# EASA

## Comment Response Tool

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| **Title** | Acceptable Means of Compliance and Guidance Material to Part-SERA |
| **NPA Number** | NPA 2012-14 |

**UK CAA** (European.Affairs@caa.co.uk) has placed **11** unique comments on this NPA:

| Cmt | Segment description | Pag | Comment | Attachm |
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| 40 | A. Explanatory Note - III. Comment response document | 5 | **Page No:** 5<br><br>**Paragraph No:** 10<br><br>**Comment:** Notwithstanding the statement that 'the CRD will be published simultaneously with the Agency's decision' in accordance with the EASA Rulemaking Procedure, will stakeholders be afforded the opportunity to submit comment on the CRD to EASA?<br><br>**Justification:** Clarity on application of the rulemaking procedure. | |
| 41 | B. Draft Rules - I. Draft Part-SERA - Annex to AMC/GM to Cover Regulation - GM1 Article 2 (39) | 14 | **Page No:** 14<br><br>**Paragraph No:** GM1 Article 2(39) Altitude<br><br>**Comment:** Refine text<br><br>**Justification:** The proposed guidance material for Article 2(78) Flight Level provides explanations of what the terms 'altitude' and 'height' mean; it is considered inappropriate for such information to appear there, rather it should appear under Article 2(39) Altitude and against the proposed guidance material for Article 2(84) Height.<br><br>**Proposed Text:**<br><br>**GM1 Article 2(39) Altitude**<br>(a) A pressure type altimeter calibrated in accordance with the Standard Atmosphere when set to a QNH altimeter setting will indicate altitude (above the mean sea level).<br>(b) The term 'altitude' indicates altimetric rather than geometric altitude. | |
| 42 | B. Draft Rules - I. Draft Part-SERA - Annex to AMC/GM to Cover Regulation - GM1 Article 2 (78) | 15 | **Page No:** 15<br><br>**Paragraph No:** GM1 Article 2(78) Flight Level<br><br>**Comment:** Delete (a)(1) & (2) and (b)<br><br>**Justification:** The guidance material for Article 2(39) Altitude & 2(84) Height already provide explanations as to what QFE and QNH settings indicate. Reference to that information is, in the case of Article 2(78) Flight Level, irrelevant regardless of what is stated in the source ICAO | |

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| | | | material. It is not necessary to repeat it here and refined text is proposed.<br><br>**Proposed Text:**<br><br>**GM1 Article 2(78) Flight level**<br>A pressure type altimeter calibrated in accordance with the Standard Atmosphere when set to a pressure of 1 013.2 hPa, may be used to indicate flight levels. | |
| 43 | B. Draft Rules - I. Draft Part-SERA - Annex to AMC/GM to Cover Regulation - GM1 Article 2 (84) | 15 | **Page No:** 15<br><br>**Paragraph No:** GM1 Article 2(84) Height<br><br>**Comment:** Refine text<br><br>**Justification:** The proposed guidance material for Article 2(78) Flight Level provides explanations of what the terms 'altitude' and 'height' mean; it is considered inappropriate for such information to appear there, rather it should appear under Article 2(84)and against the proposed guidance material for Article 2(39) Altitude.<br><br>**Proposed Text:**<br><br>**GM1 Article 2(84) Height**<br>(a) A pressure type altimeter calibrated in accordance with the Standard Atmosphere when set to a QFE altimeter setting, will indicate height (above the QFE reference datum).<br>(b) The term 'height' indicates altimetric rather than geometric height. | |
| 44 | B. Draft Rules - I. Draft Part-SERA - Annex to AMC/GM to Cover Regulation - GM1 Article 2 (114) | 16 | **Page No:** 16<br><br>**Paragraph No:** GM1 Article 2(114) Runway-holding position<br><br>**Comment:** GM is also required to make clear that aircraft cannot get authorisation from an aerodrome control tower if it does not have ATC.<br><br>**Justification:** Clarity of application of the Implementing Rule.<br><br>**Proposed Text:** Add:<br><br>**GM2 Article 2 (114) Runway-holding position**<br>Runway holding positions also exist at aerodromes without ATC, and therefore in such circumstances authorisation is not possible from an aerodrome control tower. | |
| 45 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 3 - General Rules and collision avoidance - GM2 | 18 | **Page No:** 18<br><br>**Paragraph No:** GM2 SERA.3105 Minimum Heights<br><br>**Comment:** This provision is strongly supported by the UK CAA. However, it is stated that the competent authority is responsible for ensuring that the resulting level of safety is acceptable. This needs to be restricted to the resultant level of safety from the variance from the normal minimum level, and not for the subsequent conduct of the flight. | |

