

Title	Standardised European Rules of the Air (SERA) Part B – Requirements regarding Services in Air Navigation
NPA Number	NPA 2011-02

UK CAA (UK CAA, European.Affairs@caa.co.uk) has placed **23** reactions on this NPA:

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0	(general reactions)	<p>CRD Paragraph 24:</p> <p>The UK did not originally comment on the requirements of Class A airspace as it does not disagree with the associated requirements and its post-SERA application, and had assumed that the Competent Authority (in this instance the National Supervisory Authority) would retain the ability to exempt particular one-off special operations that must still be afforded exemption from the IFR-only requirements. Conversely, accommodation of routine VFR operations within a particular airspace must be addressed through the application of the appropriate airspace classification and any associated tools. This is in line with guidance contained within the Eurocontrol Guidelines for Airspace Management (the ASM Handbook)</p> <p>Responses to comments from several stakeholders that advocate the accommodation of special operations under VFR in accordance with specific exemptions/permissions do not appear to have been adequately answered. Similarly, the UK CAA is of the opinion that generic statement at CRD page 14 (paragraph 24) does not fully address the issue.</p> <p>In reaching this conclusion, the UK CAA is of the view that that the rules pertaining to a particular airspace classification will still apply to State aircraft, and that their operations within Class A will still be subject from an appropriate clearance from the airspace controlling authority. SERA Article 3 could be invoked to some extent, as could Article 4, although the CRD review workshop concluded that Article 4 as currently worded (whilst going beyond Chicago Convention Article 3) could be read as being exclusive to the operations listed within it, whereas there could possibly be additional operations that are not covered by it.</p> <p>The suggested options of 'corridors', TRAs and TSAs are noted, but may not necessarily offer the operational flexibility required in certain circumstances. In addition, conditions pertaining to operations within each would still require exemption from the requirements of Class A airspace, and would additionally have to stipulate the operating conditions applicable during activation. These include (but may not be limited to) Visual Meteorological Conditions, separation requirements, prenotification and airborne contact requirements.</p> <p>The Eurocontrol Flexible Use of Airspace Specification defines TSA and TRA as follows:</p>	

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4-5	the response to comment #276 by on segment "A. Explanatory Note — I. General"	<p>Temporary Segregated Area (TSA) - A defined volume of airspace normally under the jurisdiction of one aviation authority and temporarily segregated, by common agreement, for the exclusive use by another aviation authority and through which other traffic will not be allowed to transit.</p> <p>Temporary Reserved Area (TRA) - A defined volume of airspace normally under the jurisdiction of one aviation authority and temporarily reserved, by common agreement, for the specific use by another aviation authority and through which other traffic may be allowed to transit, under ATC clearance.</p> <p>In the context of the FUA Concept, all TSA and TRA are airspace reservations subject to management and allocation at ASM Level 2, as detailed in the ASM Handbook. Certain operations seeking exemption from the requirements of Class A airspace (such as activities not listed by proposed Article 4 and particularly within CTR/CTA/TMA environments) may not be compatible with ASM Level 2 activation requirements.</p> <p>As an aside, in comment 75 CAA-NL states that it designates certain airspaces as Special Rules Airspace. The ICAO classifications are used, but the Special Rules are additional to them. Perhaps SERA Guidance Material is needed to explain the relationship between airspace classifications and how supplementary designations can be used to indicate the application of specific tools within them. For example, the Netherlands Special Rules airspaces are simply CTRs, CTAs, TMAs, et cetera, but the additional requirements (TMZ, RMZ) feature in the notifications for each of the said airspaces. LVNL commented in a similar manner (comment 105).</p> <p>NPA Paragraph 2.4.4.1.1: UK CAA comment and proposed text do not appear to have been responded to in the CRD.</p> <p>NPA Paragraph 2.4.5.2.1: UK CAA comment does not appear to have been responded to in the CRD.</p> <p>NPA Paragraph 5.1.1a): UK CAA comment does not appear to have been responded to in the CRD.</p> <p>The UK CAA welcomes the acknowledgement that the comments raised during consultation are valid and notes the statements made in paragraph 16 regarding the overall rule structure. However it believes the comment regarding aggregation is potentially ambiguous – does it suggest that the current approach to the development of Parts A, B and (one assumes) C is to be abandoned, or will aggregation be undertaken outwith the IR’s development (and if so, by whom and to what timescale)? If it is the latter, this would suggest that work to improve rule structure would be undertaken after the IRs are agreed – arguably a burdensome and inefficient approach that</p>	

