

ROMANIAN AERONAUTICAL METEOROLOGY APPLICABLE LEGAL FRAMEWORK –BRIEFING

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Abstract

The purpose of this briefing is to provide an overview of the aeronautical meteorology legal framework in Romania. In this context, the role and importance of aeronautical meteorology in international air traffic management will be underlined, with focus on the civil aviation activity in Romania. The international legal framework and modalities of implementing these rules at national level will constitute a significant part of the present study. Specific accent will be put on the national regulatory framework and structure, means of updating it, and how it responds to changing regulatory requirements.

Keywords: *aeronautical meteorology, international regulations, national regulations, implementation, SARPs.*

1. Introduction

The legal regime of the airspace of Romania and the civil aviation activity are being governed by a series of laws, both at national and international level. The framework is established by the Civil Aviation Code², approved by Government Ordinance no. 29/1997, republished, modified and supplemented, by internal legal acts in the field. An important role in regulating civil aviation in the territory of Romania is the being played by the Community legislation in conjunction with the Convention on International Civil Aviation signed in Chicago on December 7, 1944 (hereinafter referred to as the Chicago Convention). Also, conventions and international agreements to which Romania is a party are an influential factor in this sense.

In order to ensure a unitary, coherent and modern preparation and development of the Romanian national civil aviation regulations, these are developed, issued or adopted in accordance with:

- a. national legislation;
- b. the Chicago Convention;
- c. standards and recommended practices presented in the annexes to the Chicago Convention;
- d. international conventions and agreements to which Romania is part to.

In accordance with the Civil Air Code and for the purpose of regulating civil aviation, the Ministry of Transport and Infrastructure has the status of state authority. In this capacity, designs or supervises directly the implementation and application of civil aviation regulations. The Ministry can also delegate its competences to specialized technical bodies, public institutions or, as appropriate, authorized companies. These regulations are binding for all participants to civil aviation and related activities.

According to Government Decision no. 405/1993 establishing the Romanian Civil Aeronautical Authority, as amended, and the Order of the Minister of Transport, Constructions and Tourism no. 1.185/2006, the Romanian Civil Aeronautical Authority (hereinafter referred to as RCAA):

- Acts as the national supervisory authority;
- Ensures the adoption and implementation of the national aviation regulations;

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² Civil Aviation Code sets the legal framework of the Romanian civil aviation and it has been, approved by the Romanian Government.

- Ensures compliance by legal and natural persons with the regulations in the field of civil aviation;
- Implements the provisions of international aviation agreements to which the Romanian State is party.

The category mentioned above includes aviation regulations and all provisions related to aeronautical meteorology. Therefore, they are subject to regulatory and supervisory activities of the RCAA too.

With regard to aeronautical meteorology, there is a process in Romania related to the issuance, implementation and supervision of the regulations. They must be in accordance with the laws in force.

For a better understanding of the concepts presented, the terms listed below shall have the following meaning:

➤ **AIP** = (Aeronautical Information Publication) A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation

- **AIP Romania** = Aeronautical Information Publication Romania
- **ANS** = Aeronautical Navigation Services
- **EUROCONTROL** = European Organisation for the Safety of Air Navigation
- **EUR-ANP** = European Air Navigation Plan
- **ICAO** = International Civil Aviation Organisation
- **METEOROLOGICAL AUTHORITY** = Romanian CAA
- **PIAC** = Internal Procedures for Romanian Civil Aviation
- **RACR** = Regulation for Romanian Civil Aviation
- **RCAA** = Romanian Civil Aviation Authority
- **SARPs** = Standards and recommended practices
- **WMO** = World Meteorological Organisation

2. Content

Regulatory framework in aeronautical meteorology

A. International regulatory framework

The **International Civil Aviation Organization (ICAO)**², a specialized agency of the United Nations Organization was created to promote the safe and orderly development of international civil aviation throughout the world. It sets standards and regulations necessary for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection. The Organization serves as the forum for cooperation in all fields of civil aviation among its 191 Member States.

