

11 February 2011

All ATSSRAC, CATCC, GACC, NATMAC, SERAWG and SESWG members

## **STANDARDISED EUROPEAN RULES OF THE AIR**

### **BACKGROUND**

- The European Commission ('the Commission') continues to develop the draft SES Implementing Rule (IR) to establish Standardised European Rules of the Air (SERA). The CAA remains closely engaged with the Commission, Eurocontrol and EASA regarding SERA development.

### **SERA PART A**

- Formal Consultation on Part A (based upon ICAO Annex 2) was undertaken on the Commission's behalf by Eurocontrol. Further development of Part A has taken place subsequent to a SERA workshop held on 3 Jun 10, and a number of Member State recommendations for change were adopted.
- The draft SERA Part A IR was presented to the Single Sky Committee (SSC) for the first time on 21/22 Sep 10, along with proposals for the way ahead. SSC members were invited to comment on both papers. Member State comments secured a significant number of enhancements and corrections.
- A revised draft IR was issued on 25 Oct 10 on the basis of State comments and this version formed the basis of discussions at the SSC-sponsored SERA workshop held on 9 Nov 10.
  - The UK was represented at the workshop.
  - Several additional UK change proposals were accepted by the Commission at this point.
- Rather than seeking adoption of Part A in isolation, the Commission will seek SSC's agreement in principle on the wording of SERA Part A at the Feb 11 SSC meeting. Formal adoption is not expected to take place until later in 2011 when Part A can be assessed against Part B and the progress of other SERA work.

### **SERA PARTS B AND C.**

- Part B IR drafting work has commenced prior to the completion of Part A work. The definitive Part B/C development work plan has yet to be formally promulgated, however, it is understood that:
  - Part B covers remaining binding IR material based upon elements of ICAO Annex 11 (Air Traffic Services) and Annex 3 (Meteorological Services for International Air Navigation).
  - Part C is expected to contain the binding and the non-binding Acceptable Means of Compliance (AMC) and Guidance Material (GM) from Annex 10 Vol 2 (Aeronautical Telecommunications), Doc 4444 (Air Traffic Management) and Doc 7030 (Regional Supplementary Procedures). Other AMC and GM is likely to be developed in this phase.
- For Parts B/C, composition of the SERA Drafting Group (DG) and its governance has been modified to ensure aligned rulemaking to address the overlap of the SERA IR mandate with certain aspects of the recently extended EASA Basic Regulation. Consequently, the DG now consists of Eurocontrol, EASA, industry and Member States representatives (including the UK).
- The CAA participated in Part B Informal Consultation (12 Nov 10 to 6 Dec 10).
- EASA-led formal consultation runs from 10 February 2011 to 10 May 2011 CAA information Notice 2011/07 dated 10 February 2011 refers.

## OUTSTANDING ISSUES

- These include:
  - Clarification and assurances from the Commission regarding High Seas applicability are being sought.
  - The need for appropriate AMC and GM to answer consultation comments has yet to be considered in detail. Both need to be addressed as priorities to enhance the IR, improve upon ICAO or address IR shortcomings to ensure correct implementation. This work is expected to form SERA Part C.
  - The need to develop a plan for further SERA development work, with EASA and Eurocontrol involvement, for the SSC's approval.
  - The Commission recognises the need for States to have sight of the complete SERA package in order to determine whether it results in a product that enhances performance whilst not diminishing safety. We anticipate the Commission now offering Parts A and B together for adoption in late 2011.
  - SERA will require time for States to implement it. Therefore we are of the view that appropriate transitional arrangements must be built into the IR to ensure that this is achievable.
  - There appears to be general consensus amongst States of the need for harmonised rules, but only where these are necessary in support of the route network in general and FABs in particular, and where the benefit outweighs the impact.
    - However the Commission have been of the view that 'airspace should work the same everywhere', and that common application of Annex 2 would achieve a consistent level of safety.
    - This assumption has been contested. States have developed more exacting safety rules and a harmonised transposition of Annex 2 would be a retrograde step. As ultimate liability for safety rests with the States more time must be given for State safety assessments.
  - It remains the UK view that common application of Annex 2 should be taken as representing a consistent *minimum* level of safety throughout the EU, and that there is the risk of a lost opportunity to clarify and bolster ICAO provisions appropriately for EU airspace and user need.

## NEXT STEPS

- Complete UK impact analysis on the draft Part A IR and continue to develop the UK's position on SERA.
- Participate in Part B Formal Consultation.
- Continue to influence as far as possible the development of SERA Parts B and C through membership of the EASA DG and SSC.
- Monitor further SERA IR development and seek to influence this by maintaining the necessary contacts with the Commission, EASA and Eurocontrol.



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