Council of the European Union

Brussels, 12 February 2020
(OR. en)

**5872/20**
**ADD 1**

**Interinstitutional File:**
**2020/0027(NLE)**

**AVIATION 18**
**RELEX 97**
**CLIMA 24**

**PROPOSAL**

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| From: | Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director |
| date of receipt: | 12 February 2020 |
| To: | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2020) 59 final - ANNEX |
| Subject: | ANNEX to the PROPOSAL FOR A COUNCIL DECISION **on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the adoption of Amendments to a number of Annexes to the Chicago Convention** |

Delegations will find attached document COM(2020) 59 final - ANNEX.

Encl.: COM(2020) 59 final - ANNEX

EUROPEAN
COMMISSION

Brussels, 12.2.2020
COM(2020) 59 final

ANNEX

**ANNEX**

***to the***

**PROPOSAL FOR A COUNCIL DECISION**

**on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the adoption of Amendments to a number of Annexes to the Chicago Convention**

# ANNEX

## Position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the adoption of Amendments to a number of Annexes to the Chicago Convention

### 1. POSITION TO BE TAKEN

The ICAO Council, during its 219th session starting on 2 March 2020, is to adopt a number of Amendments to various Annexes to the Chicago Convention, in the areas of safety, environment and air navigation. In that context, having regard to relevant Union legislation, the position to be taken on the Union's behalf in the 219th session of the ICAO Council is as follows.

1.1. Amendment 176 to Annex 1 on Personnel Licensing (agenda item 15)

Support the Amendment.

Regarding in particular the alignment with Amendment 5 to the Procedures for Air Navigation Services — Training (PANS-TRG, Doc. 9868), support, with the following suggestions aiming to ensure appropriate flexibility in the context of innovative aircraft development:

- delete all references to the specific flight simulation training devices (FSTD) to be used during the Multi-cre Pilot License (MPL) course referred to in Section 3 ‘Simulated flight’ of Appendix 3 of Annex 1 to the Chicago Convention.
- define the notion of powered-lift-aircraft as follows: "Powered-lift aircraft" means any aircraft deriving vertical lift and in flight propulsion/lift from variable geometry rotors or engines/propulsive devices attached to or contained within the fuselage or wings.; or at least remove the “fixed-wing” criteria.

1.2. Amendment 79 to Annex 3 on Meteorological Service for International Air Navigation (agenda item 16)

Support the Amendment.

1.3. Amendment 61 to Annex 4 on Aeronautical Charts (agenda item 17)

Support the Amendment.

1.4. Amendments 44, 37, 23 respectively to Parts I, II and III of Annex 6 on Operations of Aircraft (agenda items 18, 19 and 20)

Support the Amendments, with the following exception: the obligation introduced by Amendments 44, 37 or 23 for the air operator to carry certified true copies of the Article 83bis agreement in an aircraft subject to such an agreement. There is no safety benefit from that burdensome requirement. This amendment, therefore, has to be rejected.

1.5. Adoption of Amendment 92 to Annex 10 on Aeronautical Telecommunications, Volume I and Volume II (agenda items 21 and 22)

Support the Amendment.

1.6. Adoption of Amendment 52 to Annex 11 on Air Traffic Services (agenda item 23)

Support the Amendment.

1.7. Adoption of Amendment 18 to Annex 13 on Aircraft Accident Investigation (agenda item 24)

Support the Amendment with comments.

1.8. Adoption of Amendment 15 and 9 to Annex 14 on Aerodromes, Volume I and Volume II (agenda items 25 and 26)

Support the Amendment.

1.9. Adoption of Amendment 41 to Annex 15 (agenda item 27)

Support the Amendment.

1.10. Adoption of Amendment 13, 10 and 1 to Annex 16, respectively to Volume I, II and III (agenda items 28, 29 and 30).

Support the Amendments.

1.11. Adoption of Amendment 13 to Annex 18 (agenda item 31).

Support the Amendment.

