



# Explanatory Note to Decision 2020/007/R

## Acceptable means of compliance and guidance material to the rules of the air

RELATED NPA/CRD 2016-09 (RMT.0464) & NPA/CRD 2018-14 (RMT.0703 (INCLUDING ALSO RMT.0704))  
— OPINIONS NOS 03/2018 & 03/2019

### EXECUTIVE SUMMARY

The objective of this Decision is to maintain a high level of safety for services and procedures in air navigation.

Following the adoption of Commission implementing Regulation (EU) 2020/469 amending among others Commission Implementing Regulation (EU) No 923/2012 (SERA Regulation), this Decision amends the acceptable means of compliance (AMC) and guidance material (GM) to the rules of the air in order to facilitate the uniform implementation of the requirements by providing suitable tools for the regulated parties.

The AMC and GM have been developed and consulted concurrently with the related implementing rules (IRs). The related NPAs were publicly consulted. The comments received during the consultations of the NPAs were addressed at thematic meetings. Following the assessment of the comments and the input provided at said thematic meetings, the European Union Aviation Safety Agency (EASA) published Opinions Nos 03/2018 and 03/2019.

Based on these Opinions, the European Commission adopted Commission Implementing Regulation (EU) 2020/469 of 14 February 2020.

To ensure the coherence of the AMC and GM with the text of the rule as adopted, EASA undertook the necessary adaptations. Stakeholders, who contributed to the drafting and subsequent review of that material, were consulted to ensure that there is agreement with the changes.

<b>Action area:</b>	Air traffic management/air navigation services <sup>(RMT.0464)</sup> and Aerodromes <sup>(RMT.0703 (incl. also RMT.0704))</sup>		
<b>Affected rules:</b>	ED Decision 2013/013/R 'AMC/GM to the rules of the air'		
<b>Affected stakeholders:</b>	Member States; competent authorities/national supervisory authorities; ATM/ANS providers; airspace users (e.g. aircraft operators); aerodrome operators; ATCOs and pilots and EASA		
<b>Driver:</b>	Efficiency/proportionality <sup>(RMT.0464)</sup> and Safety <sup>(RMT.0703)</sup>	<b>Rulemaking group:</b>	Yes <sup>(RMT.0464 &amp; 0704)</sup> , No <sup>(RMT.0703)</sup>
<b>Impact assessment:</b>	Full <sup>(RMT.0464)</sup> Light <sup>(RMT.0703)</sup>	<b>Rulemaking Procedure:</b>	Standard

● EASA rulemaking process



RMT.0464	9.7.2014	14.9.2016	22.5.2018	14.2.2020	2.7.2020
RMT.0703	14.9.2017	17.12.2018	24.6.2019	14.2.2020	2.7.2020
RMT.0704	13.9.2017	17.12.2018	24.6.2019	14.2.2020	2.7.2020



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## 1. About this Decision

EASA developed ED Decision 2020/007/R in line with Regulation (EU) 2018/1139<sup>1</sup> ('Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) [2020-2024](#) under rulemaking tasks (RMTs).0464 and 0703 (incl. RMT.0704). The scope and timescales of these tasks were defined in the related Terms of Reference<sup>3</sup>.

The *draft* text of this Decision has been developed either exclusively by EASA (RMT.0703) or based on the input of the Rulemaking Groups (RMGs) (RMT.0464 and RMT.0704). All interested parties were consulted through Notices of Proposed Amendment (NPAs) 2016-09 and 2018-14<sup>4</sup>. As regards NPA 2016-19, 1 763 comments were received, in particular from air navigation services providers (ANSPs), aerodrome operators, national aviation authorities (NAAs), aviation organisations (e.g. International Air Transport Association (IATA), EUROCONTROL), social partners, professional associations, and individuals. As regards NPA 2018-14, 1 785 comments were received from interested parties, including NAAs, aerodrome operators and aerodrome operators' associations, aeroplane manufacturers, air operators, ANSPs and aviation professional associations.

