



Notice of Proposed Amendment 2023-08 (A)

in accordance with Article 6 of MB Decision No 01-2022

Regular update of the air traffic management / air navigation services rules *Implementing rules, acceptable means of compliance and guidance material*

RMT.0719 (SUBTASK 4B)

EXECUTIVE SUMMARY

The provision of air traffic management/air navigation services (ATM/ANS) is subject to constant evolution generated by a variety of factors, such as the introduction of new technologies and operational concepts, the acquisition of experience from the implementation and oversight of the applicable rules or the evolution of the interdependent EU and/or International Civil Aviation Organization (ICAO) regulatory frameworks. It is therefore necessary to perform regular reviews and maintenance of the currently applicable regulatory material for the provision of ATM/ANS, as regulatory consistency is a key enabler to ensure a safe and efficient aviation system.

The general objective of the amendments proposed in this Notice of Proposed Amendment (NPA) is to ensure a high and uniform level of safety in ATM/ANS and other ATM network functions and to reflect the state of the art and best practices by proposing amendments based on the selection of non-complex, non-controversial or mature subjects originating from European Commission requests, ICAO developments, stakeholders and expert groups or individuals which EASA has assessed as suitable and beneficial.

It includes proposed updates to a variety of provisions in Regulation (EU) 2017/373 and associated AMC and GM, in particular concerning air traffic services (ATS) and aeronautical information services (AIS) requirements. Consequential amendments to Regulation (EU) No 923/2012 and Regulation (EU) No 139/2014 and related AMC and GM are also proposed for consistency reasons.

NPA 2023-08 is divided in four parts. The present NPA 2023-08 (A) includes the background information pertaining to the regulatory proposal.

REGULATIONS TO BE AMENDED

- Regulation (EU) 2017/373 (ATM/ANS)
- Regulation (EU) No 923/2012 (SERA)
- Regulation (EU) No 139/2014 (ADR)

ED DECISIONS TO BE AMENDED

- [ED Decision 2017/001/R](#) 'AMC/GM to Regulation (EU) 2017/373'
- [ED Decision 2013/013/R](#) 'AMC/GM to Regulation (EU) No 923/2012'
- [ED Decision 2014/012/R](#) 'AMC/GM to Regulation (EU) No 139/2014'

AFFECTED STAKEHOLDERS: ATM/ANS service providers; aerodrome operators; aircraft operators; national competent authorities (NCAs); Member States (MSs)

WORKING METHOD(S)

Development	Impact assessment(s)	Consultation
By EASA with external support	Detailed	NPA — Public

PLANNING MILESTONES: Refer to the latest edition of the EPAS Volume II.



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1. About this NPA

1.1. How this regulatory material was developed

This Notice of Proposed Amendment (NPA) results from Subtask 4b to Rulemaking Task (RMT).0719. This rulemaking activity is included in Volume II of the European Plan for Aviation Safety (EPAS) for 2023–2025¹.

EASA developed this draft regulatory material in line with Regulation (EU) 2018/1139² (the Basic Regulation) and the Rulemaking Procedure⁽³⁾, and in accordance with the objectives and working methods described in the terms of reference (ToR) for this RMT⁴.

The proposed amendments affecting the ATS requirements (specifically the provisions in Annex I (Part-Definitions) and Annex IV (Part-ATS) to Regulation (EU) 2017/373 and to Regulation (EU) No 923/2012 (hereafter referred to as the ‘SERA IR’), along with the related AMC and GM) were developed by EASA with the contribution of EUROCONTROL subject-matter experts. They also result from implementation feedback gathered by EASA through its standardisation activities and feedback from stakeholders, in particular during the first EASA Advisory Bodies Part-ATS Implementation Workshop held in June 2021. Following an EASA assessment of suitability, the NPA also includes some proposals developed and submitted for consideration by EUROCONTROL expert working arrangements. Additional proposed amendments result from the discussions in the context of the comitology process for EASA Opinion No 03/2018 ‘Requirements for air traffic services’ (RMT.0464)⁵ leading to the publication of Regulation (EU) 2020/469 and addressed by the Commission to EASA for further consideration.

The proposed amendments of an AIS nature/origination (to Article 3 point 5, Annex I (Part-Definitions), Annex III (Part-ATM/ANS.OR) (aeronautical data catalogue and reference systems), along with Annex VI (Part-AIS)) were developed by EASA. These amendments stem from existing provisions of ICAO Annex 15, PANS-AIM and Annex 4. Furthermore, certain amendments stem from the content of ICAO State Letter 2020/26, which contains provisions concerning the aeronautical data catalogue and the aeronautical information publication (AIP), applicable as of November 2024. In addition, certain proposed provisions are based on the content of ICAO State Letter 2023/6 proposing, among others, amendments to the SNOWTAM format, the aeronautical data catalogue and certain elements of the AIP; but also, ICAO State Letter 2023/7 proposing, among others, amendments to the

¹ [European Plan for Aviation Safety \(EPAS\) 2023–2025](#)

² 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>).

³ 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 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material (‘Rulemaking Procedure’), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

⁴ [ToR RMT.0719 – Regular update of ATM/ANS rules \(IR/AMC/GM\)](#)

⁵ <https://www.easa.europa.eu/en/document-library/opinions/opinion-032018>

aeronautical data catalogue. Moreover, part of the proposed amendments stem from feedback that EASA received from its stakeholders, including through NPA 2021-103 ⁽⁶⁾, while others originate from implementation feedback and the need to ensure legal certainty. In certain cases, the proposed amendments aim at addressing an identified safety issue relating to the availability of suitable aeronautical data. In addition, in certain cases the proposed amendments aim at aligning the EU AIS regulatory framework with that of other domains (aerodromes and air-ops), with a view to ensuring regulatory consistency, maintaining the safety level and improving the efficiency of the air navigation system. As a result of some of the above, certain limited, consequential changes to Part-AIS, Part-FPD and the aerodrome-related provisions (Regulation (EU) No 139/2014) are also proposed.

The proposed changes affecting the Communication, Navigation and Surveillance requirements (provisions in Annex VIII (Part-CNS) to Regulation (EU) 2017/373) update the existing references to ICAO Annex 10 Volumes I to V by referring to the latest published related amendments.

The proposed amendments affecting the aerodrome-related requirements (to Annex IV (Part-ADR.OPS) to the ADR IR) were developed by EASA to include procedures regarding intersection take-offs and multiple line-ups on the same runway in the EU regulatory framework and are based on procedures established in ICAO Doc 7030 'Regional Supplementary Procedures' and Doc 7754 'ICAO EUR Air Navigation Plan – Volume II'. Such procedures are already being applied in the ICAO EUR/NAT region. As a result of the above, consequential changes to the ATS provisions in Annex IV (Part-ATS) to Regulation (EU) 2017/373 are also proposed for consistency.

1.2. How to comment on this NPA

The draft regulatory material is hereby submitted to all interested parties for consultation, in accordance with Article 115 of the Basic Regulation, Article 6(3) of the Rulemaking Procedure and in accordance with the ToR for this RMT.

Please submit your comments using solely the dedicated **Comment-Response Tool (CRT)** available at <http://hub.easa.europa.eu/crt/>⁷.