## 2. DETAILED EXPLANATION UNDERLYING THE PROPOSED POSITION ON EACH POINT

### 2.1. Amendment 176 to Annex 1 on Personnel Licensing (agenda item 15)

The Amendment proposed relates to alignment with Amendment 5 to the Procedures for Air Navigation Services — Training (PANS-TRG, Doc. 9868) as regards: new definitions; update of requirements for flight operations officers or flight dispatchers concerning knowledge, skill and experience requirements and introduction of air traffic control on-the-job training instructors (OJTI) provisions to instruct air traffic controllers; amendment to powered-lift aircraft provisions and minor updates to existing provisions.

Details are set out in points 2.1.2 to 2.1.4.

2.1.1. Relevant Union Law

Regulation (EU) 2018/1139 of the European Parliament and of the Council[1], Commission Regulation (EU) No 1178/2011[2], Commission Regulation (EU) No 1321/2014[3], Commission Regulation (EU) 2015/340[4], Commission Implementing Regulation (EU) 2017/373[5]

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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).

2 Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

3 Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

4 Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1).

2.1.2. Alignment with Amendment 5 to the PANS-TRG

That Amendment aligns existing definitions and provisions to the new methodology regarding competency-based training and assessment introduced in the PANS-TRG. It updates references to the PANS-TRG and introduces other definitions such as monitoring, pilot flying and pilot monitoring, and threat and error management in support of updated SARPs.

The position to be taken on behalf of the Union is to support the proposed Amendment with the following suggestions:

- to delete all references to the specific flight simulation training devices (FSTD) to be used during the Multi-cre Pilot License (MPL) course referred to in Section 3 'Simulated flight' of Appendix 3 of Annex 1 to the Chicago Convention. Rationale: ICAO Doc. 9625 already indicates which device are to be used for each MPL training element. Deleting the references from that proposal will ensure duplication is avoided;
- to either fully align the definition of powered-lift aircraft (in Annex 1 to the Chicago Convention) with the Union definition: "Powered-lift aircraft" means any aircraft deriving vertical lift and in flight propulsion/lift from variable geometry rotors or engines/propulsive devices attached to or contained within the fuselage or wings[6]. or, at least, to amend it by removing the 'fixed-wing' criteria. Rationale: that will ensure the flexibility needed in the context of new innovative aircraft development.

Should these suggestions not be taken onboard the amendment should nevertheless be supported, given its overall merit.

2.1.3. Update of requirements for flight operations officers or flight dispatchers concerning knowledge, skill and experience requirements and introduction of air traffic control on-the-job training instructors (OJTI) provisions to instruct air traffic controllers

That Amendment proposed updates knowledge, skill and experience requirements related to flight operations officer or flight dispatcher and introduces a standard to clarify the requirements of the air traffic controller supervising air traffic controller trainees. The standards on trainee experience are proposed for amendment to improve the wording and introduce a demonstration of competence as part of the training. It also clarifies the wording regarding the period of time in which the required experience has to be achieved.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.1.4. Powered-lift aircraft provisions and minor updates to existing provisions

In 2014, the ICAO Council adopted a change extending the validity of the transitional measures related to the powered-lift category to allow entry into service of powered-lift aircraft. Since then, no powered-lift aircraft has been certified due to unexpected events and

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[5] 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 677/201 (OJ L 62, 8.3.2017, p. 1).

[6] Annex I of Regulation (EU) 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew.

delays in certification testing and there is a need to further extend the validity of the transitional measures. As the first powered-lift aircraft is expected to enter service in 2020, an end date of 5 March 2025 is proposed for the transitional measures. The Amendment also proposes minor updates of the knowledge required for the instrument rating to align it with current technology and to assist with efforts to embed performance-based navigation into traditional operations.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.2. **Amendment 79 to Annex 3 on Meteorological Service for International Air Navigation (agenda item 16)**

### 2.2.1. Description

The Amendment proposed, arising from the fourth meeting of the Meteorology Panel (METP/4), concerns the ICAO meteorological information exchange model (IWXXM), international airways volcano watch (IAVW), world area forecast system (WAFS), SIGMET, AIRMET and GAMET[7].