² Due to the failure of the 1919 Paris Convention, the 1929 Warsaw Convention and the International Commission for Air Navigation, governments met in Chicago in December 1944 in order to discuss and identify common rules in civil aviation. The States participating to this reunion, concluded that, in order to ensure the development of international civil aviation in a safe and orderly manner and that international air transport services can be based on an equal opportunity for all and to be operated in a healthy economical environment, the establishment of an international forum of cooperation was necessary. Article 43 of the Chicago Convention expresses the agreement of the States "to establish an organization to be named the International Civil Aviation Organization." The Convention on International Civil Aviation (also known as the Chicago Convention), to which each ICAO Contracting State are party, was signed on 7 December 1944 by 52 States. This Convention entered into force on April 4, 1947. Meanwhile, the termination of the International Air Navigation Commission was decided, as it was replaced by the International Civil Aviation Organization (ICAO). Romania ratified the Convention in 1965. In October 1947, ICAO became a specialized agency of the United Nations linked to the Economic and Social Council (ECOSOC). According to the terms of the Convention, the Organization is made up of an Assembly, a Council of limited membership with various subordinate bodies and a Secretariat. The chief officers are the President of the Council and the Secretary General.

ICAO works in close co-operation with other members of the United Nations family such as the World Meteorological Organization, the International Telecommunication Union, the Universal Postal Union, the World Health Organization and the International Maritime Organization. Non-governmental organizations also participate in ICAO's work, among which the International Air Transport Association, the Airports Council International, the International Federation of Air Line Pilots' Associations, and the International Council of Aircraft Owner and Pilot Associations.

As one of the two governing bodies of ICAO, the Council gives continuing direction to the work of ICAO. In this regard, one of its major duties is to adopt international Standards and Recommended Practices (SARPs) and to incorporate these as Annexes to the Chicago Convention. The Council may also amend existing Annexes as necessary.

Currently, there are 18 Annexes to the Chicago Convention, each constituting itself as a standard in the field of civil aviation regulator.

ANNEX 3 to Chicago Convention entitled "Meteorological services for international air navigation" is the governing provision of aeronautical meteorological services in civil aviation. The object of the meteorological service outlined in Annex 3 is to contribute to the safety, efficiency and regularity of air navigation. This is achieved by providing necessary meteorological information to operators, flight crew members, air traffic services units, search and rescue units, airport management and others concerned with aviation. Close liaison is essential between those supplying meteorological information and those using it.

Commission Regulation (EC) no. 1035/2011 establishes requirements for the provision of aeronautical meteorological services. To ensure consistent responses to international regulatory framework, that regulation will follow the procedure for amending implemented by Community rules, meaning updating its provisions, including references to be made ICAO Annex 3.

Standards and recommended practices in ICAO Annex 3 apply to those portions of air space under the jurisdiction of a State signatory of the Convention on International Civil Aviation. They also apply to those States that provide aeronautical meteorological services in those air spaces where the state accepts responsibility for providing air navigation services over the high seas or in air space of undetermined sovereignty.

Any differences³ from the standards and recommended practices in ICAO Annexes., or termination of these differences (Annex 3 as well) must be notified to ICAO under Article 38 of the Chicago Convention. These differences are published in the aeronautical information service, in AIP Romania.

According to art.1, para.(3) of the European Parliament and Council Regulation (EC) no.549/2004 as amended, establishing a framework for creating the Single European Sky, provides that its application shall be without prejudice to the rights and obligations of Member States established under the Chicago Convention.

B. National regulatory framework

Romanian civil aviation regulation RACR-ASMET is the national transposition of standards and recommended practices set out in Annex3 to the Chicago Convention - "Meteorological Services for International Air Navigation" (hereinafter referred to as ICAO Annex 3). ICAO Annex 3, together with the European Air Navigation Plan (EUR-ANP) governing international civil aviation meteorological services in Europe, are applied in order to establish in the territories and airspace of Romania a regulatory framework to be applied by the providers of meteorological services in their activity related to air navigation as appropriate:

- meteorological support services to civil aviation activities

³ According to ICAO, even a different level of implementation of the provision ,in the sense that if a recommendation of international regulation is implemented as a national standard- which happens in all cases in terms of regulations weather-it is assumed to be difference and be highlighted as such by the ICAO.

