



Regular update of the standardised European rules of the air

RELATED NPA/CRD 2022-04 — RMT.0476 (SUBTASKS 1 AND 2)

EXECUTIVE SUMMARY

This Opinion addresses safety and regulatory coordination issues related to the standardised European rules of the air (SERA). Its main objective is to maintain a high level of safety and environmental performance of the European Union (EU) air navigation system, by ensuring the necessary maintenance and development of the SERA regulatory framework.

To achieve this objective, this Opinion includes proposed amendments to Regulation (EU) No 923/2012 (the SERA Regulation) which:

- ensure synchronisation between the SERA regulatory framework and the International Civil Aviation Organization (ICAO) provisions, especially those of ICAO Doc 4444 'PANS-ATM' up to its Amendment 9, particularly in relation to new procedures on standard instrument departures (SID) and standard instrument arrivals (STAR) and other provisions identified as being of a 'rules-of-the-air' nature;
- introduce changes to the existing radio communication failure procedure in anticipation of a future amendment to ICAO Annex 2, thus bringing forward in time the related operational benefits;
- remove the Supplement to the Annex to the SERA Regulation, containing the commonly agreed differences to ICAO Standards and Recommended Practices (SARPs), and amend the requirements on the notification of differences by introducing regulatory references to Regulation (EU) 2018/1139;
- address issues in the implementation of the SERA Regulation as either identified by the European Union Aviation Safety Agency (EASA) through its standardisation activities or raised by stakeholders; and
- remove editorial mistakes and identified consistency issues.

The Opinion also includes minor proposed amendments to Annexes I 'Part-DEFINITIONS', IV 'Part-ATS' and VI 'Part-AIS' to Regulation (EU) 2017/373 (the ATM/ANS Common Requirements Regulation) and to Regulation (EU) No 139/2014 (the Aerodromes Regulation) for consistency purposes.

A safety recommendation (SR) addressed to EASA, related to the inclusion of information with regard to the on-board ballistic parachutes in the flight plan, is also addressed by this proposal.

Domain:	Air traffic management/air navigation services (ATM/ANS)		
Affected Regulations:	Regulation (EU) No 923/2012 (the SERA Regulation) Regulation (EU) 2017/373 (the ATM/ANS Common Requirements Regulation) Regulation (EU) No 139/2014 (the Aerodromes Regulation)		
Affected stakeholders:	Member States, national competent authorities (NCAs)/national supervisory authorities (NSAs), ATM/ANS providers, airspace users, aerodrome operators and EASA		
Driver:	Efficiency/proportionality	Rulemaking group:	No
Impact assessment:	Light		

EASA rulemaking procedure milestones

Start Terms of Reference	Public Consultation NPA 2022-04	Proposal to the Commission Opinion	Adoption by the Commission Implementing Act	Decision Acceptable Means of Compliance, Guidance Material
18.8.2017	25.5.2022	18.8.2023	2024	2024

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1. About this Opinion

1.1. How this Opinion was developed

The European Union Aviation Safety Agency (EASA) developed this Opinion in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure².

This Rulemaking Task (RMT).0476 'Regular update of the standardised European rules of the air' is included in Volume II of the European Plan for Aviation Safety (EPAS) 2023-2025³. The EPAS defines the timescales of the ongoing subtasks. The scope of the task was defined in the related Terms of Reference (ToR)⁴.

EASA developed the *draft* text of this Opinion resulting from Subtasks 1 and 2 of RMT.0476 with the contribution of Eurocontrol subject matter experts. The regulatory proposal was submitted for public consultation⁵ with Notice of Proposed Amendment (NPA) 2022-04⁶ during 2022.

EASA performed a detailed assessment of the comments received from the NPA public consultation, which allowed the further development of the regulatory proposal. The comments received and the related EASA responses are presented in Comment-Response Document (CRD) 2022-04⁷; a summary of the main aspects of such an assessment is provided in Section 2.5.

As last step, according to Article 6(9) of the Rulemaking Procedure, EASA sought the advice of the Member States' Advisory Body (MAB), established on the basis of Article 115(2) of the Basic Regulation, on the *draft final* text of this Opinion to detect any substantially divergent views of Member States.

