



Brussels, **XXX**  
[...](2023) **XXX** draft

**Annex 2 to EASA Opinion No 02/2023**

**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 IMPLEMENTING REGULATION (EU) .../...

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**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**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 43(1) thereof,

Whereas:

- (1) Commission Regulation (EU) 2017/373 <sup>(2)</sup> lays down common requirements for providers of air traffic management/air navigation services ('ATM/ANS') and other air traffic management network functions ('ATM network functions') for general air traffic and their oversight.
- (2) Commission Regulation (EU) No 923/2012 <sup>(3)</sup> lays down the common rules of the air and operational provisions regarding services and procedures in air navigation applicable to general air traffic (the so called 'rules of the air').
- (3) Certain provisions contained in Commission Regulation (EU) No 923/2012, should be complemented with aspects related to the provision of air traffic services, to ensure consistency of service provision with pilot and air traffic service personnel actions and requirements under Regulation (EU) 2017/373. This relationship between the regulations results in consequential amendments.
- (4) Identical definitions and requirements should be amended in a harmonised manner.
- (5) Commission Regulation (EU) 2017/373 should therefore be amended accordingly.
- (6) The industry and the competent authorities of the Member States should be given sufficient time to adapt to the measures introduced by this Regulation.
- (7) The requirements laid down in this Regulation are based on Opinion No 02/2023 of the European Union Aviation Safety Agency, in accordance with Article 75(2) points (b) and (c) and Article 76(1) of Regulation (EU) 2018/1139.

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<sup>1</sup> [OJ L 212, 22.8.2018, p. 1.](#)

<sup>2</sup> [OJ L 62, 8.3.2017, p. 1.](#)

<sup>3</sup> [OJ L 281, 13.10.2012, p. 1.](#)

- (8) The requirements laid down in this Regulation are in accordance with the opinion of the Committee for the application of common safety rules in the field of civil aviation established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and IV to Regulation (EU) 2017/373 are amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...] (12 months after its entry into force).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
[...]

## ANNEX

Annexes I and IV to Regulation (EU) 2017/373 are amended as follows:

- (1) point (93) of ANNEX I is replaced by the following:
  - (93) ‘SIGMET’ means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en-route weather and other phenomena in the atmosphere which may affect the safety of aircraft operations and of the development of those phenomena in time and space;’;
- (2) ANNEX IV is amended as follows:
  - (a) point (a) in ATS.TR.270 is amended as follows:
    - (1) the introductory phrase of point (a) is replaced by the following:

‘Special VFR flights may be authorised to operate within a control zone, subject to an ATC clearance. Except when otherwise permitted by the competent authority for helicopters in special cases such as, but not limited to, police, medical, search and rescue operations and firefighting flights, the following additional conditions shall apply:’;
    - (2) the introductory phrase of point (a)(3) is replaced by the following:

‘(3) An air traffic control unit shall not issue a special VFR clearance to aircraft to take off or land at an aerodrome within a control zone, or enter the aerodrome traffic circuit within a control zone, when the reported meteorological conditions at that aerodrome are below the following minima:’.