



Sicherheitsempfehlung Nr. 538

Ausgabedatum der Sicherheitsempfehlung	30.05.2023
Nummer Schlussbericht	2331
Sicherheitsdefizit	Anlässlich einer öffentlichen Flugvorführung kollidierten zwei Ultraleichtflugzeuge einer Dreierformation nordöstlich des Flugfeldes Dittingen (LSPD). Piloten, die an öffentlichen Flugveranstaltungen in der Schweiz teilnehmen möchten, müssen gemäss der geltenden Richtlinie des Bundesamtes für Zivilluftfahrt (BAZL) grundsätzlich über eine Vorführbewilligung (Display Authorisation) verfügen. Vorführbewilligungen wurden vom BAZL nach Richtlinie der Joint Aviation Authorities (JAA) und seit Februar 2016 auf Basis einer eigenen Richtlinie DA 10.01 nach einer theoretischen und praktischen Ausbildung sowie einer Überprüfung der Fähigkeiten an Piloten ausgestellt. In vielen Ländern Europas, auch in Deutschland, existieren keine äquivalenten Regelungen und von den Behörden dieser Länder werden keine Vorführbewilligungen ausgestellt. Die Ausbildung und die fliegerischen Fähigkeiten bezüglich Flugvorführung von Piloten aus diesen Ländern sind dadurch nicht standardisiert und nachvollziehbar. Das BAZL erlaubte Piloten, die nicht über eine Vorführbewilligung verfügten, die Teilnahme an öffentlichen Flugvorführungen aufgrund einer Einzelfallregelung.
Sicherheitsempfehlung	Die Europäische Agentur für Flugsicherheit (European Aviation Safety Agency – EASA) sollte durch geeignete Massnahmen sicherstellen, dass für öffentliche Flugvorführungen international standardisierte Richtlinien in allen Mitgliedstaaten angewendet werden. In diesen Richtlinien sollten die Bedingungen zum Erlangen einer Vorführbewilligung (Display Authorisation) definiert, die theoretische und praktische Ausbildung sowie die Überprüfung des Wissens und der fliegerischen Fähigkeiten der Piloten beschrieben werden. Zudem sollten darin die Anforderungen für die Erteilung spezieller Formations-Vorführbewilligungen definiert werden.
Adressaten	EASA Europäische Agentur für Flugsicherheit
Stand der Umsetzung	Nicht umgesetzt – Mit Schreiben vom 24. August 2023 teilt die Agentur der Europäischen Union für Flugsicherheit (European Union Aviation Safety Agency – EASA) folgendes mit: «The European Union Aviation Safety Agency (EASA) has assessed this safety recommendation from the perspective of both air operations and airspace requirements. Air Operations Requirements: The aircraft type involved in the subject accident is classified as falling under point 1.(e) of Annex I to Regulation (EU) 2018/1139, having a maximum take-off mass (MTOM), as recorded by the

applicable State, of no more than 472.5 kg, and being a two-seater equipped with an airframe mounted total recovery parachute system. Therefore, Regulation (EU) 2018/1139 and the associated implementing rules do not apply, and operations with this type of aircraft are instead governed by national legislation.

Therefore, since the aircraft involved in the subject accident is outside the scope of Regulation (EU) 2018/1139, any safety recommendation made on the basis of this accident is not subject to EASA rules and it should be addressed at national level.

Despite the fact that the aircraft involved in the subject accident is outside the scope of Regulation (EU) 2018/1139 and is therefore not subject to Commission Regulation (EU) No. 965/2012 on air operations (the Air OPS Regulation), EASA has performed a review of the referenced air operations rules to check if the relevant elements of the Safety Recommendation were covered.

Within the scope of Regulation (EU) 2018/1139, aircraft operators conducting civil flying displays are governed by the Air OPS Regulation and the associated Acceptable Means of Compliance (AMC) and Guidance Material (GM), in particular the following annexes thereof: Part-SPO (specialised operations) and Part-ORO (organisation requirements for air operations) or Part-NCO (non-commercial operations with other than complex motor-powered aircraft), depending on the nature of the operation and the aircraft used.

According to point (11) of Article 2 of the Air OPS Regulation, “‘flying display’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public, including where the aircraft is used to practice for a flying display and to fly to and from the advertised event.”

According to point 4a(b) of Article 6 of the Air OPS Regulation, flying displays with other than complex motor-powered aircraft may be conducted in accordance with Part-NCO, on the condition that the remuneration or any valuable consideration given for such flights is limited to recovery of direct costs and a proportionate contribution to annual costs. In all other cases, the requirements of Part-SPO apply.

According to the air operations provisions, the operator is required to conduct a risk assessment of their operation(s) and to establish suitable mitigating measures through implementation of either standard operating procedures, for non-commercial SPO with complex motor-powered aircraft and for all commercial SPO (SPO.OP.230 and AMC1 SPO.OP.230), or checklists, for NCO (NCO.SPEC.105 and GM1 NCO.SPEC.105).

The mitigations should be tailored according to the level of exposure to the safety risks associated with the type of operation. This should include the necessary theoretical and practical flight crew training (point (c)(2) of AMC2 SPO.OP.230 and point (c) of GM1 NCO.SPEC.105).

Airspace requirements:

All airspace users shall comply with Regulation (EC) No. 551/2004 (the Airspace Regulation) and the associated Implementing Rules, which include Commission Implementing Regulation (EU) No. 923/2012, applicable since 4 December 2014, establishing Standardised European Rules of the Air (SERA) and operational provisions regarding services and procedures in air navigation (the SERA Regulation).

Any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at a private event requires permission from the competent authority when operating at heights lower than the minimum heights for Visual Flight Rules (VFR) flights prescribed by point SERA.5005 (f), according to point SERA.3105 of the SERA Regulation.

Additionally, according to point SERA.3135 of the SERA Regulation,

aircraft shall not be flown in formation except by pre-arrangement among the pilots-in-command of the aircraft taking part in the flight and, for formation flights in controlled airspace, in accordance with the conditions prescribed by the competent authority. These conditions shall include the following:

- (a) One of the pilots-in-command shall be designated as the flight leader;
- (b) The formation operates as a single aircraft regarding navigation and position reporting;
- (c) Separation between aircraft in the flight shall be the responsibility of the flight leader and the pilots-in-command of the other aircraft in the flight and shall include periods of transition when aircraft are manoeuvring to attain their own separation within the formation and during join-up and breakaway; and
- (d) For State aircraft, a maximum lateral, longitudinal and vertical distance between each aircraft and the flight leader in accordance with the Chicago Convention. For other than State aircraft, a distance not exceeding 1 km (0,5 nm) laterally and longitudinally and 30 m (100 ft.) vertically from the flight leader shall be maintained by each aircraft.

EASA has therefore concluded that the current European regulatory framework applicable to formation and public demonstration flights ensures an adequate level of safety and addresses all elements emanating from the safety recommendation. These provisions may be re-enforced through national legislation which should take into consideration any specific limitations.

EASA Status: Closed – Disagreement"

Die EASA stellt sich auf den Standpunkt, dass die notwendigen Regularien genügen und die nationalen Behörden zuständig sind.

**Untersuchungsberichte zur
Sicherheitsempfehlung**

Schlussbericht
Vorbericht