EASA developed the *final* text of this Opinion and the draft regulations based on the input of the public consultation and the advice sought from the MAB on remaining substantially divergent views. The main outcomes of the advice are summarised in Section 2.5.4. The draft regulations are published on the Official Publication of EASA⁸.

The major milestones of this RMT are presented on the cover page.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 replacing Decision No 18-2015 of 15 December 2015 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-no-01-2022-rulemaking-procedure-repealing-mb>).

³ [European Plan for Aviation Safety \(EPAS\) 2023-2025 | EASA \(europa.eu\)](#)

⁴ [ToR RMT.0476 - Regular update of SERA rule \(IR/AMC/GM\) | EASA \(europa.eu\)](#)

⁵ In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 4(2) and 6 of the Rulemaking Procedure.

⁶ [NPA 2022-04 - Regular update of the SERA regulatory framework \(IRs and AMC & GM\) | EASA \(europa.eu\)](#)

⁷ <https://www.easa.europa.eu/en/document-library/comment-response-documents/crd-2022-04>

⁸ <http://easa.europa.eu/document-library/opinions>



1.2. The next steps

This Opinion contains the proposed amendments to the SERA Regulation⁹, as well as to the ATM/ANS Common Requirements Regulation¹⁰ and the Aerodromes Regulation¹¹. It is submitted to the European Commission, which will decide whether to amend those Regulations based on the Opinion.

To support the understanding of the proposal, EASA has published for information and concurrently with this Opinion the related acceptable means of compliance (AMC) and guidance material (GM), in their current draft version which takes into account the feedback received from stakeholders on the related proposed amendments included in NPA 2022-04. EASA will further work on those and will publish the decisions that amend the AMC and GM when the European Commission adopts the related Regulations.

⁹ 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 (OJ L 281, 13.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0923&qid=1686054271316>).

¹⁰ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0373&qid=1686054541507>).

¹¹ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0139&qid=1686054636500>).



2. In summary — why and what

2.1. Why we need to amend the rules — issue/rationale

The SERA regulatory framework, introduced with the SERA Regulation and successively completed with Regulation (EU) 2016/1185¹², is largely based upon the transposition of ICAO SARPs, in particular those in Annex 2, Annex 3, Annex 10 Volume II, and Annex 11, and upon procedures for air navigation services (mainly from ICAO Doc 4444 ‘PANS-ATM’). In the last years, the SERA regulatory framework was only amended to ensure alignment with the comprehensive amendments to Annex IV (Part-ATS) to the ATM/ANS Common Requirements Regulation (via Regulation (EU) 2020/469¹³) and for consistency with the new regulatory framework on U-space (with Regulation (EU) 2021/666¹⁴). In the meantime, the ICAO provisions in the annexes and documents that were previously transposed into the SERA regulatory framework have been subject to various amendments. The maintenance of an up-to-date and unambiguous SERA regulatory framework, which enables the uniform implementation of ICAO provisions in the EU law, is considered essential for safety and regulatory compliance.

Additionally, in the context of the RMT.0464 activities on ‘Requirements for air traffic services (ATS)’, resulting in the introduction of detailed organisation and technical requirements to Annex IV (Part-ATS) to the ATM/ANS Common Requirements Regulation, it was determined that certain relevant ICAO provisions (particularly in PANS-ATM) of a ‘rules-of-the-air’ nature are currently not included in the SERA regulatory framework. This Opinion includes proposed amendments which aim at addressing this issue and at completing the SERA regulatory framework by including such provisions. The proposed evolution of the SERA framework brings along the need to consider and address the consequent development of other interrelated regulatory packages to ensure the necessary consistency; with this Opinion, this means particularly the ATM/ANS Common Requirements and the Aerodromes regulatory frameworks.

SR SPAN-2017-038 from the Spanish safety investigation authority (CIAIAC)¹⁵, stemming from the accident investigation of a RANS S6 type of aircraft, registered as EC-YDQ, on 15 July 2016 at San Javier-Murcia, which states: ‘It is recommended that the European Aviation Safety Agency (EASA) lay out the measures required so that aircraft equipped with a ballistic parachute reflect this in the flight plan as part of point SERA.4005, Contents of a flight plan, ‘Emergency and survival equipment’. [REC 38/17]’, was addressed to EASA, that carried out this rulemaking action.

