EASA

Comment Response Tool

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Title	Amendment to Commission Implementing Regulation (EU) No 923/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C)
NPA Number	NPA 2014-05

UK CAA (European.Affairs@caa.co.uk) has placed **74** unique comments on this NPA:

Cmt	Segment description	Pag	Comment	Attachm
392	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** It is acknowledged that the text being proposed for transposition into the SERA regulation is considered to be the 'binding' content of the source documents. However each of the source documents includes provisions that may not be considered to be binding (e.g. where 'may' or 'should' is used instead of 'shall', Recommendations and Notes). Notwithstanding the fact that the development of Part C Acceptable Means of Compliance and Guidance Material is dependent upon the content of the adopted 'binding' text', the UK CAA argues that the proposed material would be considerably better contextualised had the NPA indicated where such non-binding source material would be considered in due course as candidate Acceptable Means of Compliance and Guidance Material. Failure to indicate potential Acceptable Means of Compliance and Guidance Material has at worst removed context and results in incomplete provisions that will lead to stakeholder misinterpretation or misunderstanding of the proposed text, at best significantly diminished said context. **Justification:** Reduced or misleading context undermines the meaning and understanding of proposed amendments.	
393	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** Given the increasing amount of aviation-related EU regulatory material that is both created by EASA and/or derived from ICAO, an EASA-owned lexicon of common terms – essentially a compendium of all definitions and abbreviations that appear in regulatory material 'parented' by the EASA Basic Regulation (as amended) is considered necessary. Incorporation of terms used in material 'parented' by the Single European Sky should also be incorporated. Such a lexicon could be hosted on the EASA	

			and Eurocontrol websites and amended as terms are introduced, amended or withdrawn. As such it would be the EASA equivalent of ICAO Doc 9713 — International Civil Aviation Vocabulary. **Justification:** Such a lexicon would ensure consistency of understanding and application of the terms and abbreviations used within aviation-related EU regulatory material by the EU, its agencies, Member States and industry alike. **Proposed Text:** A compendium of all definitions that appear in regulatory material 'parented' by the EASA Basic Regulation (as amended).	
394	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** Given that consultation on NPA 2014-05 (SERA Part C) closes on 18 May 2014, and for NPA 2014-09 on 3 July 2014, the UK CAA asks EASA whether it will be possible to merge the CRDs and Opinions (in other words, have a single CRD and Opinion). Whilst it is acknowledged that process is unlikely to allow for a single, combined CRD, one would sincerely hope that a single Opinion would be possible, leading to a common implementation date (and then preferably tied to an AIRAC date). Member States and industry face the prospect of implementing two amending Rules and therefore double the implementation burden (including domestic legislative change, amendment to aeronautical information, amendment or development of local guidance/awareness material). This generates costs to Member States and to industry that could be reduced if a single amending rule capturing the content of both NPAs were adopted into EU law. **Justification:** Ease of implementation; alignment of implementation with AIRAC date to facilitate changes to legislation and aeronautical information; reduction in implementation burden and costs to Member States and industry.	
395	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** The SERA Part B Opinion (Opinion 05/2011 dated 14 Nov 2011) noted the requirement for *'a 'maintenance' process* [to] *be put in place to consider future safety needs, ICAO Annex 11 and Annex 3 amendments, or any amendment coming from a change within the EU operational environment'*. The matter has been raised at successive meetings of the Single European Sky Committee but no decision on the way forward appears to have been reached at these. Now that SERA Parts A and B have entered EU law there is	

			a need to put in place a process to deal with amendments to the legislation made necessary by changes to ICAO SARPs and material within the scope of the legislation. Although EASA have a process in place to make suggestions on how States should respond to ICAO material and help them respond, States still have rights and obligations to ICAO including the ability to make national differences. This raises the potential of different national approaches to ICAO material impacting on SERA and the need to have a way to resolve these, agree EU differences where needed and make appropriate changes to the SERA regulation. **Justification:** Requirement for a process to deal with amendments to the legislation and agreement on what this will be.	
396	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** The CAA notes inconsistencies in the numbering of sub-paragraphs between texts at sections 3 'Proposed amendments' and 6 'Appendices'. **Justification:** Consistent numbering/referencing of text.	
397	(General Comments)	0	**Page No:** N/A **Paragraph No: General comment** **Comment:** The SERA Part B Opinion (Opinion 05/2011 dated 14 Nov 2011) noted the requirement for *'a 'maintenance' process* [to] *be put in place to consider future safety needs, ICAO Annex 11 and Annex 3 amendments, or any amendment coming from a change within the EU operational environment'*. The matter has been raised at successive meetings of the Single European Sky Committee but no decision on the way forward appears to have been reached at these. Now that SERA Parts A and B have entered EU law there is a need to put in place a process to deal with amendments to the legislation made necessary by changes to ICAO SARPs and material within the scope of the legislation. Although EASA have a process in place to make suggestions on how States should respond to ICAO material and help them respond, States still have rights and obligations to ICAO including the ability to make national differences. This raises the potential of different national approaches to ICAO material impacting on SERA and the need to have a way to resolve these, agree EU differences where needed and make appropriate changes to the SERA regulation. **Justification:** Requirement for a process to deal with amendments to the legislation and agreement on what this will be.	
503	(General Comments)	0	**Page No:** Regulation 923/2012 Appendix 1 Signals 4. MARSHALLING SIGNALS	NPA2014 -

			Paragraph No: 4.2. From the pilot of an aircraft to a signalman/marshaller **Comment:** Although beyond the scope of this NPA, the UK CAA would wish to offer the following graphics, taken from CAP637 Visual Aids Handbook (Table F 'Meaning of Signals made by Pilot to Marshaller (Reference Rules of the Air Regulations Rule 63)) for incorporation in Regulation 923/2012 Appendix 1. **Justification:** Enhancement of SERA content.. **Proposed Text:** See following graphics attached.	05Genera (67.6kb)
398	1. Procedural information — 1.4. The next steps in the procedure	5	**Page No:** 5 of 170 **Paragraph No:** 1.4. The next steps in the procedure **Comment:** The final sentence of this paragraph states that the NPA 'does not contain any draft Decision, and it will be included in a future NPA which will be published in 2014'. This suggests a second NPA concerning SERA Part C, which the UK CAA does not believe to be the case. Agency confirmation that a second NPA is not planned is requested. If a second NPA is proposed, further details regarding its purpose and associated timescales is requested. Does the sentence allude to the need for a supporting NPA regarding proposals for Acceptable Means of Compliance and Guidance Material? **Justification:** Clarification is necessary.	
399	2. Explanatory Note — 2.3. Summary of the Regulatory Impact Assessment (RIA) — 2.3.2.Who is affected?	8	**Page No:** 8 of 170 **Paragraph No:** 2.3.2. Who is affected? **Comment:** The text as presented is inadequate in that it does not make explicit statements as to how and when the proposed amendments may affect State aircraft operations. State aircraft operations (military, paramilitary and non-military) are commonly undertaken within airspace used by commercial and non-commercial aircraft, but may not be bound by the same regulations. **Justification:** Greater clarification regarding the impacts of the proposed amendments (and SERA in general) upon State aircraft operations is necessary.	
400	2. Explanatory Note — 2.3. Summary of the Regulatory	8 - 9	**Page No:** 8 of 170 **Paragraph No:** 2.3.3. Options **Comment:** The UK CAA supports the application of Option 2 subject to	

