290 as the selected level, if the next restriction was FL 290 - FL 320. For the benefit of all professionals involved, we propose to add a GM to create awareness.	
response	Noted.  The comment is unclear.	

comment	59	comment by: <i>GdF</i>
	We weren't able to enumerate all possible problems and inconsistencies. We would ask EASA to include monitoring of this particular regulation in continuous and organised data collection. Possibly the HAAWAII-Project might already provide some hard evidence on usage and potential problems and may be used to collect more information.	
response	Noted.	

comment	111	comment by: <i>ENAV</i>
	<p><b>Comment</b> <i>SERA.14090 Specific communication procedure – point e)</i> Remove new point e</p> <p><b>Note</b> The ATC clearance cannot indicate or detail the constraints; the constraints are published; what will be done is to explicitly indicate to apply or not such constraints by using the standard phraseology and applying the appropriate procedures for ATS; there is no need to impose something different here.</p>	
response	Not accepted.  AMC1 and AMC2 SERA.14090(e) provide details on how the constraints can be indicated unambiguously.	

comment	142	comment by: <i>Swiss Aeroclub</i>
	SERA.14090(d)(3) and (4): Is there a specific reason, why in (3) "shall" is used whereas it is "should" in (4)?	



response Accepted.  
In both points 'shall' is to be used.

comment 274

comment by: *Naviair*

It is unclear if the rules requires the word "SID" or "STAR" requires the word to be included in any instruction given to an aircraft established on a SID or STAR or if it is only at first call. If the intention is that the word "SID" or "STAR" is to be included in any transmission regarding the rules, while an aircraft os on a SID/STAR that will introduce a lot of extra words in all transmissions. In a high density TMA will this incese frequency time and possibly reduce capacity. Naviair finds that adding SID/STAR to any transmission other than first call will have a negative effect on capacity and controller workload and that any supposed safety improvements doesnt measure up to the negative impacts. Naviair suggest the wording is rephrased to state that this is only required at first call and as long as an aircraft continues on already assigned and acknowledged SID og STAR

See also comment on SERA 14001

response Not accepted.  
Insufficient justification.

comment 369

comment by: *European Cockpit Association*

The ICAO provisions do not provide any information regarding the possibility and consequences of rate of descend instructions on a STAR. It is not uncommon for ATC to require an aircraft to follow the lateral routing of a STAR but adhere to a rate of descend for separation, possibly only temporarily. Is it possible to instruct "descend via STAR" in conjunction with the required vertical speed, e.g. "descend via STAR FLxxx, 2000 ft/min or greater"? What would this mean for altitude or speed constraints? Would these be automatically canceled or is it necessary to specify this?  
Would it be sufficiently clear if no "via" is used, e.g. "descend FLxxx, 200 ft/min or greater"? The aircraft would most probably follow the lateral STAR routing but would level and speed restrictions still be valid or not?

It is urgently recommended to clarify this situation with AMC or GM.

response Not accepted.



The use of controlling techniques to maintain separation in vertical movements implies the cancellation of the vertical profile of the STAR or a SID. The ATCO has to use 'CANCEL LEVEL RESTRICTION'.

**SERA.14100 Notification of suspected communicable diseases or other public health risk on board an aircraft**

p. 62

comment

370

comment by: *European Cockpit Association*

This requirement should be specified as the common cold as well as influenza are examples of communicable diseases, too.

It is proposed to add clarification in GM or by definition which which diseases need to be communicated. Consider to list typical situations that would require such action by the flight crew.

response

Accepted.

Annex 9 Chapter 8 FACILITATION PROVISIONS COVERING SPECIFIC SUBJECTS, Section E Implementation of international health regulations and related provisions, Paragraph 8.15 Note 1 is inserted as guidance material.

**GM3 SERA.14100 Notification of suspected communicable diseases or other public health risk on board an aircraft**

p. 64

comment

10

comment by: *Zurich Airport*

Comment to appendix 1 signals, 3.1.3 Instructions for ground vehicles

This part of the appendix 1 should be adapted to Reg. 139/2014 Article ADR.OPS.B.031 Communications (para. 4). Instead of the mentioned light signals, also other communication means in coordination with air traffic services provider should be possible to use in case of radio communication failure. Light signals may not be seen by vehicles as their attention is normally not directed to TWR and such signals are generally considered to concern aircraft. Light signals may not be seen under all meteorological conditions.



response Accepted.  
Point (a) is deleted, the editorial failure is corrected and harmonisation with Regulation (EU) No 139/2014 is ensured.

comment 150 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**APPENDIX 5, page 71 & 72**  
There are typos in the text, see the words sandstorm and thunderstorm. Change from **strom** to **storm**.

response Accepted.  
The typos are corrected.