¹² Commission Implementing Regulation (EU) 2016/1185 of 20 July 2016 amending Implementing Regulation (EU) No 923/2012 as regards the update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C) and repealing Regulation (EC) No 730/2006 (OJ L 196, 21.7.2016, p. 3) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1185&qid=1650641099897>).

¹³ Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0469&qid=1650641257511>).

¹⁴ Commission Implementing Regulation (EU) 2021/666 of 22 April 2021 amending Regulation (EU) No 923/2012 as regards requirements for manned aviation operating in U-space airspace (OJ L 139, 23.4.2021, p. 187) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0666&qid=1650641418136>).

¹⁵ Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1479716039678&uri=CELEX:32010R0996>).

The regulatory activities concerning the evolution of the complex and safety-critical SERA framework support the identification and the resolution of existing inconsistencies and editorial mistakes, as well as the introduction of changes considered appropriate as a result of the EASA standardisation and oversight activities.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Opinion will contribute to achieving the overall objectives by addressing the issues described in Section 2.1.

The specific objectives of this proposal are to:

- assist the Member States in exercising their rights and fulfilling their obligations under the Chicago Convention by updating the SERA regulatory framework through the transposition of the latest amendments to the relevant ICAO documentation, including the provisions related to new procedures on SID and STAR as well as provisions with a ‘rules-of-the-air’ nature that were not considered suitable for inclusion in the ATM/ANS Common Requirements Regulation;
- contribute to the EU-wide aviation policy on the radio communication failure (RCF) procedure in anticipation of a future amendment to ICAO Annex 2, thus bringing forward in time the related operational benefits;
- promote technical and operational interoperability and sharing of administrative best practices through the inclusion of information in the flight plans about the ballistic parachute recovery systems that are installed on small aircraft and may not have been deployed during an occurrence, so that such information can be made available to rescue and emergency personnel and thus minimise any potential risks.

2.3. How we want to achieve it — overview of the proposed amendments

The proposed amendments to the SERA Regulation were described in Section 2.3 and more in detail with the related rationale in Chapter 3 of NPA 2022-04. As a result of the NPA public consultation process, the proposed amendments to the SERA Regulation were further developed and are complemented by proposed amendments to the ATM/ANS Common Requirements Regulation and to the Aerodromes Regulation, for regulatory consistency. Consequently, this Opinion includes three draft Regulations, as follows:

- COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Commission Regulation (EU) No 923/2012 as regards the updates of relevant ICAO provisions, the completion of the loss of radio communication failure procedure and the removal of the Supplement to the Annex;
- COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Commission Regulation (EU) 2017/373 as regards the definition of SIGMET and certain requirements on special VFR (visual flight rules) and air traffic control clearances in consequence to the amendment of Regulation (EU) No 923/2012;
- COMMISSION DELEGATED REGULATION (EU) .../... of XXX amending Commission Regulation (EU) No 139/2014 as regards the requirements on communications.

This Section 2.3 includes information about the most relevant aspects included in this Opinion, while a description of the main issues resulting from the NPA consultation and how they have been addressed is included in Section 2.5.

2.3.1. Synchronisation of SERA with ICAO provisions

In accordance with the approach explained in Section 2.1, several amendments to the SERA Regulation are proposed to transpose the relevant ICAO provisions included in the following documents:

- Amendment 45 to ICAO Annex 2, to transpose certain relevant contents;
- Annex 10 Volume II, to further clarify existing SERA provisions;
- Amendment 52 to ICAO Annex 11, to transpose certain relevant contents;
- Amendment 7A, 8 and 9 to ICAO Doc 4444 'PANS-ATM', to transpose certain relevant contents coherently with provisions in Annex IV (Part-ATS) to the ATM/ANS Common Requirements Regulation;
- Doc 7030 Regional Supplementary Procedures, European (EUR) Region, to transpose certain relevant contents.

