



Explanatory Note to ED Decisions 2024/006/R, 2024/007/R and 2024/008/R

issued in accordance with Article 4(2) of MB Decision 01-2022

Regular update of the standardised European rules of the air AMC and GM to Implementing Regulations (EU) 2024/403 and (EU) 2024/404, and to Delegated Regulation (EU) 2024/405

RMT.0476 — SUBTASKS 1 & 2

EXECUTIVE SUMMARY

Decisions 2024/006/R, 2024/007/R and 2024/008/R establish the acceptable means of compliance (AMC) and guidance material (GM) to support the application of the amendments to the following regulations, which were published on 11 April 2024:

- Commission Implementing Regulation (EU) 2024/403,
- Commission Implementing Regulation (EU) 2024/404, and
- Commission Delegated Regulation (EU) 2024/405.

In particular, the AMC and GM shall support:

- the transposition of International Civil Aviation Organization provisions into the corresponding requirements of the standardised European rules of the air, especially related to clearances issued with regard to standard instrument departure and standard instrument arrival speed restrictions and the procedures related to radio communication failure;
- the indication of ballistic parachutes in the flight plan in response to a safety recommendation addressed to the European Union Aviation Safety Agency (EASA);
- the clarification of specific aspects resulting from standardisation activities and discussions with stakeholders, including the indication of radio mandatory and transponder mandatory zones on relevant charts; and
- the necessary alignment with the AMC and GM to Commission Implementing Regulation (EU) 2017/373 and Regulation (EU) No 139/2014 for regulatory consistency purposes.

REGULATION(S) TO BE AMENDED:

n/a

ED DECISIONS TO BE AMENDED:

- [ED Decision 2013/013/R 'AMC & GM to SERA'](#)
- [ED Decision 2017/001/R 'AMC & GM to ATM/ANS common requirements, Part-ATS and Part-AIS'](#)
- [ED Decision 2014/012/R 'AMC & GM for Aerodromes'](#)

AFFECTED STAKEHOLDERS

Member States; national competent authorities (NCAs) / national supervisory authorities (NSAs); ATM/ANS providers; airspace users; aerodrome operators

WORKING METHODS

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

RELATED DOCUMENTS / INFORMATION

- [ToR RMT.0476 - Regular update of SERA rule \(IR/AMC/GM\) | EASA \(europa.eu\)](#)
- [NPA 2022-04 - Regular update of the SERA regulatory framework \(IRs and AMC & GM\) | EASA \(europa.eu\)](#)
- [CRD 2022-04 - Regular update of the standardised European rules of the air | EASA \(europa.eu\)](#)
- [Opinion No 02/2023 - Regular update of the standardised European rules of the air | EASA \(europa.eu\)](#)

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



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1. About the Decisions

1.1. How this regulatory material was developed

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

They result from the work conducted by EASA under Rulemaking Task (RMT).0476 'Regular update of the standardised European rules of the air', and specifically under Subtasks 1, 2 and 4, as illustrated in Volume II of the 2024 edition of the European Plan for Aviation Safety (EPAS)³. The general scope of the task was defined in the related Terms of Reference⁴.

The resulting regulatory material was publicly consulted with Notice of Proposed Amendment (NPA) 2022-04⁵, including proposed amendments to the SERA regulatory framework (implementing rules (IRs), acceptable means of compliance (AMC) and guidance material (GM)), and proposed consequent amendments to Commission Implementing Regulation (EU) 2017/373⁶ and to Commission Regulation (EU) No 139/2014⁷, and to their related AMC and GM.

The proposed amendments resulting from Subtasks 1 and 2 of RMT.0476 were developed by EASA experts with contributions from EUROCONTROL subject matter experts, while those resulting from Subtask 4 were developed by EASA experts.

More information about the content of the regulatory proposal put forward with NPA 2022-04 is available at <https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/npa-2022-04>.

EASA reviewed the comments received from the public consultation on NPA 2022-04 for the purposes of finalising the aforementioned RMT.0476 regulatory activities.

