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Title	Regular update of the SERA regulatory framework (IRs and AMC & GM)
NPA Number	NPA 2022-04

Deutscher Segelflug Verband (DSV) (mueller.meike@t-online.de) has placed **5** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
380	SERA.3210 Right-of-way	22	<p>Deutscher Segelflugverband (DSV), a German non-profit association represents in its membership gliding clubs as well as glider pilots. The proposed changes of SERA.3210 Right of way are on this level of European legislation in doubt to increase or change the level of safety in gliding activity. Justification of this opinion is the fact that in the training manuals and training syllabus in gliding all over Europe the procedures for ridge and slope flying are already defined and, more important, trained. The procedures are trained on local level very specifically as local circumstances are dictating the local procedures and level of competences for the affected pilots. However, in general, the rules are already implemented in the community in a level below regulation and followed.</p> <p>Due to this, DSV is reluctant to implement such regulation in SERA and would not support this idea and think that the implemented level of regulation is sufficient to ensure an appropriate level of safety measure.</p> <p>Further justification is as follows: (6) (i) The rule that all sailplanes have to circle in the same direction is in principle difficult to be followed by all pilots as the height between ground level and maximum thermal height shows large differences due to meteorological conditions. So, such rule can only be a general recommendation as the circumstances between the aircraft entering a thermal at different altitudes might not allow to evaluate the turning direction of the other already circling aircraft. Maybe the aircraft entering a thermal does not even know about the other aircraft, because they are so much higher or lower or purely invisible. This</p>	

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			comment does not mean that "good practice" does not advise the pilots to circle in the same direction in closely related altitude levels of both aircraft to avoid collision risks.	
381	SERA.3210 Right-of-way	22	<p>For the proposed clause in SERA3210(6)(ii) the evaluation is done by DSV under conclusion that in the measures by the responsible gliding associations and organisations the related topic is already addressed and therefore European regulation is not affordable.</p> <p>Proposal: First Priority: No regulation of the right of way for sailplanes in the SERA 3210. Second Priority: At least delete in the clause (6)(ii):with a risk of collision....</p> <p>Justification: (6)(ii) The subject of this para is "right of way" and therefore the aircraft having the slope/ridge on the left-hand side gives way to the one that has the slope/ridge on the right-hand side. The added requirement to evaluate for a risk of collision is not helpful in this point. As regulation enforces in principal all pilots to avoid any harm related to the activity as best as they can and have to have the related competence to their activity this addition does not induce further safety. Additionally, the judgement whether a collision is imminent or not is a matter of local circumstances, aircraft, speed etc. and therefore not clearly to be defined in the sense of legislation. In training the competence of the pilot is and has to be established to show by clear behaviour that the correct way of acting is followed. Giving way sufficiently early indicates to the other pilot who has the right of way the aircraft was seen and that he has not to take emergency action.</p>	
377	GM1 SERA.3210(c)(6)(i) Right-of-way	23	<p>General comment: The GM for SEAR.3210 (c)(6)(i) is not required as DSV thinks that implementation of such rule into European legislation is not appropriate. The given description of the measures has despite this opinion several difficulties and also mistakes.</p>	

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			<p>The clause implicates the thermalling is a strong and defined procedure without any intermediate or associated gliding procedures. This could mean that all flight ways under clouds or areas of lift are defined as thermalling, which is not correct. The principle of gliding means that all manoeuvres of the aircraft have to follow the principle of collision avoidance. Glider operation is VFR Day operation and the right-of-way and collision avoidance is based on see-and-avoid which requires visual contact. Every pilot has to keep all other pilots at or about the same level in a thermaling environment inside.</p> <p>Specific comment SERA.3210(c)(6)(i) b: Proposal:</p> <p>Delete:across from each other.....</p> <p>Justification: (b) The text suggests that always one aircraft is joining one other which is not always the case and there can be more than one aircraft in the situation. The pilots are in duty to ensure visual contact to the other aircraft during the flight and that dictates positioning to the other aircraft in the respective situation.</p>	
379	GM1 SERA.3210(c)(6)(ii) Right-of-way	23	<p>DSV clearly rejects this proposal in the GM, this can only be understood as a typo as "overtaking during ridge or slope soaring should be done on the slope side of the other sailplane" is a highly dangerous manoeuvre. The space between overtook aircraft and ridge or slope might be small and the aircraft overtook has the upcoming aircraft not in visual contact and might change its direction and close the gap between aircraft and slope. If the sentence is meant in an alternative way, it is highly misunderstandable.</p> <p>All rules in the gliding world regulate this in an other way, please read below.</p> <p>Proposal: Deletion!!</p> <p>Justification:</p>	

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			<p>This proposal in GM1 SERA.3210(c)(6)(ii)(b) is highly dangerous.</p> <p>Rationale: Whether the aircraft has the left or right wing on the slope (better word: ridge) it is only kept airborne by the wind forcing the air up the ridge. While a wingspan distance (which one, Ka6 or ETA= exactly double) is recommended for operation the aircraft is subject to alterations in wind direction and wind strength and therefore no overtaking on the "inside" should be allowed. The wing-span distance is pure judgement by the pilots involved.</p> <p>The overtaking aircraft which will presumably be at, or just lower or higher than the aircraft to be overtaken approaches from the 6 o`clock position, which is by no chance visible to the pilot being overtaken.</p> <p>Additionally, the anti-collision device FLARM if installed, will be triggered and suggest to the pilot in front that a mid-air collision is imminent.</p> <p>This is a long-standing rule at least in the German SBO (sailplane operating manual) and proven for a proper working rule</p>	
382	SERA.5005 Visual flight rules	25	<p>Proposal for SERA 5005 (f): (f) Except when necessary for take-off or landing, or except by permission from the competent authority, a VFR flight shall not be flown: over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1 000 ft) above the highest obstacle within a radius of 600 m from the aircraft; elsewhere than as specified in (1), at a height less than 150 m (500 ft) above the ground or water, or 150 m (500 ft) above the highest obstacle within a radius of 150 m (500 ft) from the aircraft.</p> <p>Add the following sentence: Sailplanes, balloons, hang gliders and paragliders may be flown below the minimum flight altitude according to (2), if it is necessary due to the nature of their operation.</p>	

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			<p>Justification:</p> <p>DSV proposes an addition of this explanation to the clause to allow long lasting activity of gliding in the established and operable way. This rule addresses the given possibility of outlanding due to the nature of the respective aircraft.</p>	