Compliance with Article 5 of the SERA Regulation generates difficulties for the Member States and hinders the work during standardisation inspections because of the outdated information presented in the Supplement to the Annex containing the commonly agreed differences. To facilitate the implementation of the obligations of the Member States under Article 38 of the Chicago Convention and the provision of information to ICAO under the ICAO Universal Safety Oversight Audit Programme, EASA proposes to remove the Supplement to the Annex from the SERA Regulation and to consequently amend Article 5. According to Article 74¹⁶ of the Basic Regulation, EASA is obliged to establish and manage a repository of information, which shall also contain information related to the implementation of the ICAO SARPs in EU requirements with the use of the ICAO Electronic Filing of Differences (EFOD) Compliance Checklists (CCs). The Member States are obliged to use this information to file their differences to ICAO according to Article 90(4)¹⁷ of the Basic Regulation.

¹⁶ Regulation (EU) 2018/1139 Article 74 – Repository of information

1. The Agency shall, in cooperation with the Commission and the national competent authorities, establish and manage a repository of information necessary to ensure effective cooperation between the Agency and the national competent authorities concerning the exercise of their tasks relating to certification, oversight and enforcement under this Regulation. That repository shall include information about:

[...]

(n) information related to the implementation of international standards and recommended practices, referred to in Article 90(4);

[...]

¹⁷ Regulation (EU) 2018/1139 Article 90 – International cooperation

[...]

4. The Agency shall, in cooperation with the Commission and the Member States, include and update where necessary, the following information in the repository referred to in Article 74:

(a) information on the compliance of this Regulation and of the delegated and implementing acts adopted on the basis thereof and of the measures taken by the Agency under this Regulation with the international standards and recommended practices;

(b) other information related to the implementation of this Regulation, which is common to all Member States and which is relevant for monitoring by ICAO of the compliance of Member States with the Chicago Convention and international standards and recommended practices.

The Member States shall use that information when implementing their obligations under Article 38 of the Chicago Convention and when providing to ICAO information under the ICAO Universal Safety Oversight Audit Programme.

[...]

Removing the Supplement to the Annex from the SERA Regulation is expected to allow the timely updates of such information, without the regulatory process to amend the SERA Regulation. Differences marked as significant differences in the EFOD CCs shall be considered as commonly agreed differences and shall be filed to ICAO. References to the differences between the proposed amendments in this Opinion and the relevant ICAO SARPs and PANS are detailed in Section 2.3.5 below.

One of the differences addresses the use of a dedicated secondary surveillance radar (SSR) code (Mode A Code 7601) in case of RCF to avoid the ambiguity related to the option for under instrument flight rules (IFR) experiencing RCF to remain in visual meteorological conditions (VMC) and land at the nearest suitable aerodrome.

2.3.2. Addressing SR SPAN 2017-038

The analysis of SR SPAN 2017/038 (see Section 2.1) evidenced that there is a need to inform emergency personnel (firefighting, rescue, etc.) on the ballistic parachutes that are installed on such aircraft but may not have been deployed during the occurrence, thus constituting a possible threat during rescue operations. The information about the installation of such systems on a given aircraft is, therefore, proposed for inclusion in the essential elements to be provided in the flight plan stipulated in SERA.4005, to enable the air traffic services (ATS) units to make this information available to the emergency personnel.

2.3.3. Other drivers for amendments to the SERA Regulation

The Opinion includes proposed amendments to the SERA Regulation resulting from the outcome of standardisation activities, as well as from the continuous dialogue with stakeholders on their implementation; in certain cases, such proposed amendments are supported by changes to existing AMC and GM or by the introduction of new ones (see related files published together with the Opinion for information purposes).

This Opinion also includes proposed amendments derived from the need to fix editorial and consistency issues within the SERA Regulation.

