

## CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

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



de

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

Mr Olivier MROWICKI,  
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### **NOTES FOR THE USE OF THE CONSULTATION RESPONSE SHEET**

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

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## MAIN PAGE

### 1. ORGANISATION COMMENTING

Organisation Name:	European Gliding Union	
Contact Name: <sup>1</sup>	Günter Bertram	
Contact Address:	Hermann-Blenk-Straße 28 38108 Braunschweig	
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### 2. GENERAL RESPONSE<sup>2</sup>

Acceptable without amendment:

Acceptable but would be improved with amendments:

Not acceptable but would be acceptable with amendments:

Not acceptable under any circumstances:

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

In the opinion of the European Gliding Union this proposal reflects only on the rules of the ICAO having commercial air traffic in its focus. The evolving changes within the European Countries over the last couple of years are not taken into consideration. The special issues regarding GA and especially air sports are not taken into account. We expect EUROCONTROL to approach the European Air Sports Unions and Associations in order to have rules applicable and suitable for the European Air sports Community

3. SPECIFIC COMMENTS: See pro forma over page.

### 4. COMPOSITION OF RESPONSE

This response consists of the following:

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

### 5. ASSOCIATION OF NAME WITH COMMENTS:

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

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

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

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

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### 6. VALIDATION

**Name:** Günter Bertram

**Position:** TO Air Space

**Signature:**

**Date:** 11<sup>th</sup> April 2010

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## COMMENTS SHEET

**Organisation Name:** European Gliding Union

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

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

### **Comment:**

The table 3.2 in 3.9.1 “VMC Visibility and Distance from Cloud Minima” does not reflect the work done by the Eurocontrol working party on the “airspace classification tool box”.

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

The European air space is an extremely complex and fragile thing. The flexibility achieved by national deviations from ICAO rules has allowed GA to continue to operate while maintaining the highest level of safety.

Continental Europe shall not be compared to other large regions in the world without giving regard to the very different situation. i.e population, tradition of GA flying since the early 1900th century, a high glider, hang-glider and para glider ratio.

The work done to achieve a harmonised application of air space classification including the “Air Space Classification Tool box” in Europe shall not be neglected due to an attempt to be ICAO conform only.

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

The new text and table should be taken straight from the Eurocontrol proposal in regards to air space classification.

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

**Organisation Name:** European Gliding Union

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

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

**Comment:**

The word “glider” should be changed into “sailplane” in order to use the “EASA” terminology.

**Reason(s) for Comment:**

Different terminology in the “Rules of the air” and the licensing and aviation safety prospective done by the European Aviation Safety Agency (EASA) will lead to confusion among authorities and pilots alike.

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

Replace the word “glider” with the word “sailplane”.

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

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

**Organisation Name:** European Gliding Union

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

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

Annex. Part A.  
2.4.1 + Article 2  
Position 88

### **Comment:**

The definition of "Authority of PIC" as given "The pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command" confuses every non native English speaker.

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

Pilot in Command means that a pilot has the power over the airplane, its crew and passengers. The word 'disposition' is very strange and should be replaced by a straight forward one. By definition PIC is **the pilot** in command

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

use Article 2 Position 88. 'pilot-in-command' means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of the flight.

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

**Organisation Name:**

Form No.  of

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

**Comment:**

The rule does not care for training necessities and the ridge flying activity by gliders, hang gliders and para gliders.

**Reason(s) for Comment:**

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

1. All ridge soaring by gliders, hang gliders and para gliders will become illegal. This will impact a huge number of pilots and clubs.
2. It will be illegal to practise/train for engine failure after take-off at realistic heights.
3. It will be illegal to practise/train for engine failure en-route in light aircraft down to realistic heights.
4. It will be illegal to train glider pilots (using TMG ) in field selection and landing at realistic heights.
5. Practising a go-around from below 500 feet will become illegal
6. Practising a break-off an instrument approach below 500 would be illegal.
7. Dropping objects, such as banners and tow ropes at airfields – normally done from below 500 feet – will be illegal.

