

Title:	<p>Opinion and Instruction Document</p> <p>Introduction of enhanced global reporting format (“GRF”) for reporting runway surface conditions and new aeronautical data quality requirements for aerodrome operators</p>
Package Number	0032(b) (2148 Aeronautical Data Quality/Global Reporting Format)
Headline Purpose:	To ensure the Aeronautical Data Quality (“ADQ”) and Global Reporting Format (“GRF”) requirements set out in Commission Delegated Regulation (EU) 2020/2148 of 8 October 2020 (“ CDR (EU) 2020/2148 ”) for aerodromes are introduced into Commission Regulation (EU) 139/2014 as retained (and amended in domestic law) under the European Withdrawal Act 2018 (“ UK Reg (EU) No. 139/2014 ”) as soon as possible in order to comply with relevant ICAO requirements.
Proposed action:	To introduce into UK law those parts of the Implementing Rules included in CDR (EU) 2020/2148 which the CAA considers necessary.

Objective

ADQ

It is the CAA’s opinion that the ADQ requirements set out in [CDR \(EU\) 2020/2148](#) should be introduced into UK law to ensure that aerodrome operators perform their data activities at the required quality level to support the intended use of the data. The data quality requirements are currently included in Regulation (EU) No 73/2010 as retained (and amended in domestic law) under the European Withdrawal Act 2018 (“[UK \(EU\) Reg No. 73/2010](#)”) (known as the ADQ Regulation) but this regulation is to be revoked as set out in the related Opinion and Instruction Document (“OID”) 0032(a) (469 Aeronautical Information). Although the principles which underpin it remain relevant, [UK \(EU\) Reg No. 73/2010](#) is now out of date. It is the CAA’s opinion that [UK \(EU\) Reg No. 73/2010](#) should be revoked and replaced with an updated approach to ensuring that aerodrome operators meet their obligations. However, this new approach will still embody the principles upon which [UK \(EU\) Reg No. 73/2010](#) rested.

GRF

The GRF is a unique reporting system that impacts on all domains within aviation. It is a system that standardises the reporting of the condition of a contaminated runway. It is the CAA’s opinion that the GRF should be introduced in order to: (i) ensure that the UK complies with the relevant ICAO Standards And Recommended Practices (“SARPs”) in accordance with its international obligations; and (ii) to ensure that flight crews are provided with the necessary information in the correct form in relation to runway condition to be able to effect a safe landing.

Background

ADQ

The proposed rules on aeronautical data and aeronautical information will provide a clear regulatory framework for aerodrome operators by introducing into [UK Reg \(EU\) No. 139/2014](#) the latest proposed amendment to ICAO Annex 15 ‘Aeronautical Information Services’ as well as the new Procedures for Air Navigation Services — Aeronautical Information Management (“PANS-AIM”).

At the same time, the CAA has proposed a separate OID 0032(a) (469 Aeronautical Information) in respect of the changes set out in Commission Implementing Regulation (EU) 2020/469 (“[CIR \(EU\) 2020/469](#)”), amending Regulation (EU) No. 2017/373 as retained (and amended in domestic law) under the European Withdrawal Act 2018 (“[UK \(EU\) Reg 2017/373](#)”) to introduce equivalent rules for Air Traffic Management/Air Navigation Services (“ATM”/“ANS”) providers and other parties providing Instrument Flight Rules (“IFR”) data, and revoking [UK \(EU\) Reg No. 73/2010](#) on the quality of aeronautical data

and aeronautical information for the Single European Sky (“SES”). As set out above, [UK \(EU\) Reg No. 73/2010](#) is out of date, and the CAA does not consider it appropriate to maintain two different regulations with overlapping requirements.

GRF

ICAO’s new GRF system is intended to associate aeroplane performance calculations with the actual runway surface conditions in order to mitigate the risk of runway excursions during landing and take-off operations on wet and contaminated runway surfaces.

In this context, relevant provisions were introduced into ICAO Annex 6, Annex 8 and Annex 14, and, consequently, ICAO Annex 3, PANS-Aerodromes (ICAO Doc 9981), PANS-AIM (ICAO Doc 10066) and PANS-ATM (ICAO Doc 4444) were also amended. Due to the COVID-19 pandemic, ICAO postponed the implementation date from 5 November 2020 to 4 November 2021.

It is the CAA’s opinion that the UK should now introduce these requirements into UK law in accordance with its obligations as an ICAO contracting state.

It should be noted that the CAA does not intend to introduce several of the Implementing Rules contained in [CDR \(EU\) 2020/2148](#) (identified more fully below) as the requirement already exists pursuant to [UK Reg \(EU\) No. 139/2014](#) and its associated Acceptable Means of Compliance (“AMC”) and Guidance Material (“GM”).