2.3.4. Amendments to other EU regulations for regulatory consistency

Consequential necessary amendments for regulatory consistency concern:

- in the draft COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Regulation (EU) 2017/373 as regards the definition of SIGMET and certain requirements on special VFR (visual flight rules) and air traffic control clearances in consequence to the amendment of Regulation (EU) No 923/2012:
 - the definition of SIGMET is proposed to be amended to ensure editorial consistency with the corresponding ICAO definition; the same definition is proposed to be amended also in the context of SERA;
 - the resolution of the contradiction in SERA.5010 ‘Special VFR in control zones’ results in the proposed amendments of ATS.TR.270 ‘Authorisation of special VFR’; and
- in the draft COMMISSION DELEGATED REGULATION (EU) .../... of XXX amending Regulation (EU) No 139/2014 as regards the requirements on communications: the introduction of the

instructions for ground vehicles or pedestrians in Appendix 1 ‘Signals’ to the SERA Regulation resulted in the proposed introduction of a reference to these requirements in ADR.OPS.B.031 of the Aerodromes Regulation.

Draft amendments to the AMC and GM for these regulatory frameworks have also been developed and are published with this Opinion for information purposes.

2.3.5. Differences between the proposed SERA amendments and the relevant ICAO SARPs and PANS

Table 1 illustrates in detail the differences between certain amendments proposed with this Opinion to the existing SERA Regulation and the corresponding ICAO SARPs (in ICAO Annex 2 and Annex 11) and safety-relevant PANS (in ICAO PANS-ATM).

Annex provision	Difference category	Details of difference	Remarks
Annex 2 3.3.2	A (more exacting or exceeds a SARP)	The proposed amendment to point SERA.4005(a)(14) explicitly requires the inclusion of information regarding the existence of a ballistic parachute recovery system in the flight plan, if installed on the aircraft.	
Annex 2 3.6.5.2.1 a)	B (different in character or the Contracting State has established other means of compliance)	The newly proposed point SERA.14083(c)(6) also requires IFR flights to set Mode A Code 7601 in order to inform the ATS unit about their intention to continue to fly in VMC and land at the nearest suitable aerodrome.	Amendments to the communication failure procedures in Annex 2 are expected to be applicable in November 2026 according to the Job Card of the ICAO ATMOPS Panel.
Annex 2 3.6.5.2.2 b)	B (different in character or the Contracting State has established other means of compliance)	The newly proposed point SERA.14083 requires a common time parameter of 20 minutes to be observed for both procedural and surveillance environment before adapting the speed and vertical profile in accordance with the filed flight plan, as amended by the modification and delay messages.	Amendments to the communication failure procedures in Annex 2 are expected to be applicable in November 2026 according to the Job Card of the ICAO ATMOPS Panel.

Annex provision	Difference category	Details of difference	Remarks
Annex 11 4.3.7 4.3.8 4.3.9	B (different in character or the Contracting State has established other means of compliance)	The proposed amendment to points (b)(8), (c)(8) and (d)(7) of point SERA.9010 does not limit the reportable surface conditions to the significant ones and does not contain the requirement of providing information on braking action as a result of implementing the ICAO Global Reporting Format (GRF) in order to avoid the provision of contradicting information to the pilot.	Alignment with the Aerodromes Regulation and Regulation (EU) No 965/2012 ¹⁸
Doc 4444 PANS-ATM 4.12.7	B (different in character or the Contracting State has established other means of compliance)	The proposed amendment to point SERA.12020(b) accommodates GRF for reporting of runway surface conditions and still facilitates the forwarding of special air-reports by ATS units to aerodrome operators. The difference to ICAO PANS-ATM point 4.12.7 is that the text in SERA.12020 point (b) does not refer to braking action reported but to the runway condition report.	
Doc 4444 PANS-ATM 8.5.3.3	B (different in character or the Contracting State has established other means of compliance)	The proposed amendment to point SERA.13015(a) allows the competent authority to approve other than the aircraft registration as aircraft identification for flights without a flight plan.	

Table 1 — Differences between the proposed amendments and corresponding ICAO SARPs and PANS

2.4. Entry into force and transitional measure

To provide a sufficient transition period that allows the regulated parties to comply with the new rules and procedures, EASA proposes a transitional period of 12 months from the entry into force of the proposed Regulations.

¹⁸ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0965&qid=1650889887590>).

