

Draft ANNEX VII to draft COMMISSION IMPLEMENTING REGULATION (EU) .../... amending Regulation (EU) No 965/2012, Regulation (EU) No 1178/2011, Implementing Regulation (EU) No 923/2012 and Implementing Regulation (EU) 2017/373 as regards the establishment of requirements for the operation of manned aircraft with a vertical take-off and landing capability

ANNEX VII

The Annex (RULES OF THE AIR) to Implementing Regulation (EU) No 923/2012 is amended as follows:

(1) in point SERA.2010, point (b) is replaced by the following:

‘(b) Pre-flight action

Before beginning a flight, the pilot-in-command of an aircraft shall become familiar with all available information appropriate to the intended operation. Pre-flight action for flights away from the vicinity of an aerodrome, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel/energy requirements and an alternative course of action if the flight cannot be completed as planned.’;

(2) in point SERA.4005, point (12) of point (a) is replaced by the following:

‘(12) Fuel/energy endurance’;

(3) in point SERA.4015, point (b) is replaced by the following:

‘(b) Information submitted prior to departure regarding fuel/energy endurance or total number of persons carried on board, if incorrect at time of departure, constitutes a significant change to the flight plan and as such shall be reported.’;

(4) in point SERA.8015, point (4) of point (b) is replaced by the following:

‘(4) *Potential reclearance in flight.* If, prior to departure, it is anticipated that, depending on fuel/energy endurance and subject to reclearance in flight, a decision may be taken to proceed to a revised destination aerodrome, the appropriate air traffic control units shall be so notified by the insertion in the flight plan of information concerning the revised route (where known) and the revised destination.’;

(5) in point SERA.8020, points (d)(1) and (2) are replaced by the following:

‘(d) *Weather deterioration below the VMC.* When it becomes evident that flight in VMC in accordance with its current flight plan will not be practicable, a VFR flight operated as a controlled flight shall:

(1) request an amended clearance enabling the aircraft to continue in VMC to destination or to an alternative aerodrome or operating site, or to leave the airspace within which an ATC clearance is required; or

- (2) if no clearance in accordance with point (1) can be obtained, continue to operate in VMC and notify the appropriate ATC unit of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome or operating site; or’;
- (6) in point SERA.9005, point (7a) is inserted:
‘(7a) information on unmanned aircraft;’;
- (7) in point SERA.11005, point (ab) is replaced by the following:
‘(ab) If an aircraft is subjected to unlawful interference, the pilot-in-command shall attempt to land as soon as practicable at the nearest suitable aerodrome or operating site or at a dedicated aerodrome or operating site assigned by the competent authority, unless considerations aboard the aircraft dictate otherwise.’;
- (8) in point SERA.11012, points (a) and (b) are replaced by the following:
 - ‘(a) When a pilot reports a state of minimum fuel/energy, the controller shall inform the pilot as soon as practicable of any anticipated delays or that no delays are expected.
 - (b) When the level of fuel/energy renders declaring a situation of distress necessary, the pilot, in accordance with point SERA.14095, shall indicate that by using the radiotelephony distress signal (MAYDAY), preferably spoken three times, followed by the nature of the distress condition (FUEL).’;
- (9) point SERA.11015 is amended as follows:
 - (a) in Table S11-1, ‘Series 3’ is replaced by the following:

| ‘Table S11-1 | | | | |
|--|--|-------------------------|--|---------------------------|
| Signals initiated by intercepting aircraft and responses by intercepted aircraft | | | | |
| Series | INTERCEPTING Aircraft Signals | Meaning | INTERCEPTED Aircraft Responds | Meaning |
| 3 | DAY or NIGHT — Lowering landing gear (if fitted), showing steady landing lights and overflying runway in use or, if the intercepted aircraft is a helicopter / VTOL-capable aircraft, overflying the helicopter / VTOL-capable aircraft landing area. In the case of helicopters / VTOL-capable aircraft, the intercepting helicopter / VTOL-capable aircraft makes a landing approach, coming to hover near the landing area. | Land at this aerodrome. | DAY or NIGHT — Lowering landing gear, (if fitted), showing steady landing lights and following the intercepting aircraft and, if, after overflying the runway in use or helicopter / VTOL-capable aircraft landing area, landing is considered safe, proceeding to land. | Understood, will comply.’ |

(b) in Table S11-2, ‘Series 4’ is replaced by the following:

| ‘Table S11-2 | | | | |
|--|--|--|--|---|
| Signals initiated by intercepted aircraft and responses by intercepting aircraft | | | | |
| Series | INTERCEPTED Aircraft Signals | Meaning | INTERCEPTING Aircraft Responds | Meaning |
| 4 | DAY or NIGHT — Raising landing gear (if fitted) and flashing landing lights while passing over runway in use or helicopter / VTOL-capable aircraft landing area at a height exceeding 300 m (1 000 ft) but not exceeding 600 m (2 000 ft) (in the case of a helicopter, at a height exceeding 50 m (170 ft) but not exceeding 100 m (330 ft)) above the aerodrome level, and continuing to circle runway in use or helicopter / VTOL-capable aircraft landing area. If unable to flash landing lights, flash any other lights available. | Aerodrome you have designated is inadequate. | DAY or NIGHT — If it is desired that the intercepted aircraft follow the intercepting aircraft to an alternate aerodrome, the intercepting aircraft raises its landing gear (if fitted) and uses the Series 1 signals prescribed for intercepting aircraft. If it is decided to release the intercepted aircraft, the intercepting aircraft uses the Series 2 signals prescribed for intercepting aircraft. | Understood, follow me. Understood, you may proceed.’ |

(10) in Appendix 1 ‘Signals’, point ‘4. MARSHALLING SIGNALS’ is amended as follows:

(a) point (b) of point 4.1.1 is replaced by the following:

‘(b) for helicopters / VTOL-capable aircraft, where the signalman/marshaller can best be seen by the pilot.’;

(b) in points 16 to 20 of point 4.1.2, the text of footnotes 1 to 3 is replaced by the following:

¹ For use to hovering helicopters / VTOL-capable aircraft.

² For use to hovering helicopters / VTOL-capable aircraft.

³ For use to hovering helicopters / VTOL-capable aircraft.’;

(11) in Appendix 5 ‘Technical specifications related to aircraft observations and reports by voice communications’, section ‘A. REPORTING INSTRUCTIONS’ is amended as follows:

(a) in point 2 ‘DETAILED REPORTING INSTRUCTIONS’, [Item 8] of Section 2 is replaced by the following:

‘*Item 8* — ENDURANCE. Report ‘ENDURANCE’ followed by fuel/energy endurance in hours and minutes (4 numerics).’.