

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace
Enclosure 3



1. ORGANISATION COMMENTING

Organisation Name:	Europe Air Sports	
Contact Name: ¹	Harry Schoevers	
Contact Address:	Dinkelaan 8, 2105 Heemstede, NL	
Telephone/Fax:	+31 23 5470205	
E-mail Address:	mailto: europe-airports@wxs.nl	

2. GENERAL RESPONSE²

Acceptable without amendment:

Acceptable but would be improved with amendments:

Not acceptable but would be acceptable with amendments:

Not acceptable under any circumstances:

3. SPECIFIC COMMENTS:

4. COMPOSITION OF RESPONSE

This response consists of the following:

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

5. CONSENT TO PUBLISH NAME: *I agree to my name/organisation being included in a list of those that responded to the Consultation:* **YES**

6. VALIDATION

Name: Rudolf Schuegraf **Position:** Vicepresident

Signature:  **Date:** 05.03.2005

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

² Show your overall acceptance position **on Enclosure 2** by an 'X' in the appropriate response box.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace
Enclosure 3



COMMENTS SHEET³

Organisation Name: Europe Air Sports

Form No. **of**

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

Comment:

The implementing rule is too general and lacks precise guidance criteria for the horizontal and vertical distribution of airspace classification in accordance with ICAO Annex 11, especially in Articles one and six.
In the light of the present complex and different application of ICAO Annex 11 classification in the various member states this general implementing rule in this version is very unlikely to lead to an increased level of safety.

Reason(s) for Comment:

The risk of different, unintended and intended interpretation can only be excluded for the benefit of a higher level of safety if objective criteria and guidelines are laid down by the European legislative authority.

Proposed Change/Text (where applicable):

N/A

A handwritten signature in black ink that reads 'Rudolf Schuegraf'.

Rudolf Schuegraf
Vicepresident

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace

Classification in the Lower Airspace

Enclosure 3



COMMENTS SHEET⁴

Organisation Name: Europe Air Sports

Form No.

2

Of

5

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

Article 1

Comment:

The objective of this draft rule needs adjustment. Harmonization and simplification per se do not justify such a regulation with all its consequences, especially when it covers the classification of the lower airspace in the whole European geographical area with extremely different and significant air traffic figures. This rule must oblige the member states to follow the European principle of a wide and thorough user consultation, backed by a Regulatory Impact Assessment and a CBA.

Reason(s) for Comment:

Improved mission effectiveness for all airspace user operation and increased safety of air operations should be the guidance for the necessity of simplification and harmonization. The airports community sees a real danger and disadvantage of being "forgotten" and thus in the long term being excluded from the consultation process. We miss a clear and precise statement in favour and in support of Air Sports and General Aviation

Proposed Change/Text (where applicable):

The sentence should be amended to include after the full stop:
" in case it produces a higher level of safety and increased mission effectiveness of all airspace users operations. The principle of a proper consultation procedure with all airspace users, including an RIA and CBA, is to be adhered to by all member states.

Rudolf Slegers

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace

Enclosure 3



COMMENTS SHEET⁵

Organisation Name: Europe Air Sports

Form No. **of**

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

Comment:

The definition “ airspace reservation” needs some more explanation and clarification.
A definition of “another airspace authority” is required.

Reason(s) for Comment:

At present it leads to the impression that VFR traffic above FL 95 in a known traffic environment maybe restricted by “another aviation authority”.

Proposed Change/Text (where applicable):

“Airspace reservation” means a defined volume of airspace within the Known Traffic Environment for the exclusive use as laid down by the competent authority of the member state.

“Another airspace authority” means.....??

A handwritten signature in black ink that reads 'Rudolf Schuegraf'.

Rudolf Schuegraf
Vicepresident

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace
Enclosure 3



COMMENTS SHEET⁶

Organisation Name: Europe Air Sports

Form No. **of**

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

Comment:

It is understood that Eurocontrol and the national airspace authorities prefer the definition "Known" and "Unknown" traffic environment. For clarification it is assumed and confirmation is requested that the definitions of the ICAO Annex 11 classification letters remain the legally binding classifications because for the moment this is the worldwide accepted classification. We understand that the terms "Known and Unknown" are at present the only criteria laid down in this draft for the horizontal and vertical distribution of airspace which, in our very strong opinion, must be amended. This should be done based on the evidence of the traffic situation, the number of movements and after consultation with and depending on the different airspace users' needs.

Reason(s) for Comment:

The principle of common and equal rights for the access to airspace by the public requires some more guidelines for regulating the access to the airspace and for the distribution of ICAO classification letters.

Proposed Change/Text (where applicable):

A consultation process with all airspace users must be initiated by all Member States' Airspace authorities after this regulation enters into force and when the airspace distribution is modified. A catalogue of commonly applied distribution criteria is to be laid down in annex 1. (to be created)
(A suitable example is the procedure catalogue as issued by the DFS and the German Aero Club which can be provided if desired.)

Handwritten signature of Rudolf Steingraf in black ink.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace
Enclosure 3



COMMENTS SHEET⁷

Organisation Name: Europe Air Sports

Form No. **of**

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

Comment:

As stated in the cover letter the situation and condition of air operations and air traffic in Europe are extremely different and do not justify the principle of an equal standard throughout the complete geographical area. That is why we can agree in principle to article 4 and article 5. But we cannot agree to general division level of FL 95. The only division level regulated by the legislator is FL 285. There is no need or justification to introduce FL 95 in those three paragraphs as a division level, apparently as FL Zulu.

We disagree with para. 4.2 which allows member states to apply a more restrictive airspace classification because there is no increase in flight safety to be expected nor an improvement in mission effectiveness.

We recommend amending para. 4.2 to read: In accordance with ATC clearance or any specific...
Any aircraft equipped and operated according to the airspace classification is entitled to receive a clearance for operation in that airspace.

We recommend modifying para. 4.3 to allow VFR traffic operation in a "corridor or an area".

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE: Draft SES Implementing Rule on Airspace
Classification in the Lower Airspace
Enclosure 3



Reason(s) for Comment:

Europe has grown geographically and, in respect of the density of air traffic, there are significant differences from the core area to the areas further away from the centre. Areas at or not much above sea level vary extremely in the high mountainous terrain of the Alps or Pyrenees. Therefore, to allow the freedom of General Aviation and Airports operation in less dense traffic areas or above the Alps etc, **the implementing rule must not restrict FL Zulu to FL 95**. Gliding, ballooning and parachute dropping in particular need that airspace where in general no commercial air traffic is operated unless during departure or approach from / to TMAs.

Proposed Change/Text (where applicable):

The headlines of article 4 and 5 should be modified to read after: FL 195 to FL Zulu. It is recommended to replace in article 4 and article 5 all references to FL 95 by FL Zulu

Article 6 Head line should be amended to read:
Airspace classification below FL Zulu to the surface.
In the text, FL 95 is to be replaced by FL Zulu

In article 2 a definition of FL Zulu should be added:

FL Zulu means that FL, which serves as division line between Known and Unknown traffic environment. Depending on the assessment of the member state competent airspace authority, based on traffic conditions and in consultation with the airspace users, this FL can be set at a minimum of FL [95] or a maximum of FL 195.

In addition, it is extremely essential that all airspace users are involved in thorough consultation within the four year period for classifying FL Zulu and the airspace below FL Zulu.

A handwritten signature in black ink, appearing to read 'Rudolf Schuegraf'.

Rudolf Schuegraf
Vicepresident