comment 178 comment by: *LBA*

**LBA comment Page 71:**

Typos:  
Appendix 5, A 3 Forwarding of meteorological information received by voice communications: "Item 9 - PHENOMENON PROPMPTING" should be "PHENOMENON PROMPTING" "heavy sandstorm", "heavy duststrom" should be "heavy sandstorm" respectively "heavy duststorm".

response Accepted.  
The typos are corrected.

comment 217 comment by: *AESA*

APPENDIX 1 SIGNALS

Typo in Figure A1-1: Cleared to land.

response Accepted.  
The typo is corrected.



comment	<p>218</p> <p>APPENDIX 5 TECHNICAL SPECIFICATIONS RELATED TO AIRCRAFT OBSERVATIONS AND REPORTS BY VOICE COMMUNICATIONS</p> <p>Although this table reflects exactly the table in PANS-ATM Appendix 1, according to the instructions for Section 3, the term "BRAKING ACTION" shall always precede the qualifier ("GOOD", "GOOD TO MEDIUM", etc.), rather than letting the qualifier alone, without any indication about what it refers to.</p>	comment by: AESA
response	<p>Not accepted.</p> <p>Point 2.1 of Appendix 5 about the detailed reporting instructions provides the details on how to report the braking action.</p>	
comment	<p>219</p> <p>APPENDIX 5 TECHNICAL SPECIFICATIONS RELATED TO AIRCRAFT OBSERVATIONS AND REPORTS BY VOICE COMMUNICATIONS</p> <p>Chapter 3 Section 2</p> <p>Typo: sandstorm and duststorm</p>	comment by: AESA
response	<p>Accepted.</p> <p>The typos are corrected.</p>	
comment	<p>267</p> <p>Regarding the point "3.1.3 Instructions fo ground vehicules, let (c)" on page 66, this text should read "In emergency conditions or if the signals in point (a b) are not observed, the signal given hereunder shall be used for runways or taxiways equipped with a lighting system and shall have the meaning indicated in the table below".</p>	comment by: FOCA Switzerland
response	<p>Partially accepted.</p> <p>The originally proposed point (a) is deleted because it is regulated in Regulation (EU) No 139/2014. The points are renumbered. The text is correct now.</p>	
comment	<p>283</p>	comment by: FOCA Switzerland



	The proposed modification on Figure A1-1 should be corrected: " <del>CLEAR TO LAND</del> " => "CLEARED TO LAND"
response	Accepted.  The typo is corrected.
comment	284 <span style="float: right;">comment by: FOCA Switzerland</span>
	Regarding the point 3.1.3 on page 65, it is suggested to move this point to a more appropriate place within SERA instead of "Appendix 1 Signals" and refer to the Appendix for the explanation on the signals. Regarding the meaning of the signals and subject to the outcome of the consultatoin of the NPA, alignment with the Commision Regulation 139/2014 (ADR.OPS.B031 and AMC) should be ensured too.
response	Partially accepted.  Considering the structure of ICAO Annex 2, these requirements are placed properly. The originally proposed point (a) is deleted because it is regulated in Regulation (EU) No 139/2014.

**GM5 AIS.TR.305(c) Aeronautical information publication (AIP)**

p. 72

comment	188 <span style="float: right;">comment by: Fintraffic Air Navigation Services</span>
	<p>Attachments <a href="#">#17</a> <a href="#">#18</a> <a href="#">#19</a> <a href="#">#20</a> <a href="#">#21</a></p> <p>Fintraffic ANS has published Kauhava aerodrome RNP approaches in the AIP. Kauhava is an uncontrolled aerodrome with RMZ area. (Changes are to be made to radiodata box – EFKA UNCONTROLLED will be changed into KAUHAVA TRAFFIC + frequency.) <u><a href="#">AIP SUOMI / FINLAND (ais.fi)</a></u></p> <p>4 separate RMZ areas has been published also on ANC charts.</p> <p>There might be a challenge to publish charts from the areas where RMZ / TMZ has the same boundary as a TMA, CTR etc. How to make all the lines visually recognizable. We also think that this whole idea should be thought via data centric perspective rather than just a thing which must be published in an AIP. One question is how RMZ / TMZ will be constructed in AIXM 5.x for example when some of them are active only certain time of the day.</p>
response	Noted.



The development of the specifications for the publication of data sets, for example AIXM 5.x, also need to consider other type of zones and airspaces that have a temporary nature, not just RMZ and TMZ. These specifications are not developed yet by ICAO. When they are available, they will be applicable for RMZ and TMZ as well.

comment

220

comment by: AESA

If these modifications are published before the entry into force of SERA.6005 (d) (26 January 2023), a note should be added to indicate that this disposition is not applicable until that date.

response

Noted.

comment

223

comment by: *The Norwegian Air Sports Federation*

We support this amendment.