The *final* text of AMC and GM included in this Decision has been developed by EASA based on the analysis of the comments and inputs received via the public consultation of the aforementioned NPAs, the subsequent review of the comments review, including focused consultation activities for RMT.0464, the continuous necessary monitoring and adaptation to ensure consistency with the evolution of the committee procedures related to these regulatory packages. It is important to note that EASA has duly and extensively involved its affected stakeholders in these processes, and that the final text was well received.

The major milestones of these rulemaking activities are presented on the title page.

<sup>1</sup> 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>).

<sup>2</sup> 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 (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0464>  
<https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0703>  
<https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0704>

<sup>4</sup> In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.



## 2. In summary — why and what

### 2.1. Why we need to change the AMC & GM

The AMC and GM included in this Decision complement or amend those in ED Decision 2013/013/R in order to ensure consistency with the evolution of the regulatory framework following the publication of Regulation (EU) 2020/469<sup>5</sup>.

The AMC and GM will greatly facilitate the preparation of national authorities and the relevant service providers for the implementation of the amended IRs by offering clear directions and possible means of compliance.

The AMC and GM annexed to this Decision have been developed concurrently with the associated IRs. The details of and reasons for the proposed material have been thoroughly described in the Explanatory Notes of NPAs 2016-09 and 2018-14 and subsequently adjusted in the Explanatory Notes of the Opinions related to these rulemaking activities. Therefore, this Explanatory Note focuses only on the changes performed since the draft AMC & GM were published for information along with Opinions Nos 03/2018 and 03/2019.

Those changes are triggered either by the amendments of the associated IRs during the adoption process of the rule or by stakeholder initiatives communicated to EASA.

These changes are explained in detail in Section 2.3 of this document.

### 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The specific objective of this Decision is to complement or amend the existing AMC and GM to the rules of the air reflecting the amendments introduced by Regulation (EU) 2020/469. The newly developed AMC and GM have taken into account the advancements of the European Union and international law (International Civil Aviation Organization (ICAO)), as well as the harmonisation with the rules of other authorities of the European Union main partners as set out in the objectives of the Basic Regulation (Article 1).

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

#### *Proposals put forward through Opinions No 03/2018 and 03/2019*

The Commission proposal based on EASA Opinion No 03/2018 ‘Requirements for air traffic services’, including aspects pertaining to reporting runway surface conditions, commonly known as the Global Reporting Format (GRF) that resulted from EASA Opinion No 03/2019 ‘Runway safety’, was tabled for several discussions at the EASA Committee meetings since June 2018, and subject to multiple

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<sup>5</sup> 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586259489914&uri=CELEX:32020R0469>).

consultations with the Member States; it was also presented at the Single Sky Committee (SSC) meetings as from the middle of 2018.

The European Commission submitted the proposal to the EASA Committee Members by written procedure and received a positive opinion in January 2020.

Through this Decision, EASA is providing the necessary AMC/GM with the aim of facilitating the uniform implementation of the IR requirements.

### 2.3.1 Amendments for alignment with Regulation (EU) 2017/373

Annex I to this ED Decision includes a limited number of amendments to the existing AMC & GM to the SERA Regulation<sup>6</sup>, introduced to ensure consistency with the new comprehensive regulatory framework for organisational and technical requirements for air traffic services. This section describes the most relevant of such amendments.

GM to the definition of ‘aerial work’ is introduced to clarify the differences with the definition of ‘specialised operations’ in Regulation (EU) No 965/2012<sup>7</sup>.

GM1 SERA.3210(d)(4)(ii)(B) is amended to indicate that vehicles and aircraft are to be separated by the application of a method, and not by specified minima.

Modifications to GM1 SERA.7002(a)(1), concerning information regarding traffic on conflicting path outside controlled airspace, are introduced to extend the applicability to the flight information service (FIS) and aerodrome flight information service (AFIS) officer, and to better clarify the situation under which the described action is suggested.

