



Brussels, **XXX**
[...](2024) **XXX** draft

Annex II to EASA Opinion No 03/2024

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2018/1048 as regards the use of performance-based navigation specifications for oceanic operations

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amending Implementing Regulation (EU) 2018/1048 as regards the use of performance-based navigation specifications for oceanic operations

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 216/2008 and (EC) No 552/2004 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 44(1)(a) thereof,

Whereas:

- (1) Implementing Regulation (EU) 2018/1048 ⁽²⁾ of 18 July 2018 lays down airspace usage requirements and operating procedures concerning performance-based navigation (PBN).
- (2) Regulation (EU) 2018/1048 requires the implementation of air traffic services (ATS) routes in accordance with the requirements of the RNAV 5 specification for all single European sky (SES) en route operations.
- (3) The RNAV 5 specification was developed to support operations in continental airspace. The specification requirements for the loss of the aircraft's navigation function are not compatible with operations in oceanic or remote continental en route airspace, so the use of such specification could result in potential safety regression.
- (4) Both RNAV 10 and RNP 4 are navigation specifications that were specifically designed by the International Civil Aviation Organization (ICAO) to support en route operations in oceanic and remote continental airspace, which is also part of the SES; therefore, they can ensure consistency between the aircraft performance requirements (the PBN specification) and the navigational performance required for such operations.
- (5) The use of the RNAV 10 or RNP 4 specifications in oceanic and remote continental airspace ensures harmonised ATS route implementation.
- (6) Use of the radius to fix (RF) functionality and/or altitude constraints together with RNP 1 standard instrument departure (SID) and standard instrument arrival (STAR) routes should be subject to local needs.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ OJ L 189, 26.7.2018, p. 3.

- (7) Regulation (EU) 2021/2237 ⁽³⁾ introduced the new ICAO approach classification, which no longer differentiates between CAT IIIA and CAT IIIB operations; alignment with the current definition of CAT III operations in EU legislation is deemed necessary.
 - (8) Regulation (EU) 2018/1048 should therefore be amended accordingly.
 - (9) The European Union Aviation Safety Agency has prepared draft implementing rules and submitted them to the Commission with Opinion No 03/2024 ⁽⁴⁾ in accordance with Article 76(1) of Regulation (EU) 2018/1139.
 - (10) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 (3) of Regulation (EU) 2018/1139,
- HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2018/1048

Implementing Regulation (EU) 2018/1048 is amended as follows:

1. In Article 5, paragraph 2 is replaced by the following:
 - ‘2. Paragraph 1 shall be without prejudice to Article 6 and to the possibility of providers of ATM/ANS to provide their services using landing systems enabling CAT II or CAT III operations within the meaning of point (120e) of Annex I to Regulation (EU) No 965/2012.’;
2. In the Annex, point AUR.PBN.2005 is amended as follows:
 - (a) point (5) is replaced by the following
 - ‘(5) By way of derogation from point (4), where providers of ATM/ANS have established SID routes or STAR routes and where higher performance requirements than those referred to in that point are required in order to maintain air traffic capacity and safety in environments with high traffic density, traffic complexity or terrain features, they shall implement those routes in accordance with the requirements of the RNP 1 specification. Additionally, where the operational scenario so requires, the routes shall consider one or more of the following navigation functionalities:
 - (a) operations along a vertical path and between two fixes and with the use of:
 - (i) an ‘AT’ altitude constraint;
 - (ii) an ‘AT OR ABOVE’ altitude constraint;
 - (iii) an ‘AT OR BELOW’ altitude constraint;
 - (iv) a ‘WINDOW’ constraint;
 - (b) the radius to fix (RF) leg.’;

⁽³⁾ Commission Implementing Regulation (EU) 2021/2237 of 15 December 2021 amending Regulation (EU) No 965/2012 as regards the requirements for all-weather operations and for flight crew training and checking ([OJ L 450, 16.12.2021, p. 21](#)).

⁽⁴⁾ [Opinions | EASA \(europa.eu\)](#)

(b) the following point (8) is added:

‘(8) By way of derogation from point (6), and without prejudice to point (7), where providers of ATM/ANS have established ATS routes in oceanic or remote continental airspace, they shall implement those routes in accordance with the requirements of the RNAV 10 or the RNP 4 specifications.’

Article 2

Entry into force

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

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)