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4-5	the response to comment #277 by on segment "A. Explanatory Note — I. General"	<p>can be avoided by improving rule structure sooner rather than later.</p> <p>Greater clarity on this matter is requested, especially since many stakeholders (for example, recreational airspace users) will not have a working knowledge of the EC Regulations cited in the CRD response. Clarity is also necessary as a matter of urgency so that States do not unnecessarily commence work on their own aggregated documents, which could result in a plethora of individual State documents that may at best reflect SERA provisions in various styles, or at worse misinterpret or misrepresent SERA provisions, thus undermining its harmonisation objective.</p> <p>Overall, we remain of the opinion that reorganisation of the whole the SERA packages is necessary to avoid fragmented legislation that will serve the needs of users rather than legislators.</p> <p>The UK CAA welcomes the response but believes that greater clarity as to how refinement to the rule structure could be achieved would be welcomed by all stakeholders, not least airspace users. Comments regarding the SERA mandate are noted, but it is the belief of the UK CAA that the mandate makes no mention whatsoever of the draft Implementing Rule's structural requirements. Note that the same Mandate -related statement is repeated in responses to comments from other stakeholders, and therefore needs to be qualified for the benefit of all.</p>	
13-20	the response to comment #278 by on segment "A. Explanatory Note — IV. Content of the draft Opinion — b. New proposed Annex to SERA Implementing Rule (SERA Part B) — ii. Content of SERA Part B"	<p>The response does not fully reflect or answer the comment. The UK CAA acknowledges the temporary and transitional nature of Class F and simply advocates its retention in the classification 'menu'. In addition, the comment indicates that the classification can be expected to remain in use within the EU for some following planned SERA implementation pending replacement by a more appropriate Class (A-E or G). Furthermore the classification may be in use – and possibly in some cases need to be temporarily applied - by States acceding to the EU in the future.</p> <p>The response merely serves to provide background regarding the origins and purpose of Class F, with which the CAA is familiar.</p> <p>Finally, the comment response does not address the UK's observation that the debate regarding the future appropriateness of Class F within the EU is very immature, and that SERA Part B consultation affords insufficient consideration of the issue.</p>	
29	the response to comment #311 by on segment "B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.1 General"	<p>The response to the UK's comment is noted, however an explanation as to why the objectives of ATC should not be reflected as an Article (or as part of one as suggested) has not been provided, neither is any rationale as to why retention 'as is' (other than it seems to be the outcome of a plebiscite). Therefore the response lacks clarity.</p>	

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29	the response to comment #316 by on segment "B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.1 General"	<p>The UK CAA notes inconsistencies in the responses to those comments regarding the placement of the objectives of ATC within the draft IR:</p> <ul style="list-style-type: none"> · The UK CAA's 'article' suggestion was rejected. · One other suggestion that the text should appear as an Article was 'partially accepted'. · One suggestion for the text to appear as a Recital was not accepted, yet another was 'partially accepted'. · Of the five responses advocating retention of the text 'as is', one was accepted, three were 'partially accepted' and one was merely noted. <p>The UK CAA is therefore of the view that Agency disposal of the various suggestions is inconclusive, and requests a more detailed rationale as to why the text should remain 'as is', rather than as an Article or a Recital.</p> <p>Several comments concerning 'due regard' appear in the CRD and are dealt with in a similar manner; in each case a generic answer that does not appear to answer any of the comments submitted during consultation is offered (and in once case the response appears to be inappropriate).</p> <p>In the context of the UK CAA's comments it appears that the suggested texts have been deemed unacceptable, but the request for clarity has not been answered. A more detailed rationale as to why the suggested text is considered unacceptable is requested.</p> <p>Finally, it should be noted that the term 'due regard' is used in the context of certain operational situations that do not lend themselves to ICAO standards and flight procedures (see Chicago Convention Article 3). Typically these may be politically sensitive missions, military contingencies or classified missions. When operations of this type are not conducted according to ICAO standards and flight procedures, they are said to be conducted under the "due regard" prerogative for State. It is suggested that stakeholders are reminded of this alternative use of the term to remove any possibility of misunderstanding or ambiguity.</p>	
29	the response to comment #317 by on segment "B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Chapter 1 – Air Traffic Services — 1.1 General"	<p>The UK CAA welcomes acceptance of the suggestion that time checks should be given to the nearest minute and notes that a complementary safety assessment will be undertaken in order to identify the appropriate justification for a potential EU-wide Difference to ICAO. To that end the UK CAA requests clarity as to which agency will undertake the proposed assessment, when and against what criteria?</p> <p>The UK CAA's proposed amended text with respect to the requirement to pass the time to departing aircraft ('Aerodrome control towers shall, on request and prior to an aircraft taxiing for take-off, provide the pilot with the correct time, unless arrangements have been made for the pilot to obtain it from other sources') does not appear to have been addressed in the</p>	