To facilitate the collection and technically support the subsequent review of comments by EASA in an efficient, controlled and structured manner, stakeholders are kindly requested to submit their comments to the respective predefined segments of the NPA within the CRT, and refrain from submitting specific comments or all their comments to the 'General Comments' segment.

Further, once all comments are placed in the respective predefined segments, there is no need to submit them (as a pdf attachment) to the 'General Comments' segment.

The deadline for the submission of comments is **9 February 2024**.

1.3. The next steps

Following the consultation of the draft regulatory material, EASA will review all the comments received and will duly consider them in the subsequent phases of this rule-making activity.

⁶ EASA NPA 2021-103 'Amendments to the aeronautical data catalogue and the aeronautical information publication structure and content' (RMT.0719) (<https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/focused-consultations>).

⁷ In case of technical problems, please send an email with a short description to crt@easa.europa.eu.

Focused consultation activities with the affected stakeholders may be organised to discuss and address specific aspects, as deemed appropriate.

As a result of this process, EASA will issue an opinion to the European Commission which shall consider its content and decide whether to issue amendments to the related regulations.

Consequently, EASA will issue a decision with the necessary amendments to the related acceptable means of compliance (AMC) and guidance material (GM).

When issuing the opinion and decision, EASA will also provide feedback to the commentators and information to the public on who engaged in the process and/or provided comments during the consultation of the draft regulatory material, which comments were received, how such engagement and/or consultation was used in rulemaking and how the comments were considered.



2. In summary — why and what

2.1. Why we need to act — issue/rationale

Regulation (EU) 2017/373 is a very extended regulatory framework which addresses the common requirements for providers of air traffic management / air navigation services and other air traffic management network functions and their oversight. The framework comprises both organisational and functional/technical requirements. The need for the maintenance of the rules concerning the provision of ATM/ANS is determined by a variety of factors, such as the need to ensure consistency with developments related to EU legislation, the evolution of the interdependent EU and/or ICAO regulatory frameworks, the introduction of new technologies and operational concepts, the acquisition of experience from the implementation and oversight of the applicable rules, the need to address identified safety issues and the consideration, after a thorough assessment, of stakeholder feedback and proposals. It is therefore necessary to perform regular reviews and to maintain this regulatory framework, to ensure safe aviation operations and consistency within the EU legislation.

2.2. Description of the issue

The general drivers of this comprehensive regulatory initiative are explained in Section 2.1; more detailed information about each of the proposed amendments is provided in Section 2.7 and in NPAs 2023-08 (B), 2023-08 (C) and 2023-08 (D).

Parts of this regulatory proposal concerning amendments to Regulation (EU) 2017/373 in relation to obstacle and terrain data for Area 1, aim at addressing, from an ATM/ANS perspective, the safety issue ‘Inadequate obstacle clearance during low-altitude operation, take-off and landing (SI-8031)’, which is included in the rotorcraft safety risk portfolio of EPAS 2023-2025⁸. This safety issue is further described below and in Sections 2.3, 2.4 and 2.5, while the related detailed impact assessment is provided in Appendix 1.

The safety issue in question ‘relates to the inability to identify and safely avoid obstacles during the helicopter take-off and landing phase, as well as during low-level operations such as agricultural work or power lines check, both in urban and natural environments.’⁹ is ranked among the 20 higher-risk cross-domain safety issues in the EU aviation system¹⁰ and among the top three safety issues¹¹ identified in the rotorcraft safety risk portfolio.

Safety recommendations

The following is a list of safety recommendations¹² issued by safety investigation authorities, which, although not addressed to EASA, are considered pertinent to this rulemaking task and support some of the proposed amendments to Regulation (EU) 2017/373 relating to obstacle and terrain data for Area 1:

⁸ <https://www.easa.europa.eu/en/document-library/general-publications/european-plan-aviation-safety-epas-2023-2025>

⁹ EPAS Volume III, p. 41.

¹⁰ EPAS Volume III, p. 13.

¹¹ EPAS Volume II, p. 99.

¹² The content of each safety recommendation appears in the rationale behind the proposal for the amendment of Article 3 of Regulation (EU) 2017/373, in NPA 2023-08 (B).

- Safety recommendation SL No 2019/01T
- Safety recommendation SL No 2015/05T
- Safety recommendation 2014-030
- Safety recommendation 2014-027
- Safety recommendation 2014-028
- Safety recommendation 2014-025
- Safety recommendation 45/17
- Safety recommendation 2020-556
- Safety recommendation 2019-21.

2.3. Assessment of the issue

EASA considered that the impact of the proposals regarding the obstacle and terrain data for Area 1 needed to be further assessed, to the extent that the relevant requirements proposed in this NPA exceed the relevant minimum ICAO specifications. In addition, these ICAO provisions are considered inadequate as they only address the case of aeroplanes and do not address rotorcraft, while the latter is:

- (a) ranked among the 20 higher-risk cross-domain safety issues in the EU aviation system; and
- (b) among the top three safety issues identified in the rotorcraft safety risk portfolio.

The issue of the obstacle data is proposed to be resolved through the amendment of Article 3; and for terrain data through the amendment of Appendix 1 to Annex III (Aeronautical Data Catalogue). It should be noted that currently, ICAO:

- requires the publication of obstacle data for objects of a height 100 m or above ground elevation, while the EASA proposal refers to 60 m, based on relevant EUROCAE specifications; and
- terrain data specifications consider again the case of aeroplanes only, while the EASA proposal is again based on EUROCAE specifications, which also cover the case of rotorcraft.

2.4. Who is affected by the issue

Due to the character of Area 1 (including in its scope the entire State), in both cases the responsibility for ensuring the origination/provision of relevant data is with the State itself. For this reason, it is considered that it is the State that is primarily affected by the proposed provisions. Moreover, rotorcraft operators are also affected by the proposed provisions because they intend to cover their operational needs.

Other organisations such as AIS providers are not affected, as they are the ones receiving the aeronautical data and making it available to subsequent users (e.g. data services providers).

2.5. How the issue could evolve

In case these two issues referred to in Section 2.3 are not addressed, and if the regulatory framework is not updated, the following are expected:

- the identified safety issue would not be tackled, and, in some cases, it might lead to a worse scenario as described in Appendix 1, while it will continue to remain within the top safety issues identified by EASA, especially for the rotorcraft;
- the EU regulatory framework will differ from the corresponding ICAO SARPs and PANS provisions.

Without timely and appropriate transposition of ICAO provisions to the EU regulatory framework or without ensuring consistency within EU legislation, Member States would face difficulty in implementing these rules. In case identified safety issues are not addressed, they could potentially generate a negative safety impact on operations. Moreover, if identified challenges with regards to legal certainty and enforceability of certain provisions are not addressed, such rules would remain difficult to enforce and their effective and harmonised implementation across EU would not be ensured.

2.6. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. The regulatory proposal published with this NPA is expected to contribute to achieving these overall objectives by addressing the issues described in Section 2.1 and 2.2.

More specifically, the proposed amendments aim to:

- transpose the relevant evolving ICAO provisions into EU law, thus contributing to their implementation and assisting the Member States in exercising their rights and fulfilling their obligations under the Chicago Convention;
- establish an adequate level of harmonisation throughout the EU, based on mandatory and flexible requirements;
- ensure the appropriate evolution of the ATM/ANS regulatory framework in line with the changing EU and global regulatory, conceptual and operational context;
- remove regulatory ambiguity and enhance legal certainty and enforceability; and
- define proportionate and cost-efficient rules.