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| | SERA.3105 | | **Justification:** It is very important that States have the flexibility to permit low flying on both a routine/regular basis and on a one off basis for legitimate purposes. However, clarity of safety responsibility is essential.<br><br>**Proposed Text:** Change to read:<br><br>**GM2 SERA.3105**<br>MINIMUM HEIGHTS PERMITTED BY THE COMPETENT AUTHORITY BELOW THE REQUIRED MINIMUM HEIGHTS<br>The permission from the competent authority to fly at lower levels than those stipulated in SERA.5005(f) and SERA.5015(b) may **be permitted for an** unlimited number of cases or for a specific flight upon specific request. The competent authority is responsible for ensuring that the level of safety **resulting from such permissions is acceptable**. | |
| 46 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 3 - General Rules and collision avoidance - GM1 SERA.3210(d)(4)(ii) | 18 - 19 | **Page No:** 18<br><br>**Paragraph No:** GM1 SERA.3210(d)(4)(ii) Right-of-way<br><br>**Comment:** There is a need for GM to also make clear the duties of pilots and tug operators with regard to collision avoidance regardless of ATC clearance. This is known and identified as a result of accident investigation findings in the UK.<br><br>**Justification:** Clarity of responsibilities.<br><br>**Proposed Text:** Add additional paragraphs (a) and (b):<br><br>**GM2 SERA.3210(d)(4)(ii) Right of way**<br>CONTROL OF PERSONS AND VEHICLES AT AERODROMES:<br>(a) Notwithstanding any air traffic control clearance it is the duty of the commander of a flying machine to take all possible measures to ensure that his flying machine does not collide with any other aircraft or vehicle or with any obstacle.<br>(b) Where a flying machine is being towed on the ground and the commander of the flying machine is not on board, then notwithstanding any air traffic control clearance it is the duty of the person in charge of the vehicle towing the flying machine to take all possible measures to ensure that the aircraft does not collide with any other aircraft or vehicle or with any obstacle. | |
| 47 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 3 - General Rules and collision avoidance - GM1 SERA.3220(b) | 19 | **Page No:** 19<br><br>**Paragraph No:** GM1 SERA.3220(b) Simulated Instrument Flights<br><br>**Comment:** Alternative GM text proposed.<br><br>**Justification:** The draft GM text effectively repeats the SERA.3220 Rule. This is not necessary or useful. Furthermore the term 'control seat' is used but not defined (neither is it defined by ICAO).<br><br>**Proposed Text:** Change to read: | |

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| | | | **GM1 SERA.3220(b) Simulated Instrument Flights**<br>SAFETY PILOT<br>(a) For the purposes of this rule a safety pilot is a pilot that holds a licence which entitles them to act as pilot in command of the aircraft and is able and prepared to take control of the aircraft at any time during the flight. The safety pilot is responsible for maintaining lookout and avoiding collisions on behalf of the person flying under simulated instrument conditions.<br>(b) A control seat is one which affords the person sitting in the seat sufficient access to the flying controls so as to enable them to fly the aircraft unimpeded. | |
| 48 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 6 Airspace classification - AMC1 SERA.6001 (d); (e); (f); (g) | 22 | **Page No:** 22<br><br>**Paragraph No:** AMC1 SERA.6001(d);(e);(f);(g) Classification of airspaces<br><br>**Comment:** The proposed AMC is excessively detailed and should instead be re-focused and supported by appropriate GM.<br><br>Contents of the safety assessment are not appropriate in the SERA regulation without a detailed and explicit methodology – these processes are catered for in OR/AR.<br><br>The AMC does not adequately address the variety of alleviations that could be issued (national, local, specific time based, etc).<br><br>**Justification:** Clarity and simplification<br><br>**Proposed Text:** Change to read:<br><br>**AMC SERA.6001(d), (e), (f) and (g) Classification of airspaces**<br>SPEED LIMITATION – SAFETY ASSESSMENT AND APPROVAL BY THE COMPETENT AUTHORITY<br>Where the Competent Authority approves an alleviation of the speed limitation of 250kts for flight below 3 050m (10 000ft), this shall be supported by a safety assessment and the details of the alleviation promulgated in the Member State Aeronautical Information Publication. | |
| 49 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 6 Airspace classification - AMC1 SERA.6001 (h) | 23 | **Page No:** 23<br><br>**Paragraph No:** GM1 SERA.6001(h) Classification of airspaces<br><br>**Comment:** Inclusion of an intended duration of Class F airspace in an AIP is unnecessary, generates excessive text, could lead to confusion and contradicts the advisory nature of the suggested '3 years' life. The core requirement in the AIP (existence of Class F airspace, its designation, applicable levels and communications requirements) is already satisfied.<br>The term 'duration' is ambiguous in that it could mean the daily operating hours of said airspace (which will be promulgated in the AIP anyway); alternatively it could refer to the anticipated life of the airspace (i.e. when it is | |

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| | | | expected to be replaced by a more appropriate classification), which is irrelevant.<br><br>**Justification:** Appropriate AIP content.<br><br>**Proposed Text:** Delete sub para (a). | |
| 50 | B. Draft Rules - I. Draft Part-SERA - AMC/GM to ANNEX Rules of the Air - Section 9 Flight information service - GM1 SERA.9005(b)(2) | 25 | **Page No:** 25<br><br>**Paragraph No:** GM1 SERA.9005(b)2 Scope of Flight Information Service<br><br>**Comment:** The GM is written for the provision of FIS to aircraft in Class C/D/E/F/G airspace. However, the risks and ability to provide collision warnings are not the same in these airspace classes. For Class C/D airspace, the collision warning requirement is met through the known traffic environment. However, there is a need for GM to make clear that in Class E/F/G airspace, air traffic services cannot guarantee that such warnings are passed.<br><br>**Justification:** Appropriate GM.<br><br>**Proposed Text:** Change to read:<br><br>**GM1 SERA.9005(b)2**<br>INFORMATION RELATED TO COLLISION HAZARDS – CLASS E/F/G AIRSPACE<br>The information relating to collision hazards include only known activities that constitute risks to the aircraft concerned. The availability of such information to air traffic services in **Class E/F/G** airspace may sometimes be incomplete (e.g. **lack of, or** limitations **to**, radar or radio coverage; optional radio contact by pilots; limitations in the accuracy of reported information by pilots or unconfirmed level information). **Furthermore**, **there may be circumstances that prevent air traffic services from providing timely collision warnings to aircraft in Class E/F/G airspace**. Therefore, air traffic services cannot assume responsibility for its issuance at all times or for its accuracy. | |

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