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29-30	the response to comment #318 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 1 – Air Traffic Services – 1.2 Classification of airspace"	<p>response. This is a key proposal that fully reflects current operational practice which ensures legal clarity. In several responses to Part B consultation comments reference is made to the need for explicit regulation; the proposed text satisfies this requirement.</p> <p>The UK CAA acknowledges the purpose of the generic speed limitation associated with Class D and has not advocated removal of this. However, the need for higher speeds under certain circumstances, in accordance with appropriate exemptions issued on a case by case basis (either aircraft type or specific published procedure) is advocated.</p> <p>In this regard the response to the CAA's comment appears at odds with the general comment regarding 250 kts speed limitation, especially the closing sentence – which could be read as meaning that it is already possible to apply speed limits in excess of 250 kts to specific procedures. The CAA therefore asks which of the two statements is to be considered definitive, and how will this be reflected in the draft IR?</p> <p>We note the response to Comment 262 (CAA Norway), which states that <i>'Class D is controlled airspace and therefore ATC clearance is required for all flights. The clearances must be elaborated and delivered by the ATS unit in a manner which ensures full safety within the considered airspace for all authorised flights'</i>. In cases where a higher speed (i.e., in excess of 250 kts) were to be authorised within Class D, ATC would take this into account when issuing clearances to VFR aircraft to ensure the continued safety of the subject airspace.</p>	
31	the response to comment #322 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 1 – Air Traffic Services – 1.4 Service to aircraft in the event of an emergency"	The UK CAA notes the response and asks when stakeholders can expect to be advised of the proposed mechanisms and processes to be followed when amending SERA in the future.	
31	the response to comment #323 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 1 – Air Traffic Services – 1.4 Service to aircraft in the event of an emergency"	Comments regarding the SERA mandate are noted, but it is the belief of the UK CAA that the mandate makes no mention whatsoever of the structural requirements. Note that the same Mandate-related statement is repeated in responses to comments from other stakeholders, and therefore needs to be qualified for the benefit of all.	
31-33	the response to comment #325 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B –	<p>The response is not wholly consistent with that against comment 323.</p> <p>Comments regarding the SERA mandate are noted, but it is the belief of the UK CAA that the mandate</p>	

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33-34	<p>Requirements regarding Services in Air Navigation – Chapter 1 – Air Traffic Services – 1.5 In-flight contingencies"</p> <p>the response to comment #344 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.2 Operation of air traffic control service"</p>	<p>makes no mention whatsoever of the structural requirements. Note that the same Mandate-related statement is repeated in responses to comments from other stakeholders, and therefore needs to be qualified for the benefit of all.</p> <p>The response's reference to PANS-ATM implies incomplete draft regulation, thus in turn pointing to the essential requirement that the draft IR must be considered for adoption only in a completed form and not incrementally. Successive parts will influence what has preceded them and therefore stakeholder opinion on these; consequently, State authorities will not be in a position to undertake the required safety assessment of SERA until the sum of its parts is known.</p>	
34-35	<p>the response to comment #328 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.3 Separation minima"</p>	<p>The issue of 'approval' and 'acceptance' was the subject of considerable discussion at the CRD workshop, at which the EASA legal view on 'approval' and 'acceptance' seemingly at odds with stakeholder views. Communication of the EASA legal view was promised as soon as possible in order to inform CRD consultation, however these views have yet to be seen. Clarification on the matter is requested prior to publication of the EASA SERA Part B Opinion; in addition, States must be allowed to comment on the EASA view (and these views duly considered) prior to publication of the Opinion.</p>	
34-35	<p>the response to comment #330 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.3 Separation minima"</p>	<p>Clarification regarding the meaning 'AIP' in the context of the response is necessary. Does it mean 'Aeronautical Information Publications' as in States' AIPs, or any one of a number of publications in 'Integrated Aeronautical Information Packages'? Alternatively, does 'AIP' mean 'aeronautical information publications' in the sense of any manner of aeronautical publication published by a State?</p>	
35-37	<p>the response to comment #333 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.4 Air traffic control clearances"</p>	<p>Comments regarding the SERA mandate are noted, but it is the belief of the UK CAA that the mandate makes no mention whatsoever of the structural requirements. Note that the same Mandate-related statement is repeated in responses to comments from other stakeholders, and therefore needs to be qualified for the benefit of all.</p>	
35-37	<p>the response to comment #347 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.4 Air traffic control clearances"</p>	<p>The CAA accepts that its comment is not valid in terms of aircraft IFR equipment, but in the case of single-pilot operations there remains a need to leave the frequency with the permission of the controlling authority at the time. This circumstance (and the possibility of a suitably-equipped aircraft experiencing the unforeseen unservicability of one radio) must therefore be addressed and the UK CAA would welcome Agency and Commission views on how this can be accommodated within SERA.</p>	