What legal powers are being used to achieve the change?

Article 39(1)(a) of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (“[the UK Basic Regulation](#)”).

Consequence of not making these legislative changes

As a Contracting State to ICAO, the UK adopts into its national law the SARPs produced by ICAO. Should any State not implement the GRF requirements at the required time, operators would not understand the meaning of the Runway Condition Code and what they should be doing to ensure a standardised response. This would have an immediate impact on airlines flying into UK. Flight crews would expect the runway surface condition to be transmitted in a form they understand and can act upon to ensure the aircraft completes a safe landing.

The UK has had a significant role in developing the GRF. Some States have decided to implement the requirements prior to the ICAO implementation date, therefore publication of the proposed requirements in the UK would not be unexpected.

Furthermore, if legislative changes related to aeronautical data quality were not made, the UK would be misaligned with the other ICAO Contracting States and would be required to file a difference with ICAO that would lead to reputational and practical implications.

The UK would also miss the opportunity to tailor data quality requirements to stakeholders’ needs (in this case aerodrome operators and parties acting on behalf of the aerodrome operators) and apply a level of flexibility in the form of AMC/GM which the current law (in the form of [UK \(EU\) Reg No. 73/2010](#)) cannot offer.

Affected Law (and, if applicable, UK AMC)

What is the existing UK legal framework which is relevant here?	UK Reg (EU) No. 139/2014
Identify the law that the CAA proposes be changed	To amend UK Reg (EU) No. 139/2014 in accordance with the amendments set out in CDR (EU) 2020/2148 to the extent considered appropriate by the CAA.
Are any consequential amendments needed to other pieces of law?	As set out above, the CAA has proposed related amendments to UK (EU) Reg 2017/373 which are covered in a separate OID 0032(a) (469 Aeronautical Information) relating to CIR (EU) 2020/469 .

<p>If the change proposed is to retained EU Implementing Rules made under the UK Basic Regulation is there any UK Acceptable means of compliance (“AMC”), Guidance Material (“GM”) or Certification Specification (“CS”) that will be changed/newly adopted as a consequence?</p>	<p>Yes. EASA has produced AMC/GM under Decision 2021/003/R. The CAA will review this AMC/GM and introduce such UK AMC/GM as may be considered relevant and appropriate.</p>
<p>Is this proposal related to changes the EU have made that are not retained EU law (e.g. EU law that was published but not in force and so did not come across under the terms of the Withdrawal Act), or EU law changes since End of Transition?</p>	<p>Yes. The implementing rules in CDR (EU) 2020/2148 were published in the Official Journal of the European Union on 18 December 2020 and did not come in to force until the twentieth day after publication. Therefore, they did not come across under the terms of the Withdrawal Act.</p>
<p>Is there an EU Notice of Proposed Amendment considering the same issue?</p>	<p>Yes. EASA issued Notices of Proposed Amendment (NPA 2016-02 and NPA 2018-14) as part of the rule making process leading to the subsequent introduction of CDR (EU) 2020/2148. Throughout the rule development process, the CAA’s opinion was broadly that the proposed changes should be made (with some exceptions relating to AMC/GM which are reflected in this OID). There has been no material change in circumstances since the issue of the NPA and no change in the CAA’s opinion.</p>
<p>Does this proposal relate to an international treaty obligation (e.g. an ICAO SARP)?</p>	<p>Yes. All requirements are aligned with the ICAO SARPs in Annex 14 supported by PANS-Aerodromes and Annex 15 supported by PANS-AIM.</p>
<p>Is a consultation required?</p>	<p>The UK took an active part in the EASA Rule Making Task for GRF and aeronautical information which delivered those provisions. An Opinion (No. 03/2019) was published by EASA in 2019.</p> <p>The relevant requirements have been subjected to ICAO State consultation and EU consultation.</p> <p>In the case of aeronautical data quality requirements, these consultations have allowed UK to input comments, which were addressed, resulting in the following documents: NPA 2016-02, CRD 2016-02 and Opinion 03/2019.</p> <p>In the case of the Global Reporting Format, the UK has fully supported the proposed requirements, first published in NPA 2018-14 on 17 December 2018.</p> <p>The amendments now proposed are materially the same as the amendments adopted into EU law. The CAA does not consider that there has been any material change in circumstances since the date of the EASA consultation.</p> <p>As the EASA consultation meets the requirement for consultation under Article 115 of the UK Basic Regulation for the purpose of these proposed</p>