Details are set out in points 2.2.3 to 2.2.15.

### 2.2.2. Relevant Union Law

Implementing Regulation (EU) 2017/373

### 2.2.3. Re-suspended volcanic ash[8]

The proposed Amendment is intended to facilitate the reporting of volcanic ash in cases of re-suspended volcanic-ash events. In this regard, the definition of a volcanic ash advisory centre (VAAC) (referred to in Chapter 1 of Annex 3 to the Chicago Convention) and the template for the advisory message for volcanic ash (referred to in Table A2-1 of Annex 3 to the Chicago Convention,) need to be amended. In the definition of a VAAC, the proposed change consists in deleting the words 'following volcanic eruptions', thereby eliminating an existing constraint and better enabling the VAACs to provide advisory information. With regard to the advisory message for volcanic ash (Table A2-1), it is proposed to amend the Examples column to provide guidance on the appropriate use of the terminology permitted in the templates column It is also proposed to improve two other items within the VA ADVISORY template(s) related to the number of a volcano to align with the latest International

[7] AIRMET and SIGMET are referred to in Regulation (EU) No 2017/373. They represent information to airspace users regarding certain meteorological conditions.

GAMET is defined in ICAO rules. It is an area forecast in abbreviated plain language for low-level flights for a flight information region or sub-area thereof, prepared by the meteorological office designated by the meteorological authority concerned and exchanged with meteorological offices in adjacent flight information regions, as agreed between the meteorological authorities concerned. As regards EU legislation, reference is made to the 'area forecast for low level flights' as defined in Annex I (Definitions) to Regulation (EU) No 2017/373.

[8] 'Re-suspended volcanic ash' is the ICAO term for volcanic ash – possibly some time after and some distance from a now ceased volcanic eruption, that has been lifted into the atmosphere by strong winds and dispersed such that it constitutes a hazard to aircraft.

Association of Volcanology and Chemistry of the Earth's Interior database and the update of a satellite reference.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.4. Quality management system for the provision of meteorological service

The Amendment proposed updates references in Annex 3 to the Chicago Convention to align them with the current quality management system guidance material, due to the discontinuation of the following publications by ICAO and the World Meterological Organization:

- ICAO Manual on the Quality Management System for the Provision of Meteorological Service to International Air Navigation (Doc 9873)
- WMO 1001, Manual on/Guide to the Quality Management System for the Provision of Meteorological Service for International Air Navigation.

The current relevant publication is WMO-N0. 1100, Guide to the Implementation of Quality Management Systems for National Meteorological and Hydrological Services and other Relevant Service Providers.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.5. Improved harmonisation of SIGMET information

The Amendment proposed aims at coordination amongst meteorological watch offices when issuing SIGMET information, as a recommended practice in Annex 3 to the Chicago Convention to address inconsistent or entirely absent SIGMET information in some parts of the world. Given the progress made in improving the harmonisation of SIGMET information through bilateral or multilateral coordination activities in some regions, METP/4 proposes a recommended practice for all States with a responsibility to issue SIGMET information.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.6. Model charts (Model VAG and Model SVA) used in Appendix 1 of Annex 3

It is proposed to amend the model charts set out in Appendix 1 of Annex 3 to the Chicago Convention to represent the location and extent of volcanic ash clouds. In this regard, the proposal addresses the need to overcome identified shortcomings in the existing MODEL VAG and MODEL SVA used in Appendix 1, notably when related to the map projections, the depiction of polygons to describe the coverage of volcanic ash cloud(s) and the cloud layers. The World Meteorological Organization (WMO), as the custodian of (all) the model charts used in Appendix 1, developed a maximum of two examples per MODEL VAG and MODEL SVA.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.7. World area forecast system (WAFS) information

