

Title:	<b>Opinion and Instruction Document</b>
Package Number	<b>0008</b>
Headline Purpose:	To ensure the requirements for all-weather operations are introduced into UK Regulation (EU) No 139/2014 in order to comply with relevant ICAO requirements.
Proposed action:	To introduce into UK Reg (EU) No. 139/2014 amendments necessary to enable all-weather operations in the UK.

### Objective

In order to align the provisions of the Aerodromes Regulation with Annexes 6 and 14 to the Convention on International Civil Aviation and Doc 9365 of the International Civil Aviation Organization ('ICAO') it is necessary to lay down rules on the implementation of all-weather operations at aerodromes, by ensuring the availability of the appropriate visual and non-visual aids as well as other aerodrome equipment, the availability of the required information, and the implementation of appropriate procedures.

The CAA is therefore proposing to introduce regulatory requirements necessary to:

- Ensure the availability of aerodrome infrastructure (including meteorological equipment), information and procedures to support All Weather Operations (AWO); and
- Allow for the use of enhanced flight vision systems (EFVS) to the maximum extent possible.

### Background

The CAA considers it desirable to provide greater clarity regarding the administrative procedures related to aerodromes, including provisions addressing the surface movement guidance and control system and low-visibility operations at aerodromes.

To align with Annexes 6 and 14 to the Convention on International Civil Aviation and Doc 9365 of the International Civil Aviation Organization ('ICAO') it is necessary to enable all-weather operations at aerodromes, by ensuring the availability of the appropriate visual and non-visual aids as well as other aerodrome equipment, the availability of the required information, and the implementation of appropriate procedures.

The CAA suggests that Annex I (Definitions) to UK Reg (EU) No. 139/2014 be amended with regard to the definitions of decision altitude, instrument runway, low visibility operations, low visibility procedures, low visibility take-off, operation with operational credits and Type B instrument approach operation.

Annex III (Part-ADR.OR) to UK Reg (EU) No. 139/2014 details organisation requirements for aerodrome operators. That Annex has become outdated as regards the regulatory framework regarding visual and non-visual aids, notably as regards meteorological equipment. The CAA proposes that this Annex be amended to include specific requirements as regards the availability and maintenance of visual and non-visual aids and any other equipment necessary to support all-weather operations.

Annex IV (Part-ADR.OPS) to UK Reg (EU) No. 139/2014 details requirements for the operation of aerodromes. The CAA proposes that this Annex be amended to include specific operational procedures applicable to the aerodrome operator that address the surface movement guidance and control system and low-visibility operations at aerodromes.

It is the CAA's opinion that the introduction of these requirements into UK law would ensure that the UK is acting in accordance with its obligations as an ICAO contracting state.

**What legal powers are being used to achieve the change?**

Article 39(1)(a) of UK Regulation (EU) 2018/1139 ("the UK Basic Regulation").

**Further considerations**

If these legislative changes were not made, the UK industry would be disadvantaged with respect to 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 Reg (EU) 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	Annexes I, III and IV of UK Reg (EU) No. 139/2014
Are any consequential amendments needed to other pieces of law?	Yes  UK Regulation (EU) No 1178/2011 (Aircrew) and UK Regulation (EU) No 965/2012 (Air Operations)  The consequential changes proposed to these two regulations are set out in separate OIDs, and all three OIDs should be read together to understand the full extent of the legislative change required.  No consequential changes are required to the ANO (unless amendments are needed to Schedule 13 to remove otiose criminal sanctions).
If the change proposed is to retained EU Implementing Rules made under the UK Basic Regulation is there any UK Acceptable means of compliance (" <b>AMC</b> "), Guidance Material (" <b>GM</b> ") or Certification Specification (" <b>CS</b> ") that will be changed/newly adopted as a consequence?	Yes. AMC and GM will be required to support the regulation changes and will be developed accordingly
Does this proposal relate to an international treaty obligation (e.g. an ICAO SARP)?	Not yet advised by ICAO.
Is a consultation required?	Yes. The content of the package was initially consulted on during UK membership of EASA. However, as a period of time has since passed, a further consultation was conducted.
Is an Impact Assessment under the Better Regulation Framework necessary?	<b>Impact Assessments have been prepared by the CAA and DfT, and can be found here: <a href="#">The</a></b>

	<a href="#">Aviation Safety (Amendment) Regulations 2024</a>
When is it intended that these provisions should be brought into force?	12 months from the date the SI is laid.
Has an SI "slot" been identified?	November 2024
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.

The CAA proposes that the following amendments be made to UK Reg (EU) No. 139/2014

#### Annex I Definitions

(5) 'Special authorisation category I (SA CAT I) operation' means a CAT I approach operation with a decision height not lower than 45 m (150 ft) and an RVR not less than 400 m and requires special authorisation.

(16a) 'decision altitude' ('DA') or 'decision height' ('DH') means a specified altitude or height in a 3D instrument approach operation at which a missed approach procedure must be initiated if the required visual reference to continue the approach has not been established;

(22) 'Instrument runway' means one of the following types of runways intended for the operation of aircraft using instrument approach procedures:

1.

'non-precision approach runway': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type A instrument approach operation; and

visibility not less than 1000 m.

2.

'precision approach runway, category I': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type B CAT I instrument approach operation; with a decision height (DH) not lower than 60 m (200ft) and either a visibility not less than 800 m or a runway visual range of not less than 550 m.

3.

'precision approach runway, category II' : a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type B CAT II instrument approach operation; with a decision height (DH) lower than 60 m (200 ft) but not lower than 30 m (100 ft) and a runway visual range of not less than 300 m.

4.