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

NPA 2023-08 (B) includes the proposed amendments to the existing regulatory framework (IR, AMC, GM) on the common requirements for the ATM/ANS services provision established with Regulation (EU) 2017/373 and successive amendments thereto. Consequential amendments to the regulatory frameworks concerning the standardised European rules of the air (Regulation (EU) No 923/2012 hereafter referred to as the 'SERA IR') and Aerodromes (Regulation (EU) No 139/2014, hereafter referred to as the 'ADR IR') proposed for consistency are included in NPA 2023-08 (C) and NPA 2023-08 (D) respectively.

This section provides a structured and general overview of the proposed changes. The detailed rationale for each of the proposed amendments is provided in NPA 2023-08 (B), NPA 2023-08 (C) and NPA 2023-08 (D), in association with the related text.

Amendments to Regulation (EU) 2017/373 (NPA 2023-08 (B))**Cover regulation**

It is proposed to amend paragraph (5) of Article 3 to address certain provisions of ICAO Annex 15, enhance safety levels and address an identified safety issue through publication of data related to obstacles, and also with a view to ensuring clear origination responsibilities regarding terrain data.

The proposal to amend Article 3c and the associated GM aims to completely transpose the relevant ICAO Annex 11 provision. In accordance with the originating ICAO Standard 2.19.1 in Annex 11, the requirement should address the coordination of activities that are potentially hazardous to civil aviation as a whole (e.g. gunnery), and not only those relating to air operations.

Proposed amendments relating to the cover regulation concern the following:

- recital (13) to change ‘channel’ to ‘frequency’, for regulatory consistency purposes;
- GM2 Article 3(1) Provision of ATM/ANS and design of airspace structures (new);
- GM1 to AMC2 Article 3(6) (a) Provision of ATM/ANS and design of airspace structures (deleted);
- point (5) of Article 3;
- Article 3c;
- GM1 Article 3c(3) Coordination of activities potentially hazardous to civil aviation (new);
- GM2 Article 3c(3) Coordination of activities potentially hazardous to civil aviation (new);
- GM1 Article 3c(4) Coordination of activities potentially hazardous to civil aviation (new);
- GM1 Article 3c(5) Coordination of activities potentially hazardous to civil aviation (new).

Annex I (Part-Definitions)

Certain new definitions are inserted, stemming from ICAO Annex 15 and concerning terms which are already used in Regulation (EU) 2017/373. Additionally, new definitions are inserted in line with the new concept for pavement strength (ACR-PCR), contained in ICAO SL 2020/26. Such definitions concern:

- ‘aeronautical chart’, ‘air defence identification zone (ADIZ)’, ‘human factors principles’, ‘orthometric height’, ‘performance-based surveillance (PBS)’, ‘post spacing’, ‘pre-flight information bulletin (PIB)’, ‘terrain and obstacle coverage areas’, ‘aircraft classification rating (ACR)’, ‘data product’ and ‘pavement classification rating (PCR)’.

In relation to Part-ATS provisions, the following amendments are also proposed for regulatory consistency:

- new definitions for ‘accepting control unit’, ‘air traffic’ and ‘base turn’, which were previously established at the GM level, are now introduced as they are mentioned at the IR level;
- the actual definitions of ‘AFIS aerodrome’, ‘air traffic advisory service’ and ‘movement area’ are proposed to be amended for regulatory consistency and clarity.

Annex III (Part-ATM/ANS.OR)

The proposed amendments aim to update certain provisions of Regulation (EU) 2017/373 and related AMC and GM, to reflect the content of the applicable ICAO PANS-AIM provisions and thus to support Member States in fulfilling their international obligations in a harmonised manner. A restructuring of the relevant legal requirements concerning the aeronautical data catalogue is also proposed to ensure efficiency of future amendments.

Moreover, amendments concerning the requirement for reference systems for air navigation are proposed, to enhance clarity and ensure legal certainty. Because this requirement interfaces with relevant requirements of Part-AIS, Part-FPD and the aerodromes regulatory framework, limited consequential amendments are also proposed for consistency reasons.

Proposed amendments relating to Annex III (Part-ATM/ANS.OR) concern the following:

- GM1 ATM/ANS.OR.A.001 ‘Scope’;
- Appendix 1 (Aeronautical data catalogue) to Annex III (Part-ATM/ANS.OR);
- AMC1 Appendix 1(a) ‘Aeronautical data quality management’¹³;
- AMC2 Appendix 1(d)(1) ‘Aeronautical data quality management’;
- AMC3 Appendix 1(d)(2) ‘Aeronautical data quality management’;
- GM1 ATM/ANS.OR.A.085(a) ‘Aeronautical data quality management’;
- point ATM/ANS.OR.A.090 ‘Common reference systems for air navigation’;
- AMC1 ATM/ANS.OR.A.090(a) ‘Common reference systems for air navigation’ (new);
- GM1 ATM/ANS.OR.A.090(a) ‘Common reference systems for air navigation’;
- GM2 ATM/ANS.OR.A.090(a) ‘Common reference systems for air navigation’ (deleted);
- AMC1 ATM/ANS.OR.A.090(b) ‘Common reference systems for air navigation’;
- GM2 ATM/ANS.OR.A.090(b) ‘Common reference systems for air navigation’.

Annex IV (Part-ATS)

The proposed amendments to Annex IV (Part-ATS) to Regulation (EU) 2017/373 would ensure synchronisation on specific aspects of Part-ATS provisions with the corresponding ICAO framework, and in particular with ICAO Doc 4444 ‘PANS-ATM’ up to its Amendment 9.

It is proposed to remove some definitions from GM1 Annex IV (Part-ATS) because of their proposed introduction within Annex I to Regulation (EU) 2017/373 (see above).

Proposed changes to use the term ‘frequency’ instead of ‘channel’ aim at establishing the necessary textual consistency, as in both Regulation (EU) 2017/373 and Regulation (EU) No 923/2012 the text refers to ‘VHF emergency frequency’.

¹³ Due to their length, the proposed AMC1 Appendix 1 (a) Aeronautical data catalogue; AMC2 Appendix 1 (d)(1) Aeronautical data catalogue; and AMC3 Appendix 1 (d)(2) Aeronautical data catalogue, appear separately, as ‘Appendix 1 – AMC to the aeronautical data catalogue’ at the end of Section 3.2 of this NPA.

The proposed amendment to provisions related to the recording and retention of communication within a flight information region aims at resolving a regulatory inconsistency in relation to the recording of ground–ground communications.

The proposed amendment to the AMC and the newly proposed GM on ATS surveillance services introduces specific implementation aspects, to better clarify their applicability.

New provisions on the procedures regarding intersection take-offs and multiple line-ups on the same runway stemming from ICAO Doc 7030 EUR are proposed, to ensure consistency with the applicable phraseology established in Appendix 1 to AMC1 SERA.14001 point 1.4.10. These procedures are already in use at some EU airports, hence the related amendments would facilitate their harmonised implementation across the Member States. Consequential changes are proposed to the regulatory framework on aerodromes (see below).

The proposed amendments on the separation to be applied in the vicinity of the aerodrome clarify the application of separation of aircraft in certain specified circumstances. Accordingly, it is proposed to amend point (c) of ATS.TR.210 and SERA.8005(c) to explicitly allow the application of visual separation by air traffic controllers or own separation between aircraft in the vicinity of an aerodrome.