	Impact Assessment (RIA) — 2.3.3.Options		the refinements proposed by the UK CAA and the acceptability to the UK of any further refinements to the proposed text. It makes sense to reference ICAO documentation and include recent changes to ICAO Annexes, PANS and document, however a robust SERA maintenance methodology is necessary. Now that SERA Parts A and B have entered EU law there is a need to put in place a process to deal with amendments to the legislation made necessary by changes to ICAO SARPs and material within the scope of the legislation. Although EASA have a process in place to make suggestions on how States should respond to ICAO material and help them respond, States still have rights and obligations to ICAO including the ability to make national differences. This raises the potential of different national approaches to ICAO material impacting on SERA and the need to have a way to resolve these, agree EU differences where needed and make appropriate changes to the SERA regulation. **Justification:** Enhanced harmonisation. Requirement for a process to deal with amendments to the legislation and agreement on what this will be.	
401	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.1. Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents	11 - 18	**Page No:** 12 of 170 **Paragraph No:** 2.4.1 (a) Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents - Definitions: 'mountainous area' **Comment:** The UK CAA notes references or allusions to 'mountainous areas' in ICAO Annexes 2, 3 and 11, and Docs 4444 (PAN-ATM) and 8168 (PANS OPS), although the only definition can be found in PANS-OPS Vol II. Use of the term 'mountainous terrain' is noted in PANS-OPS but not defined; it appears to refer to specific terrain in the context of procedures and their design, whilst 'mountainous areas' is used in a more generic area (as in common understanding of the word) context. Use of the term 'mountainous area' would therefore appear appropriate in the context of the proposed SERA changes, and affords alignment with ICAO in this respect. That said, the UK CAA is of the view that the values referred to in the proposed definition should be for guidance only. What constitutes a 'mountainous area' should be determined at national or local level. The State or ATS provider should be able to define any formal requirements as appropriate mitigation in accordance with a local assessment, as rigid application of the proposed criteria may impose otherwise avoidable constraints upon aircraft operations. For example, for all IFR flights and night VFR, an obstacle 7.9 km away from the intended route of an aircraft would require said aircraft to be flown at a level at least 2000 ft above the highest obstacle located within 8 km of its estimated position. This may not be possible due to airspace constraints, or aircraft performance limitations that preclude compliance with published procedures (e.g.	

			SIDs). Such an approach does not affect the continued application of Minimum Safe Altitudes. **Justification:** Minimised impact on aircraft operations. **Proposed Text:** **"Article 2** 95a 'mountainous area' is an area of changing terrain profile where the changes of terrain elevation exceed values determined by the Competent Authority. **GM1 Article 2 (95a)** A 'mountainous area' may be considered to be an area of changing terrain profile where changes of terrain elevation exceed 900 m (3 000 ft) within a distance of 18.5 km (10.0 NM)."	
402	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.1. Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents	11 - 18	**Page No:** 12 of 170 **Paragraph No:** 2.4.1 (a) Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents - Definitions: 'safety-sensitive personnel' **Comment:** The UK CAA supports the proposed expansion of exemplar 'safety-sensitive personnel' to include those not currently included in Article 2 (116) as it provides clarity as to which categories of personnel may be classified as such. However the list may now be interpreted as inclusive (which it is not), and the additional personnel referred to in Guidance Material. **Justification:** Clarification. Consistency with other elements of Article 2. **Proposed Text:** "116. 'safety-sensitive personnel' mean persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers; **GM1 Article 2(116) Safety-Sensitive Personnel'** 'Safety-sensitive personnel' may also include aerodrome operations personnel, rescue and firefighting personnel, aerodrome maintenance personnel and other personnel allowed unescorted access on the movement area."	
403	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.1. Proposed amendments coming from the relevant material from	11 - 18	**Page No:** 13 of 170 **Paragraph No:** 2.4.1(b) Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents **Comment:** SERA 5005(d) already reflects some of 730/2006 and 730/2006 has more detail if required by the State or ATS provider. So it not clear which parts of 730/2006 the Agency wishes to further transpose into 923/2012 and what purpose it would serve to duplicate the	

	ICAO Annex 10 and ICAO Documents		EU regulations in this way.	
404	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.1. Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents	11 - 18	**Page No:** 16 of 170 **Paragraph No:** 2.4.1(l) Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents **Comment:** Mode C information is assumed to be validated if the Mode A code is part of a code allocation plan and has been validated by a previous unit. Verification of the level information is carried out instinctively on first contact with a new unit as this information is provided by the pilot but this should not normally be required. Verification is also carried out instinctively by controllers within the same unit on receipt of pilot level information on channel changeover. Therefore the use of the same ATS system by different ATS units would have little impact on the requirement for verification because the requirements for the pilot to report level information on channel changeover remains the same. UK CAA would still support the requirement for the pilot to report level information on channel changeover as for safety assurance it provides a very useful confirmation of expected level, displayed level and where Mode S downloaded information is provided, a check on pilot intent.	
405	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.1. Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents	11 - 18	**Page No:** 17 of 170 **Paragraph No:** 2.4.1(m) Proposed amendments coming from the relevant material from ICAO Annex 10 and ICAO Documents **Comment:** The current rules do not recognise the modern European communication environment. Except for busy units which have made a case to their national regulator to omit their callsign on first contact, it is necessary for an ATS unit to use its callsign in response to a pilot who has changed channel from a previous ATS unit. As much as anything else this confirms for the pilot that he/she has contacted the correct unit. Thereafter for channel changeover by the pilot within the same ATS unit, the next sector/position should not have to identify itself again but may respond with a new clearance or instruction or simply Roger. EASA is requested to assess the current Annex 10 provision on this issue for its continued relevance in European airspace.	
406	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.3. Need to clarify paragraph SERA.3210(d)(3) so as to	18 - 19	**Page No:** 18 of 170 **Paragraph No:** 2.4.3. Need to Clarify Para SERA.3210 (d)(3) so as to Implement Measures Preventing Runway Incursion. **Comment:** The UK CAA is of the view that those cases where the stop bar lights cannot be switched off are akin to the circumstances at SERA.3210(d)(2) and as such do not warrant additional regulation. The circumstances can be addressed by Guidance Material.	

	implement measures for preventing runway incursion		**Justification:** Additional regulation is not necessary, suitable Acceptable Means of Compliance appears more appropriate. Flexibility in aerodrome operations. **Proposed Text:** **"AMC1 SERA.3210(d)(3)Right-of-way** An aircraft taxiing on the manoeuvring area stopping and holding at lighted stop bars that may not be switched on or off, or may be unserviceable and failed to 'on' (i.e. red), may proceed further in accordance when an explicit clearance to cross the lighted stop bar has been issued by the aerodrome control tower."	
407	2. Explanatory Note — 2.4. Overview of the proposed amendments — 2.4.7. Proposed amendment of Appendix 4	21	**Page No:** 21 of 170 **Paragraph No:** 2.4.7. Proposed Amendment of Appendix 4 **Comment:** 1) The UK CAA supports the proposed changes to Appendix 4 but notes that the necessary associated revisions to SERA.6001 are not reflected in the proposed amendments in NPA Section 3, but do appear in NPA Section 6 (page 95 of 170). The UK CAA assumes that the refinement will not preclude the application of specific, promulgated rules to be applied when notified airspace structures such as TRAs and TSAs above FL195 are activated. 2) There appears to be an inconsistency in the use of the word 'Appendix in the text and 'Annex' in the question. **Justification:** Clarification.	
409	3. Proposed amendments — Draft Opinion — Article 2	23 - 24	**Page No:** 23 of 170 **Paragraph No:** Article 2 (90) 'instrument approach procedure (IAP)'. **Comment:** Whilst the CAA accepts the proposed amendments, it is of the view that the Agency should consider the need to define the instrument approach operation types or at least consider explanations of both as Guidance Material. **Justification:** Contextualisation and clarification.	
410	3. Proposed amendments — Draft Opinion — Article 2	23 - 24	**Page No:** 24 of 170 **Paragraph No:** Article 2 (94a) 'minimum fuel'. **Comment:** The ICAO origins of the proposed definition are understood, however there is a supporting note that should be considered as Guidance Material. **Justification:** Contextualisation and clarification. **Proposed Text:**	

