



TERMS OF REFERENCE

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| Task Nr: | RMT.0473 and RMT.0474 |
| Issue: | Issue 1 |
| Date: | 07 September 2012 |
| Regulatory Reference: | <ul style="list-style-type: none">• Regulation (EC) No 216/2008¹• Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky and its Implementing Rules.• Commission Implementing Regulation (EU) No 1035/2011².• ICAO Annex 3 - Meteorological Service for International Air Navigation.• ICAO Annex 11 - Air Traffic Services.• ICAO Annex 14 - Aerodromes. |
| Reference documents | <ul style="list-style-type: none">• Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system.• ICAO Documents:<ul style="list-style-type: none">○ Doc 8896: Manual of aeronautical meteorological practices;○ Doc 4444: Procedures for air navigation services (Pans-ATM);○ Doc 7754: European Air Navigation Plan;○ Doc 9837: Manual on automatic meteorological observing systems at aerodromes;○ Doc 9817: Manual on Low-Level Wind Shear and Turbulence;○ Doc 9377 Manual on Coordination between air traffic services, aeronautical information services and meteorological services;○ EUR Doc 014: EUR SIGMET and AIRMET Guide○ EUR Doc 019: Volcanic Ash Contingency Plan – EUR Region; |

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. (OJ L 79, 19.03.2008, p. 1). Regulation as last amended by Regulation 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

² Commission Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ 271, 18.10.2011, p. 23).

- Any other ICAO document relevant to this task.
- World Meteorological Organisation (WMO) Documents:
 - Any Technical Regulations, Manuals, Guides and Technical documentation relevant to this task

1. Subject: Technical requirements and operational procedures for meteorological services.

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks) and background:

Background and regulatory context:

The amended Basic Regulation (Regulation 216/2008 – Article 8b) requires the development of a defined set of safety rules in the field of ATM/ANS. Since 2009, a series of implementing measures have already been initiated by the Agency in that field. The implementing measures shall include the safety requirements and technical specifications of ATM/ANS services specified in Annex Vb – chapter 2 of the amended Basic Regulation.

The ATM/ANS current proposed implementing measures are built around the existing SES regulations. The proposed rules in the field of meteorological services will follow the same principle and will amend Commission Implementing Regulation 1035/2011 laying down common requirements for the provision of air navigation services, in particular its Annex III on meteorological services. According to point 2 of this Annex III, providers of meteorological services shall be “able to demonstrate that their working methods and operating procedures are compliant with the standards [...] in Annex 3 on meteorological service [...]. References are also made to Annex 11 and 14, as far as they are relevant for the provision of meteorological services.

Issue:

Annex III to Regulation 1035/2011 therefore only contains a very generic requirement for meteorological service providers and simply refers to the relevant annexes concerned. To ensure legal certainty, the implementing measures must include the safety requirements and technical specifications through the transposition of the relevant ICAO Standards and Recommended Practices into EU legislation, in particular ICAO Annex 3 on meteorological services. In its Opinion 02/2010 the Agency already highlighted that the transposition of the relevant ICAO standards and recommended practices will ‘make such references unnecessary’ and will therefore be replaced by the appropriate European Union measures.

Regulatory evolution:

With regard to the development of rules for meteorological services, a first phase has been completed with rulemaking task ATM.001 which developed, through a dedicated ad-hoc group, specific requirements for providers of meteorological services. These organisation requirements for meteorological service providers are currently included in the draft ATM.001/004 NPA (requirements for air navigation service providers). Rulemaking groups ATM.001 and ATM.004 ceased their activities in April 2012.

The second phase for the development of implementing measures for meteorological services, now conducted by this task, necessitates to complete the full transposition of the relevant

provisions of ICAO Annex 3. This phase covers the technical and operational procedure requirements transposing ICAO Annex 3 Part II (and Part I where relevant) where the relevant technical specifications related to meteorological services are contained.

3. Objective:

The purpose of this rulemaking task is to finalise the transposition of the relevant provisions for meteorological services from ICAO Annex 3, in particular those contained in Part II. This will be achieved by developing the necessary implementing rules and, where appropriate the necessary acceptable means of compliance and guidance material

These implementing measures shall in particular include technical specifications related to meteorological observations and reports, forecasts and other meteorological information such as SIGMET, AIRMET, aerodrome warnings and wind shear warnings and alerts as well as meteorological information to air traffic services and aeronautical information services.

4. Specific tasks and interface issues (Deliverables):

Step 1:

- Review ICAO Annex 3 – mainly Part II;
- Review all the differences to ICAO Annex 3 filed by the Member States;
- Review all other relevant ICAO Annexes – in particular Annex 11 and 14; and
- Review all documents and material from the WMO and determine what it is relevant to be transposed as European Union regulation.

Step 2:

- Develop the necessary implementing rules that will be suitable and proportionate;
- Develop appropriate Acceptable Means of Compliance and Guidance Material to the related draft implementing rules; and
- Develop the cross reference table (ICAO Annex 3 vs EASA rules) necessary for the task;

Depending on the nature of the changes made to ICAO Annex 3, the impact on the existing situation will vary. The Agency will, at the appropriate time, assess the kind of Regulatory Impact Assessment (RIA) that will need to be developed.

5. Working Methods (in addition to the applicable Agency procedures):

General

The Agency proposes to make use of a rulemaking group to assist in the accomplishment of this task. In addition, where further expertise is required, specific subject matter experts may be identified by the chairman and the Agency and their assistance may be requested.

Composition of rulemaking group

It is proposed to nominate a number of experts who were already involved during the first phase (organisation requirements for meteorological services). Their meteorological expertise is considered to be an important asset for this task. They also have the history of what has been achieved during the previous phase and are already familiar with the Agency's rulemaking process. The number of members shall be limited to maximum 10 experts, selected in

accordance with the rulemaking procedure.

Estimated time of the task and number of meetings:

Expected duration of the task group: 1 year.

Number of meetings foreseen: 6

Place of meetings: EASA premises in Cologne, Germany

6. Timescale, milestones:

Start of the rulemaking group meetings: 2012/Q4

NPA: 2013/Q4

CRD/Opinion: 2014/Q2