The amendments to ATS.TR.220 and its associated AMC/GM are proposed to address specified issues in relation to the application of wake turbulence separation, in particular with regard to circumstances where pilots accept to maintain own separation.

EASA requests stakeholders' views on the need to transpose the so-called RECAT-ICAO enhanced Wake Turbulence Separation scheme (eWTS), introduced with Amendment 9 to ICAO PANS-ATM (Doc 4444), into Part-ATS.

This scheme is based on seven aircraft wake turbulence groups (A, B, C, D, E, F, G) established in consideration of both wake generation and resistance characteristics of the aircraft.

EASA anticipates that, subject to stakeholders' feedback and further considerations, the transposition of the aforementioned RECAT-ICAO scheme could result in a further AMC to those already existing on wake-turbulence separation:

- AMC 1 to 6 ATS.TR.220 stipulate the 'legacy' wake separation provisions based on four wake turbulence categories (Super, Heavy, Medium, Light);
- AMC7 ATS.TR.220 enables ATS providers to decide to implement, as an alternative to the legacy wake turbulence separation minima prescribed in AMC1 to AMC6 ATS.TR.220, the so-called RECAT-EU Wake turbulence scheme, which is based on six wake turbulence groups (A, B, C, D, E, F) fully included (by construction) into the RECAT-ICAO scheme.

In order to clarify the roles of the air traffic controllers in the context of approaches to independent and dependent parallel runways, GM3 to AMC3 ATS.TR.255 is introduced based on the arguments provided in ICAO Doc 9643 'Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument Runways (SOIR)'.

Amendments to provisions relating to alerting service are proposed to align to corresponding amendments being introduced to ICAO Annex 11, regarding:

- the establishment of a central contact database to facilitate contact between air traffic services (ATS) units and operators; and

- the addition of the specific scenario where the operating efficiency of the aircraft is known to be impaired but where the likelihood of a forced landing cannot be determined in the context of alerting service.

The proposed amendments to Annex IV (Part-ATS) concern the following:

- AMC7 ATS.OR.110 ‘Coordination between aerodrome operators and air traffic services providers’ (new);
- GM1 to AMC7 ATS.OR.110 ‘Coordination between aerodrome operators and air traffic services providers’ (new);
- GM4 ATS.OR.135 ‘Contingency arrangements’;
- GM1 ATS.OR.145 ‘Operation of air traffic control’;
- GM1 ATS.OR.405 ‘Use and availability of the VHF emergency frequency’;
- GM1 ATS.OR.405(a)(3) ‘Use and availability of the VHF emergency frequency’;
- GM1 ATS.OR.405(b) ‘Use and availability of the VHF emergency frequency’;
- point ATS.OR.435 ‘Aeronautical fixed service (ground–ground communications) — communication within a flight information region’;
- point ATS.OR.455 ‘Retention of recorded information and data’;
- GM1 ATS.TR.145(b)(2) ‘Suspension of visual flight rules operations on and in the vicinity of an aerodrome’ (new);
- AMC1 ATS.TR.155(b)(2)(i) ‘ATS surveillance services’;
- GM1 ATS.TR.155(b)(2)(i) ‘ATS surveillance services’ (new);
- AMC3 ATS.TR.155(c)(1) ‘ATS surveillance services’;
- AMC1 ATS.TR.155(g) ‘ATS surveillance services’;
- GM1 AMC1 ATS.TR.155(g) ‘ATS surveillance services’ (new);
- point ATS.TR.210 ‘Operation of air traffic control service’;
- GM2 to AMC16 ATS.TR.210(a)(3) ‘Operation of air traffic control service’;
- AMC22 ATS.TR.210(a)(3) ‘Operation of air traffic control service’ (new);
- AMC23 ATS.TR.210(a)(3) ‘Operation of air traffic control service’ (new);
- GM2 ATS.TR.210(a)(3) ‘Operation of air traffic control service’;
- AMC2 ATS.TR.210(c) ‘Operation of air traffic control service’ (new);
- GM1 to AMC2 ATS.TR.210(c) ‘Operation of air traffic control service’ (new);
- GM2 to AMC2 ATS.TR.210(c) ‘Operation of air traffic control service’ (new);
- AMC1 ATS.TR.210(c)(2) ‘Operation of air traffic control service’;
- AMC3 ATS.TR.210(c)(2) ‘Operation of air traffic control service’;
- AMC4 ATS.TR.210(c)(2)(i) ‘Operation of air traffic control service’;

- AMC5 ATS.TR.210(c)(2)(i) ‘Operation of air traffic control service’;
- AMC9 ATS.TR.210(c)(2)(i) ‘Operation of air traffic control service’;
- AMC11 ATS.TR.210(c)(2)(i) ‘Operation of air traffic control service’;
- GM1 to AMC11 ATS.TR.210(c)(2)(i) ‘Operation of air traffic control service’ (new);
- point ATS.TR.220 ‘Application of wake turbulence separation’;
- AMC1 ATS.TR.220 ‘Application of wake turbulence separation’;
- GM1 to AMC1 ATS.TR.220 ‘Application of wake turbulence separation’ (deleted);
- GM1 ATS.TR.220(b)(2) ‘Application of wake turbulence separation’ (new);
- AMC2 ATS.TR.220 ‘Application of wake turbulence separation’;
- AMC3 ATS.TR.220 ‘Application of wake turbulence separation’;
- AMC4 ATS.TR.220 ‘Application of wake turbulence separation’;
- AMC5 ATS.TR.220 ‘Application of wake turbulence separation’;
- AMC6 ATS.TR.220 ‘Application of wake turbulence separation’;
- GM1 to AMC6 ATS.TR.220 ‘Application of wake turbulence separation’;
- GM3 to AMC3 ATS.TR.255 ‘Operations on parallel or near-parallel runways’ (new);
- point ATS.TR.265 ‘Control of aerodrome surface traffic in low-visibility conditions’;
- GM1 ATS.TR.265(a)(1) ‘Control of aerodrome surface traffic in low-visibility conditions’;
- GM1 to AMC1 ATS.TR.265(b) ‘Control of aerodrome surface traffic in low-visibility conditions’ (new);
- AMC1 ATS.TR.305 ‘Scope of flight information service’;
- point ATS.TR.400 ‘Application’;
- point ATS.TR.405 ‘Notification to rescue coordination centres’.

Annex VI (Part-AIS)

The content and structure of an AIP is defined in Appendix 1 to Annex VI (Part-AIS) to Regulation (EU) 2017/373 and is based on the content of ICAO PANS-AIM.

Currently, the provisions of Regulation (EU) 2017/373 concerning the content of the AIP do not reflect all the applicable ICAO PANS-AIM provisions. In addition, the latest amendments to Annex 15, introduced with State Letter 2020/24, regarding certain cases of NOTAM issuance, are not transposed into Regulation (EU) 2017/373. Moreover, with State Letter 2020/26, ICAO further amended the PANS-AIM provisions concerning the AIP, which will become applicable as of November 2024. In the same context, limited amendments stemming from recent ICAO State Letters 2023/6 and 2023/7 are proposed, mainly concerning elements related to the AIP, the aeronautical data catalogue and the SNOWTAM format, but also the training of AIS personnel, given that their foreseen applicability date is 28 November 2024.