			"GM1 Article 2(94a) 'Minimum fuel' This is not an emergency situation but merely indicates that an emergency situation is possible, should any undue delay occur."	
412	3. Proposed amendments — Draft Opinion — Article 2	23 - 24	**Page No:** 24 of 170 **Paragraph No:** Article 2 (95a) 'mountainous area' **Comment:** The UK CAA notes references or allusions to 'mountainous areas' in ICAO Annexes 2, 3 and 11, and Docs 4444 (PAN-ATM) and 8168 (PANS OPS), although the only definition can be found in PANS-OPS Vol II. Use of the term of 'mountainous terrain' is noted in PANS-OPS but not defined; it appears to refer to specific terrain in the context of procedures and their design, whilst 'mountainous areas' is used in a more generic area (as in common understanding of the word) context. Application of the term 'mountainous area' would therefore appear appropriate in the context of the proposed SERA changes, and affords alignment with ICAO in this respect. It is essential that there is consistency across all affected EU documents. Ideally, any definition must be incorporated at regulation level, not in AMC or GM. This also further supports the idea of an EASA 'lexicon' – an Agency equivalent to ICAO Doc 9713 that will ensure consistency in the use of definitions and abbreviations throughout EU aviation regulatory material.. **Justification:** Consistency with ICAO and within EU regulation.	
413	3. Proposed amendments — Draft Opinion — Article 2	23 - 24	**Page No:** 24 of 170 **Paragraph No:** Article 2 (116) 'safety-sensitive personnel' **Comment:** The UK CAA supports the proposed expansion of exemplar 'safety-sensitive personnel' to include those not currently included in Article 2 (116) as it provides clarity as to which categories of personnel may be classified as such. However the list may now be interpreted as inclusive (which it is not), and the additional personnel referred to in Guidance Material. **Justification:** Clarification. Consistency with other elements of Article 2. **Proposed Text:** "116. 'safety-sensitive personnel' mean persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;	

			GM1 Article 2(116) Safety-Sensitive Personnel' 'Safety-sensitive personnel' may also include aerodrome operations personnel, rescue and firefighting personnel, aerodrome maintenance personnel and other personnel allowed unescorted access on the movement area."	
414	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5001 VMC visibility and distance from clouds	25 - 26	**Page No:** 26 of 170 **Paragraph No:** Table S5-1 (Visibility and distance from cloud minima) **Comment:** The UK CAA accepts the rationale for the removal of the last sentence of the text included in table S5-1 (Visibility and distance from cloud minima), but would wish to see the removed text retained as Guidance Material to aid understanding of Article 4. **Justification:** Understanding of the Regulation **Proposed Text:** **"GM1 SERA.5001 VMC visibility and distance from clouds Table S5-1 *** (b)** Flight visibilities lower than 800 m may be permitted for special cases, such as medical flights, search and rescue operations and fire-fighting. "	
415	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5005 Visual Flight Rules	26 - 27	**Page No:** 26 of 170 **Paragraph No:** SERA.5005(c)(3)(iv) **Comment** In referring to various flexibilities within Regulation (EU) 923 of 2012, NPA paragraph 2.4.6. 'Proposed amendments for helicopter operations' (page 20 of 170) states that 'some of these…..have been superseded by evolutions which appeared at a later stage in the process of adoption of the SERA IR Regulation (specific reference is made to the minimum visibility for helicopter flying VFR at night, which was possible down to 3 km, based on the airspace classification toolbox recommendations), but there appears to be no detailed explanation as to what these 'evolutions' are and how they have led the Agency to conclude that deletion of SERA.5005(c)(3)(iv) is necessary. Therefore justification for the subsequent change proposals is missing. **Justification:** Inadequate justification for the removal of current SERA text. **Proposed Text:** Retain current SERA text.	
416	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5005 Visual Flight Rules	26 - 27	**Page No:** 27 of 170 **Paragraph No:** Proposed SERA.5005(c)(3)(iv) (current SERA.5005(c)(3)(v)) **Comment:** Minor grammatical error noted. **Justification:** Correction of minor grammatical error.	

			Proposed Text: "(iv~~v~~) for mountainous ~~terrain~~ **areas**, higher VMC visibility and distance from cloud minima may be prescribed by the competent authority;"	
417	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5005 Visual Flight Rules	26 - 27	**Page No:** 27 of 170 **Paragraph No:** SERA.5005(c)(4) Visual flight rules **Comment:** The UK CAA accepts the rationale for the removal of SERA.5005(c)(4), but would wish to see the removed text retained as Guidance Material to aid understanding of Article 4. **Justification:** Understanding of the Regulation **Proposed Text:** **"GM1 SERA.5005(c) Visual flight rules** Ceiling, visibility and distance from cloud minima lower than those specified in SERA.5005(c)(3) may be permitted for helicopters in special cases, such as medical flights, search and rescue operations and fire-fighting."	
418	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5010 Special VFR in control zones	27	**Page No:** 27 of 170 **Paragraph No:** SERA.5010 Special VFR in Control Zones. **Comment:** The UK CAA accepts the rationale for the removal of SERA.5010, but would wish to see a form of the removed text retained as Guidance Material to aid understanding of Article 4. **Justification:** Understanding of the Regulation **Proposed Text:** **"GM1 SERA.5010 Special VFR in Control Zones** Ceiling, visibility and distance from cloud minima lower than those specified in SERA.5010 may be permitted for helicopters in special cases, such as medical flights, search and rescue operations and fire-fighting."	
419	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 5 — SERA.5015 Instrument Flight Rules (IFR) - Rules Applicable to All IFR Flights	27	**Page No:** 27 of 170 **Paragraph No:** New paragraph to be inserted at page 27- SERA.6001 Classification of airspaces **Comment:** The UK CAA supports the proposed changes to Appendix 4 but notes that the necessary associated revisions to SERA.6001 are not reflected in the proposed amendments in NPA Section 3. The appropriate text does appear in NPA Section 6 on page 95 of 170. The UK CAA assumes that the refinement will not preclude the application of specific, promulgated rules to be applied when notified airspace structures such as TRAs and TSAs above FL195 are activated.	

			Justification: Clarity of proposed rule changes.	
420	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 7 — SERA.7002 Collision hazard information when ATS based on surveillance are provided	27 - 28	**Page No:** 28 of 170 **Paragraph No:** SERA.7002 Collision Hazard Information when ATS Based on Surveillance are Provided **Comment:** The UK CAA does not object in principle to the adoption of the proposed text but requires clarification on the transposition of ICAO PANS-ATM 8.8.2 into SERA.7002. PANS-ATM 8.8.2 differentiates between the provision of collision hazard information to aircraft operating inside controlled airspace and to aircraft operating in accordance with the IFR outside controlled airspace; however, SERA.7002 does not provide this differentiation and simply states that it is for all controlled flights (and therefore is derived solely from paragraph 8.8.2.1). It is not clear from the NPA as to whether the remaining PANS-OPS 8.8.2 text will be adopted as AMC and/or Guidance material. ICAO defines a controlled flight as one that is subject to an air traffic control clearance and thus does not differentiate between airspace classification. By implication, the proposed text in SERA.7002 would then apply equally inside and outside controlled airspace to all aircraft. In addition, the proposed text does not discriminate sufficiently between IFR and VFR operations within Class A-E airspace. In these respects the proposed transposition of PANS-ATM text is incomplete and inadequate. The UK CAA is of the view that a clear statement from the Agency that SERA.7002 will be supported by Acceptable Means of Compliance or Guidance Material derived from the text at PANS-ATM 8.8.2.2 and 8.8.2.3 is necessary. **Justification:** Clarification and completeness of ATC and pilot responsibilities. Lack of clarity regarding the possible future status of text at ICAO PANS-OPS paragraph 8.8.2.2 and 8.8.2.3. **Proposed Text:** **“SERA.7002 Collision hazard information when ATS based on surveillance are provided** (a) When an identified controlled flight operating within controlled airspace is observed to be on a conflicting path with an unknown aircraft deemed to constitute a collision hazard, the pilot of the controlled flight shall, whenever practicable: (1) be informed of the unknown aircraft in accordance with the requirements for the airspace classification and flight rules as contained in SERA Appendix 4. (2) be notified when the conflict no longer exists. (b) Pilots of VFR flights must ensure that compliance with traffic avoidance advice is safe with respect to their responsibilities for avoiding terrain/obstacles and for maintaining VMC.”	