- services necessary to ensure safe conduct of air navigation, in an orderly and expeditious manner
- units of the services necessary to ensure safe conduct of air navigation, in an orderly and expeditious manner.

Rules and other provisions contained in the Romanian civil aviation regulation RACR-ASMET were developed with due consideration to grant meaning to the standards and recommended practices adopted by the ICAO in accordance with the general principles of law developed by the Chicago Convention and its Annexes.

For the purposes of the foregoing, the provisions RACR-ASMET were developed so that:

- ICAO standards specified in Appendix 3 are fully transposed into RACR-ASMET as rules, in accordance with ICAO provisions, while making, where appropriate, the customizations needed in order to facilitate understanding and correct application (eg there is an ICAO standard which provides a state responsibility (for?), the appropriate rule RACR-ASMET specify the institutional context of the Romanian Civil Aviation, which functions / institutions - state authority, delegated authority, government or businesses providing services, etc. - shall be responsible for not fulfilling the specified obligations).

- recommended practices set out in ICAO Annex 3 are and accurately translated in the RACR -ASMET provisions. The same observation applies with regard to the additional details that have been entered in the text;

- Appendices ('Appendices') and supplements ('Attachments') in Annex 3 have been or will be fully implemented in the specific procedures for the application of RACR-ASMET

- Tables and figures in ICAO Annex 3 have been or will be also implemented faithfully in the application of specific procedures RACR-ASMET, keeping the text in line.

- Transpose the preamble of ICAO Annex 3, entirely or in part, in the regulation of civil aviation Romanian RACR-ASMET .

- Notes from the original text were translated, entirely or in part, where it was considered that these details are necessary or useful in applying the rules.

- Have been translated into Romanian civil aviation regulation RACR-ASMET and those standards and recommended practices of ICAO Annex 3 to the aeronautical meteorological services in Romania had not yet on a certain editions, technical and operational support necessary, but considering that implementation of these standards and practices that national rules is necessary for further development, aviation weather services and the national ANS system.

- Develop RACR-ASMET in line,as much as possible, with the structure of ICAO Annex 3, except that the provisions contained in Part II were added to the appropriate chapters and paragraphs of Part I ,without differentiating between them. This was considered necessary because both contain equally appropriate standards and recommended practices to be implemented as rules at national level,. Correlation between them is essential.

Compliance with the rules and recommendations set out in RACR-ASMET have been carried out together with the procedures and guidelines for civil aviation, associated with this regulation. They are developed and issued by the aeronautical meteorological authority. Such documents embrace the form of PIAC(underRACR-11⁴) at national level There are also other institutions of civil aviation that develop standards and procedures, along with the national aeronautical meteorological, which is RCAA.Any air navigation service provider subject to the rules RACR-ASMET must seek to achieve those requirements specific to applying the means of compliance provided in procedural manuals, circulars, etc .issued by ICAO, and using materials for guidance and directions established by the WMO and EUROCONTROL. Other means of compliance may be allowed only if the air navigation service provider shall justify and argue unequivocally in front of the aeronautical

⁴ RACR-11isa Romanian Civil Aviationregulation for develop and issue Romanian civil aviation regulations and procedures for their application .

meteorological authority, , that using these other means of compliance, the same level of safety will be achieved.

At 18 November 2010 Amendment75 to ICAO Annex 3 entered into force. Its provisions have been fully adopted and implemented nationwide in the regulation RACR-ASMET, edition4/2008, Amd. 1/2012.

The procedures and instructions related to the Regulation RACR-ASMET, edition4/2008, were developed nationwide and entered in force in the form of PIAC-CMA²"Aeronautical Meteorological Codes" ed. 1/2006, which transposes the provisions on the making of a true, encoding and transmission of weather observations, contained in ICAO Annex 3.

Provisions for aeronautical meteorological activities aimed at aeronautical meteorological personnel are included in Annex 1 " Personnel Licensing " to the Chicago Convention. In terms of civil aviation in Romania, the provision of aeronautical meteorology are translated into RACR-LMET "Romanian civil aviation regulation on licensing of aeronautical meteorological personnel", edition 2/2009, and the internal procedure at the PIAC-LMET, ed . 1/2006, in both regulations taking into account the Doc. WMO no. 49 "Technical Regulations", vol. 1, developed and approved by the Commission for Aeronautical Meteorology of WMO.

