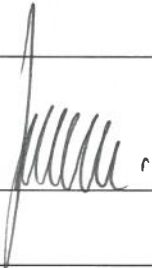

	<p>LE GOUVERNEMENT DU GRAND-DUCHÉ DE LUXEMBOURG Ministère de la Mobilité et des Travaux publics Direction de l'aviation civile</p>	<p><b>Instruction 2023-01</b> <b>Rules of the air in civil aviation</b></p>	<p>Version n° 1</p>
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## Instruction 2023-01: Rules of the air in civil aviation

<p><b>Pierre JAEGER</b> Director of civil aviation</p>	
<p><b>Date of entry into force</b></p>	<p>1<sup>st</sup> of March 2023</p>

Version	Description of major amendments	Date

*This version in English is only a courtesy translation. The French version is authoritative.*

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The present instruction is based on the following European regulation:

- Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (« Regulation SERA »).

The present instruction completes:

- Regulation SERA ;
- the grand-ducal regulation concerning the rules of the air.

#### **Art. 1. Definitions**


- 1° « AMSL » : above mean sea level ;
- 2° « CTR » : « control zone »; controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- 3° « ft » : « foot »; measuring unit, 1 foot being 0,30478 metres ;
- 4° « NM » : « nautical mile »; measuring unit, 1 nautical mile being 1 852 metres ;
- 5° « VFR » : visual flight rules;
- 6° « domestic flight » : a flight departing from Luxemburgish territory and not crossing any border.

#### **Art. 2. Formation flights – SERA.3135**

(1) Aircraft shall not be flown in formation except by pre-arrangement among the pilots-in-command of the aircraft taking part in the flight.

(2) If the formation flight takes place in controlled airspace, the following conditions apply:

- 1° one of the pilots-in-command shall be designated as the flight leader;
- 2° the formation operates as a single aircraft with regard to navigation and position reporting;
- 3° the formation uses one single transponder during the flight in formation, which shall be the one on board the flight leader's aircraft;
- 4° 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

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5° 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.

(3) Take-off in formation at Luxembourg airport may only take place upon prior authorisation by the *Direction de l'aviation civile*, after consultation with the *Administration de la navigation aérienne*.

### **Art. 3. Contents of a flight plan – SERA.4005**

(1) A complete flight plan shall comprise all the information foreseen by point SERA.4005 of regulation SERA.

(2) For domestic VFR flights, a reduced flight plan may be submitted 30 minutes before the flight. It comprises the following information:

- 1° aircraft identification;
- 2° departure aerodrome and estimated off-block time;
- 3° destination aerodrome or operating site and total estimated flight time;
- 4° mandatory reporting point for CTR exit;
- 5° fuel endurance;
- 6° total number of persons on board;
- 7° name of the pilot in command.

(3) An abbreviated flight plan transmitted in the air by radiotelephony for the crossing of controlled airspace contains, as a minimum:


- 1° call sign;
- 2° type of aircraft;
- 3° point of entry;
- 4° point of exit;
- 5° level.

### **Art. 4. VFR flights at night – SERA.5005 (c)**

(1) VFR flights at night shall be operated exclusively in controlled airspace.

(2) A complete flight plan shall be filed for all VFR flights at night.

(3) Except when necessary for take-off or landing, or except when specifically authorised by the *Direction de l'aviation civile*, VFR flights at night shall be operated at a level which is at least 300 m (1 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

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(4) Visibility and distance from cloud minima in visual meteorological conditions at night are the following:

Altitude band	Airspace Class	Flight Visibility	Distance from cloud
At and above 3 050 m (10 000 ft) AMSL	C and D	8 km	1 500 m horizontally 300 m or 1 000 ft vertically
Below 3 050 m (10 000 ft) AMSL and above 900 m (3 000 ft) AMSL, or above 300 m (1 000 ft) above terrain, whichever is the higher	C and D	5 km	1 500 m horizontally 300 m or 1 000 ft vertically
At and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher	C and D	5 km	1 500 m horizontally 300 m or 1 000 ft vertically
When the height of the transition altitude is lower than 3 050 m (10 000 ft) AMSL, FL 100 shall be used in lieu of 10 000 ft.			

However:

- 1° the ceiling shall not be less than 450 m (1 500 ft);
- 2° in airspace classes C and D, at and below 900 m (3 000 ft) AMSL or 300 m (1 000 ft) above terrain, whichever is the higher, the pilot shall maintain continuous sight of the surface