421	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 8 — SERA.8015 Air traffic control clearances	28 - 31	**Page No:** 28 of 170 **Paragraph No:** SERA.8015(a)(1) and (2) **Comment:** Text stating that clearances shall be issued solely for expediting and separating air traffic and that clearances are necessary to prevent collisions could be interpreted as meaning that where a clearance is provided to VFR flights in Class C and D airspace, these aircraft are being provided with a separation service that prevent collisions from other IFR or VFR flights in accordance with the airspace classification. **Justification:** Guidance Material is required to clarify that clearances to VFR flights in controlled airspace do not imply any form of separation. **Proposed Text:** **"GM SERA.8015(a)(1) Air traffic control clearances GM SERA.8015(a)(2) Air traffic control clearances** Clearances to VFR flights in Class C and D do not imply any form of separation between: (a) In Class C – VFR aircraft. (b) In Class D – IFR and VFR aircraft."	
422	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 8 — SERA.8015 Air traffic control clearances	28 - 31	**Page No:** 29 of 170 **Paragraph No:** SERA.8015(f)(2) Air traffic control clearances **Comment:** In busy TMAs it is not appropriate to pass the Transition Level to pilots during descent because of RTF workload issues with transmission, readback and hearback, and in order to comply with established best practices for passing instructions with ATC levels in them. The Transition Level forms part of the arrival ATIS so pilots can acquire this information from another source. The text as proposed is not a full transposition of the source PANS-ATM text, and the NPA does not suggest what form of Guidance Material may be derived from it. Therefore context is lost and the NPA is, in this respect, deficient. **Justification:** ATC strive to implement defensive ATM techniques that help prevent inadvertent level busts. Providing pilots with cleared levels and information on other levels is empirically proven to result in mistakes and some pilots will take the Transition Level as the cleared level. The NPA has lost context in the manner described above and requires either amended rule text or appropriate Guidance Material. **Proposed Text:** Either: **"SERA.8015 Air traffic control clearances** (f) Clearance related to altimetry	

			(2) The flight crew shall be provided by voice communications, ATIS broadcast or data link with the transition level in due time prior to reaching it during descent." Or **"GM SERA.8015(f)(2) Air traffic control clearances** This may be accomplished by voice communications, ATIS broadcast or data link."	
423	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 8 — SERA.8015 Air traffic control clearances	28 - 31	**Page No:** 30 of 170 **Paragraph No:** SERA.8015(g) Air traffic control clearances **Comment:** The text at SERA.8015(g) refers specifically to conditional clearances as used on an aerodrome and is accepted as good practice. However conditional clearances are used in all phases of flight and the content and order as stated would also have to apply. Additional text applicable to aircraft in flight appears necessary. If incorporated, SERA.8015(g) needs to be retitled to make explicit application, a new SERA.8015(h) inserted and subsequent sub-paragraphs renumbered. **Justification:** Need for equivalent text applicable to aircraft in flight. **Proposed Text:** "(g) Conditional clearances to aircraft on the ground ... (h) Conditional clearances to aircraft in flight Conditional phrases may be passed to aircraft in flight. In all cases a conditional clearance shall be given in the following order and consist of: (i) identification; (ii) the condition; (iii) the clearance."	
424	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11001 Unlawful interference General	33 - 34	**Page No:** 33 of 170 **Paragraph No:** SERA.11005 (a) Unlawful interference **Comment:** Should start 'The Pilot in Command of…. **Justification:** Aircraft are inanimate objects and cannot carry out orders/instructions. The proposed revision aligns text with SERA.11005 (b). **Proposed Text:** **"SERA.11005 Unlawful interference** (a) The pilot of an aircraft which is being subjected to unlawful interference shall endeavour to set the…."	
425	3. Proposed amendments — Draft Opinion — ANNEX —	34 - 35	**Page No:** 34 of 170 **Paragraph No:** SERA.11010 (a) (3) (i) **Comment:** Use of the abbreviation 'ATS' is inappropriate	

	SECTION 11 — SERA.11010 In-flight contingencies Strayed or unidentified aircraft		**Justification:** In the context in which 'ATS' appears here, the phrase 'air traffic services unit' would align better with the sense required and use in the subject text, and would then align with SERA.11010(a)(3)(ii). **Proposed Text:** "(3) When the aircraft's position is established, the air traffic services unit shall: (i) advise the aircraft of its position and corrective action to be taken. This advice shall be immediately provided **when the air traffic services** unit is aware that there is a possibility of interception or other hazard to the safety of the aircraft; and"	
426	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11012 Minimum Fuel and Fuel Emergency	35	**Page No:** 35 of 170 **Paragraph No:** SERA.11012 Minimum Fuel and Fuel Emergency. **Comment:** The UK CAA supports adoption of both terms and notes the proposed addition of the definition of 'minimum fuel' to Article 2. The UK CAA assumes the note to the original PANS-ATM text will be adopted as Guidance Material. Given that the term 'fuel emergency' is not defined, and is indeed not referred to in SERA.11012 text, the UK CAA recommends revision of the title of the paragraph to read 'SERA.11012 Minimum Fuel'. Within PANS-OPS the term 'fuel emergency' is used only in the title of, plus Note 2 to, paragraph 15.5.4; it is not defined in that document. The term does not appear in ICAO Annex 10. The UK CAA notes that the proposed title of SERA.11012 reverses the order of the words in the PANS-ATM title, rendering the term 'fuel emergency' secondary in nature. The secondary status plus rare use in source ICAO documents and lack of definition underscores the UK CAA view that the term be removed from the title of SERA.11012. **Justification:** Clarity of text **Proposed Text:** Amend title to read "**SERA.11012 Minimum Fuel"**	
427	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11013 Degraded aircraft performance	35 - 36	**Page No:** 35 of 170 **Paragraph No:** SERA.11013(c) Degraded aircraft performance **Comment:** There is no requirement for an aircraft to deviate from the ATC assigned level due to a failure of its vertical navigation performance. The ICAO source material for most of SERA.11013(c) is Doc 7030 and this provision is currently being reviewed by NETOPS APDSG for its current applicability.	

			Justification: This is not an emergency situation requiring the pilot to act before notifying ATC. ATC will provide the means to maintain the appropriate separation, which depending on the traffic situation at the time, could be for the aircraft to maintain its current level. **Proposed Text:** UK CAA suggests that SERA.11013(c) is not to be included in SERA Part C until revisions to Doc 7030 have been approved. Otherwise EU and ICAO provisions on the same topic will be contradictory.	
428	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11013 Degraded aircraft performance	35 - 36	**Page No:** 35 of 170 **Paragraph No:** SERA.11013 (c) **Comment:** Whilst noting the earlier UK comment the acronym 'RVSM' is introduced without explanation. Explanation as proposed below will obviate the need to explain the acronym later in the document. **Justification:** Precise text. **Proposed Text:** **"SERA.11013 Degraded aircraft performance** (c) Loss of vertical navigation performance required for reduced vertical separation minimum (RVSM) airspace"	
429	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11013 Degraded aircraft performance	35 - 36	**Page No:** 35 of 170 **Paragraph No:** SERA.11013 (c)(2) **Comment:** Introduction of the acronym 'RVSM' at SERA.11013(c) obviates the need to explain the acronym in this paragraph. **Justification:** Precise text. **Proposed Text:** **"SERA.11013(c)(2) Degraded aircraft performance** (2) During operations in or vertical transit through RVSM airspace with aircraft not approved for RVSM operations, pilots shall report non-approved status as follows: "	
430	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11013 Degraded aircraft performance	35 - 36	**Page No:** 36 of 170 **Paragraph No:** SERA.11013 (c)(4)(ii) **Comment:** The UK CAA considers the proposed text to be unduly restrictive. When an aircraft can be accommodated safely within RVSM airspace without any degradation to safety or to efficiency of operations it should be allowed to remain within RVSM airspace. Instead the objective should be to continue providing services to non-RVSM aircraft where possible, i.e. when prevailing traffic conditions permit, for example in low-density airspace at any given time (such as at night when any need to increase separation between aircraft or require affected aircraft to leave RVSM airspace may be diminished). A degree of tactical flexibility and judgement on the part of the ANSP and/or individual ATCO is warranted - if the ability to	