Moreover, it has been identified that, in certain cases, various Annex 15 and PANS-AIM provisions have not been transposed at all, therefore creating an undesired regulatory gap, or have been transposed in a manner that does not ensure legal certainty. For instance, under the current regulatory framework, it is unclear which aeronautical charts are required to be published by the aeronautical information services provider (AISP), while the provision of some charts is ambiguous (e.g. the 'Aerodrome Terrain and Obstacle Chart – ICAO (Electronic)', as it is included in Section AD 2.24 of the AIP as a chart related to an aerodrome, but is not included under the charts required to be made available by the aeronautical information services provider (AISP) of the State). Similarly, the present Part-AIS rules do not contain a legal requirement defining the conditions under which certain sections of the AIP may be omitted from the standardised presentation, in the case that the AIP dataset is made available. This situation, apart from affecting the discharge of the Chicago Convention obligations by the Member States, creates uncertainty as to the obligations of data originators and the AIS providers, but also generates wrong expectations among the users of the aeronautical data products, and finally impacts the harmonised implementation of the regulatory framework, as a result of the arbitrary approaches that may be employed at the State level. The proposed amendments intend to address such issues.

Furthermore, EASA has identified the need for further alignment of the Part-AIS framework with certain provisions contained in the regulatory frameworks of other aviation domains (aerodromes and Air-Ops), to remove inconsistencies and contribute to the safe and efficient implementation of newly introduced concepts from an AIS-viewpoint. The first steps in this direction were already taken with Regulation (EU) 2022/938¹⁴, amending Regulation (EU) 2017/373. The amendments proposed will ensure the full alignment across the applicable regulatory frameworks, the removal of any inconsistencies, and a smoother, holistic implementation.

Additionally, some of the proposed amendments concern updates to existing references to third-party documents, which need to be updated as a result of their evolution/replacements. Lastly, the proposed AMC and GM with the general objective will facilitate the effective implementation of the regulatory requirements.

The proposed amendments to Annex VI (Part-AIS) concern the following:

- point AIS.OR.100 Aeronautical information management;
- point AIS.OR.105 Responsibilities of aeronautical information services (AIS) providers;
- point AIS.OR.200 General;
- point AIS OR.255 Geographical coordinates (new);
- point AIS.OR.325 Aeronautical charts (new);
- point AIS.OR.300 General – Aeronautical information products;
- point AIS.OR.335 General – Digital data sets;
- point AIS.OR.345 AIP data set;

¹⁴ Commission Implementing Regulation (EU) 2022/938 of 26 July 2022 amending Regulation (EU) 2017/373 as regards the requirements for aeronautical data catalogue and aeronautical information publication (OJ L 209, 10.8.2022, p. 1) ([EUR-Lex – 32022R0938 – EN – EUR-Lex \(europa.eu\)](#)).

- point AIS.OR.350 Terrain and obstacle data – General requirements;
- point AIS.OR.355 Terrain data sets;
- point AIS.OR.360 Obstacle data sets;
- point AIS.OR.365 Aerodrome mapping data sets;
- point AIS.OR.370 Instrument flight procedure data sets;
- point AIS.OR.400 Distribution services;
- point AIS.OR.410 Post-flight information services (new);
- point AIS.OR.600 General requirements;
- point AIS.TR.235 Error reporting, error measurement and corrective actions;
- point AIS.TR.300 General – Aeronautical information products;
- point AIS.TR.305 Aeronautical information publication (AIP);
- point AIS.TR.310 AIP amendments;
- point AIS.TR.315 AIP supplements;
- point AIS.TR.330 NOTAM;
- point AIS.TR.345 AIP data set;
- point AIS.TR.350 Terrain and obstacle data – General requirements (deleted);
- point AIS.TR.360 Obstacle data sets;
- point AIS.TR.510 NOTAM;
- Appendix 1 (Contents of the AIP) to Annex VI;
- Appendix 3 (SNOWTAM format) to Annex VI;
- AMC1 ATM/ANS.OR.A.085(f) Aeronautical data quality management;
- GM1 ATM/ANS.OR.A.085(f) Aeronautical data quality management (deleted);
- GM1 AIS.OR.105 Responsibilities of aeronautical information services providers (deleted);
- GM1 AIS.OR.105(c)(1) Responsibilities of aeronautical information services (AIS) providers;
- AMC1 AIS.OR.105(e) Responsibilities of aeronautical information services providers (new);
- GM1 AIS.OR.105(e) Responsibilities of aeronautical information services providers (new);
- GM1 AIS.OR.105(3) Responsibilities of aeronautical information services providers (deleted);
- GM1 AIS.OR.200(a) General (deleted);
- AMC1 AIS.OR.210(a) Exchange of aeronautical data and aeronautical information;
- GM1 AIS.OR.210(a) Exchange of aeronautical data and aeronautical information (deleted);
- GM2 AIS.OR.210(a) Exchange of aeronautical data and aeronautical information;
- AMC1 AIS.OR.220 Validation and verification;

- GM1 AIS.OR.235 Error reporting, error measurement and corrective actions (deleted);
- AMC1 AIS.OR.325 Aeronautical charts;
- AMC1 AIS.OR.350 Terrain and obstacle data – General requirements (new);
- GM1 AIS.OR.350 Terrain and obstacle data – General requirements;
- GM1 AIS.OR.355(b)(3) Terrain data sets;
- GM1 AIS.OR.405(b) Pre-flight information services;
- GM1 AIS.OR.410 Post-flight information services (new);
- GM1 AIS.OR.505 Aeronautical information regulation and control (AIRAC);
- AMC1 AIS.TR.235 Error reporting, error measurement, and corrective actions (new);
- AMC1 AIS.TR.305(a) Aeronautical information publication (AIP);
- GM3 AIS.TR.305(c) Aeronautical information publication (AIP) (deleted);
- GM4 AIS.TR.305(c) Aeronautical information publication (AIP) (deleted);
- AMC1 AIS.TR.305(c) Aeronautical information publication (AIP) (new);
- AMC2 AIS.TR.305(c) Aeronautical information publication (AIP) (new);
- AMC3 AIS.TR.305(c) Aeronautical information publication (AIP) (new);
- GM1 AIS.TR.305(c) Aeronautical information publication (AIP) (new);
- GM5 AIS.TR.305(c) Aeronautical information publication (AIP);
- GM6 AIS.TR.305(c) Aeronautical information publication (AIP);
- GM7 AIS.TR.305(c) Aeronautical information publication (AIP);
- AMC1 AIS.TR.305(m), (n), (o) and (p) Aeronautical information publication (AIP) (new);
- AMC1 AIS.TR.320(a) Aeronautical information circular (AIC);
- AMC1 AIS.TR.330 NOTAM;
- GM1 AIS.TR.350(d) (deleted);
- GM1 AIS.TR.510(a) NOTAM.

Annex VIII (Part-CNS)

The current text of point CNS.TR.100 in Annex VIII to Regulation (EU) 2017/373 refers to Amendment 89 to ICAO Annex 10 Volumes I to V when establishing the requirements concerning working methods and operating procedures to be applied by CNS providers for rendering such services. This reference appears to be obsolete, as in the meantime ICAO has issued some amendments to the volumes of the Annex; this situation results in a misalignment in the obligations for regulated parties vis-à-vis the Chicago Convention and the EU framework, which does not support the harmonised and safe CNS services provision. It is proposed to amend CNS.TR.100 to mandate CNS providers to be compliant with the Amendments to the various Volumes of ICAO Annex 10 as follows:

- Volume I, Amendment 93

- Volume II, Amendment 92
- Volume III, Amendment 91.