The Amendment proposed improves the world area forecast system (WAFS) forecasts as requested in conclusion of the ICAO/WMO Meteorology Divisional Meeting (MET/14, 2014). Those requirements include: (a) improvements in horizontal spatial resolution of the hazard grids (e.g. turbulence, icing and cumulonimbus (CB) cloud forecasts) from the current 1.25 degrees horizontal spacing to 0.25 degrees; and (b) changes to the parameters being forecast. Coupled with that increase in resolution of the hazard grids will be the replacement of turbulence and icing potential with turbulence and icing severity information. In addition, in-cloud turbulence grid point forecasts will be retired, in favour of extending the new turbulence severity grid point forecasts downward to Flight Level (FL)100, FL140 and FL180. Those new turbulence levels, when used in combination with the CB cloud grid, will provide more scientifically sound turbulence information than the outgoing in-cloud turbulence algorithm. Those improvements to the horizontal and vertical resolution of WAFS forecasts are intended to fully meet the needs of the aviation industry.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.8. Tropical cyclone advisories and SIGMET for tropical cyclone

It is proposed to amend the tropical cyclone (TC) SIGMET and TC advisory messages to correct and reduce inconsistencies and deficiencies in the format of those messages. The proposed changes would help avoiding misinterpretation by users, with associated safety implications. They would also improve the validation and the translation of those messages from traditional alphanumerical codes (TAC) into the ICAO Meteorological Information Exchange Model (IWXXM) to prevent IWXXM errors.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.9. Space weather advisory information provisions

The proposed Amendment is intended to improve existing provisions on space weather. Such improvements will allow for more than one space weather effect (i.e., global navigation satellite system (GNSS), radiation, satellite communications (SATCOM) and high frequency communications (HF COM)) with the same intensity to be combined in one space weather advisory, and for all space weather effects to be described using latitude bands. Additionally, the text proposed improves vertical resolution of the information provided.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.10. Indication of missing or incorrect parameters, or both, in METAR

The proposed Amendment is to ensure that IWXXM schema can easily indicate missing or incorrect mandatory parameters, or both, in METAR in TAC form to avoid failures in the validation process once translated from TAC into IWXXM. The METP considers that the use of solidus (/) to indicate a missing figure or letter in the text of meteorological bulletins is an

essential proposal in the transition to IWXXM and system-wide information management (SWIM).

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.11. Revised eddy dissipation rate (EDR) threshold values

The proposal is aimed at updating the values of eddy dissipation rate (EDR) and the index-based metric for reporting aircraft turbulence. Since scientific evidence has shown that the EDR threshold values in Annex 3 to the Chicago Convention are too high, the proposal introduces: (a) updated EDR threshold values based on scientific studies of over 100 million aircraft turbulence reports; (b) some adjustments regarding terminology; and (c) the addition of one explanatory note.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.12. AIRMET and GAMET information

The proposed Amendment allows area forecasts for low-level flights prepared and produced in accordance with regional air navigation agreement to be transmitted to Secure Aviation Data Information Service (SADIS) and WAFS Information File Service (WIFS). The change in the requirement, requested by aeronautical users, will make a more comprehensive AIRMET and GAMET data set available, thereby benefiting SADIS and WIFS users around the world.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.13. Release of radioactive material in the atmosphere

The proposed Amendment concerning radioactive cloud (RDOACT CLD) SIGMET is necessary for consistency with Amendment 78 to Annex 3 to the Chicago Convention which introduced the representation of the RDOACT CLD SIGMET area by a cylinder with a fixed radius that extends to all flight levels and that is not time dependent. Proposed changes to Table A6-1A (Template for SIGMET and AIRMET messages) and to Example A6-4 (SIGMET message for radioactive cloud) of Annex 3 will simplify existing requirements.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.14. Inclusion of heavy dust storms in Tables A4-1 and A6-1B related to uplink and downlink of special air reports