As a result of the analysis of comments received on the proposals resulting from Subtask 4, EASA's Sustainable Aviation Committee 04-2022 decided that regulatory action related to supersonic flights

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 and is referred to as the rulemaking procedure. See Management Board 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 replacing Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-no-01-2022-rulemaking-procedure-repealing-mb>).

³ EASA, *European Plan for Aviation Safety (EPAS), Volume II – EPAS actions*, 2024 edition, EASA, Cologne, 2024 (<https://www.easa.europa.eu/en/document-library/general-publications/european-plan-aviation-safety-epas-2024>).

⁴ ToR RMT.0476 'Regular update of SERA rule (IR/AMC/GM)' (<https://www.easa.europa.eu/en/document-library/terms-of-reference-and-group-compositions/tor-rmt0476>).

⁵ [NPA 2022-04 - Regular update of the SERA regulatory framework \(IRs and AMC & GM\) | EASA \(europa.eu\)](#)

⁶ 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) (http://data.europa.eu/eli/reg_impl/2017/373/oj).

⁷ 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) (<http://data.europa.eu/eli/reg/2014/139/oj>).

over the EU territory is to be suspended in the near term, and instead to redirect resources to support the development of global standards at the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection. Depending on the progress of ongoing activities at the ICAO level and the progress of related industry projects, Subtask 4 could be reactivated in the future and addressed through the EPAS.

On 18 August 2023, EASA published Opinion No 02/2023⁸ proposing amendments to Commission Implementing Regulations (EU) No 923/2012 and (EU) 2017/373 and to Commission Regulation (EU) No 139/2014, accompanied by the related draft AMC and GM made available for information purposes. The ensuing committee process led by the European Commission resulted in the adoption of the following legislative acts:

- Commission Implementing Regulation (EU) 2024/403 of 30 January 2024 amending Implementing Regulation (EU) 2017/373 as regards the definition of SIGMET and certain requirements for special visual flight rules and air traffic control clearances⁹;
- Commission Implementing Regulation (EU) 2024/404 of 30 January 2024 amending Implementing Regulation (EU) No 923/2012 as regards the updates of relevant ICAO provisions, the completion of the radio communication failure procedure and removing the supplement to the Annex to that Regulation¹⁰;
- Commission Delegated Regulation (EU) 2024/405 of 30 January 2024 amending Regulation (EU) No 139/2014 as regards the use of signals in case of radio communication failure¹¹.

Accordingly, EASA performed the final review of the related draft AMC and GM published for information purposes together with Opinion No 02/2023, which are now issued with these ED Decisions.

⁸ [Opinion No 02/2023 - Regular update of the standardised European rules of the air | EASA \(europa.eu\)](#)

⁹ Commission Implementing Regulation (EU) 2024/403 of 30 January 2024 amending Implementing Regulation (EU) 2017/373 as regards the definition of SIGMET and certain requirements for special visual flight rules and air traffic control clearances (OJ L, 2024/403, 11.4.2024) (http://data.europa.eu/eli/reg_impl/2024/403/oj).

¹⁰ Commission Implementing Regulation (EU) 2024/404 of 30 January 2024 amending Implementing Regulation (EU) No 923/2012 as regards the updates of relevant ICAO provisions, the completion of the radio communication failure procedure and removing the supplement to the Annex to that Regulation (OJ L, 2024/404, 11.4.2024) (http://data.europa.eu/eli/reg_impl/2024/404/oj).

¹¹ Commission Delegated Regulation (EU) 2024/405 of 30 January 2024 amending Regulation (EU) No 139/2014 as regards the use of signals in case of radio communication failure (OJ L, 2024/405, 11.4.2024) (http://data.europa.eu/eli/reg_del/2024/405/oj).