According to our interpretation of Regulation (EU) 2017/373 Article 6(f), cf. Annex VI (Part-AIS) point AIS.TR.305(c), cf. Appendix 1 (e.g., point ENR 2.2), there is already a legal requirement to include RMZs/TMZs in relevant sections of the AIP, however.

We would therefore like to suggest that the text of GM5 AIS.TR.305(c) *point a* is amended:

"The requirement to include a detailed description of radio mandatory zones (RMZs) and transponder mandatory zones (TMZs) in the Aeronautical Information Publication (AIP) should be met in a clear and unambiguous manner. This information should include a dedicated chart or dedicated charts."

GM5 AIS.TR.305(c) *point b* may remain as drafted in the NPA.

Please also refer to our comment # 184.

response

Accepted.

The text is amended accordingly.

comment

352

comment by: *DTA/MCU*

Reference: GM5 AIS.TR.305(c) – Paragraph (b) item 2

Comment:

FR (DSNA) publishes RMZ/TMZ as follows:





	<ul style="list-style-type: none"> <li>• Those non related to an aerodrome are published in the ENR2.2 section</li> <li>• Those related to a VFR aerodrome are currently published in the AD1.7 section, but it is planned to move them to the AD2 section</li> <li>• Those related to an IFR aerodrome are published in the AD2 section</li> </ul> <p>FR (DSNA) proposes to leave the information on ATS airspace out of section ENR2 since it is covered elsewhere (eg AD2) – see edit proposal below.</p> <p>Proposal: (b)(2) Section ENR2.2 contains the information on RMZ and TMZ not related to an aerodrome in <del>the air traffic services airspace and</del> other regulated airspace.</p>
response	<p>Not accepted.</p> <p>Section ENR.2 includes information on both air traffic services airspace and other regulated airspace.</p>
comment	<p>372 <span style="float: right;">comment by: <i>European Cockpit Association</i></span></p> <p>This guidance is highly appreciated. However, there is a mismatch between the data intended to be available to airmen (available in the AIP) and information on endusers' charts. Especially commercial flight crew do not have access to AIP data but receive tailored charts and information processed by providers which have been assigned with this task by airlines. The standard applied varies substantially depending on the provider. Especially TMZ have been considered as a "VFR-element" and are not depicted on several providers' charts. The same problem applies to airspace classes and boundaries which are depicted on some charts but not always on the relevant ones, e.g. the final approach chart.</p> <p>It is suggested to consider to address this issue in future revisions of appropriate provisions.</p>
response	<p>Not accepted.</p> <p>The Regulation regulates the content of the AIP but not how the data providers display the information in the digital or paper format. In general, the concept is that every customer defines its data quality requirements, in other words, the specifications of what they want to order from a DAT provider. Therefore, it is the responsibility of the air operator to define the specifications as per its needs and oversee that it gets what was ordered.</p>



### 3. Appendix A - Attachments

 [IMG\\_3039.PNG](#)

Attachment #1 to comment [#184](#)

 [IMG\\_3040.PNG](#)

Attachment #2 to comment [#184](#)

 [IMG\\_3041.PNG](#)

Attachment #3 to comment [#184](#)

 [IMG\\_3042.PNG](#)

Attachment #4 to comment [#184](#)

 [EFKA RNP IAC.png](#)

Attachment #5 to comment [#189](#)

 [ANC EFKA RMZ.jpg](#)

Attachment #6 to comment [#189](#)

 [ANC EFSO RMZ.jpg](#)

Attachment #7 to comment [#189](#)

 [ANC EFPR RMZ.jpg](#)

Attachment #8 to comment [#189](#)

 [ANC EFIK RMZ.jpg](#)

Attachment #9 to comment [#189](#)

 [ED\\_AD\\_2\\_EDFH\\_3-1-3\\_en.pdf](#)

Attachment #10 to comment [#222](#)

 [Example.pdf](#)

Attachment #11 to comment [#222](#)

 [RMZ Muret – AD2.p](#)

Attachment #12 to comment [#349](#)

 [RMZ Muret – 1;1 000 000.p](#)

Attachment #13 to comment [#349](#)

 [RMZ Muret – 1;250 000.p](#)

Attachment #14 to comment [#349](#)

 [RMZ and TMZ key on charts.png](#)

Attachment #15 to comment [#349](#)

 [RMZ Muret – 1;500 000.p](#)

Attachment #16 to comment [#349](#)

 [EFKA RNP IAC.png](#)

Attachment #17 to comment [#188](#)

 [ANC EFK RMZ.jpg](#)

Attachment #18 to comment [#188](#)

 [ANC EFPR RMZ.jpg](#)

Attachment #19 to comment [#188](#)

 [ANC EFSO RMZ.jpg](#)

Attachment #20 to comment [#188](#)

 [ANC EFKA RMZ.jpg](#)

Attachment #21 to comment [#188](#)

