

Commission Implementing Regulation (EU) 2016/1185 of 20 July 2016 amending Implementing Regulation (EU) No 923/2012 as regards the update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C) and repealing Regulation (EC) No 730/2006 (Text with EEA relevance)

Article 1

Implementing Regulation (EU) No 923/2012 is amended as follows:

- (1) Article 1 is amended as follows:
 - (a) paragraph 3 is replaced by the following:
 3. This Regulation shall also apply to the competent authorities of the Member States, air navigation service providers, aerodrome operators and ground personnel engaged in aircraft operations.;
 - (b) the following paragraph 4 is added:
 4. This Regulation shall not apply to model aircraft and toy aircraft. However, Member States shall ensure that national rules are established to ensure that model aircraft and toy aircraft are operated in such a manner as to minimise hazards related to civil aviation safety, to persons, property or other aircraft..
- (2) Article 2 is amended as follows:
 - (a) point 2 is deleted;
 - (b) point 25 is replaced by the following:
 25. “air-taxiing” means movement of a helicopter/vertical take-off and landing (VTOL) above the surface of an aerodrome, normally in ground effect and at a ground speed normally less than 37 km/h (20 kts);;
 - (c) point 27 and 28 are replaced by the following:
 27. “air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on instrument flight rules (IFR) flight plans;
 28. “air traffic control (ATC) clearance” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;;
 - (d) points 33, 34, and 35 are replaced by the following:
 33. “air traffic services (ATS) airspaces” mean airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

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34. “air traffic services (ATS) reporting office (ARO)” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;
35. “air traffic services (ATS) unit” means a generic term meaning, variously, air traffic control unit, flight information centre, aerodrome flight information service unit or air traffic services reporting office;;
- (e) the following point 34a is inserted:
- 34a. “air traffic services (ATS) surveillance service” means a service provided directly by means of an ATS surveillance system;;
- (f) point 38 is replaced by the following:
38. “alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing, where the necessary services and facilities are available, where aircraft performance requirements can be met and which is operational at the expected time of use. Alternate aerodromes include the following:
- (a) : an alternate take-off alternate aerodrome at which an aircraft would be able to land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;
 - (b) : an alternate en-route alternate aerodrome at which an aircraft would be able to land in the event that a diversion becomes necessary while en route;
 - (c) : an alternate destination alternate aerodrome at which an aircraft would be able to land should it become either impossible or inadvisable to land at the aerodrome of intended landing;;
- (g) the following point 48a is inserted:

- 48a. “automatic dependent surveillance — contract (ADS-C) agreement” means a reporting plan which establishes the conditions of ADS-C data reporting (i.e. data required by the air traffic services unit and frequency of ADS-C reports which have to be agreed to, prior to using ADS-C in the provision of air traffic services);;
- (h) point 71 is replaced by the following:
71. “estimated time of arrival (ETA)” means for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome. For visual flight rules (VFR) flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;;
- (i) the following point 89a is inserted:
- 89a. “instrument approach operation” means an approach and landing using instruments for navigation guidance based on an instrument approach procedure. There are two methods for executing instrument approach operations:
- (a) a two-dimensional (2D) instrument approach operation, using lateral navigation guidance only; and
- (b) a three-dimensional (3D) instrument approach operation, using both lateral and vertical navigation guidance.;
- (j) points (a), (b) and (c) of point 90 are replaced by the following:
- (a) non-precision approach (NPA) procedure. An instrument approach procedure designed for 2D instrument approach operations Type A.
- (b) approach procedure with vertical guidance (APV). A performance-based navigation (PBN) instrument approach procedure designed for 3D instrument approach operations Type A.
- (c) precision approach (PA) procedure. An instrument approach procedure based on navigation systems (ILS, MLS, GLS and SBAS Cat I) designed for 3D instrument approach operations Type A or B;;
- (k) the following point 94a is inserted:
- 94a. “minimum fuel” means a term used to describe a situation in which an aircraft's fuel supply has reached a state where the flight is committed to land at a specific aerodrome and no additional delay can be accepted;;
- (l) the following points 95a and 95b are inserted:
- 95a. “model aircraft” means an unmanned aircraft, other than toy aircraft, having an operating mass not exceeding limits prescribed

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by the competent authority, that is capable of sustained flight in the atmosphere and that is used exclusively for display or recreational activities;

95b. “mountainous area” means an area of changing terrain profile where the changes of terrain elevation exceed 900 m (3 000 ft) within a distance of 18,5 km (10,0 NM);;

(m) point 114 is replaced by the following:

114. “runway-holding position” means a designated position intended to protect a runway, an obstacle limitation surface, or an instrument landing system (ILS)/microwave landing system (MLS) critical/sensitive area at which taxiing aircraft and vehicles are to stop and hold, unless otherwise authorised by the aerodrome control tower;;

(n) point 116 is replaced by the following:

116. “safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly, including crew members, aircraft maintenance personnel, aerodrome operations personnel, rescue, fire-fighting and maintenance personnel, personnel allowed unescorted access to the movement area and air traffic controllers;;

(o) the following point 129a is inserted:

129a. “toy aircraft” means an unmanned aircraft designed or intended for use, whether or not exclusively, in play by children under 14 years of age;.

(3) Article 4 is amended as follows:

(a) in paragraph 1, the introductory phrase is replaced by the following:

1. The competent authorities may, either on their own initiative or based on applications by the entities concerned, grant exemptions to individual entities or to categories of entities from any of the requirements of this Regulation for the following activities of public interest and for the training necessary to carry out those activities safely;;

(b) in paragraph 3, the following subparagraph is inserted at the end of that paragraph:

This Article shall also be without prejudice to helicopter operating minima contained in the specific approvals granted by the competent authority, pursuant to Annex V to Commission Regulation (EU) No 965/2012⁽¹⁾;

(4) The Annex is amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 730/2006 is repealed.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 12 October 2017.

However, the following provisions shall apply from 18 August 2016:

- (1) Article 1(1);
- (2) Article 1(2)(f), (i), (j), (l) and (o);
- (3) Article 1(3);
- (4) Article 2;
- (5) points (1), (2), (3), (4), (5), (6), (8) (12), (13), (15), (16), (19), (21), (22), (26)(b), (26)(c), (27) and (28) of the Annex.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 2016.

For the Commission

The President

Jean-Claude JUNCKER

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- (1) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 296, 25.10.2012, p. 1](#)).';