



## 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

<b>Applicability</b>		<b>Process map</b>	
<b>Affected regulations and decisions:</b>	Commission Regulation (EU) No 1332/2011	Rulemaking lead	R5
<b>Affected stakeholders:</b>	All ANSPs, Member States, aircraft operators, General aviation, military.	Concept Paper	No
<b>Driver/origin:</b>	Safety, economical and environmental considerations.	Rulemaking group	Yes
<b>Reference:</b>	Outdated ICAO-based rules (Documents 8168, 4444, 9426).	RIA type	Full
		Technical consultation during NPA drafting	TBD
		Publication date of the NPA	2014/Q4
		Duration of NPA consultation	3 months
		Review group	Yes
		Focussed consultation	Yes
		Publication date of the Opinion	2015/Q4
		Publication date of the Decision	2017/Q1



## **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**

Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (OJ L 336, 20.12.2011, p. 20)

### **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.