'precision approach runway, category III': a runway served by visual aids and at least one non- visual aid, intended for landing operations following a type B CAT III A, ~~III B or III C~~ instrument approach operation ~~to and along the surface of the runway; and~~ with a decision (DH) lower than 30 m (100ft ) or no decision height and a runway visual range less than 300 m, or no runway visual range limitations.

~~A — intended for operations with a decision height (DH) lower than 30 m (100 ft), or no decision height and a runway visual range (RVR) not less than 175 m; or~~

~~B — intended for operations with a decision height (DH) lower than 15 m (50 ft), or no decision height and a runway visual range (RVR) less than 175 m but not less than 50 m; or~~

~~C — intended for operations with no decision height (DH) and no runway visual range (RVR) limitations~~

~~(25) 'low visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III approaches and low visibility take-offs; low-visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safety during low-visibility operations;~~

~~(25a) 'low-visibility operations (LVOs)' means approach or take-off operations on a runway with a runway visual range less than 550 m or a decision height less than 200 ft;'~~

~~(26) 'low visibility take-off (LVTO)' means a take-off with a runway visual range (RVR) lower than 400 m but not less than 75 m' 'low-visibility take-off (LVTO)' means a take-off with a runway visual range less than 550 m~~

~~(27) 'lower than Standard Category I operation' means a Category I instrument approach and landing operation using Category I decision height (DH), with a runway visual range (RVR) lower than would normally be associated with the applicable decision height (DH) but not lower than 400 m.~~

~~(35) 'other than Standard Category II operation' means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach Category II light system are not available, and with: — decision height (DH) below 200 ft but not lower than 100 ft; and — runway visual range (RVR) of not less than 350 m;~~

(47b) 'type B instrument approach operation' means an instrument approach operation with a decision height below 75 m (250 ft). Type B instrument approach operations are categorised as follows:

1. Category I (CAT I): a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;
2. Category II (CAT II): a decision height lower than 60 m (200 ft), but not lower than 30 m (100 ft) and a runway visual range not less than 300 m;
3. Category IIIA (CAT IIIA): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range not less than 175 m;
4. Category IIIB (CAT IIIB): a decision height lower than 15 m (50 ft) or no decision height and a runway visual range less than 175 m, but not less than 50 m;
5. Category IIIC (CAT IIIC): no decision height and no runway visual range limitation;

1. Type B instrument approach operation' means an instrument approach operation with a decision height below 75 m (250 ft) categorised as follows:
2. Category I (CAT I): a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;
3. Category II (CAT II): a decision height lower than 60 m (200 ft), but not lower than 30 m (100 ft) and a runway visual range not less than 300 m;
4. Category III (CAT III): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range less than 300 m or no runway visual range limitations.”;

### **Annex III ADR.OR.C.005**

- (a) The aerodrome operator is responsible for the safe operation and maintenance of the aerodrome in accordance with:
  - (1) Regulation (EC) No 216/2008 and its Implementing Rules;
  - (2) the terms of its certificate;
  - (3) the content of the aerodrome manual; and
  - (4) any other manuals for the aerodrome equipment available at the aerodrome, as applicable.
- (b) The aerodrome operator shall ensure directly, or coordinate through arrangements as required with the accountable entities providing the following services:
  - (1) the provision of air navigation services appropriate to the level of traffic and the operating conditions at the aerodrome; and
  - (2) the design and maintenance of the flight procedures, in accordance with the applicable requirements.

- (c) The aerodrome operator shall coordinate with the [CAA] to ensure that relevant information for the safety of aircraft is contained in the aerodrome manual and is published where appropriate. This shall include:
  - (1) exemptions or derogations granted from the applicable requirements;
  - (2) provisions for which an equivalent level of safety was accepted by the [CAA] 1 as part of the certification basis; and
  - (3) special conditions and limitations with regard to the use of the aerodrome.
- (d) If an unsafe condition develops at the aerodrome, the aerodrome operator shall, without undue delay, take all necessary measures to ensure that those parts of the aerodrome found to endanger safety are not used by aircraft.
- (e) The aerodrome operator, in order to ensure the safe operation of aircraft at the aerodrome, shall provide and maintain, directly or through arrangements with third parties, visual and non-visual aids, meteorological equipment and any other equipment, commensurate with the type of operations conducted at the aerodrome.

#### **Annex IV ADR.OPS.B.045**

~~(a) The aerodrome operator shall ensure that means and procedures are established and implemented for providing safe conditions for aerodrome operations in low visibility conditions.~~

~~(b) Low visibility procedures shall require prior approval by the [CAA]<sup>1</sup>.~~

(a) The aerodrome operator shall ensure that the aerodrome is provided with appropriate aerodrome equipment and facilities, and that appropriate low-visibility procedures are established and implemented where it is intended to be used for any of the following operations:

(1) low-visibility take-offs;

(2) approach and landing operations with visibility conditions less than 550 m RVR or DH less than 200 ft (60 m);

The low-visibility procedures shall coordinate the movement of aircraft and vehicles and shall restrict or prohibit activities on the movement area.

(b) The aerodrome operator shall establish and implement the low-visibility procedures in cooperation with the air traffic services provider. The low-visibility procedures shall include criteria for their preparation, initiation and termination. The criteria shall be based on RVR and cloud ceiling values.

(c) The aerodrome operator shall inform the aeronautical information services provider and air traffic services provider, as appropriate, of any change on the status of the aerodrome equipment and facilities that have an impact on low-visibility operations.

d) The aerodrome operator shall provide information on low-visibility procedures to the aeronautical information services provider, for publication in the AIP.

(e) Low-visibility procedures, and any changes thereto, shall require prior approval by the CAA.