			maintain 2000' is available then the aircraft should remain in the RVSM airspace. In addition, it will always be incumbent upon the ANSP/ATCO to determine the feasibility and appropriateness of instructing an aircraft to leave RVSM airspace under the circumstances described; traffic density and complexity of airspace beneath RVSM airspace may preclude such a course of action. **Justification:** More efficient method of applying the regulation without compromising safety. **Proposed Text:** **SERA.11013(c)(4)(ii) Degraded aircraft performance** ATC shall take action immediately to provide a minimum vertical separation of 600 m (2 000 ft) or an appropriate horizontal separation from all other aircraft concerned that are operating in RVSM airspace. An aircraft rendered non-RVSM-approved shall normally be cleared out of RVSM airspace by ATC unless traffic conditions allow the provision of 2000ft separation without detriment to the safety of operation and efficiency of the RVSM airspace.	
431	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11014 ACAS resolution advisory (RA)	36 - 37	**Page No:** 36 of 170 **Paragraph No:** SERA.11014 ACAS resolution advisory (RA) **Comment:** The PANS-ATM/OPS provisions related to ACAS were reviewed by NETOPS APDSG and proposals for amendment are currently being reviewed by AAB. **Justification:** The current provisions do not clearly identify the scope of other affected aircraft; also pilot actions in respect of notifying ATC are not given a high enough priority. **Proposed Text:** UK CAA suggest that SERA.11014 is not to be included in SERA Part C until revisions to PANS-ATM/OPS have been approved. Otherwise the EU and ICAO provisions on the same topic will be contradictory.	
432	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 11 — SERA.11014 ACAS resolution advisory (RA)	36 - 37	**Page No:** 37 of 170 **Paragraph No:** SERA.11014 ACAS resolution advisory (RA) **Comment:** The term 'Air Traffic Control' is explained. The term first appears in the extant Article 2 (60) entry ('controller-pilot data link communications (CPDLC)' mean a means of communication between controller and pilot, using data link for ATC communications;) but is surprisingly not already explained in Regulation 923 of 2012. This also further supports the idea of an EASA 'lexicon' – an Agency equivalent to ICAO Doc 9713 that will ensure consistency in the use of definitions and abbreviations throughout EU aviation regulatory material.	

			Justification: Explanation of terminology/need for additional definition. **Proposed Text:** **"Article 2** 60. 'controller-pilot data link communications (CPDLC)' mean a means of communication between controller and pilot, using data link for air traffic control (ATC) communications;"	
433	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 12 — SERA.12005 Special aircraft observations	37 - 38	**Page No:** 37 of 170 **Paragraph No:** SERA 12005(c) Special aircraft observations **Comment:** The requirement for pilot reporting of special aircraft observations using Model AIREP form could have a negative impact on frequency occupancy in busy environments. **Justification:** Depending on the length of report and its content, a pilot may unnecessarily occupy the main frequency for a long time, preventing ATC from managing more time-critical events. **Proposed Text:** The development of suitable AMC/GM to enable the reporting to ATC to be done on an alternative frequency.	
434	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13001 Operation of SSR transponder	38	**Page No:** 38 of 170 **Paragraph No:** SERA.13001(a) Operation of SSR Transponder **Comment:** The UK CAA is of the view that the proposed text will present an unintended consequence to the operation of transponder-equipped aircraft that are incapable of generating electrical power. Current transponder equipment uses significant amounts of electrical power and drains batteries if operated throughout a typically long flight. For example, available battery capacity in sailplanes cannot support an additional heavy load such as a permanently active transponder. Operators of affected aircraft will then be faced with a choice of either removing their transponders or not flying. The former option negates the anticipated/perceived electronic conspicuity benefits of the proposal, the latter presents an unacceptably adverse impact upon a large and active sector of the aviation community. Until affordable low power devices become available, the expectation that all transponder-equipped aircraft shall operate transponders at all time is unrealistic. **Justification:** Operators of affected aircraft will be faced with a choice of either removing their transponders or not flying. The former option negates the anticipated/perceived electronic conspicuity benefits of the proposal, the latter presents an unacceptably adverse impact upon a large and active sector of the aviation	

			community. **Proposed Text:** **SERA.13001 Operation of SSR transponder** (a) When an aircraft carries a serviceable transponder, the pilot shall operate the transponder at all times during flight when the aircraft is within airspace where SSR is used for ATS purposes. **GM SERA.13001(a) Operation of SSR transponder** When an aircraft carries a serviceable transponder, the pilot should operate the transponder at all times during flight, regardless of whether the aircraft is within or outside airspace where SSR is used for ATS purposes.	
435	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13001 Operation of SSR transponder	38	**Page No:** 38 of 170 **Paragraph No:** SERA.13001(a) Operation of SSR Transponder **Comment:** SSR need not be written in full as the acronym is introduced at Article 2. **Justification:** More concise text. **Proposed Text:** "When an aircraft carries a serviceable transponder, the pilot shall operate the transponder at all times during flight, regardless of whether the aircraft is within or outside airspace where SSR is used for ATS purposes."	
436	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13001 Operation of SSR transponder	38	**Page No:** 38 of 170 **Paragraph No:** SERA.13001(a) Operation of SSR Transponder **Comment:** Transponder Mandatory Zones (airspaces of defined dimensions wherein the carriage and operation of pressure-altitude reporting transponders is mandatory) were introduced into EU law by Regulation 923 of 2012. The addition of the text derived from PANS-OPS is likely to confuse pilots as to what transponder carriage and operation requirements in non-TMZ airspace are, in that it mandates transponder operation in ***all*** airspace. Although the UK CAA supports the ***principle*** that all aircraft equipped with transponders ***should*** operate them and acknowledges the benefits of enhanced electronic conspiuity, it is of the opinion that that this regulation would prove unenforceable within airspace where the carriage and operation of a transponder is not mandatory. Therefore the UK CAA would fully support amended text which mandated the operation of transponders where SSR is used for ATS purposes, and supporting guidance material recommending the use of transponders in all airspace. **Justification:** Unenforceable requirement likely to cause confusion amongst pilots in the context of TMZ and non-TMZ	

			airspace. Need for clarity on where the requirement can be enforced. Recommendation to operate in all airspace to enhance electronic conspicuity. **Proposed Text:** **"SERA.13001 Operation of SSR transponder** (a) When an aircraft carries a serviceable transponder, the pilot shall operate the transponder at all times during flight when the aircraft is within airspace where SSR is used for ATS purposes. **GM SERA.13001(a) Operation of SSR transponder** When an aircraft carries a serviceable transponder, the pilot should operate the transponder at all times during flight, regardless of whether the aircraft is within or outside airspace where SSR is used for ATS purposes."	
437	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13001 Operation of SSR transponder	38	**Page No:** 38 of 170 **Paragraph No:** SERA.13001(b) Operation of SSR Transponder **Comment:** The IDENT feature may be used to help with radio failure and other emergency situations. The ability to operate the feature should not be inhibited to only "unless ATC initiated". **Justification:** There needs to be an element of pilot discretion when using this feature as it has benefits in unusual situations where it is not possible for ATC to direct at all times. **Proposed Text:** Either: Revision to (a): "Except when deemed appropriate as a communication aid during unusual events such as emergencies, pilots with a serviceable transponder shall not operate the IDENT feature unless requested by ATC". Or "AMC/GM to advise pilots and ATC that the feature may be used as a communication aid during unusual events such as emergencies."	
438	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13001 Operation of SSR transponder	38	**Page No:** 38 of 170 **Paragraph No:** SERA.13001 Operation of SSR Transponder **Comment:** Guidance Material is required to explain the requirement for SSR operation within formations. **Justification:** Following formation join-up, not all aircraft in the formation should squawk in order to avoid garbling and to reduce difficulty in reading/interpreting overlapping	