	amendments, there is no requirement to carry out an additional consultation.
Is an Impact Assessment under the Better Regulation Framework necessary?	No. EASA carried out an Impact Assessment as part of the NPA prior to publishing its opinion and prior to the adoption of the new EU law. The CAA does not consider that there has been any material change in circumstances since the date of the EASA Impact Assessment.
When is it intended that these provisions should be brought into force?	The aeronautical data quality related provisions should come into force on 27 January 2022. The Global Reporting Format requirements should come in to force as soon as possible after the SI is laid.
Has an SI "slot" been agreed with the Department for Transport?	October 2021
Will there be any criminal offences?	The Department for Transport is looking for the earliest parliamentary opportunity to grant the Secretary of State the power to make breach of requirements to retained EU aviation safety law an offence. It is therefore anticipated that offences will be created once such powers are available.
If so, is a Justice Impact Test required?	Once the power to impose criminal sanctions has been granted, the question of a Justice Impact Test will be considered by the CAA in collaboration with the Department for Transport.
What is the intended extent of the provision?	The UK.
Are there any devolved issues?	No
Are any transitional provisions needed? If so, what are they?	No

Suggested Changes to existing wording of Law

As set out above, the substance of the amendments detailed below have already been the subject of consultation. These proposals are therefore published for information purposes only. It should be noted that the amendments set out in this section constitute the CAA's initial opinion on possible amendments to the relevant legislation. While it is anticipated that any amendments ultimately enacted will broadly reflect the CAA's proposals, all amendments to legislation are subject to an iterative legislation drafting process by Government. The proposals set out below may therefore not be the final wording in the UK law.

In the CAA's opinion, amendments to [UK Reg \(EU\) No. 139/2014](#) should be made which reflect the following provisions of [CDR \(EU\) 2020/2148](#):

- ADR.OR.D.007 Management of aeronautical data and aeronautical information
- ADR.OPS.A.010 Data quality requirements
- ADR.OPS.A.020 Common reference systems
- ADR.OPS.A.025 Data error detection and authentication
- ADR.OPS.A.030 Aeronautical data catalogue
- ADR.OPS.A.035 Data validation and verification

- ADR.OPS.A.040 Error handling requirements
- ADR.OPS.A.045 Metadata
- ADR.OPS.A.050 Data transmission
- ADR.OPS.A.055 Tools and software
- ADR.OPS.A.057 Origination of NOTAM
- ADR.OPS.A.060 Reporting of surface contaminants
- ADR.OPS.A.065 Reporting of the runway surface condition
- ADR.OPS.B.037 Assessment of runway surface condition and assignment of runway condition code

In addition, the CAA considers that the following changes should be made to the original wording of the amendments set out in [CDR \(EU\) 2020/2148](#) to amend [UK Reg \(EU\) No. 139/2014](#):

- Appendix 1 & 2 to section ADR.OPS.A should refer to the ICAO Formats;
- ADR.OPS.A.030 Aeronautical data catalogue should refer directly to the ICAO Appendix, rather than Appendix 1 to Annex III (Part-ATM/ANS.OR) to Commission Implementing Regulation (EU) 2017/373.
- The old form “notice to airmen”, should not be included in the proposed amendment. ICAO uses NOTAM as a noun, rather than an abbreviation, and the current ICAO definition of NOTAM doesn’t include the old form “notice to airmen”. It is the CAA’s opinion that ICAO’s definition (set out below) should be adopted as it omits outdated gender-restrictive terminology:

NOTAM. *A notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.*

In the CAA’s opinion, the following provisions of [CDR \(EU\) 2020/2148](#) should **not be introduced** into UK Law, on the grounds that the material is already included as Acceptable Means of Compliance under [UK Reg \(EU\) No. 139/2014](#).

- ADR.OR.D.017 Training and proficiency check programmes
- ADR.OPS.B.016 Foreign object debris control programme
- ADR.OPS.B.024 Authorisation of vehicle drivers
- ADR.OPS.B.026 Authorisation of vehicles
- ADR.OPS.B.027 Operation of vehicles
- ADR.OPS.B.028 Aircraft towing
- ADR.OPS.B.029 Language proficiency
- ADR.OPS.B.030 Surface movement guidance and control system
- ADR.OPS.B.031 Communications
- ADR.OPS.B.033 Control of pedestrians
- ADR.OPS.B.036 Operations on specially prepared winter runways
- ADR.OPS.B.080 Marking and lighting of vehicles and other mobile objects
- ADR.OPS.C.005 Maintenance – General
- ADR.OPS.C.007 Maintenance of vehicles

- ADR.OPS.C.010 Maintenance of pavements, other ground surfaces and drainage
- ADR.OPS.C.015 Maintenance of visual aids and electrical systems