EASA requests the stakeholders' views on any specific issue which they would encounter with the implementation of the proposed updated references.

Proposed amendment related to Annex VIII 'Part-CNS' concerns:

- point CNS.TR.100 'Working methods and operating procedures for providers of communication, navigation or surveillance services'.

Annex XI (Part-FPD)

To ensure consistency with the proposals concerning the reference systems contained in Annex III (Part-ATM/ANS.OR), a corresponding amendment is proposed to Annex XI (Part-FPD) to Regulation (EU) 2017/373.

The proposed amendments to Annex XI (Part-FPD) concern the following:

- point FPD.TR.105 'Coordinates and aeronautical data'.

Amendments to Regulation (EU) No 923/2012 (SERA) and to its AMC and GM

The proposed amendments to Part-ATS generate the need to ensure consistency of certain related SERA provisions, in consideration of the very close interrelation between these two frameworks. More details on this interrelation and how it is addressed are provided in NPA 2023-08 (C) within the rationale behind each proposed amendment.

In addition, this NPA proposes an amendment to the SERA requirement concerning the lights to be displayed by aircraft. In particular, it proposes the introduction of a new provision enabling the illumination of an aircraft being towed, without the presence of qualified personnel on the flight deck, by other means. This proposed amendment originates from a stakeholder reaction to an EASA proposal issued with NPA 2018-14 concerning the introduction of a requirement on aircraft towing. At that time, EASA had committed to revisit the issue in the future, but this was not possible due to the restrictions of the COVID-19 pandemic. The proposal is accompanied by relevant AMC concerning the characteristics of the lights used to illuminate such aircraft.

The proposed amendments to the SERA Regulation concern the following:

- point SERA.3215 'Lights to be displayed by aircraft';
- AMC1 SERA.3215(f) 'Lights to be displayed by aircraft' (new);
- AMC2 SERA.3215(f) 'Lights to be displayed by aircraft' (new);
- AMC1 SERA.3145(a) 'Prohibited areas and restricted areas' (to ensure a better link with the AIS provisions concerning the publication of relevant information in the AIP);
- point SERA.8005 'Operation of air traffic control service';
- point SERA.8012 'Application of wake turbulence separation';
- AMC1 SERA.8012 'Application of wake turbulence separation';

- GM1 SERA.8012(b)(2) 'Application of wake turbulence separation' (new).

Amendments to Regulation (EU) No 139/2014 and its AMC and GM

It is proposed to amend the following provisions of the EU aerodrome regulatory framework, to ensure consistency with the proposed amendments to Regulation (EU) 2017/373 and its AMC and GM included in this NPA.

The proposed amendments to the aerodromes regulatory framework concern the following:

Annex IV (Part-ADR.OPS)

- AMC2 ADR.OPS.A.010 'Data quality requirements';
- point ADR.OPS.A.020 'Common reference systems';
- AMC1 ADR.OPS.A.020(a) 'Common reference systems' (new);
- GM1 ADR.OPS.A.020(a) 'Common reference systems';
- GM2 ADR.OPS.A.020(a) 'Common reference systems' (deleted);
- AMC1 ADR.OPS.A.020(b) 'Common reference systems';
- GM1 ADR.OPS.A.020(b) 'Common reference systems for air navigation';
- point ADR.OPS.B.105 'Intersection take-offs and multiple line-ups' (new);
- GM1 ADR.OPS.B.105(a)(2) 'Intersection take-offs and multiple line-ups' (new);
- AMC1 ADR.OPS.B.105(a)(4) 'Intersection take-offs and multiple line-ups' (new);
- GM1 ADR.OPS.B.105(a)(5) 'Intersection take-offs and multiple line-ups' (new);
- AMC1 ADR.OPS.B.105(b)(3) 'Intersection take-offs and multiple line-ups' (new).

Targeted applicability of the regulatory material

EASA intends to issue an opinion by **31 March 2024** at the latest and proposes to set the applicability date **12 months** after the publication of the resulting regulations, with the exception of the following:

- point SERA.3215, for which EASA proposes to set the applicability date 20 days after the date of the publication of the regulation;
- points ATM/ANS.OR.A.090 (to Appendix 1 to Annex III to Regulation (EU) 2017/373), FPD.TR.105 and ADR.OPS.A.020, for which EASA proposes to set the applicability date 3 months after the publication of the relevant regulations;
- all amendments to Annex VI (Part-AIS), for which EASA proposes to set the applicability date 3 months after the publication of the relevant regulation, except for the amendments to:
 - Article 3(c), for which the applicability date is proposed to be set 3 years after the publication of the relevant regulation;
 - points AIS.OR.335, AIS.OR.345, AIS.OR.350, AIS.OR.355, AIS.OR.360, AIS.OR.365, AIS.OR.370, AIS.OR.400 and the AIP content (Appendix 1 to Annex IV (Part-AIS)) and SNOWTAM format (Appendix III to Annex IV (Part-AIS)), for which the applicability date is proposed to be possibly set towards the end of 2024.

3. What are the expected benefits and drawbacks of the regulatory material

The timely transposition of ICAO provisions, including when necessary the consideration of the European specificities, ensures a high uniform level of safety in Europe. This also facilitates the discharge of the international obligations of the Member States in the ICAO framework. This conclusion is common for all proposed amendments concerning the transposition of ICAO provisions. The ICAO provisions proposed with transposition were consulted prior to their publication via the ICAO State Letters mechanisms; no major impact is foreseen by their introduction within the EU regulatory framework. The proposed amendments resulting from regulatory consistency or from other sources (e.g. standardisation outcomes, stakeholder proposals) are purposed to establish clarity and to facilitate implementation, hence are considered beneficial and are not expected to introduce negative impacts overall.

With regard to the amendments related to the reference systems (and the extremely limited consequential changes to Part-FPD of Regulation (EU) 2017/373 and to Regulation (EU) No 139/2014, both required for consistency reasons), no impact is expected, as the proposed requirements have existed at the ICAO level for more than two decades and have been part of the EU regulatory framework, in other regulatory texts, for a considerable period.

With regards to the proposed amendments to Article 3, concerning the establishment of an assessment mechanism for planned objects in Area 1, the expected benefits through the establishment of the proposed common framework include:

- the creation of a mechanism which would ensure the provision of up-to-date aeronautical data to the AIS system, to the benefit of the aviation community;
- assessment of potential impacts on the navigable airspace;
- addressing a long-standing issue by covering the operational needs of aircraft other than aeroplanes and thus contributing to the improvement of the safety level.

In parallel, the proposed amendments of Article 3, including for the terrain data, would also contribute to the removal of legal uncertainties. The same conclusions are true for the proposed amendments concerning the aeronautical data catalogue, including for the terrain data specifications.

