European Union Aviation Safety Agency

AIS

SERA.3145 'Prohibited areas and restricted areas' of the standardised European rules of the air introduces a prohibition on the operation of aircraft in prohibited and restricted areas, '… the particulars of which have been duly published …'. When is a prohibited or a restricted area considered as dully published?

Answer

Regulation (EU) 2017/373 defines the structure and the content of a State's AIP, and also defines the terms 'prohibited area' and 'restricted area'. Relevant information concerning such areas is required by Regulation (EU) 2017/373 to be published in the AIP, under section '*ENR 5.1 Prohibited, restricted and danger area*' and depicted in the relevant aeronautical charts, for the aviation community to be aware of the existence of such areas due to their operational significance.

This requirement for the publication of such areas in the AIP applies even if such regulatory acts are also published through other means (e.g., government gazette) within a State, as part of its legal or administrative system.

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https://www.easa.europa.eu/en/faq/138505

Can the operation of aircraft in certain areas be prohibited or restricted for environmental reasons?

Answer

A restricted or prohibited area may also be established by a State due to underlying environmental reasons. However, irrespective of the objective that the establishment of such a restriction or prohibitions serves, information about restricted or prohibited areas needs to be published in the State's AIP, under section *'ENR 5.1 Prohibited, restricted and danger areas*', as per the provisions of Regulation (EU) 2017/373 and depicted in the relevant aeronautical

charts.

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Is the publication of information under AIP section 'ENR 5.6 Bird migration and areas with sensitive fauna' sufficient to consider that the particulars of a prohibited and restricted area have been 'duly published', in accordance with SERA.3145 'Prohibited areas and restricted areas'?

Answer

AIP section *'ENR 5.6 Bird migration and areas with sensitive fauna'*, foreseen in Regulation (EU) 2017/373, is used for the provision of the following information: *'Description, supplemented by charts where practicable, of movements of birds associated with migration, including migration routes and permanent resting areas and areas with sensitive fauna'*.

The same EU Regulation foresees the publication of prohibited and restricted areas in the AIP, under a specific AIP section *(ENR 5.1 Prohibited, restricted and danger areas)* and depiction of relevant information in the relevant aeronautical charts.

Thus, the mere publication of information under *'ENR 5.6 Bird migration and areas with sensitive fauna'* is not sufficient to consider that information on a prohibited or restricted area has been *'duly published'*, in accordance with SERA.3145 'Prohibited areas and restricted areas'. As long as an area is classified as restricted or prohibited, in accordance with the respective definitions in Regulation (EU) 2017/373, the respective information needs to be published in the relevant section (ENR 5.1) of the AIP addressing prohibited, restricted and danger areas and depicted in the relevant aeronautical charts.

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