



Explanatory Note to Decision 2020/017/R

Amendments to the Acceptable Means of Compliance and Guidance Material to Regulation (EU) 2017/373

RELATED NPAS/CRDs 2016-09 (RMT.0464) AND OPINION NO 03/2018

EXECUTIVE SUMMARY

The objective of this Decision is to maintain a high level of safety in the provision of air traffic management (ATM)/air navigation services (ANS), especially air traffic services (ATS).

Following the amendment of Commission Implementing Regulation (EU) 2017/373 (ATM/ANS Regulation) by Commission Implementing Regulation (EU) 2020/469 and Commission Implementing Regulation (EU) 2020/1177, this Decision serves as corrigendum to a specific acceptable means of compliance (AMC) and guidance material (GM) to Part-ATS issued with EASA ED Decision 2020/008/R.

Action area:	Air traffic management/air navigation services		
Related rules:	AMC & GM to Regulation (EU) 2017/373 (ATM/ANS Regulation)		
Affected stakeholders:	ATS providers, aircraft operators, GA pilots, MSs, competent authorities (CAs) and EASA		
Driver:	Efficiency/proportionality	Rulemaking group:	Yes ¹
Impact assessment:	Full ¹	Rulemaking	Standard
		Procedure:	

● EASA rulemaking process



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1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2020/017/R in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) [2020-2024](#) under rulemaking task (RMT).0464. The scope and timescales of the tasks were defined in the related Terms of Reference³.

The text of this Decision with the AMC & GM has been developed by EASA based on the implementation feedback received.

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) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

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



2. In summary — why and what

2.1. Why we need to amend the AMC & GM

Regulation (EU) 2020/469, amending Regulation (EU) 2017/373, introduced a detailed set of requirements concerning the provision of Air Traffic Services in Annex IV (Part-ATS) thereto. Concurrently, EASA developed, consulted a comprehensive set of AMC and GM associated with Part-ATS, which were finally published with ED Decision 2020/008/R.

The AMC and GM annexed to this Decision have been developed in order to introduce changes associated with the content of AMC1 ATS.TR.305 and of GM1 ATS.TR.305 that were erroneously rearranged by altering their content and regulatory intent compared to their original version. Therefore, this Explanatory Note focuses only on the changes required since the publication of the ED Decision 2020/008/R.

Explanations in detail for the changes are provided in Section 2.3.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation.

The AMC and GM provided with this Decision facilitate the uniform implementation of the IR requirements by providing means of compliance and by assisting with the necessary level of guidance.

The specific objective of this Decision is to remove the identified mistake related to AMC1 ATS.TR.305 and GM1 ATS.TR.305 in ED Decision 2020/008/R by correcting the regulatory text.

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

This amendment to ED Decision 2017/001/R removes the editorial mistake in AMC1 ATS.TR.305 and in GM1 ATS.TR.305 and reintroduces the correct text for the subject provisions. AMC1 ATS.TR.305, based on the relevant provisions in Sections 9.1.3. of ICAO PANS ATM addresses the transmission of information in the context of the provision of flight information service, specifically the transmission of information concerning special air-reports, SIGMET, AIRMET, radioactive materials and toxic chemical clouds, local special reports, SPECI, amended TAF, heavy or medium unmanned free balloons, as well as the transmission of information to supersonic aircraft, when applicable.

GM1 ATS.TR.305 provides guidance on the presentation of information for the provision of flight information service.



3. References

3.1. Related regulations

- 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)
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) - Statement by the Member States on military issues related to the single European sky (OJ L 96, 31.3.2004, p. 1)
- Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10)
- Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) - Commission statement (OJ L 96, 31.3.2004, p. 20)
- 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 677/2011 (OJ L 62, 8.3.2017, p. 1)
- Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1)
- COMMISSION IMPLEMENTING REGULATION (EU) 2020/1177 of 7 August 2020 amending Implementing Regulation (EU) 2020/469 as regards postponing dates of application of certain measures in the context of the COVID-19 pandemic (OJ L 259, 10.8.2020, p. 12)

3.2. Related decisions

- Executive Director Decision 2017/001/R of 8 March 2017 issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373
- Executive Director Decision 2020/008/R of 2 July 2020 issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373



3.3. Other reference documents

- NPA 2016-09 'Requirements for air traffic services'
- CRD 2016-09 'Requirements for air traffic services'
- Opinion 03/2018 'Requirements for air traffic services'
- ICAO Annex 11 to the Convention on International Civil Aviation, 'Air Traffic Services', 13th Edition, 2001
- ICAO Document 4444 ATM/501, 'Procedures for Air Navigation Services: Air Traffic Management' (PANS-ATM), 15th Edition, 2007
- ICAO Document 9426 AN/924, 'Air Traffic Services Planning Manual', 1st Edition, 1984
- ICAO Document 9368 'Instrument Flight Procedures Construction Manual', 2nd Edition, 2002

