European Aviation Safety Agency — Rulemaking Directorate

Terms of Reference
for a rulemaking task

Harmonised European Transition Altitude (HETA)
RMT.0585 (ATM.021(a)) & RMT.0407 (ATM.021(b)) — Issue 1 — 09/09/2013

<table>
<thead>
<tr>
<th>Applicability</th>
<th>Process map</th>
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</thead>
<tbody>
<tr>
<td><strong>Affected regulations and decisions:</strong></td>
<td><strong>Rulemaking lead</strong></td>
</tr>
<tr>
<td>Commission Regulation (EU) No 1332/2011</td>
<td><strong>Concept Paper</strong></td>
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<td><strong>Affected stakeholders:</strong></td>
<td><strong>Rulemaking group</strong></td>
</tr>
<tr>
<td>All ANSPs, Member States, aircraft operators, General aviation, military.</td>
<td><strong>RIA type</strong></td>
</tr>
<tr>
<td><strong>Driver/origin:</strong></td>
<td><strong>Technical consultation during NPA drafting</strong></td>
</tr>
<tr>
<td>Safety, economical and environmental considerations.</td>
<td><strong>Publication date of the NPA</strong></td>
</tr>
<tr>
<td><strong>Reference:</strong></td>
<td><strong>Duration of NPA consultation</strong></td>
</tr>
<tr>
<td>Outdated ICAO-based rules (Documents 8168, 4444, 9426).</td>
<td><strong>Review group</strong></td>
</tr>
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<td><strong>Focussed consultation</strong></td>
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<td><strong>Publication date of the Opinion</strong></td>
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<td><strong>Publication date of the Decision</strong></td>
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</table>
1. Issue and reasoning for regulatory change

Overall, safety issues emerge from the wide variety of transition altitudes (TA) used across Europe, contributing to increased risks such as loss of separation or controlled flight into terrain (CFIT).

More details on the issue and reasoning for regulatory change can be found in Attachment A to Comment-Response Document (CRD) A-NPA 2012-01, Preliminary Impact Assessment, Item 2 ‘Defining the problem’.

2. Objectives

Regulatory solutions should be identified as to whether and how to best improve safety via harmonisation of TA applied across Europe.

The A-NPA and its consultation process has surfaced a potentially high level of different impacts following harmonisation of such TA, and related conflicting interests. Therefore, to identify the best possible regulatory approach a substantial Regulatory Impact Assessment (RIA) appears to be of particular importance in the prevalent case.

More details on the objectives can be found in Attachment A to CRD A-NPA 2012-01, Preliminary Impact Assessment, Item 3 ‘Policy objectives’.

3. Specific tasks and deliverables

3.1. Tasks

Review existing regulations, established practices and ICAO SARPs in the field of harmonisation of transition altitude, including ongoing initiatives at ICAO and national level.

Develop a complete RIA with particular emphasis on the cost-benefit analysis of the implementation of the preferred option. Provide data required for this RIA.

Support the Agency in choosing the preferred regulatory option and, based on that, develop draft regulatory material.

3.2. Deliverables

It is expected to have the following documents developed and delivered not later than 2014/Q4:

— draft RIA.
— draft NPA including draft Implementing Rule and AMC/GM where considered necessary;

3.3. Focussed consultation

Focussed consultation may include:

— meetings with stakeholders;
— technical workshops.

4. Profile and composition of the rulemaking group

Members of rulemaking groups are appointed by the Agency’s Rulemaking Director in accordance with the provisions of the Rulemaking Procedure.

Profile of potential rulemaking group and its members:

— The group shall be composed of 8 to 10 experts representing national competent authorities, ANSPs, airspace users and military;
— Individual expertise is required in the field of airspace management and airspace use in particular in regions with established common transition altitude; experience in projects for changes of the transition altitude is also desirable.

5. **Annex I: Reference documents**

5.1. **Affected regulations**

5.2. **Affected decisions**
N/A

5.3. **Reference documents**
— Procedures for Air Navigation Services — Aircraft Operations (PANS-OPS, Doc 8168) Volume I, Part II, Section 1;
— Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444);
— ATS Planning Manual (ATSPM, Doc 9426);
— EASA Comment-Response Document (CRD) to Advance Notice of Proposed Amendment (A-NPA) 2012-01.