			SSR information. **Proposed Text:** **"GM1 SERA.13001 Operation of SSR Transponder** Pilots of aircraft engaged in formation join-ups should continue to operate the transponder until established in formation. Once established in formation, all except the lead aircraft should be instructed to squawk standby. **GM2 SERA.13001 Operation of SSR Transponder** If a formation extends for 3 nm or more, the last aircraft should also squawk. For large stream formations, pilots of intermediate aircraft should be instructed to operate the transponder as appropriate. "	
439	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13020 SSR transponder failure when the carriage of a functioning transponder is mandatory	40	**Page No:** 40 of 170 **Paragraph No:** SERA.13020(a) SSR transponder failure when the carriage of a functioning transponder is mandatory **Comment:** Loss of transponder information is not acceptable for long flights crossing international borders. **Justification:** The text as proposed places an unrealistic expectation on controllers to require them to arrange for the flight to continue when ATC agencies downstream may refuse to accept the traffic. Further in the light of modern security concerns, a flight not displaying any cooperative information may give rise to premature military action. Further guidance should be provided to ATC, such as the time of day of the failure, the length of the route, domestic/oceanic, number of ATS agencies involved. Pilots of aircraft engaged in formation join-ups should continue to operate the transponder until established in formation. Once established in formation, all except the lead aircraft should be instructed to squawk standby. **Proposed Text:** **"SERA.13020 SSR transponder failure when the carriage of a functioning transponder is mandatory** (a) In case of a transponder failure after departure, ATC units shall attempt to provide continuation of the flight to the destination aerodrome in accordance with the flight plan, **only after having first assessed the likelihood of the aircraft being accepted by ATS units along the route**. Pilots **shall**, however expect to comply with specific restrictions".	
440	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 13 — SERA.13020 SSR	40	**Page No:** 40 of 170 **Paragraph No:** SERA.13020(b) Operation of SSR Transponder **Comment:** The proposed text only addresses the immediate departure and the process for obtaining some form of exemption.	

	transponder failure when the carriage of a functioning transponder is mandatory		The provision is missing any form of requirement for the equipment to be repaired prior to the next flight as per EU Regulation 1207/2011 Article 4 (4). In addition, there is no link to Master Minimum Equipment List (MMEL) or Minimum Equipment List (MEL) requirements. Note that the cross-reference in the NPA should read PANS-OPS Part I, Section 3, Ch 1, 1.7.2. **Justification:** An aircraft with an unserviceable transponder may continue to fly indefinitely providing ATC is notified and the flight plan amended. **Proposed Text:** AMC/GM to reflect requirements in 1207/2011, MMELs and MELs	
441	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14005 Categories of messages	40	**Page No:** 40 of 170 **Paragraph No:** SERA.14005 'Categories of messages' **Comment:** The Agency seeks stakeholder opinion on whether they consider, from the safety point of view, that the ICAO voice communication message category naming and radiotelephony order is appropriate and should be kept identical in SERA or if it should rather be modified and in which way. The UK CAA believes it is not possible to provide meaningful comment (other than to advocate adoption of the proposed text in accordance with the SERA harmonisation principles) as the Agency does not provide any detail on the 'several national notified differences [existing] in Europe' referred to in the NPA, nor does it propose how a harmonised modification could be achieved, or when this could be done. Any modification would appear to run counter to the SERA ethos of supporting harmonised convergence with ICAO. That said, the UK specifies additional categories through CAP413 (but has not filed a Difference against Annex 10) and seeks clarification as to whether individual States may specify further categories through national AIPs as long as they are of a lower priority than those stipulated at SERA.14005. **Justification:** Clarification.	
442	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14010 Flight safety messages	40 - 41	**Page No:** 40 of 170 **Paragraph No:** SERA.14010 'Flight safety messages' **Comment:** The UK CAA supports this proposal. **Justification:** Standardisation.	
443	3. Proposed amendments — Draft Opinion — ANNEX —	41	**Page No:** 41 of 170 **Paragraph No:** SERA.14015 Language to be used **Comment:**	

	SECTION 14 — SERA.14015 Language to be used		UK CAA suggests that English should always be used to increase and improve situational awareness for all aircrew, and to that end the UK CAA advocates extending SERA.14015 to require the use of the English language at aerodromes with international traffic of more than 50 000 commercial IFR movements a year. Whilst an extension to all airfields that accept International Flights, rather than those with international traffic of more than 50 000 commercial IFR movements a year, should be considered, it is acknowledged that alignment within SERA to the proposal to be made to EUROCONTROL Provisional Council would render any change SERA Part C proposals more acceptable to Member States. The UK CAA supports the proposal for Guidance Material within SERA.14015 concerning the use of the term 'designated aerodromes'. That said, Guidance Material on its own appears an inadequate means of addressing the issues highlighted at page 7 of 170 of the NPA, and text that captures the aerodromes in question is suggested below. **Justification:** Maintenance and enhancement of safety by improving the situational awareness of pilots and controllers through the consistent use of one language, thus enabling them to understand the conversations from all other pilots and controllers. Alignment with the proposal to be made to EUROCONTROL Provisional Council for endorsement to recommend Member States to consider the extension of the use of the English language by qualified pilots on some critical frequencies at aerodromes with international traffic of more than 50 000 commercial Instrument Flight Rules (IFR) movements a year is considered necessary. **Proposed Text:** **"SERA.14015 Language to be used** (a) The air-ground radiotelephony communications shall be conducted in the English language at aerodromes with more than 50 000 commercial Instrument Flight Rules (IFR) movements a year, or in all other cases the language normally used by the station on the ground. (b) The English language shall be available, on request from any aircraft, at all stations on the ground serving designated aerodromes and routes used by international air services. (c) The languages available at a given station on the ground shall form part of the Aeronautical Information Publications and other published aeronautical information concerning such facilities."	
444	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14	41	**Page No:** 41 of 170 **Paragraph No:** SERA.14020 'Word spelling in radiotelephony'	

	— SERA.14020 Word spelling in radiotelephony		**Comment:** The UK CAA supports this proposal. **Justification:** Standardisation.	
445	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14035 Transmission of numbers in radiotelephony	42 - 43	**Page No:** 42 of 170 **Paragraph No:** SERA.14035 Transmission of numbers in radiotelephony **Comment:** The UK CAA supports this proposal with one reservation. SERA explicitly provides for the use of 'Ten', 'Eleven' and 'Twelve' for passing traffic information and the UK CAA believes that their use could be extended to the transmission of heights and altitudes. New text is proposed to be introduced as SERA.14035 (a) (1) (ii). The existing text at SERA.14035 (a) (1) (ii) and (iii) would require thus re-numbering. **Justification:** Through the provision of TEN, ELEVEN and TWELVE in relation to the passing of traffic information, SERA has demonstrated that there are no human factors issues of concern related to their use. UK CAA believes that there is a sound case for extending the use of TEN, ELEVEN and TWELVE to instructions related to heights and altitudes in terms of both their ease of pronunciation and their ease of perception by personnel on the ground and in the air. **Proposed Text:** **"SERA.14035 Transmission of numbers in radiotelephony** (a) Transmission of numbers (1) All numbers used in the transmission of aircraft call sign, headings, runway, wind direction and speed shall be transmitted by pronouncing each digit separately. (i) Flight levels shall be transmitted by pronouncing each digit separately except for the case of flight levels in whole hundreds. **(ii) Altitudes and Heights shall be transmitted by pronouncing each digit in the number of hundreds or thousands followed by the word HUNDRED or THOUSAND as appropriate, except for the case of 10, 11 and 12 000 feet which shall be transmitted as TEN, ELEVEN and TWELVE THOUSAND.** (~~ii~~**iii**) The altimeter setting shall be transmitted by pronouncing each digit separately except for the case of a setting of 1 000 hPa which shall be transmitted as ONE THOUSAND. (~~iii~~**iv**) All numbers used in the transmission of transponder codes shall be transmitted by pronouncing each digit separately except that, when the transponder codes contain whole thousands only, the information shall be transmitted by pronouncing the digit in the number of thousands followed by the word THOUSAND."	
446	3. Proposed amendments — Draft Opinion —	43	**Page No:** 43 of 170 **Paragraph No:** SERA.14040 Pronunciation of numbers	