2.5. What are the stakeholders' views

In total 377 comments were received from the public consultation of NPA 2022-04 from interested parties, including industry (ANSPs, an aircraft operator, aerodrome operators), national competent authorities (NCAs), social partners (pilot associations, another association, trade unions), a training organisation, an international organisation and private individuals as detailed in the following Table 2.

Group of commentators	Number of comments submitted	Approximate share
Aerodrome operator	5	1 %
Aircraft operator	3	1 %
ANSP	49	13 %
Aviation authority	152	40 %
Organisation	2	1 %
Other association	4	1 %
Pilot association	78	21 %
Private person	10	3 %
Trade union	70	19 %
Training organisation	4	1 %
Total	377	100 %

Table 2 — Statistics on NPA 2022-04 commentators

The comments submitted, together with the related EASA responses, are included in CRD 2022-04 published together with this Opinion. The analysis of the comments evidenced a substantial support to this regulatory initiative and determined the need for some amendments to the original NPA proposal; this also affected some proposed amendments to the associated AMC and GM, which are published with this Opinion as informative material. The following Sections summarise the main areas of interest evidenced by the NPA 2022-04 consultation with the related EASA views and resulting actions.

2.5.1. Prohibition of supersonic flights over EU land for environmental protection purposes

As an outcome of RMT.0476 Subtask 4, NPA 2022-04 included a regulatory proposal to prevent supersonic flights over the territory of the EU. Following the assessment of the comments received and after a careful evaluation of the status of the technological developments for the new generation of supersonic aircraft, EASA decided not to further pursue this regulatory proposal for the time being. EASA is determined to work with ICAO to enable the introduction of harmonised environmental standards and policies for supersonic aircraft to the extent that they ensure environmental compatibility and public acceptability. Accordingly, Subtask 4 of RMT.0476 will be temporarily put on hold; EASA will evaluate its reactivation, in conjunction with the related RMT.0733 'Environmental protection requirements for supersonic transport aeroplanes', in light of the progress of the aforementioned ICAO activities.

2.5.2. Requirements on sailplane thermal flights

NPA 2022-04 included a question to stakeholders on the need to address the right-of-way for sailplanes in thermal flights, together with the proposed introduction of amendments to SERA.3210 and of new GM.

Based on the stakeholders' feedback, both via comments to NPA 2022-04 and successive exchanges, and on a review of the related occurrences involving sailplanes or gliders in a (near) mid-air collision, TCAS resolution advisories or loss of separation between 2012 and 2022 that happened in the European and in the North Atlantic region, EASA decided to withdraw the proposed amendments, as the subject does not need to be regulated on a European level.

2.5.3. Additional proposed amendments following the NPA 2022-04 consultation

The title of the newly introduced SERA.3212 is changed to clarify the applicability of such provision at aerodromes where ATS are provided, as it regulates actions between the ATS unit and either pilots or vehicle drivers.

After a careful evaluation of comments received on the proposed amendments on the read-back of clearances, instructions and safety-related information, EASA decided to transpose the two new additional provisions identically to those introduced with Amendment 52 to Annex 11 as SERA.8015(e)(5) and (6).

The requirements in point SERA.8025 'Position reports' were redrafted considering the requirements already introduced in point SERA.14065 and Appendix 5 as well as the relevant provisions of PANS-ATM and ICAO Doc 7030.

SERA.12020 point (b) was reworded to accommodate GRF for reporting of runway surface conditions and still to facilitate the forwarding of special air-reports by ATS units to aerodrome operators. The difference to ICAO provision in PANS-ATM point 4.12.7 is that the text in SERA.12020 point (b) does not refer to braking action reported but to the runway condition report.

The title of point SERA.13015 was amended to include any kind of on-board aircraft identification settings and not just SSR transponders. The requirements themselves also include ADS-B transmitters, too.

As a result of the assessment of comments received from the consultation of NPA 2022-04, EASA considers necessary to propose the amendment of SERA.14035 'Transmission of numbers in radiotelephony' to eliminate the misleading wording of the requirements in point (a)(1), whether the wind speed or the aircraft speed shall be transmitted by pronouncing each digit separately.

