

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



Please return this response sheet by **08 April 2011** to:

Mr Peter GREEN
SES Mandate Manager VCS_2,
EUROCONTROL,
Rue de la Fusée, 96,
B – 1130 BRUSSELS,
Belgium

or by E-mail to sesframework@eurocontrol.int

or by fax to +322 729 5190

NOTES FOR THE USE OF THE CONSULTATION RESPONSE SHEET

1. All comments on the associated Consultation material must be made using this response sheet. Comments submitted not using this sheet will be referred back to the originator.
2. As a minimum, Sections 1, 2, 4, 5 and 6 of the Response Sheet Main Page must be completed before returning the response.
3. Formal comments are invited on the contents of the Draft Implementing Rule on the extension of 8.33 kHz Air-ground Voice Channel Spacing in the airspace below Flight Level 195 (Enclosure 1). *Please do **not** submit comments on the draft justification material (Enclosure 2).*
4. Comments should be as specific as possible, including a reason/explanation for the comment and, where applicable, a proposed replacement text.
5. Each response return must be signed and dated by an appropriate person with the authority to authorise comments on behalf of the stated organisation.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



MAIN PAGE

1. ORGANISATION COMMENTING

Organisation Name:	UK General Aviation Alliance	
Contact Name: ¹	John Brady	
Contact Address:	Light Aircraft Association Turweston Aerodrome Brackley Northants NN13 5YD UK	
Telephone/Fax:	+44 1280846 786	
E-mail Address:	john.brady@laa.uk.com	

2. GENERAL RESPONSE²

Acceptable without amendment:

Acceptable but would be improved with amendments:

Not acceptable but would be acceptable with amendments:

Not acceptable under any circumstances:

3. SPECIFIC COMMENTS: See pro forma over page.

4. COMPOSITION OF RESPONSE

This response consists of the following:

This Page **PLUS** (enter number) attached comments sheets.

5. ASSOCIATION OF NAME WITH COMMENTS:

*I do **not** agree to my name/organisation being associated with the comments provided.*³

6. VALIDATION

Name: John Brady

Position: Director

Signature: (original signed)

Date: 8 Apr 2011

¹ This is the person who is to be contacted directly to discuss or clarify the submitted comments. A single point of contact is requested.

² Show your overall acceptance position **on Enclosure 1** by an 'X' in the appropriate response box.

³ Comments will be published with reference to their source unless a specific request is made **not** to do.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁴

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Opening paragraph:
The European
Commission

Comment:

Opening text must also have regard for European Parliament Resolution 210/ C 67 E/02 of 3 February 2009 on an agenda for Sustainable Future in General and Business Aviation; in particular the following paragraphs (**our emphasis added**):

2. *Stresses the need to take into account the interest and specificities of general and business aviation in the development of future air transport policy initiatives, with a view to strengthening its competitiveness; in this respect calls on the Commission to ensure the application of the proportionality and subsidiarity principles in the design and implementation of both existing and future aviation legislation.*
20. *Underlines, however, that the SESAR programme must fully take into account the specificities of general and business aviation and deliver real benefits to **the sector without placing unnecessary burdens on it.***
21. *Insists that the "Single European Sky" legislation and SESAR **does not lead to disproportionate and excessively costly technological requirements for small aircraft operating under VFR,** whilst fully recognising that all aircraft using controlled airspace must feature equipment providing for an adequate level of safety such as positioning devices.*

Reason(s) for Comment:

Whilst the beneficiary and the user of the additional VHF channels will be the commercial air transport industry, the proposal would place almost all of the implementing costs on the general and business aviation sector contrary to 210/ C 67 E/02.

⁴ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



The draft IR must ensure proportionality and subsidiarity principles in the design and implementation of this future aviation legislation; currently it does not comply with that.

This then needs to be carried through into the IR setting out regulations concerning funding of the change by the users of the increased number of channels.

Proposed Change/Text (where applicable):

Before “Whereas:” insert

“having regard for European Parliament Resolution 210/ C 67 E/02 of 3 February 2009 on an agenda for Sustainable Future in General and Business Aviation,”

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁵

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Recital 8

Comment:

The investment made as a result of the existing Regulation (EC) No 1265/2007, has only reduced the cost for ANSPs. The full cost of this proposal would fall on general and business aviation.

Reason(s) for Comment:

Paragraph 8 is misleading to the Commission.

Proposed Change/Text (where applicable):

(8) The investment made as a result of the existing Regulation (EC) No 1265/2007, has substantially reduced the cost of deployment of 8.33 kHz channel spacing in the airspace below Flight Level 195 for service providers. Apart from costs to State aircraft, the whole cost of this proposal would now fall on general and business aviation who will obtain little or no benefit from it.

⁵ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁶

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Recital 9

Comment:

The statement that extending the retrofit period for GA to 7 years will increase acceptability is wrong

Reason(s) for Comment:

The GA community finds it unacceptable that it is expected to pay for this change in order to reduce costs for the air transport sector. Such cross subsidies are unacceptable **and possibly illegal** under EU policy.

Proposed Change/Text (where applicable):

(9) Since the equipage of general aviation VFR aircraft with 8,33 kHz capable radios will have a considerable cost with limited operational benefits for those aircraft, the GA community finds the cross subsidy to the Air Transport sector to be unacceptable. Extending the transition period to seven years does not change the gross cost of implementation which must be borne by the CAT sector that will be both the user and beneficiary of the increased number of channels.