GM1 SERA.8005(a)(3), transposed respectively from Section 7.9.3.5 of ICAO PANS-ATM, clarifies the procedures related to the issuance of clearances for immediate take-off. GM2 and GM3 SERA.8005(b), derived from Section 5.9 and associated Notes of ICAO PANS-ATM, describe the procedures and responsibilities when clearances to fly maintaining own separation while in visual meteorological conditions are issued.

AMC1 SERA.8005(c) and GM1 SERA.8005(c), largely transposed from Section 6.5.3 of ICAO PANS-ATM, describe the conditions, the procedures and the responsibilities for separation for both pilots and air traffic controllers to be applied for the conduct of visual approach.

GM1 SERA.8005(c)(1) clarifies that geometric height information, which is not to be used in the provision of vertical separation, is generated by airborne systems such as GPS or radio altimeters.

GM1 SERA.9005(a)(8), transposed from Section 9.1.3.8 of ICAO PANS-ATM, recommends that, when available, air traffic services units transmit to affected aircraft information about space weather phenomena which could affect the efficiency of airborne systems and pose risks for aircraft occupants.

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<sup>6</sup> 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584537937113&uri=CELEX:32012R0923>).

<sup>7</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584541718728&uri=CELEX:32012R0965>).

The subtitle of the existing GM1 SERA.13010(b) concerning the procedures to be applied in case of erroneous level information is amended, to clarify its applicability to air traffic control service provision only; GM2 SERA.13010(b) is introduced to address the same procedures when flight information service is provided.

GM1 SERA.14095(d)(3) is introduced to suggest that the VHF emergency frequency 121.500 MHz should not be used for communication between air and ground stations involved in search and rescue operations when this may interfere with the safe handling of distress traffic.

### 2.3.2 Amendments resulting from Opinion No 03/2019

GM1 SERA.2005 is introduced in order to raise the awareness of the flight crew about the content of the local aerodrome regulations given that, depending on the aerodrome facilities, an aircraft transponder may need to be used while on the movement area of the aerodrome.

GM1 SERA.3210(d)(3) is introduced to align with the content of relevant GM that has been developed for Regulation (EU) No 139/2014<sup>8</sup>, with a view to further clarifying the possible actions in the case of stop-bar malfunction in order to prevent runway incursions.

In addition, AMC1 SERA.14001 is amended as a result of amendments to ICAO PANS-ATM, and concerns the ATC phraseologies to be used following the need to implement the ICAO Global Reporting Format as of November 2020.

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<sup>8</sup> 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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584542134746&uri=CELEX:32014R0139>).



### 3. References

#### 3.1. Related 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) 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)

#### 3.2. Affected decisions

- Executive Director 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'

#### 3.3. Other reference documents

- NPA 2016-09 'Requirements for air traffic services'
- Opinion No 03-2018 'Requirements for air traffic services'
- NPA 2018-14 'Runway safety'
- Opinion No 03-2019 'Runway safety'
- ICAO Annex 2 to the Convention on International Civil Aviation, 'Rules of the air', 10th Edition, 2005
- ICAO Annex 3 to the Convention on International Civil Aviation, 'Meteorological Service for International Air Navigation', 19th Edition, 2016
- ICAO Annex 11 to the Convention on International Civil Aviation, 'Air Traffic Services', 14<sup>th</sup> Edition, 2014
- ICAO Annex 14 to the Convention on International Civil Aviation 'Aerodromes', Vol I 'Aerodrome Design and Operations', 8th Edition, July 2018
- ICAO Document 4444 ATM/501, 'Procedures for Air Navigation Services: Air Traffic Management' (PANS-ATM), 16<sup>th</sup> Edition, 2016



#### 4. Related documents

CRD 2016-09 'Requirements for air traffic services'

CRD 2018-14 'Runway safety'