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

*(1) Except as specified in (2) aircraft shall not be flown over the congested areas of cities, towns or settlements or over an open-air assembly of persons, unless at such a height as will permit, in the event of an emergency arising, a landing to be made without undue hazard to persons or property on the surface. The minimum heights for VFR flights shall be those specified in 4.6 and minimum levels for IFR flights shall be those specified in 5.1.2.*

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(2) Exemptions:

- a). When hill or mountain soaring gliders (including self-sustaining gliders, self-launching gliders, TMG when operating in the soaring mode), hang gliders and para gliders.
- b) Aircraft practicing engine failure or glider field landings as long as they remain at least 500 feet from persons, animals, vehicles and structures.
- c) Going around from visual or instrument approaches
  
- d) Dropping articles at an airfield with the permission of the owner or operator.



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

**Organisation Name:** European Gliding Union

Form No.

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of

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

3.2.3.3.3  
*Overtaking +*  
3.2.3.3.2  
*Converging.*

**Comment:**

The absolute requirement for overtaking on the right hand side and converging are not feasible in the case of ridge and mountain flying were special rules apply, one being that no turn is to be performed towards the terrain.

**Reason(s) for Comment:**

Many nations allow ridge flying with non powered aircraft. The special rules applying to this kind of flying are forced upon the pilots by the terrain.

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

Make an exemption for ridge flying aircraft and adopt the common practice used all over the world.

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

**Organisation Name:** European Gliding Union

**Form No.**

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**Of**

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

pt. 70 of Article 2

### Comment:

The present definition apparently excludes all gliders with auxiliary engines. As a glider is defined as “a non-power-driven heavier-than-air aircraft”, gliders, hang gliders and paragliders with small auxiliary engines will, according to this definition, be excluded and as a consequence they will be included in the category “aeroplanes”: power-driven heavier-than-air aircraft.

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

It is unclear in how far the definition of a “Glider” also covers hang gliders and para gliders. As by this definition gliders derive their lift chiefly from “aerodynamic reactions on surfaces which remain fixed under given conditions of flight” ,it is doubtful whether this covers the non rigid hang gliders and it is very doubtful if it covers para gliders. The ICAO definition clearly dates back to the time when hang- and para gliders were scarce or non-existent. Nowadays they form, especially in Europe, a large fraction of the recreational aviation community.

### Reason(s) for Comment:

Missing definition thereby unclear regulation

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

A solution to the definition problem for hang- and para gliders could be an adaption of the definition. But, as hang and paragliding have developed into a serious and widely used form of recreational aircraft, and considering that hang- and paragliders have flight characteristics that differ nearly as much from other aircraft as the flight characteristics of balloons do, it would be justified to have a separate definition for hang and para gliders. This would make it much easier to make future rules for hang-

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and para gliders, or (even better) to exempt them from future rules.

With a slight variation on the wording of Annex II of the EC Regulation No 1592/2002 hang- and para gliders could be defined as:

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

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

**Organisation Name:** European Gliding Union

**Form No.**

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**of**

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

4.2. 8. Glider Flight  
in Operation

### **Comment:**

Suggested, that Visual Signal 4.2.8 Glider Flights in Operation would be deleted and reported as a Difference

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

This Signal is seen when overhead the operating side while the traffic is most probably already interfering with the glider (sailplane) operation. It is a relict from the pre radio time and in time of Notams and Voice Communication obsolete.

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

Delete 4.2.8.1

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

**Organisation Name:** European Gliding Union

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

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

### Comment:

The requirements according to 3.3.1.2 “A flight plan shall be submitted prior to operating:

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

are completely out of proportion for GA aircraft and do not reflect the current situation in Europe were a lot of Countries have opted out of this requirement. This regulation is a major unnecessary step back and should at a minimum being reversed. i.e. no flight plan for cross border unless positively required by a nation.

### Reason(s) for Comment:

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GA aircraft regularly fly out of Control Zones (air traffic control service provided) and do not need a Flight Plan nowadays. The requirement would put a completely unnecessary burden onto the pilots and the Air Traffic Management system.

GA aircraft regularly fly outside radar or transponder antenna coverage and therefore a flight plan would not assist in any safety application.

Regulation should only affect those aircraft that are going to work with Air Traffic Management Units providing positive control over the airplane while enroute.

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

3.3.1.2. A flight plan shall be submitted prior to operating for any flight where positive air traffic control services are required by the aircraft.

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

**Organisation Name:** Europe Air Sports

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

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

### **Comment:**

The proposal is too heavy on the Gliding Community.

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

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

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

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

Change paragraph 3.4.4. as follows:

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

Change paragraph 3.4.5 as follows:

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

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