By presenting the international and national regulatory framework in aeronautical meteorology, we believe that the most important materials were presented. Also, the basic recommended standards and procedures applicable in the field were developed in the above study. It is worth mentioning in this context that at this time Romania has a a level of implementation of 100%, as can be inferred from the graph shown in Fig. 1 below (according to the information presented by ICAO on the ICAO website, EFOD-Romania section).

Moreover, considering the specific requirements of all stakeholders in civil aviation, there are many other normme and applicable provisions issued by other ICAO or non-ICAO bodies closely with ICAO requirements given inAnnex 3³.

3. Conclusions

In conclusion, ICAO Annex 3 is the main document providing standards and recommended practices of aeronautical meteorology, which are implemented nationwide by the RCAA through the Romanian Civil Aeronautic Regulation RACR-ASMET and the PIAC-CMA.

What it is important to mention is that the other Annexes to the Chicago Convention include references regarding aeronautical meteorology too, implemented nationally in appropriate internal regulations (RACR-LMET, RACR-AIS, etc).

² PIAC – CMA is a Romanian Civil Aviation internal procedure that regarding the issuance of meteorological message using the international meteorological codes.

³ In accordance with the requirement of ICAO Annex 3, para. 2.1.5 : "Each Contracting State shall ensure that the designated meteorological authority meets the requirements of WMO regarding qualifications and training of meteorological personnel providing air navigation services", the WMO Executive Council approved the inclusion standard of competence for staff weather aircraft technician and forecasters in theDoc. WMO no.49 "Technical Regulations", vol1, developed and approved by the Commission for Aeronautical Meteorology of WMO. The requirements of this document can be found in ICAO Annex 1and, respectively, in the provisions of RACR-LMET and PIAC-LMET.

Romania

Annex 3 - Meteorological Service for International Air Navigation

View a Graph of the Level of Implementation of SARPs

No Difference	More Exacting or Exceeds	Different in Character or Other Means of Compliance	Less Protective or Partially Implemented or Not Implemented	Not Applicable	No Information Provided	Insufficient Information Provided
201	46	1	0	11	0	0



No Difference	201	77.61%			Differences :	47	18.15%
More Exacting or Exceeds	46	17.76%			Percentage Incomplete :	0	
Different in Character or Other Means of Compliance	1	0.39%			Percentage Complete :	259	100.00%
Differences Not Yet Identified	0	0.00%					
Less Protective or Partially Implemented or Not Implemented	0	0.00%					
Not Applicable	11	4.25%					
Incomplete	0	0.00%					
Total:	259	100.00%					

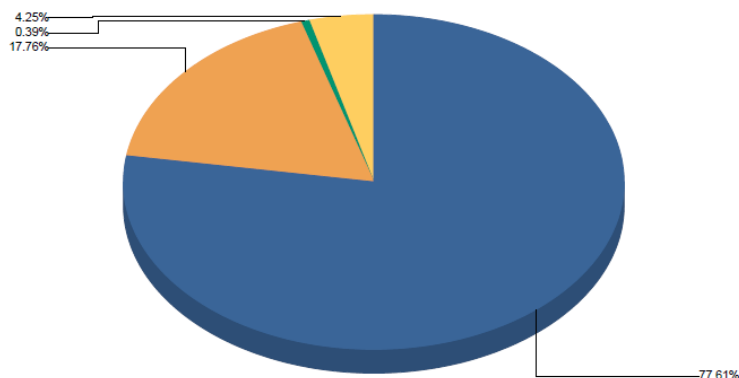


Fig. 1 - Level of implementation of SARPs

European civil aviation bodies emit a series of requirements and regulations in the field of aeronautical meteorology as well. These need to comply with ICAO Annex 3, and are transposed into national regulations, too.

In this sense we suggest that it could be a very good idea to continue the future development of this briefing in aeronautical meteorology, by a detailed approach to these regulations.

References

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