The proposed Amendment is to include the reporting of heavy dust storms (HVY DS) in special air-reports to improve the availability of such information in special air-reports in support of international civil aviation.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.2.15. ICAO information meteorological exchange model (IWXXM) and aeronautical fixed telecommunication network (AFTN) and aeronautical fixed service (AFS)

The proposed provisions introduce some minor changes to Annex 3 to the Chicago Convention to facilitate the exchange of IWXXM, given that IWXXM cannot be exchanged over the aeronautical fixed telecommunication network (AFTN). To this end, they refer to the generic term aeronautical fixed service (AFS) which includes both AFTN and the 'air traffic services (ATS) message handling system (AMHS)', the latter of which can exchange IWXXM.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.3. Amendment 61 to Annex 4 on Aeronautical Charts (agenda item 17)

### 2.3.1. Description

The proposed Amendment relates to charts regarding folding wing tips, ground-based navigation aids on performance based navigation (PBN) procedures, visual segment surface, and simultaneous operations on parallel and near parallel runways.

### 2.3.2. Relevant Union Law

Implementing Regulation (EU) 2017/373

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.4. Amendments 44, 37, 23 respectively to Parts I, II and III of Annex 6 on Operations of Aircraft (agenda items 18, 19 and 20)

### 2.4.1. Description

Amendment 44 to Annex 6 Part I relates to aerodrome operating minima, continuous descent final approach, CAT III, Article 83 bis, flight recorders, conflict zones, cargo compartment, ground proximity warning system (GPWS), and life jackets. Amendment 37 to Annex 6 Part II and Amendment 23 to Annex 6 Part III relate to aerodrome operating minima, continuous descent final approach, CAT III, Article 83 bis, and flight recorders.

### 2.4.2. Relevant Union Law

Commission Regulation (EU) No 965/2012[9].

### 2.4.3. Union Position

The position to be taken on behalf of the Union is to support the proposed Amendment.

It is suggested however to eliminate the obligation introduced for the air operator to carry certified true copies of the Article 83bis agreement in an aircraft subject to such an agreement.

[9] 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).

There is no safety benefit from that requirement, and the information may be made available using other means, e.g. an ICAO repository, or by creating the obligation for contracting States entering such agreements to publish them on their website.

Should these suggestions not be taken onboard the amendment should nevertheless be supported, given its overall merit.

## 2.5. **Amendment 92 to Annex 10 on Aeronautical Telecommunications, Volume I and Volume II (agenda items 21 and 22)**

### 2.5.1. Description

Volume I: The Amendment proposed relates to global navigation satellite system (GNSS) and conventional navigation aids arising from the fourth and fifth meetings of the Navigation Systems Panel (NSP/4 and 5). The Amendment proposed addresses: (a) instrument landing system (ILS) facility performance categories; (b) provision of information on the operational status of radio navigation services; (c) update of satellite-based augmentation system (SBAS) provisions to introduce new SBAS service providers, a new Coordinated Universal Time (UTC) standard identifier, and Global Positioning System (GPS) issue of data (IOD) monitoring requirements; (d) provisions to ensure compatibility of the ground-based augmentation system (GBAS) very high frequency (VHF) data broadcast (VDB) with ILS and VHF omnidirectional radio range (VOR); (e) clarifications and corrections to GBAS provisions; and (f) additional guidance on GNSS integrity alert limits.

Volume II: The proposal is related to ICAO information meteorological exchange model (IWXXM), aeronautical fixed telecommunication network (AFTN), and aeronautical fixed service (AFS).

Details are set out in points 2.5.3 to 2.5.9.