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37	the response to comment #350 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.5 Control of persons and vehicles at aerodromes"	<p>The UK CAA notes that throughout both parts of SERA the Agency has advocated 'explicit' regulation. To suggest 'implicit' regulation (as per the response to the comment) does not therefore appear appropriate (or consistent) and modified text is proposed thus:</p> <p><i>'2.5.1 The movement of persons or vehicles including towed aircraft on the manoeuvring area of a controlled aerodrome shall be controlled as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off.'</i></p> <p>Alternatively, the adoption of suitable Guidance Material that renders explicit the '<i>control can only be exercised by an ATC unit and at a controlled aerodrome</i>' is strongly advocated. Note that 'control tower' is a commonly used phrase regardless of the status of an aerodrome.</p>	
37	the response to comment #352 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.5 Control of persons and vehicles at aerodromes"	<p>The UK CAA notes that throughout both parts of SERA the Agency has advocated 'explicit' regulation. To suggest 'implicit' regulation (as per the response to the comment) does not therefore appear appropriate (or consistent) and modified text is proposed thus:</p> <p><i>'2.5.1 The movement of persons or vehicles including towed aircraft on the manoeuvring area of a controlled aerodrome shall be controlled as necessary to avoid hazard to them or to aircraft landing, taxiing or taking off.'</i></p> <p>Alternatively, the adoption of suitable Guidance Material that renders explicit the '<i>control can only be exercised by an ATC unit and at a controlled aerodrome</i>' is strongly advocated. Note that 'control tower' is a commonly used phrase regardless of the status of an aerodrome.</p>	
37-38	the response to comment #357 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 2 – Air Traffic Control Service – 2.6 Special VFR in control zones"	<p>It is necessary for pilots to undertake flying training at night in an aerodrome circuit (the accumulation of a minimum number of night hours is a condition of Part-FCL); if a pilot is not already IFR rated how can you do this solo in conditions below VMC at night?</p> <p>In addition, pilots flying VFR at night (or, in the UK, VMC at night (when all flight is IFR) with a night rating may, when entering or operating adjacent to at Control Zone may encounter weather conditions lower than the required VMC. The ability to operate under SVFR at night (as it does during the day) therefore provides scope to operate in conditions lower than the stated VMC in a controlled environment, thus avoiding risks associated with attempting to navigate around poor weather or below a lower cloud base that puts the pilot at risk of breaching low flying regulations or – worse – Controlled Flight Into Terrain. Therefore it could be argued that SVFR at night offers the potential</p>	

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		<p>for safety enhancement (or at least maintenance) rather than degradation.</p> <p>The SERA proposal to restrict SVFR to daytime only will need to be justified by a study of the risk associated with such operations across Europe. This accords with the precedent (and principle) established during the development of the ECAC ACAS mandate when JAA informed States that <i>'any future proposed reduction to [the 10-day MMEL] period (in other words, the imposition of a more restrictive regime) will need to be justified by a study of the risk associated with operations with unserviceable equipment'</i>.</p> <p>In a SERA context such a study will need to take into account that protection is afforded through limiting SVFR to operations within CTRs, that such flights operate in accordance with a clearance from ATC, and that they fly as controlled flights. In addition, pilots must be appropriately trained and qualified and fly in accordance with the privileges of their licence. The applicability of SVFR only in Control Zones, national regulations and pilot license privileges combine to regulate the scope for Special VFR at night. SERA would provide additional regulation through the introduction of Part B's Special VFR met criteria (UK regulations already state that 'Without prejudice to existing weather limitations on Special VFR flights at specific aerodromes.....ATC will not issue a Special VFR clearance to any fixed-wing aircraft intending to depart from an aerodrome within a Control Zone, when the official meteorological report indicates that the visibility is 1800 m or less and/or the cloud ceiling is less than 600 ft' (see UK AIP ENR 1.2)).</p> <p>In addition, aircraft must be suitably equipped for night operations and there is no suggestion that the SVFR criteria contained within SERA Part B should be waived at night. Therefore both VFR and SVFR at night could be permitted/authorised by the competent authority (in this case the NSA) under SERA. There is no suggestion that States <i>must</i> allow it.</p> <p>The onus now lies with those drafting the IR to provide evidence why 'it is not considered to be in the interest of safety to allow special VFR at night' (see draft response to Part B CRD Comment 357), and to consider removal of the "day only" criterion as transposed from the Airspace Classification Toolbox. In addition, the origin, basis/rationale and extent of general aviation's opposition to the notion of SVFR at night (again see draft response to Part B CRD Comment 357) needs to be articulated in detail. It must be noted that there is no inhibition of SVFR at night within ICAO.</p> <p>Of the 196180 Mandatory Occurrence Reports (MORs) filed during the 25 years from 1 August 1986 to 31</p>	