2. In summary – why and what

2.1. Why we need to act

The SERA regulatory framework, established by Commission Implementing Regulation (EU) No 923/2012¹² (the SERA Regulation) and subsequently complemented by Commission Implementing Regulation (EU) 2016/1185¹³, is largely based upon the transposition of ICAO Standards and Recommended Practices, in particular those in Annex 2 ‘Rules of the Air’, Annex 3 ‘Meteorological Service for International Air Navigation’, Annex 10 ‘Aeronautical Telecommunication’ Volume II ‘Communication Procedures including with PANS Status’, and Annex 11 ‘Air Traffic Services’, and upon procedures for air navigation services (mainly from ICAO Doc 4444 ‘PANS-ATM’). Since 2016, the SERA regulatory framework has been amended only to ensure alignment with the comprehensive amendments introduced by Commission Implementing Regulation (EU) 2020/469¹⁴ to Annex IV (Part-ATS) to Commission Implementing Regulation (EU) 2017/373, and for consistency with the new regulatory framework on U-space airspace established by Commission Implementing Regulation (EU) 2021/666¹⁵. In the meantime, the ICAO annexes, procedures 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 transposition of ICAO provisions in EU law, is considered essential for the purpose of safety and regulatory compliance.

Moreover, in the context of the RMT.0464 activities on ‘Requirements for air traffic services (ATS)’, resulting in the introduction of detailed organisational and technical requirements into Annex IV (Part-ATS) to Commission Implementing Regulation (EU) 2017/373, it was determined that certain relevant ICAO provisions (particularly those contained in Doc 4444 ‘PANS-ATM’) of a ‘rules of the air’ nature are currently not included in the SERA regulatory framework. The ED Decisions issue amendments that aim to address this issue and to complete the SERA regulatory framework by including such provisions. The development of the SERA regulatory framework brings with it the need to consider and address the consequent development of other interrelated regulatory packages to ensure the necessary consistency with the subject Decisions, particularly with the ATM/ANS common requirements and the aerodromes regulatory frameworks.

Safety recommendation (SR) SPAN-2017-038 from the Spanish safety investigation authority (CIAIAC), stems from the investigation of an accident involving a RANS S6 type aircraft, registered EC-YDQ, on 15 July 2016 at San Javier-Murcia. It states: ‘It is recommended that the European Aviation Safety

¹² 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) (http://data.europa.eu/eli/reg_impl/2012/923/oj).

¹³ 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) (http://data.europa.eu/eli/reg_impl/2016/1185/oj).

¹⁴ 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) (http://data.europa.eu/eli/reg_impl/2020/469/oj).

¹⁵ 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) (http://data.europa.eu/eli/reg_impl/2021/666/oj).

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)’. It was addressed to EASA, which carried out this rulemaking action (RMT.0476 Subtasks 1 & 2).

Furthermore, there were inconsistencies and editorial errors in the framework, as well as other issues identified through 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. The regulatory material presented here is expected to contribute to achieving these overall objectives by addressing the issues described in Section 2.1.

More specifically, with the regulatory material presented here, EASA intends to support the application of the amendments to Commission Implementing Regulations (EU) No 923/2012 and (EU) 2017/373 and to Commission Regulation (EU) No 139/2014, the detailed objectives of which are explained in Section 2.2 of EASA Opinion No 02/2023¹⁶.

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

EASA issues the following three ED Decisions:

- 2024/006/R of 2 September 2024 issuing Amendment 6 to the acceptable means of compliance and guidance material to Annex IV (Part-ATS) and Amendment 3 to the acceptable means of compliance and guidance material to Annex VI (Part-AIS) to Commission Implementing Regulation (EU) 2017/373, and amending 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’¹⁷;
- 2024/007/R of 2 September 2024 issuing Amendment 7 to the acceptable means of compliance and guidance material to the Annex to Commission Implementing Regulation (EU) No 923/2012, and amending 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’¹⁸; and
- 2024/008/R of 2 September 2024 issuing Amendment 9 to the acceptable means of compliance and guidance material to Commission Regulation (EU) No 139/2014, and amending Decision

¹⁶ [Opinion No 02/2023 - Regular update of the standardised European rules of the air | EASA \(europa.eu\)](#)

¹⁷ [ED Decision 2017/001/R - AMC/GM to Regulation \(EU\) 2017/373 | EASA \(europa.eu\)](#)

¹⁸ [ED Decision 2013/013/R - AMC & GM to the rules of the air | EASA \(europa.eu\)](#)

2014/012/R of the Executive Director of the Agency of 27 February 2014 adopting acceptable means of compliance and guidance material to Regulation (EU) No 139/2014¹⁹.