No specific drawbacks have been identified, as the proposals build both on the premise that similar mechanisms are present at the State level for assessing the impact of planned objects and on the experience of States which have adopted similar approaches. Contributory to this conclusion are the facts that for the two cases (obstacle height and terrain data specifications) where the proposal exceeds the ICAO provisions which have been found to be insufficient to address the identified safety issues and operational needs:

- an adequate transition period is foreseen as part of the overall proposal; and
- the addressee of the requirement is the State itself and not an individual organisation.

Regarding the proposed amendments to Part-AIS, apart from the general safety and efficiency benefits stemming from the alignment of the regulatory framework with the relevant ICAO provisions, the proposed amendments are expected to further improve the current situation and facilitate compliance of the concerned organisations in different ways, such as:

- ensuring compliance with ICAO provisions and therefore consistency with the minimum specifications;
- addressing cases of ambiguity and ensuring legal certainty and, where required, enforceability;
- ensuring consistency between interfacing provisions of different regulatory frameworks;
- facilitation of the deployment of new operational concepts, such as the AWOs;
- addressing issues which have been identified during implementation and/or EASA standardisation activities.

The implementation cost of the proposed requirements is considered limited because the implementation would mainly consist of amended procedures and, where necessary, the provision and publication of information in a more structured manner. Moreover, wherever necessary a transition period is envisaged to be proposed, so that the overall compliance effort may be spread across more time.

Overall, in the medium to long term, it is considered that the proposed amendments will have a positive impact for all organisations involved, as the AIS providers will be in a position to provide services in a more efficient manner, the end users will benefit from higher quality products and the competent authorities will be facilitated in the exercise of their oversight activities. In this context, no drawbacks resulting from the proposed amendments have been identified.

See Appendix 1 regarding the assessment of the impact of this proposal and especially of the proposals concerning obstacle and terrain data.

4. Proposed regulatory material

Please refer to the following NPAs:

- NPA 2023-08 (B) Annex 1 Proposed amendments to Regulation (EU) 2017/373 and to the related AMC & GM
- NPA 2023-08 (C) Proposed amendments to Regulation (EU) No 923/2012 and to the related AMC & GM
- NPA 2023-08 (D) Proposed amendments to Regulation (EU) No 139/2014 and to the related AMC & GM



5. Monitoring and evaluation

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.



6. Proposed actions to support implementation

- Focused communication to Advisory Body meeting(s) (MAB/SAB/TeB/TEC/COM).
- Dedicated implementation workshops, as considered appropriate upon EASA decision or stakeholders' request.



7. References

ICAO references relevant to this RMT:

- Amendment 61 to ICAO Annex 4
- Amendment 92 to ICAO Annex 10 Volume I
- Amendment 92 to ICAO Annex 10 Volume II
- Amendment 91 to ICAO Annex 10 Volume III
- Amendment 90 to ICAO Annex 10 Volume V
- Amendment 52 to ICAO Annex 11
- Amendment 9 to ICAO PANS-ATM
- Amendment 41 to ICAO Annex 15
- ICAO State Letter 2020/26, Amendment 1 to ICAO PANS-AIM
- ICAO State Letter 2023/6 proposing, among others, amendments to ICAO Annex 4 and PANS-AIM
- ICAO State Letter 2023/7 proposing, among others, amendments to ICAO Annex 4 and PANS-AIM
- ICAO State Letter 2023/33 proposing amendments to ICAO Annex 14, Volume I and PANS-Aerodromes
- State Letter 2023/32, proposing amendments to ICAO Annex 14, Volume II
- ICAO State Letter 2022/47 proposing, among others, amendments to ICAO Annex 11
- ICAO Doc 7030 'Regional Supplementary Procedures'
- Doc 7754 'ICAO EUR Air Navigation Plan – Volume II'

Safety recommendations relevant to this RMT

- SL No 2019/01T
- SL No 2015/05T
- 2014-030
- 2014-027
- 2014-028
- 2014-025
- REC. 45/17
- 2020-556
- 2019-21

Other references relevant to this RMT:

- EUROCAE 'User Requirements for Terrain and Obstacle Data – ED-98C'

- EUROCONTROL 'Terrain and Obstacle Data Manual'
- EASA Safety Information Bulletin (SIB) 2014-03, 'Land and Hold Short Operations at U.S. Airports'



Appendix 1 — Impact assessment

1. Introduction

The general benefits and drawbacks are described in Section 3. Regarding the transposition of ICAO provisions, no detailed impact assessment has been conducted, as the ICAO amendments concerned have already been subject to a thorough assessment and consultation process under ICAO arrangements, which led to their substantial validation from a global perspective.

Regarding the content of Chapter 2, there is a specific issue to be assessed, concerning the need to address specific operational needs in terms of obstacle and terrain data in Area 1, through the introduction of specific provisions ⁽¹⁵⁾.

2. What the possible options are

Table 1: Selected policy options

<i>Option number</i>	<i>Short title</i>	<i>Description</i>
0	Do nothing	No policy change (rules remain unchanged and risks as outlined in the issue analysis)
1	Transposition of ICAO provisions	Transposition of provisions which are based on ICAO material regarding terrain and obstacle data, which however are purposed for aeroplanes
2	Transposition of ICAO additional provisions	Transposition of provisions which are based on ICAO provisions and, where necessary adapted, based on, more demanding than ICAO, EUROCAE material, to accommodate the needs of rotorcraft as well

Option 0 (Do nothing)

If this option is followed, no additional safety defences will be provided, as explained below.

- For the case of obstacle data in Area 1, there will be no origination or object assessment requirements, while the EU regulatory framework will not differ from the corresponding ICAO provisions for the publication of obstacle data as today (obstacles with height 100 m or above ground elevation). On the other hand, such data will only address the operational needs of aeroplanes, thus not providing any additional safety defence for rotorcraft.
- For the case of terrain data in Area 1, there will be no specifications regarding terrain data, thus the regulatory framework will differ from the corresponding ICAO provisions. In addition, there will be no origination requirements regarding such data. No additional safety defence will be provided, including the minimum ones embedded in the ICAO provisions.

¹⁵ For a description of the issue, please see Sections 2.3, 2.4, 2.5 and 2.6.

Option 1 (Transposition of ICAO provisions)

If Option 1 is adopted, the minimum safety specifications contained in Annex 15 and PANS-AIM will be transposed into the EU regulatory framework, as explained below.

- For the case of obstacle data in Area 1 there will be origination and object assessment requirements, while ICAO provisions for the publication of obstacle data as today (obstacles with height 100 m or above ground elevation) will be transposed into the EU regulatory framework. On the other hand, such data will only address the operational needs of aeroplanes, thus not providing any additional safety defence for rotorcraft.
- For the case of terrain data in Area 1, there will be origination requirements, while ICAO provisions for the terrain data will be transposed into the EU regulatory framework. However, such data will only address the operational needs of aeroplanes, thus not providing an additional safety defence for rotorcraft.

Option 2 (Transposition of additional material)

If Option 2 is selected, ICAO provisions will be transposed into the EU regulatory framework, while in certain cases it will be more comprehensive in terms of obstacles and terrain data, thus covering a wider range of operational needs, namely those of rotorcraft, and addressing an identified safety issue. In addition, necessary regulatory defences and material supporting implementation will be in place, thereby mitigating the safety risks that the current ICAO provisions do not address with respect to rotorcraft operation.

3. Methodology applied and data

The methodology applied in order to perform this assessment is the multi-criteria analysis (MCA), which allows to compare all options by scoring them against a set of criteria. The MCA covers a wide range of techniques that aim at combining a variety of positive and negative impacts into a single framework, to allow an easier comparison of scenarios.