	ANNEX — SECTION 14 — SERA.14040 Pronunciation of numbers		**Comment:** The UK CAA supports this proposal with one reservation. SERA explicitly provides for the use of 'TEN', 'ELEVEN' and 'TWELVE' for passing traffic information, and proposes that this be incorporated within Table S14-3 to ensure that these numbers are pronounced in a standard manner. UK CAA believes that there is an associated requirement to add a note below this table to the effect that the use of these numbers would only be suitable for use in the provision of traffic information and in instructions regarding heights and altitudes. **Justification:** Through the provision of TEN, ELEVEN and TWELVE in relation to the passing of traffic information, SERA has demonstrated that there are no human factors issues of concern related to their use. **Proposed Text:** **"SERA.14040 Pronunciation of numbers** (a) When the language used for communication is English, numbers shall be transmitted using the pronunciation shown in table S14-3: 10 – TEN 11 – ELEV-EN 12 – TWELF. (a) The use of 'TEN', 'ELEVEN' and 'TWELVE' shall be limited to the provision of traffic information and to instructions regarding heights and altitudes. "	
448	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14050 Radiotelephony call signs for aircraft	44	**Page No:** 44 of 170 **Paragraph No:** SERA.14050 Radiotelephony callsigns for aircraft **Comment:** Annex 10 provisions allow for use of aircraft types in full or abbreviated callsigns. Agency proposals need to be checked for consistency with Annex 10 as well as DOC 9432 2.7.2. **Justification:** Standardisation and harmonisation of ICAO and European provisions.	
449	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14055 Radiotelephony procedures	44 - 45	**Page No:** 45 of 170 **Paragraph No:** SERA.14055(b)(2) 'Radiotelephony procedures' **Comment:** The UK CAA fully supports this proposal. **Justification:** Standardisation.	
450	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14	45	**Page No:** 45 of 170 **Paragraph No:** SERA.14060(b) Transfer of VHF communications **Comment:** The prescription should be the responsibility of	

	— SERA.14060 Transfer of VHF communication		the Competent Authority rather than that of the ANSP. The Competent Authority will be a position to stipulate a requirement to be applied to all ANSPs within its area of responsibility, or as many ANSPs it deems appropriate. **Justification:** Clarification and appropriate level of responsibility.	
452	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14065 Radiotelephony procedures for air-ground voice communication channel changeover	45 - 46	**Page No:** 45 of 170 **Paragraph No:** SERA.14065(a) Radiotelephony procedures for air-ground voice communication channel changeover **Comment:** SERA.14065(a) states that, '[unless] otherwise prescribed by the ANSP responsible for the provisions of services, the initial call to an ATC unit after a change of air-ground voice communication channel shall contain the following elements'. SERA.14065(a) goes on to refer to 'additional elements, as required by the ANSP responsible for the provisions of services.' The prescription should be the responsibility of the Competent Authority rather than that of the ANSP. The Competent Authority will be a position to stipulate a requirement to be applied to all ANSPs within its area of responsibility, or as many ANSPs it deems appropriate. **Justification:** Clarification and appropriate level of responsibility.	
454	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14065 Radiotelephony procedures for air-ground voice communication channel changeover	45 - 46	**Page No:** 45 of 170 **Paragraph No:** SERA.14065(c)(2) Radiotelephony procedures for air-ground voice communication channel changeover **Comment:** Note that, within Europe, FDP systems contain the wake turbulence categories for each aircraft and this allows controllers to undertake their wake turbulence spacing responsibilities. So the value of this information in an RTF exchange is not understood. The argument that it is also for the benefit of other airspace users' situational awareness is thin as it is debatable whether the position of a Heavy/Super would be readily identifiable to other aircraft simply by hearing it check in on a frequency. It simply adds unnecessary RTF verbiage. And if it's important for other airspace users, why is there not a requirement for every aircraft to indicate its wake turbulence category? **Justification:** Clarification.	
455	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14	45 - 46	**Page No:** 45 of 170 **Paragraph No:** SERA.14065(c) Radiotelephony procedures for air-ground voice communication channel changeover	

	— SERA.14065 Radiotelephony procedures for air-ground voice communication channel changeover		**Comment:** It is not clear if the initial call to the aerodrome tower is from the stand, the final approach or from outside the zone. Is a position report required in all three instances? Also not clear why the ANSP rather than the Competent Authority may prescribe otherwise for initial call to ATC after a change in communications in (a). **Justification:** Clarification.	
457	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14065 Radiotelephony procedures for air-ground voice communication channel changeover	45 - 46	**Page No:** 45 of 170 **Paragraph No:** SERA.14065(d)(2) and (3) Radiotelephony procedures for air-ground voice communication channel changeover **Comment:** Para 2 allows for continuous two-way communication to proceed without further identification. Para 3 does not allow this if there are mandatory read-back of information/instructions included in the conversation. Clarification is required. **Justification:** Clarification. **Proposed Text:** Either: Combine paragraphs: (2) When issuing ATC clearances and reading back such clearances controllers and pilots shall always add the call sign of the aircraft to which the clearance applies. For other than those occasions, continuous two-way communications after contact has been established may be permitted without further identification or call until termination of the contact. Or Provide guidance to identify occasions where omitting callsigns is acceptable i.e. conversational exchanges	
458	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14070 Test procedures	46	**Page No:** 46 of 170 **Paragraph No:** SERA.14070(a) and (b) Test procedures **Comment:** These two paragraphs highlight the procedure for the pilot to initiate and check the quality of the RTF. **Justification:** In practice ATC also initiate checks using the same methodology. **Proposed Text:** Amend to include the ability for ATC to initiate the check.	
459	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14085 Voice	47 - 48	**Page No:** 47 of 170 **Paragraph No:** SERA.14085 Voice communications failure **Comment:** RCF provisions are being reviewed by ICAO. These Annex 10 procedures should not be included in Part C until the	