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38-39	the response to comment #358 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 3 – Flight Information Service – 3.2 Scope of flight information service"	<p>July 2011, only 152 (0.08%) related to Special VFR at night. Of these, 118 were associated with ground occurrences involving aircraft preparing to operate SVFR at night, laser incidents having no direct bearing upon SVFR operations <i>per se</i>, or SVFR departures that had left a CTR at the time of the occurrence.</p> <p>Of the remaining 34 (<0.02% of all MORs during the sample period):</p> <ul style="list-style-type: none"> · 1 resulted in an AIRPROX · 14 resulted in losses of standard separation. <p>7 occurrences involved altitude deviations, another 6 involved an airspace infringement. A significant proportion had resulted from ATC error. There were no mid-air collision or CFIT occurrences, and no injuries or fatalities. None were related to the fact that the aircraft were operating as SVFR; indeed, analysis of the reports indicates that, where met conditions have been included in them, these had no part to play in the occurrences, and in most cases had VFR at night been permitted in the UK it is likely that the affected aircraft would have been operating as such, rather than SVFR.</p> <p>Of the 34 occurrences, none were assessed as having a severity rating of 'Severe' or 'High'; 20 (0.01% of all MORs during the sample period) were graded 'Medium', while 12 (<0.01% of all MORs during the sample period) were graded 'Low'. We therefore conclude that there is currently no evidence to demonstrate that SVFR operations at night are not conducted safely within UK airspace.</p> <p>The AMC/GM route is a welcome development, however this does not remove the need for the requirements of the binding material to be as explicit or as clear as possible (the need for which is advocated in several responses to Part B stakeholder comments), hence the proposed text which reflects operational realities and service provision practicalities.</p> <p>AMC/GM could still be developed to support revised binding material derived from the proposed text, using those associated with ICAO Annex 11 paragraph 4.2.2b as a template.</p>	
38-39	the response to comment #360 by on segment "B. Draft Opinion – I. Draft Opinion SERA Part B – Part B – Requirements regarding Services in Air Navigation – Chapter 3 – Flight Information Service – 3.2 Scope of flight information service"	<p>The UK CAA remains firmly of the belief that the proposed text reflects the purpose and intent of the original ICAO Annex 11 paragraph 4.2.2 when the latter is read in conjunction with the supporting notes. The UK CAA also notes that throughout both parts of SERA 'explicit' regulation is advocated. Reliance on guidance material in this case suggests 'implicit' regulation that is neither appropriate nor consistent.</p> <p>The notes supporting the source ICAO Annex 11 text significantly add meaning to FIS requirements, therefore the binding SERA material must be equally clear in stating its requirement. Guidance on the</p>	

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43	the response to comment #370 by on segment " B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — Chapter 5 – Services Related to Meteorology – Aircraft Observations and Reports — 5.3 Special aircraft observations "	<p>practicability of the provision of collision hazard warnings is insufficient: the requirement/clarification must appear in the binding material in order to ensure legal clarity.</p> <p>If it is intended to provide AMC or GM on the subject, then it is not possible for a stakeholder to comment on this as the draft material has yet to be exposed under SERA development activities.</p> <p>Inclusion of the revised wording within the response would seem appropriate. When will this be exposed to stakeholders?</p>	
45-47	the response to comment #374 by on segment " B. Draft Opinion — I. Draft Opinion SERA Part B — Part B – Requirements regarding Services in Air Navigation — APPENDIX 1 OF PART B – ATS AIRSPACE CLASSES – SERVICES PROVIDED AND FLIGHT REQUIREMENTS "	Inappropriate response to Point 2 - the expression 'air-ground voice communication watch' is not referred to in the comment. Clarification on the Agencies views on the UK CAA comment is requested.	