⁶ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁷

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Article 1 Para 5

Comment:

It is proposed that the channels using offset carrier will be exempt because the cost of equipment cannot be justified for the very small release of spectrum that results. This is set out in para 5.

Many gliders, hang gliders, paragliders and balloons use only the few gliding and sport frequencies, so it is not cost effective to require the many tens of thousands of users to re-equip just to release about four 25kHz frequencies for use by 8.33 channels.

Glider/sport frequencies should be standardised across the EU and allocated as 25kHz channels to avoid the cost to this, the largest group affected by the proposal. This would more than halve the overall cost of the change.

Reason(s) for Comment:

Not cost effective to reassign the gliding/sport frequencies

Proposed Change/Text (where applicable):

5. In the framework of Article 4, the conversion requirements shall not apply to the following assignments that will remain in 25 kHz channel spacing:

a. b. c. d.

e. Gliding and sport flying frequencies.

⁷ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁸

Organisation Name: UK General Aviation Alliance

Form No. **of**

Paragraph Reference (Article/Recital etc):

Comment:

Gliders, hang gliders, paragliders and balloons which have fixed radio installations should be exempt to be able to make the large cost saving proposed in our comment sheet No 4 on Article 1 para 5

Reason(s) for Comment:

Implementing change related to Article 1 para 5. Without this change there can be no cost saving from the exception set out in article 1 paragraph 5.

Proposed Change/Text (where applicable):

6. In the framework of Article 4, the 8.33 kHz channel capability shall not be required from radios that **are operated** exclusively in one or more of the assignments that will remain in 25 kHz channel spacing as identified in paragraph 5.

⁸ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET⁹

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Article 3 para 20

Comment:

We are not sure it is technically appropriate to require all equipments, including for example, hand held radios, radios used by gliders, microlights and balloons and fixed radios at GA airfields to use an offset-carrier environment when clearly they will do no such thing. This appears to be contrary to European Parliament Resolution 210/ C 67 E/02 of 3 February 2009.

Reason(s) for Comment:

Regulation appropriate to commercial air transport being applied, inappropriately, to GA

Proposed Change/Text (where applicable):

In addition to 8,33 kHz channel spacing capability, the equipment referred to in paragraphs 1, 5, 6, 7, 8 and 15 shall be able to tune to 25 kHz spaced channels and to operate in an environment which uses offset-carrier frequencies **where appropriate**.

⁹ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET¹⁰

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Article 6 para 1

Comment:

The requirement for all operators (including GA) to conduct a safety assessment when installing new equipments as required by this IR appears to be contrary to European Parliament Resolution 210/ C 67 E/02 of 3 February 2009.

Reason(s) for Comment:

Regulation appropriate to commercial air transport being applied, inappropriately, to GA

Proposed Change/Text (where applicable):

Member States shall take the necessary measures to ensure that any changes to the existing systems by *ANSPs or in commercial aircraft as* referred to in Article 1(2) or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned. During this safety assessment, the requirements specified in Annex III shall be taken into consideration as a minimum.

¹⁰ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET¹¹

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Comment:

Whilst we can accept that further deployment of 8.33 kHz channel spacing appears to be required there is no recital suggesting that all channels must be changed to satisfy the need. We surmise that this is because the justification material does not support it.

In considering the cost benefit of the proposal it is clear that a substantial number of 8.33 kHz channels can be deployed for little or no cost. However, the relatively small number of channels used by the majority of GA aircraft operating outside controlled airspace would incur the majority of the cost of the proposal and this is disproportionate and has not been addressed in the IR or other material..

Reason(s) for Comment:

The proposal to change all channels to 8.33 is disproportionate and contrary to European Parliament Resolution 210/ C 67 E/02 of 3 February 2009. You note in article 1 para d that offset carried frequencies will remain at 25 kHz channel spacing because the cost of changing them would be disproportionate for air transport aircraft. Logically you must apply the same reasoning to frequencies used by GA where the overall costs are greater and also disproportionate.

The required increase in channel availability can be achieved without changing these GA frequencies.

Proposed Change/Text (where applicable):

5. In the framework of Article 4, the conversion requirements shall not apply to the

¹¹ This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



following assignments that will remain in 25 kHz channel spacing:
a. b. c. d. e

f. GA frequencies used outside controlled airspace.

CONSULTATION RESPONSE SHEET

CONSULTATION TITLE:

Draft Implementing Rule on the extension of 8.33 kHz Air-Ground Voice Channel Spacing in the Airspace below FL 195
Enclosure 3



COMMENTS SHEET¹²

Organisation Name: UK General Aviation Alliance

Form No. **of**

**Paragraph Reference
(Article/Recital etc):**

Recital 5 & 7

Comment:

In Recital 7, VHF voice com is proposed to be the means of communication for 20 years. With a GA implementation period for 8.33 of 7 years and assuming a similar transition period to the next generation of technology suggests that the lifespan of 8.33 capable radios for GA is in the order of only 6 years. Thus this is not a medium or long term solution as proposed in Recital 5.

Reason(s) for Comment:

Inaccurate statements used to foist significant expense on GA to achieve a temporary solution for air transport operations. If a digital radio solution is required for the medium to long term that should be implemented now instead of a temporary 8.33 change.

Proposed Change/Text (where applicable):

Requirement for GA to transfer to 8.33 radios should be limited as proposed in our comment form number 8.

¹² This pro forma may be copied as many times as necessary - ensure that each sheet is correctly numbered and that the main page shows the total number of pro formae you are submitting.