	communication failure		amended procedures have been agreed. See SERA.8035. **Justification:** Current SERA.8035 already references the requirement for States to comply with the current RFC procedures as a result of consultation during the legislative process for SERA Parts A &B. It was recognised then that it would be premature for SERA to transpose the current ICAO provisions and therefore the same argument should apply for the Part C proposals. **Proposed Text:** Do not incorporate proposed SERA.14085 and amend SERA.8035 as appropriate to reflect revised ICAO RCF procedures.	
461	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14090 Specific communication procedures	48 - 49	**Page No:** 48/49 of 170 **Paragraph No:** SERA.14090(c)(2) Specific communications procedures **Comment:** The UK CAA has already adopted the term 'SUPER' with regards to wake turbulence categorisation. Note that, within Europe, FDP systems contain the wake turbulence categories for each aircraft and this allows controllers to undertake their wake turbulence spacing responsibilities. So the value of this information in an RTF exchange is not understood. The argument that it is also for the benefit of other airspace users' situational awareness is thin as it is debatable whether the position of a Heavy/Super would be readily identifiable to other aircraft simply by hearing it check in on a frequency. It simply adds unnecessary RTF verbiage. And if it's important for other airspace users, why is there not a requirement for every aircraft to indicate its wake turbulence category?	
462	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14095 Distress and urgency radiotelephony communication procedures	49 - 52	**Page No:** 49 of 170 **Paragraph No:** SERA.14095(a)(5) Distress and urgency radiotelephony communication procedures **Comment:** The use of the frequency on which the traffic was initiated is not always possible due to the nature of the emergency; it may have to be called on another frequency (possibly 243.0 MHz or 121.5 MHz). **Justification:** The nature of the emergency may warrant eventual use of a discrete frequency, particularly where the in-use frequency is busy. Context is lost as the note to the source ICAO text is not mentioned, nor is any indication given of it being adopted in due course as Guidance Material. **Proposed Text:** **"SERA.14095(b)(1) Distress and urgency radiotelephony communication procedures** (i) be on the air-ground frequency in use at the time or a published emergency frequency; **GM SERA.14095(b)(1) Distress and urgency**	

			radiotelephony communication procedures 121.5 MHz or alternative available VHF or HF frequencies may be used as appropriate.”	
463	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14095 Distress and urgency radiotelephony communication procedures	49 - 52	**Page No:** 50/51 of 170 **Paragraph No:** SERA.14095(b)(1)(i) Distress and urgency radiotelephony communication procedures **Comment:** This is not always possible due to the nature of the emergency; it may have to be called on another frequency (possibly 243.0 MHz or 121.5 MHz). **Justification:** The nature of the emergency may warrant eventual use of a discrete frequency, particularly where the in-use frequency is busy. **Proposed Text:** **“SERA.14095(b)(1) Distress and urgency radiotelephony communication procedures** (i) be on the air-ground frequency in use at the time or a published emergency frequency; **GM SERA.14095(b)(1) Distress and urgency radiotelephony communication procedures** 121.5 MHz or alternative available VHF or HF frequencies may be used as appropriate.”	
464	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14095 Distress and urgency radiotelephony communication procedures	49 - 52	**Page No:** 51 of 170 **Paragraph No:** SERA.14095(c)(1)(i) Distress and urgency radiotelephony communication procedures **Comment:** It is not always possible to use the air-ground frequency in use at the time due to the nature of the emergency; it may have to be called on another frequency (possibly 243.0 MHz or 121.5 MHz). **Justification:** The nature of the emergency may warrant a quite or discrete frequency, particularly where the in use frequency is busy. **Proposed Text:** **“SERA.14095(c)(1) Distress and urgency radiotelephony communication procedures** (i) be on the air-ground frequency in use at the time or a published emergency frequency;”	
466	3. Proposed amendments — Draft Opinion — ANNEX — SECTION 14 — SERA.14095 Distress and urgency radiotelephony communication	49 - 52	**Page No:** 51 of 170 **Paragraph No:** SERA.14095(c) Distress and urgency radiotelephony communication procedures **Comment:** The UK CAA fully supports the incorporation of the number of passengers on board to the list of elements associated with a distress call. The UK CAA does not support the addition of this	

	procedures		information to the list of elements associated with an urgency call. An urgency call may be made on behalf of another aircraft, or may relate to the sighting of an emergency on the ground and thus the number of persons on board the reporting aircraft has no relevance to the incident. The UK CAA believes that it would be more appropriate to incorporate this information, where relevant, into the 'any other useful information' field contained at SERA.14095(c)(1)(ii)(F) by means of appropriate Guidance Material. **Justification:** An urgency call may be made on behalf of another aircraft, or may relate to the sighting of an emergency on the ground and thus the number of persons on board the reporting aircraft has no relevance to the incident. **Proposed Text:** **"GM SERA.14095(c)(1)(ii)(F) Distress and urgency radiotelephony communication procedures** Any other useful information may consist of information such as (but not limited to) remaining aircraft endurance, number of persons on board, aircraft colour/markings, survival aids, etc."	
467	3. Proposed amendments — Draft Opinion — Appendix 4	54 - 56	**Page No:** 54 of 170 **Paragraph No:** Appendix 4 ATS airspace classes — services provided and flight requirements **Comment:** The UK CAA supports the proposed changes to Appendix 4. **Justification:** Clarification.	
468	6. Appendices — 6.1. Appendix I — Table presenting the Annex to the SERA IR Regulation with the existing adopted provisions and the content of 'SERA Part C' and reference to the sources of the proposed provisions	75 - 154	**Page No:** 75-170 **Paragraph No:** NPA Section 6 **Comment:** The UK CAA has only commented on the content of this section of the NPA where proposed changes do not appear in NPA Section 3. **Justification:** Reduction in duplication.	
469	6. Appendices — 6.1. Appendix I — Table presenting the Annex to the SERA IR	75 - 154	**Page No:** 86 **Paragraph No:** SERA.4001(c) Submission of a Flight Plan **Comment:** SERA.4001(c) requires a flight plan to be submitted, before departure, to an air traffic services reporting office or,	

	Regulation with the existing adopted provisions and the content of 'SERA Part C' and reference to the sources of the proposed provisions		during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of repetitive flight plans. The CAA notes that air traffic services reporting offices may not be established in all Member States, therefore other acceptable means of submitting flight plans are necessary in order to ensure compliance with the regulation. The UK CAA is of the view that these requirements need not be written into the regulation, rather they form Acceptable Means of Compliance **Justification:** More flexible flight planning requirements established (or clarified) through AMC, thus not requiring changes to the SERA regulation. **Proposed Text:** **"AMC1 SERA.4001(c) Submission of a Flight Plan** If a flight plan is to be submitted before departure and an air traffic services reporting office is not established, it is the responsibility of the aircraft operator and/or the pilot-in-command to ensure submission by one of the following methods: i) Direct to IFPS via AFTN link. ii) Through the ATSU at the departure aerodrome using the FPL form. iii) Where available, internet-based services established for use by approved account holders. iv) Via the Parent AFTN Unit using a written or typed fax submission for onward transmission over AFTN."	
470	6. Appendices — 6.1. Appendix I — Table presenting the Annex to the SERA IR Regulation with the existing adopted provisions and the content of 'SERA Part C' and reference to the sources of the proposed provisions	75 - 154	**Page No:** 95 of 170 **Paragraph No:** SERA.6001 Classification of airspaces **Comment:** The UK CAA supports the proposed changes, and assumes that the refinement will not preclude the application of specific, promulgated rules to be applied when notified airspace structures such as TRAs and TSAs above FL195 are activated. **Justification:** Clarity of proposed rule changes.	
471	6. Appendices — 6..2. Appendix II — Extract of EUROCONTROL safety impact assessment	155 - 170	**Page No:** 165 of 170 **Paragraph No:** 6.2.7.2 **Comment:** UK CAA requests clarification on the following points: In what way will the Human Factors aspects of Safety Assumptions 1 & 2 be addressed outside SERA Part C? Why is this out of scope of an activity to introduce new	

			ATM procedures and if it is out of scope, who will be carrying out this assessment on a centralised basis to ensure a consistent capture of any associated hazards? **Justification:** Clarification.	
472	6. Appendices — 6..2. Appendix II — Extract of EUROCONTROL safety impact assessment	155 - 170	**Page No:** 166 of 170 **Paragraph No:** 6.2.8 **Comment:** It is stated that most SERA requirements are considered safety requirements because they mitigate a pre-existing risk. It has not been explained what are the existing inherent risks that require SERA applicability to be extended to aerodrome operations personnel, rescue and fire fighting personnel, aerodrome maintenance personnel and other personnel allowed unescorted access on the movement area, other than risks associated with deliberate and wilful dangerous actions by these personnel. **Justification:** Clarification.	

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