The subject three ED Decisions shall support the implementation of the three new regulations mentioned in Section 1.1. The technical content of the Decisions is detailed in points (a) to (d) below.

(a) Transposition of ICAO provisions into the SERA regulatory framework

In accordance with the approach explained in Section 2.1, several amendments to the SERA regulatory framework were introduced to transpose the relevant ICAO provisions included in the following documents:

- ICAO Annex 2 up to its Amendment 45,
- ICAO Doc 4444 ‘PANS-ATM’ up to its Amendment 9,
- ICAO Doc 7030 ‘EUR Regional Supplementary Procedures’.

One of the differences from the ICAO SARPs introduced by Commission Implementing Regulation (EU) 2024/404 addresses the use of a dedicated secondary surveillance radar code (Mode A Code 7601) in case of radio communication failure (RCF) to avoid ambiguity related to the option for flights flying under instrument flight rules and experiencing RCF to remain in visual meteorological conditions and land at the nearest suitable aerodrome. Among the AMC and GM related to the procedures on RCF, further details are issued about the actions expected from air traffic control services when a flight uses Mode A Code 7601.

The amendments resulting from the alignment of the SERA regulatory framework with the ICAO provisions and issued by ED Decision 2024/007/R can be summarised as follows:

- provision of means of compliance and guidance with regard to air operations in Class F airspace;
- provision of means of compliance with regard to the categorisation of aircraft for the purposes of wake turbulence separation minima;
- provision of means of compliance and guidance with regard to several requirements related to the issuance of air traffic control clearances, such as:
 - the horizontal speed control instructions;
 - the standard instrument departure (SID) and standard instrument arrival (STAR) speed restrictions;
 - the vectoring of pilot-interpreted final approach aid;
 - the use of certain phrases in a clearance;
- provision of means of compliance as regards adherence to the true Mach number;
- provision of means of compliance with regard to the transmission of position reports;
- provision of guidance on the promulgation of NOTAM for search and rescue operations if an alerting service is provided;
- provision of guidance on emergency descent procedures;

¹⁹ [ED Decision 2014/012/R - AMC & GM Aerodromes - Initial Issue | EASA \(europa.eu\)](#)

- extensive amendments to Appendix 1 to AMC1 SERA.14001 containing the standardised phraseology addressing, among other things, clearances during SID and STAR and de-icing/anti-icing operations;
- provision of guidance on the transmission of numbers in radiotelephony in call signs, heading, runway identification, wind and indicated airspeed;
- provision of means of compliance and guidance on radio communication failure (RCF) procedures;
- provision of guidance on specific communication procedures related to vehicle traffic on the manoeuvring area and weather deviation;
- provision of means of compliance on clearances on SID and STAR procedures;
- provision of guidance on the notification of suspected communicable diseases or other public health risk on board an aircraft, addressing the symptoms, the actions of public health authorities, information to the departure aerodrome and means of transmission of information.

(b) Addressing safety recommendation SPAN-2017-038

The analysis of SR SPAN-2017-038 (see Section 2.1) showed that there is a need to inform emergency personnel (firefighting, rescue, etc.) of ballistic parachutes that are installed on aircraft but may not have been deployed during the incident, thus constituting a possible threat during rescue operations. The information about the installation of such systems on an aircraft is, therefore, introduced for inclusion in the essential elements to be provided in the flight plan, as stipulated in point SERA.4005, amended by Commission Implementing Regulation (EU) 2023/1772²⁰, to enable air traffic services units to make this information available to emergency personnel. Further guidance is provided on including this information in the field for Remarks under Item 19 of the ICAO model flight plan.

(c) Other amendments to the SERA regulatory framework

ED Decision 2024/007/R also issues amendments to the AMC and GM to address aspects that have resulted from standardisation activities, as well as from the continuous dialogue with stakeholders on SERA implementation as follows:

- guidance on the safety assessment required by Article 9 of the Cover Regulation;
- the clarification of the terms ‘take-off’ and ‘landing’ with regard to the requirements on minimum heights;
- guidance on the publication of radio and transponder mandatory zones;
- provision of means of compliance and guidance on aircraft identification settings, operation of automatic dependent surveillance – broadcast transmitters, demonstrating resilience to duplicated aircraft identification and aircraft radiotelephony call sign settings.

