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TOWARDS REGULATING SUB-ORBITAL FLIGHTS - AN UPDATED EASA APPROACH

Abstract

The Treaty of the European Union allows for the development of common policies for all sectors of transport, including aviation, and its safety. To this end, the European legislator established in 2002 the European Aviation Safety Agency (EASA), located in Cologne, Germany, and gave it responsibility for the regulation of aviation safety, including airworthiness, air operations and Flight Crew Licensing. The Agency's remit has been since extended to Air Traffic Management (ATM) and Air Navigation Systems (ANS), as well as to Aerodromes Licensing.

Annex 8 of the International Civil Aviation Organization (ICAO) to the Chicago Convention defines an aircraft as "any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface". Thus, Sub-orbital Aeroplanes (SoA) generating aerodynamic lift during the atmospheric part of their flight are considered to be aircraft.

Therefore, their airworthiness, crews and operations are under the remit of EASA, which is currently preparing to fulfill its role in relation to civil suborbital flights, that is to certify SoAs and their operations.

This paper intends to update the approach proposed by EASA to accommodate sub-orbital flights into its regulatory system, from the perspectives of Sub-orbital Aeroplanes certification and their operation, including Air/Space Traffic Management, Flight Crew/Passengers Licensing, as well as Operators and Aerodromes/"Spaceports" licensing.