### 2.5.2. Relevant Union Law

Implementing Regulation (EU) 2017/373

### 2.5.3. Amendment concerning instrument landing system (ILS) facility performance categories (Volume I)

The Amendment concerning ILS facility performance categories includes four groups of changes:

(1) changes related to the removal of the direct mapping between ILS facility performance category (FPC) and category of instrument approach operations. Those changes are intended to reflect the recent evolution of the operational definitions in Annex 6 — Operation of Aircraft to the Chicago Convention and in the Manual of All-Weather Operations (Doc 9365) which present several discrepancies with the current provisions of Annex 10 to the Chicago Convention;

(2) changes related to the extension of the Facility Performance Category I (FPC I) definition down to 30 m (100 ft) above the threshold. Those changes are intended to remove an inconsistency between the lower coverage limit used in the definition of FPC I and the

corresponding limit used in most of the Standards and Recommended Practices (SARPs) for FPC I;

(3) changes related to the introduction of an enhanced ILS classification scheme. Those changes are intended to enable optimisation of the use of the ILS facility in case of known better-than-standard performance;

(4) changes related to the ILS localiser 'interlock' function. Those changes are intended to remove some unnecessary operational restrictions induced by the current provisions related to that function.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.4. Amendment concerning provision of information on the operational status of radio navigation services (Volume I)

That Amendment is intended to address potential difficulties of implementation or interpretation, or both, of the existing Standard (Annex 10, Volume I, 2.3) on provision of information on the operational status of radio navigation services.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.5. Amendment concerning update of satellite-based augmentation system (SBAS) provisions to introduce new SBAS service providers, a new Coordinated Universal Time (UTC) standard identifier, and GPS issue of data (IOD) monitoring requirements (Volume I)

That Amendment is intended to reflect the ongoing development of four new SBASs by Australia and New Zealand, China, the Republic of Korea, and the Agency for Air Navigation Safety in Africa and Madagascar (ASECNA), and to provide a new mechanism to protect SBAS users in case of anomalies in the issue of data, clock (IODC)/issue of date, ephemeris (IODE) data transmitted in the GPS navigation message.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.6. Amendment concerning compatibility of ground-based augmentation system (GBAS) very high frequency (VHF) data broadcast (VDB) with ILS and VHF omnidirectional radio range (VOR) (Volume I)

That Amendment is intended to establish full compatibility of GBAS very high frequency (VHF) data broadcast (VDB) with ILS localizers and VOR which share the frequency band of operation with GBAS, and to support implementation of GBAS by facilitating the coordination of frequency assignments between GBAS, ILS and VOR.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.7. Amendment concerning clarifications and corrections to GBAS provisions (Volume I)

That Amendment includes a number of editorial clarifications and corrections to the GBAS provisions.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.8. Amendment concerning additional guidance on GNSS integrity alert limits (Volume I)

That Amendment is intended to provide additional guidance with regard to the interpretation and application of the vertical alert limit (VAL) for GNSS Category I approach.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.5.9. Consequential amendment concerning the aeronautical fixed service (AFS) (Volume II)

The Amendment to Annex 10 to the Chicago Convention – Aeronautical Telecommunications, Volume II – Communication Procedures including those with PANS status contains additional text to explicitly support the carriage of meteorological messages via the air traffic services (ATS) message handling system (AMHS).

That requirement is entailed by Amendment 79 to Annex 3 to the Chicago Convention and consequential Amendment 9 to the Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444). The AMHS is the preferred means to carry the message traffic generated by Amendment 79 to Annex 3, as some aeronautical fixed telecommunications network (AFTN) installations may not be able to do so.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.6. **Amendment 52 to Annex 11 on Air Traffic Services (agenda item 23)**

2.6.1. Description

The Amendments proposed concern contingency planning in respect of conflict zones. They are inspired by safety recommendations made by the Dutch Safety Board (DSB) in the wake of Malaysian Airlines Flight 17 (MH17) and by recommendations of the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ) (C-DEC 203/1). The proposal also concerns amendments in form of a new provision on read-back by drivers of operational vehicles.

Details are set out in points 2.6.3 and 2.6.4.

