

Are Foiling Moths aircraft? CASA thinks so.

In a decision that borders on the ridiculous, The Civil Aviation Safety Authority (CASA) has followed a literal interpretation of the International Civil Aviation Organisation's (ICAO) definition of an 'aircraft' as stated in Chapter 1 of Annex 7.

[Read more](#)

Background

At the October 2009 ICAO Operations Panel meeting in Montreal, a paper was presented outlining concerns regarding the introduction into service of a Kite Propulsion System for shipping by a European based company.

ICAO suggested that the system may fall under what they consider to be the definition an aircraft, and therefore be subject to the relevant international aviation standards and practices.

ICAO defines an aircraft in Annex 7 : Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earths surface.

During discussions with ICAO the European based company put forward several other 'craft' that 'may' fall under this definition should they chose to apply the interpretation of Annex 7 literally – namely Kite Surfers and Hydro foiling sail craft, but more specifically, Foiling International Moths. Based on the fact that a Moth uses hydrofoils to 'derive support in the atmosphere from the reaction of the air' across its mainsail, ICAO has determined that Foiling Moths DO fall under the Annex 7 definition of an aircraft.

What that means for us

CASA is responsible for safety regulation of civil air operations in Australia and is bound by ICAO rulings and recommendations. By law we must comply with their regulations or face monetary penalty both as Individuals and as an Association. We were contacted by CASA and they have outlined what individuals need to do to comply.

IMCA Australia will now come under the rules of Sport Aviation. Each boat will have to comply with 'Experimental Certificates AC 21-10(1) SEP 2009' and Form 718 'Application for Issue of a Special Certificate of Airworthiness' will need to be submitted.

Fortunately the only real changes at this stage are as follows:

The word "EXPERIMENTAL" (not less than 5cm and not more than 15cm) in a visible location on the hull.

The AUS prefix will need to be changed to VH followed by your current ISAF plaque number

When completing the 'Application for Issue of a Special Certificate of Airworthiness' please ensure you have entered the following details:

Part 1 Fill out all details – registration mark is VH followed by ISAF plaque number

Part 2 Tick the Experimental and Air racing box

Part 3 – Fill out all details

Part 4 – leave blank

Part5 – tick N/A for all boxes and in ii) fill in hours spent foiling (no lowriding hours)

Part6-7- leave blank

NOTE: These applications need to be completed ASAP, if coming to NSW States Championships please bring completed forms.

Finally

CASA will be reviewing this determination in September, we will be making a submission to have this decision reversed. If you have any queries please contact your local State Moth Association