Furthermore, it issues amendments to the SERA AMC and GM derived from the need to fix editorial and consistency issues, as follows:

²⁰ Commission Implementing Regulation (EU) 2023/1772 of 12 September 2023 amending Implementing Regulation (EU) No 923/2012 as regards the operating rules related to the use of Air Traffic Management and Air Navigation Services systems and constituents in the Single European Sky airspace and repealing Regulation (EC) No 1033/2006 (OJ L 228, 15.9.2023, p. 73) (http://data.europa.eu/eli/reg_impl/2023/1772/oj).

- amendment of the guidance related to the definition of ‘air traffic advisory service’;
- harmonisation of the GM with the requirements in point SERA.5010(c) with regard to special visual flight rules in control zones;
- correction of the numbering of GM on interception.

(d) Amendments to the AMC and GM to other EU regulations for regulatory consistency

Amendments necessary for regulatory consistency concern the following:

- ED Decision 2024/006/R, associated with Commission Implementing Regulation (EU) 2024/403 of 30 January 2024 amending Implementing Regulation (EU) 2017/373²¹ as regards the organisational and technical requirements laid down in Annex IV (Part-ATS) and Annex VI (Part-AIS), as follows:
 - Annex IV (Part-ATS): removal of the guidance on visual signals to ensure the same level of regulatory requirements in the SERA Regulation and in Annex IV (Part-ATS) to Commission Implementing Regulation (EU) 2017/373; updates related to the wake turbulence separation minima to transpose ICAO provisions into the SERA Regulation and in Annex IV (Part-ATS) in a harmonised manner; and harmonisation of the guidance on special visual flight rules in control zones with the same guidance in the SERA Regulation;
 - Annex VI (Part-AIS): provision of means of compliance and guidance on the publication of RMZ and TMZ on aeronautical charts in aeronautical information publications (AIPs);
- ED Decision 2024/008/R, associated with Commission Delegated Regulation (EU) 2024/405 of 30 January 2024 amending Regulation (EU) No 139/2014²² 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 transposition of the meaning of signals from AMC1 ADR.OPS.B.031(b)(4) into point ADR.OPS.B.031 of Subpart B ‘Aerodrome Operational Services, Equipment and Installations’ of Annex IV (Part-ADR.OPS) to Commission Regulation (EU) No 139/2014 to have it on the same regulatory level as in the SERA regulatory framework.

The applicability date of the amendments issued by the three ED Decisions is 1 May 2025, which is the date on which Commission Implementing Regulations (EU) 2024/403 and 2024/404 and Commission Delegated Regulation (EU) 2024/405 become applicable.

2.4. Stakeholders’ views

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

²¹ [Air Traffic Management/Air Navigation Services \(ATM/ANS\) – Provision of Services | EASA \(europa.eu\)](#)

²² [Aerodromes \(ADR\) | EASA \(europa.eu\)](#)

Table — Statistics on NPA 2022-04 commentators

Group of commentators	Number of comments submitted	Approximate share (%)
Aerodrome operators	5	1
Aircraft operators	3	1
Air navigation service providers	49	13
National competent authorities	152	40
International organisations	2	1
Other associations	4	1
Pilot associations	78	21
Individuals	10	3
Trade unions	70	19
Training organisations	4	1
Total	377	100

The comments submitted, together with the related EASA responses, are included in CRD 2022-04²³, published together with Opinion No 02/2023. The analysis of the comments evidenced substantial support for this regulatory initiative and identified the need for some amendments to the original NPA proposal, also affecting some proposed amendments to the associated AMC and GM. The following sections summarise the main areas of interest evidenced by the NPA 2022-04 consultation with the related EASA views and resulting actions.

(a) Guidance material related to Class E airspace

As a result of the assessment of a number of comments expressing strong opposition to the introduction of such guidance material, including those from the Member State Advisory Body (MAB) (see ‘Advice from the Member State Advisory Body on the draft Opinion’ below), EASA decided to withdraw the proposed guidance material to point SERA.6001 on the services provided in Class E airspace. EASA will continue to reflect on this proposal.