2.6.2. Relevant Union Law

Regulation (EU) 2018/1139

2.6.3. Amendment concerning contingency planning in relation to conflict zones

Having regard to some of the safety recommendations made by the Dutch Safety Board (DSB) after their investigation of the MH17 accident, proposals were developed in relation to contingency planning concerning conflict zones. In this respect, action was initiated by ICAO to review relevant ICAO provisions, which included amendments to Annex 11 to the Chicago Convention on Air Traffic Services. The Amendment proposed here aims at improving the safety risk assessment conducted when activities potentially hazardous to civil aviation take place.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.6.4. New provision on read-back by drivers of operational vehicles

A proposal was developed by the PANS-Aerodrome Study Group (PASG) to introduce eight new chapters to the Procedures for Air Navigation Services (PANS) - Aerodromes (Doc. 9981) which cover training of aerodrome operations personnel; inspections of the movement area; work in progress (WIP) on the airside; foreign object debris (FOD); wildlife management; apron safety; runway safety; and aerodrome driver permit scheme and vehicle/equipment safety requirements. In view of that proposal, a new provision of Annex 11 to the Chicago Convention on read-back by drivers of operational vehicles has been drafted. So far Annex 11 contains no requirements for controllers to read back the clearance that they give to vehicle drivers and for the vehicle drivers to repeat clearance.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.7. Amendment 18 to Annex 13 on Aircraft Accident Investigation (agenda item 24)

2.7.1. Description

The proposal is aimed at defining the terms 'safety recommendation of global concern' and 'ground-based recordings for investigations'.

2.7.2. Relevant Union Law

Regulation (EU) No 996/2010 of the European Parliament and of the Council[10].

The position to be taken on behalf of the Union is to 'agree with comments' and to propose the following revised text: '*Safety recommendation of global concern (SRGC).* A safety recommendation regarding a systemic deficiency having a probability of recurrence with significant consequences at global level, and requiring timely ~~action to improve~~ consideration of appropriate safety actions'.

That rewording should clarify the non-mandatory nature of 'safety recommendations'.

## 2.8. Amendment 15 and 9 to Annex 14 on Aerodromes, Volume I and Volume II (agenda items 25 and 26)

2.8.1. Description

Volume I: The proposal relates to aerodrome design and operations and visual aids for navigation.

[10] Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35).

Volume II: The Amendment proposed concerns modifications of aerodrome design and operation specifications stemming from the third meeting of the Aerodrome Design and Operations Panel (ADOP/3) and eighth meeting of the PANS-Aerodromes Study Group (PASG/8).

Details are set out in points 2.8.3 and 2.8.4.

2.8.2. Relevant Union Law

Volume I: Commission Regulation (EU) No 139/2014[11] and Implementing Regulation (EU) 2017/373

Volume II: Regulation (EU) No 139/2014

2.8.3. Amendment to aerodrome design and operations and visual aids for navigation

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

2.8.4. Amendment concerning modifications of aerodrome design and operation specifications

The proposal introduces extensive amendments related to heliport physical characteristics, visual aids, and rescue and firefighting. It also includes modifications of several associated definitions and references to mature supporting guidance material to be included in the updated Heliport Manual (Doc 9261).

It has to be noted however, that the deletion of certain standards in Chapter 5 of Annex 14 Vol II to the Chicago Convention and the defining of the services of rescue and firefighting may create certain difficulties for the Union. Those changes would make it necessary to repeal relevant EASA Certification Specifications which, so far, have led to harmonised implementation. Concerning the rescue and firefighting provisions, the new rules proposed would stand in the way of harmonised implementation as their application requires individual heliport safety assessments.

Nevertheless, in view of the other extensive changes, which are all supported given their safety benefits, the position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.9. Amendment 41 to Annex 15 on Aeronautical Information Services (agenda item 27)

2.9.1. Description

The Amendment proposed concerns contingency planning related to conflict zones.

Details are set out in point 2.9.3.

2.9.2. Relevant Union Law:

Regulation (EU) 2018/1139

[11] 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).