It was identified that the phrase 'call sign, immediately followed by the word "super" or "heavy" corresponding, as appropriate, to wake turbulence category of the aircraft' is used in SERA.14065(a)(2), SERA.14065(c)(2) and SERA.14090(c). These points are harmonised by introducing the necessary amendments.

SERA.14083(c)(6) with regard to the use of a dedicated SSR code (Mode A Code 7601) in case of RCF to avoid the ambiguity related to the option for a flight under IFR experiencing RCF to remain in VMC and land at the nearest suitable aerodrome was introduced. This results from a consultation with the pilot community, which strongly supported the introduction of this option, and it is considered instrumental for permitting IFR flights to fly under VMC and land at the nearest suitable aerodrome. Besides, concerns were expressed with regard to the need to adapt ATS systems to handle such special code. In the existing ATS systems, the transmission of Mode A Code 7600 automatically triggers the display of a special flag on the label associated with that aircraft, and the ATS system is designed such as not to lose the correlation with the flight plan. Selecting Mode A Code 7601 without adaptations of the ATS systems would just lead to losing the correlation and displaying only the raw data received

from the surveillance data processing systems. The adaptations of the ATS systems for this purpose would take time and effort. In pursuing the proposed solution, it should be considered that the likelihood of an IFR flight that experiences RCF continuing its flight in VMC and landing at the nearest suitable aerodrome is very remote. For such cases, until the time the ATS systems would be adapted to retain the correlation, a manual correlation could be considered.

The accidental insertion of the requirements on two-way radio communication equipment installed on vehicles employed on the manoeuvring area in Appendix 1 'Signals' was withdrawn. The applicable requirements for this scenario are in the Aerodromes Regulation.

2.5.4. Advice from the MAB on the draft final Opinion

Between 20 June 2023 and 4 July 2023 EASA sought advice from the MAB on any remaining substantially divergent views of the draft Opinion. Eight Member States and the European Commission provided thirty-five comments on the draft Opinion.

The proposed amendments to Article 2 'Definitions' were addressed by several comments. With the regulatory proposal included in this Opinion a discrepancy between the SERA regulation and the ATM/ANS Common Requirements would cease, as complete textual alignment for the definitions of 'AIRMET' and 'SIGMET' will be provided. As it was explained in Opinion No 02/2018 introducing a new text for these definitions, the term 'message' is removed from both to eliminate the confusion between the terms 'AIRMET' and 'AIRMET message' and 'SIGMET' and 'SIGMET message'. The proposed amendments ensure alignment between SERA and ICAO Annex 3. In addition, two more definitions are inserted on 'communicable disease' and 'public health' to clarify the meaning of these expressions in the context of SERA.

As a result of the public consultation of NPA 2022-04, EASA took the decision to propose the introduction of a new provision titled SERA.8016 'Read-back of clearances, instructions and safety related information', which would transpose Sections 3.7.3.3 and 3.7.3.4 of ICAO Annex 11 (as modified by its Amendment 52) and include other existing provisions from SERA.8015(e) at the same time. The feedback received from the MAB triggered a reconsideration of this approach, which resulted in abandoning this concept and rather extending point SERA.8015(e) with the relevant two new provisions of ICAO Annex 11 without any difference for ATC on controlled aerodromes. For vehicles on the manoeuvring area on an AFIS aerodrome the requirements are specified in the Aerodromes Regulation.

The proposed order of the requirements in SERA.14090(d) seems to be of significant concern to the MAB. EASA believes that the sequence of the 4 points under SERA.14090(d) as they are proposed in the Opinion (i.e. points (1) and (2) are about initiating the communication, point (3) is about requesting the deviation once communication has been established, and point (4) is about informing ATC that the deviation has been completed) are in the correct logical sequential order and therefore no further amendment to the proposal is introduced.

With regard to the requirements on the 'Instructions for ground vehicles or pedestrians' in Appendix 1 'Signals', the provisions ADR.OPS.B.026 and ADR.OPS.B.027 have been introduced following Opinion No 03/2019 (runway safety) in the Aerodrome regulation, based, amongst others, on the equivalent provisions of ICAO PANS-ATM. However, the possibility of the 'pre-arranged plan' was not taken on-board at that time, based on an analysis of the runway incursions that had taken place in the EU area (and beyond). Instead, a more restrictive (and safer) approach was adopted. The full rationale for this

approach, which took also into account the views of all operational stakeholders, and the associated risks, may be found in Opinion 03/2019 and the related NPA 2018-14. EASA has not changed its view regarding this approach to address the issue of runway safety, which is amongst the top EU strategic priorities.