(b) 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 point SERA.3210 and of new guidance material to it.

Based on the stakeholders’ feedback and subsequent consultations, and on a review of related occurrences involving sailplanes or gliders in mid-air collisions or near-collisions, traffic collision avoidance system resolution advisories or loss of separation that happened in the European and the North Atlantic regions between 2012 and 2022, EASA decided to withdraw the proposed amendments, concluding that the subject does not need to be regulated at European level.

(c) Additional proposed amendments following the NPA 2022-04 consultation

The proposed GM to Article 4 ‘Exemptions for special operations’ on specific approvals is withdrawn because the commentators considered it superfluous.

²³ [CRD 2022-04 - Regular update of the standardised European rules of the air | EASA \(europa.eu\)](#)

The proposed AMC to point SERA.3212 ‘Uncertainty as to the position on the manoeuvring area’ is withdrawn because it does not fully constitute means of compliance with the referenced point.

AMC1 SERA.8012, replicating AMC1 ATS.TR.220, is introduced to illustrate the up-to-date wake turbulence categories also applicable in the SERA regulatory framework, where such categories are mentioned in various provisions, to ensure alignment with Section 4.9.1 of ICAO PANS-ATM as modified by its Amendment 9, which was further assessed under RMT.0719²⁴, introducing the use of the letter ‘J’ to indicate the wake turbulence category ‘super’.

The proposed GM to point SERA.12020(a)(1) ‘Exchange of air reports’ was considered unnecessary and, therefore, is withdrawn.

GM1 SERA.14035(a)(1) ‘Transmission of numbers in radiotelephony’ is amended for consistency.

GM explaining the symptoms of suspected communicable diseases is additionally introduced, as requested by the commentators.

(d) Advice from the Member State Advisory Body on the draft Opinion

Between 20 June and 4 July 2023, EASA sought advice from the MAB on any remaining substantially divergent views on the draft Opinion, supported by the proposed AMC and GM for information purposes only. Eight Member States and the European Commission provided 35 comments on the draft Opinion and the draft AMC and GM.

A summary of the comments addressing the draft regulations can be read in Opinion No 02/2023.

EASA decided to withdraw the proposal for GM to point SERA.6001 related to the requirements applicable to Class E airspace because of explicit comments received during the public consultation and also from the MAB representatives of the Member States.

²⁴ [ToR RMT.0719 - Regular update of ATM/ANS rules \(IR/AMC/GM\) | EASA \(europa.eu\)](#)

3. Expected benefits and drawbacks of the regulatory material

The timely transposition of relevant ICAO provisions and procedures into the SERA regulatory framework, including the consideration of European specificities when necessary, is expected to ensure a high uniform level of safety in Europe and globally. The ICAO provisions and procedures to be transposed were consulted on through the ICAO State Letter mechanism prior to their publication; ICAO expects no major impact from their introduction, and EASA has made the same assessment with regard to the EU regulatory framework.

The amendments issued to the AMC and GM, 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, and hence are considered beneficial. They do not have any impact beyond that of the regulations (as assessed in Section 2.6 of Opinion No 02/2023).

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

No drawbacks are expected from the amendments to the AMC and GM because they either clarify or improve current procedures, or are not materially different from the corresponding ICAO procedures.



4. Monitoring and evaluation

The regulatory material issued with the subject three ED Decisions will support the application of the amendments to Commission Implementing Regulations (EU) No 923/2012 and (EU) 2017/373, and Commission Regulation (EU) No 139/2014. EASA will monitor the implementation of the AMC and GM in the context of the monitoring of the implementation of the regulatory requirements as described in Opinion No 02/2023.



5. Proposed actions to support implementation

EASA will support the implementation of the AMC and GM issued with these three ED Decisions in the context of regular standardisation activities and feedback from stakeholders, as described in Opinion No 02/2023.



6. References

6.1. 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)

6.2. 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)
- Investigation of an accident involving a RANS S6 type aircraft, registered 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