2.9.3. Amendment required due to issues of contingency planning regarding conflict zones

In view of two of the safety recommendations addressed to ICAO in the Dutch Safety Board Final Report on the accident of Malaysia Airlines Flight 17 (MH17), an amendment in form of a standard to be added to Annex 15 to the Chicago Convention has been proposed by the Air Navigation Commission to the ICAO Coucil.. The Dutch Safety Board recommended that ICAO 'incorporate in Standards that States dealing with an armed conflict in their territory shall at an early stage publish information that is as specific as possible regarding the nature and extent of threats of that conflict and its consequences for civil aviation […]'. The proposed amendment aims to improve the information on the hazardous activities to civil aviation promulgated through Notice to Airmen (NOTAM), also addressing the specific case of conflict zones. The increased detail will support the assessment by operators of the risks associated with the conflict zone.

The Amendment, if adopted, would improve the assessment and publication of information regarding the nature and extent of threats of conflicts and their consequences for civil aviation, which is the subject matter of point (b) Article 88(3) of Regulation (EU) 2018/1139. That article empowers the European Union Aviation Safety Agency to disseminate relevant information and recommend corrective actions to be taken by the national competent authorities or natural and legal persons subject to that Regulation, in the case of risks to civil aviation arising from conflict zones. The Amendment in combination with the relevant ICAO guidance material related to conflict zones would greatly facilitate the accuracy and completeness of any action at Union level that should reach all Union operators associated with the conflict zone.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.

## 2.10. Amendments 13, 10 and 1 to Annex 16 on Environmental Protection, respectively to Volume I, II and III (agenda items 28, 29 and 30)

2.10.1. Description

The proposal relates to aircraft noise.

Details are set out in point 2.10.3.

2.10.2. Relevant Union law

Regulation (EU) 2018/1139

2.10.3. Improvement of international standards around noise and gas emissions.

The Amendments presented are the results of work done by the Committee on Aviation and Environmental Protection (CAEP) during its last triennial.

Their elaboration has been favourably judged by the Union, in a number of successive positions taken during the technical work at ICAO level. Reference is made to the positions adopted the Council in respect of State Letters 19/42, 19/43, 19/44.

Concerning the adoption of Amendment 13 to Annex 16, Volume I, it contains corrections in respect of general technical, nomenclature and typographical issues. It is also aimed at

revising definitions using the word “abeam”, a definition for “reference ground track”, the specified tolerance for slow exponential time averaging to better characterize actual exponential time response with a one-second time constant. It finally contains revisions related to the proper use of modal verbs “must”, “shall” and “should”.

Concerning Amendment 10 to Annex 16, Volume II, it reflects the recent approval by the ICAO CAEP (at the eleventh meeting, held in February 2019) of non-volatile Particulate Matter (nvPM) mass and number standards. The development of that new standard marks the completion of the final component of aircraft environmental certification, closing the full circle on noise, local air quality and CO2 standards for subsonic aeroplanes.

The new standard will apply to new type and in-production engines with rated thrust greater than 26.7kN from 1 January 2023. The limit lines for nvPM mass and number provide some alleviation for engines with rated thrusts below 150kN.

Concerning Amendment 1 to Annex 16, Volume III, the proposals concern the introduction of the definition for “type design” and various definition improvements; clarification on the applicability of standards for CO2-certified derived versions of non-CO2-certified aeroplanes; clarification of the authority in charge of issuing exemptions and of the exemption recording process; in the reference conditions section, deletion of superfluous text and correction of minor typographical issues.

The position to be taken on behalf of the Union is to support the Amendments, which are in line with Regulation (EU) 2018/1139.

## 2.11. Amendment 13 to Annex 18 on the Safe Transport of Dangerous Goods by Air (agenda item 31)

### 2.11.1. Description

The proposal relates to terminology and segregation provisions for toxic and infectious substances.

### 2.11.2. Relevant Union Law

Point CAT.GEN.MPA.200 of Annex IV to Regulation (EU) No 965/2012, the essence of which is to note that ‘…the transport of dangerous goods by air shall be conducted in accordance with Annex 18 to the Chicago Convention’.

The position to be taken on behalf of the Union is to support the proposed Amendment in its entirety.