EASA also received the advice to not include the proposals for the amendment of the Aerodromes Regulation within this Opinion but within the next upcoming Opinion proposing amendments to the ADR Regulation on other subject matters. EASA did not accept this advice since these proposals derive from and are coherent with other amendments to SERA. It is therefore necessary to ensure regulatory coherence by adopting all proposals at the same time, even though they are amending different Regulations.

Finally, some MAB members also commented on the draft AMC and GM which were shared for information. These comments will be reflected in the further work on the AMC and GM. However, at this stage EASA wishes to provide feedback that it has already decided to withdraw the proposal for GM to SERA.6001 related to the requirements applicable to Class E airspace.

2.6. What are the expected benefits and drawbacks of the proposed amendments

The timely transposition of ICAO provisions, including the consideration of the European specificities, when necessary, ensures a high uniform level of safety in Europe and globally. The transposed ICAO provisions were consulted prior to their publication via the ICAO State Letter-mechanisms; no major impact is foreseen by their introduction within the EU regulatory framework. The proposed amendments resulting from the need for regulatory consistency or from other sources (e.g. standardisation outcomes, stakeholders' proposals) are intended to establish clarity and to facilitate implementation, hence are considered beneficial.

The amendments introduced in response to SR SPAN-2017-038, which resulted from the investigation of a safety occurrence by the CIAIAC, will bring safety benefits for both flight and search and rescue (SAR) operations, without generating a significant burden for stakeholders in terms of filing a flight plan.

No drawbacks are envisaged from the proposed amendments because they either provide clarification or enhancement of current requirements, or the requirements are not materially different from current procedures.

3. How we monitor and evaluate the proposed amendments

EASA will monitor the implementation of the resulting EU regulation through regular standardisation activities. In addition, the monitoring of the implementation of the resulting amendments will be carried out through regular feedback received from the EASA Advisory Bodies. These inputs will facilitate the assessment of how efficiently the adopted implementing measures have been or are currently applied.

Cologne, 17 August 2023

For the European Union Aviation Safety Agency

The Executive Director

Patrick KY



4. References

4.1. Related EU regulations

- 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 (OJ L 281, 13.10.2012, p. 1)
- Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1)
- Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1)

4.2. Related EASA decisions

- Decision 2013/013/R of the Executive Director of the European Aviation Safety Agency of 17 July 2013 adopting the Acceptable Means of Compliance and Guidance Material to 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 'Acceptable Means of Compliance and Guidance Material to the rules of the air'
- Executive Director Decision 2017/001/R of 8 March 2017 issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373 'Common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight'
- Decision 2014/012/R of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014

4.3. Other references

- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1)

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- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)
 - Accident investigation of a RANS S6 type of aircraft, registered as EC-YDQ on 15 July 2016 at San Javier-Murcia, in Spain:
https://www.icao.int/safety/airnavigation/AIG/Documents/Safety%20Recommendations%20to%20ICAO/Final%20Reports/ULM%20A-016-2016_final_report.en.pdf
 - ICAO State Letters:
 - AN 13/1.1-16/37 Adoption of Amendment 45 to Annex 2
 - AN 13/2.1-16/54 Approval of Amendment 7 to the PANS-ATM
 - AN 13/2.1-18/67 Approval of Amendment 8 to the PANS-ATM
 - AN 13/2.1-20/27 Approval of Amendment 9 to the PANS-ATM
 - AN 13/13.1-20/39 Adoption of Amendment 52 to Annex 11
 - EUR/NAT 21-0018.TEC Approval of a Proposal for Amendment of Regional Supplementary Procedures – Doc 7030/5



5. Related documents

CRD 2022-04 'Regular update of the SERA regulatory framework (IRs and AMC & GM)'