The MCA key steps in this assessment include:

- establishing the criteria to be used for comparing the options (these criteria must be measurable, at least in qualitative terms);
- scoring how well each option meets the criteria — the scoring needs to be relative to the baseline scenario; and
- ranking the options by combining their scores.

The criteria used to compare the options were derived from the Basic Regulation and the guidelines by the European Commission for the impact assessment. The principal objective of the Basic Regulation, in accordance with Article 1(1), is to ‘establish and maintain a high uniform level of civil aviation safety in the Union’. As additional objectives, the Basic Regulation identifies environmental, economic, proportionality, and harmonisation aspects, which are reflected below.

For the scoring of the impacts, a scale of – 10 to + 10 is used to indicate the negative and positive impacts of each option (i.e. from ‘very high’ to ‘very low’ negative/positive impacts). The intermediate levels of benefits are termed ‘high’, ‘medium’ and ‘low’, providing a total of five levels in each direction, with a ‘no impact’ score also being possible.

An overview of the scoring method is shown below:

Very high positive impact	+ 10	Very high negative impact	– 10
High positive impact	+ 8	High negative impact	– 8
Medium positive impact	+ 6	Medium negative impact	– 6
Low positive impact	+ 4	Low negative impact	– 4
Very low positive impact	+ 2	Very low negative impact	– 2
No impact	0		

4. The impacts

a. Safety impact

Option 0 (Do nothing)

The safety risks that have been presented above will remain unchanged, or potentially increase due to traffic evolution.

Option 1 (Transposition of ICAO provisions)

It is expected that there will be a low positive impact on safety, as there will be an additional safety defence originating from the provision of terrain data as per the minimum ICAO specifications, and possibly through the allocation of origination responsibilities, both for terrain and obstacle data. However, this option is not expected to positively affect the situation regarding the case of rotorcraft.

Option 2 (Transposition of additional provisions)

It is expected that there will be a high positive impact on safety through the mitigation of safety risks, resulting from the provision of terrain and obstacle data suitable to address the operational needs of rotorcraft, and addressing a safety issue (SI-8031) which is included in EPAS, along with various relevant safety recommendations.

b. Environmental impact

No impacts expected.

c. Social impact

Option 0 (Do nothing)

No social impacts.

Option 1 (Transposition of ICAO provisions)

No specific negative social impact has been identified from Options 1 and 2. Overall, a low positive impact is expected for both Options 1 and 2, through higher competency of the personnel that will acquire the necessary knowledge concerning the new requirements as a result of relevant training to be provided. On the other hand, regarding Option 2, the availability of aeronautical data, which

complies with more demanding specifications, is expected to benefit, directly or indirectly, a variety of human activities, thus having an additional positive impact.

d. Economic impact

Option 0 (Do nothing)

No economic impacts.

Option 1 (transposition of ICAO provisions)

The costs associated with this option have already been assessed through the ICAO adoption process and the outcome is that there are no significant costs relating to:

- the development of an assessment mechanism for planned objects at the State level;
- training needs of personnel involved in the assessment mechanism;
- the gathering of obstacle data for already existing objects with a height of 100 m or more above ground elevation;
- the provision of terrain data according to the minimum ICAO specifications.

Option 2 (transposition of additional provisions)

The costs associated with this option may be grouped into the following areas.

Development of an assessment mechanism for planned objects at State level

As with Option 1, such a mechanism is anticipated to have a very low cost. In fact, the only difference between the two mechanisms is that the objects that would need to be assessed under Option 2 would have a height lower than 100 m, and thus objects might need to be assessed more frequently. However, it is anticipated that many States have already established similar mechanisms to assess the impact of planned objects in Area 1, whose height is much lower than 100 m, and that the development of objects of this height in the same area is in general considered to be infrequent. Therefore, a very low negative impact is also expected.

Cost for training needs of personnel

The training needs in this case are considered to have a very low negative effect, given that the only difference between Option 2 and Option 1 with regards to the training is considered to derive from the difference between the height of the objects, which is considered a non-decisive element. Overall, the cost associated with the training is considered to be very low negative impact.

Cost for the gathering of obstacle data for already existing objects with a height of 60 m or more above ground elevation

This cost is considered to be a one-off cost. Given that the obstacle data in question concerns man-made objects of a considerable height (and therefore infrequent), for which normally a planning permit is required, it is expected that the relevant data is already available by the State authorities, including by the aviation competent authorities. This conclusion is also supported by the fact that in many States similar data is already available through the assessment mechanisms established. Therefore, the cost for the gathering of the required data is considered to be limited. In any case, such

costs are not attributed to an individual organisation, but rather to the State itself, and may be distributed over the foreseen transition period.

Overall, this cost is considered to be very low negative.

Costs for the provision of terrain data beyond the minimum ICAO specifications

This cost is considered to be a one-off cost, which may be distributed along the years for which a transition period is proposed. In fact, the difference between Option 1 and Option 2 regarding these particular costs is that the terrain data specifications under this option are more demanding. Other than that, the overall cost continues to depend on the area to be covered, while there may be States which already provide such terrain data. In any case, given that the responsibility for ensuring the provision of such data is allocated to the State, and not any individual organisation, and considering that the relevant specifications are more demanding, it is considered that the impact in this case would be medium negative.

Overall, this option is considered to have a medium negative impact.

In any case, the Agency invites the stakeholders to substantiate their replies concerning the economic part of this impact assessment.

e. General aviation and proportionality issues

No impacts expected.

5. Conclusion — comparison of options

The following table summarises the impacts of the options considered for the issues analysed.

Table 1: Comparison of the options

<i>Impact criteria</i>	<i>Option 0</i> <i>No change to the rules</i>	<i>Option 1</i>	<i>Option 2</i>
Safety	0	+ 4	+ 8
Social	0	+ 2	+ 4
Economic	0	– 4	– 6
Total	0	+ 2	+ 6

Option 2 is the preferred one. It would guarantee positive safety benefits and positive social impact while remaining competitive with Option 1 with regards to costs, considering also the potential cost distribution across the years as a result of the proposed transition period.

Stakeholders are invited to provide any other quantitative information they wish to bring to the attention of EASA.

As a result, the relevant parts of the impact assessment may be adjusted on a case-by-case basis.

Appendix 2 — Quality of the NPA

To continuously improve the quality of its documents, EASA welcomes your feedback on the quality of this document.

Please provide your feedback as part of the other comments you have on this NPA. We invite you to also provide a brief justification, especially when you disagree or strongly disagree, so that we may consider this for improvement. Your comments will be evaluated for internal quality assurance and management purposes only and will not be published (e.g. as part of the CRD).

1. The regulatory proposal is of technically good / high quality

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

2. The text is clear, readable and understandable

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

3. The regulatory proposal is well substantiated

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

4. The regulatory proposal is fit for purpose (achieving the objectives set)

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

5. The regulatory proposal is proportionate to the size of the issue

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

6. The regulatory proposal applies the ‘better regulation’ principles¹⁶

Please choose one of the options

Fully agree / Agree / Neutral / Disagree / Strongly disagree

7. Any other comments on the quality of this document (please specify)

¹⁶ For information and guidance, see:

- https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en
- https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en