

Annex II to ED Decision 2023/018/R

'AMC & GM to Part-ATM/ANS.OR — Issue 1, Amendment 4'

The text of the amendment is arranged to show deleted, new and unchanged text as follows:

- deleted text is ~~struck through~~;
- new or amended text is highlighted in **blue**;
- an ellipsis '[...]' indicates that the rest of the text is unchanged.

Note to the reader

In amended, and in particular in existing (that is, unchanged) text, 'Agency' is used interchangeably with 'EASA'. The interchangeable use of these two terms is more apparent in the consolidated versions. Therefore, please note that both terms refer to the 'European Union Aviation Safety Agency (EASA)'.

Annex III to Decision 2017/001/R is amended as follows:

GM3 ATM/ANS.OR.A.035 Demonstration of compliance

WITNESSING THE COMPLIANCE ACTIVITIES — STATEMENT OF COMPLIANCE

The ATM/ANS provider will, when demonstrating the compliance of the ATM/ANS equipment with applicable requirements, such as user or safety requirements, allow the competent authority, if so requested, to participate in any compliance activity concerning the demonstration of compliance of the ATM/ANS equipment in the final or suitably mature design configuration. These demonstrations are necessary to determine that the product has no feature or characteristic that renders the ATM/ANS equipment unsafe for the intended use. Competent authority participation will increase confidence on the evidence presented as part of the SoC and facilitate its efforts to review the associated changes to the functional system. Such participation is in any case guaranteed by ATM/ANS.OR.A.050.

AMC1 ATM/ANS.OR.A.045(g) Changes to a functional system

GENERAL

The ATM/ANS provider should ensure that an EASA release form or a statement of compliance, as appropriate, exists for each ATM/ANS equipment affected by the change prior to putting the changed functional system into service as a part of the corresponding safety assessment or safety support assessment, as applicable.

GM1 ATM/ANS.OR.A.045(g) and (i) Changes to a functional system

MODIFIED ATM/ANS EQUIPMENT

ATM/ANS equipment is considered ‘modified’ in the context of changes to functional systems when there is:

- a modification of the hardware (HW) or software (SW) that forms the ATM/ANS equipment itself [software and hardware]; or
- a modification of the usage of the ATM/ANS equipment, when such usage is part of the applicable detailed specifications or any identified limitation.

For that purpose, the category of the equipment [certification, declaration, or statement of compliance] or the applicable detailed specifications may be impacted and therefore reassessed.

Modifications of the usage of the equipment are modifications to the way the components of the functional system are organised. In other words, such modifications are modifications to the architecture of the functional system, and, thus, subject to safety (support) assessment.

GM1 ATM/ANS.OR.A.045(g)(4) Changes to a functional system

EQUIPMENT NOT SUBJECT TO CONFORMITY ASSESSMENT

- (a) Some equipment (such as HW and SW used to provide flight procedure design and data services) will not be subject to the ATM/ANS conformity assessment framework under Delegated Regulation (EU) 2023/1768, but it will be subject to safety (support) assessment requirements specified by this Regulation. Such equipment belongs to the functional system of the ATM/ANS provider and, consequently, Regulation (EU) 2017/373 applies to it.
- (b) Following point (a), there will be no obligation for such equipment to be manufactured by an approved DPO or for the ANSP to issue a SoC.

AMC1 ATM/ANS.OR.A.045(j) Changes to a functional system

ATM/ANS EQUIPMENT INTO SERVICE

- (a) The ATM/ANS provider should ensure that the new or modified ATM/ANS equipment is deployed as necessary to support the minimum requirements for separation of aircraft.
- (b) The ATM/ANS provider should ensure that, before putting into service the new or modified ATM/ANS equipment, it implements the most efficient deployment solutions taking into account the local operating environments, constraints and needs as well as airspace users' capabilities.
- (c) As part of the change management procedures as laid down in ATM/ANS.OR.B.010, the ATM/ANS provider should establish deployment procedures for putting ATM/ANS equipment into service to ensure:
 - (1) the safe integration of new or modified ATM/ANS equipment in its functional system; and
 - (2) that the new or modified ATM/ANS equipment is deployed according to the conditions of use, as well as according to any prescribed limitations.
- (d) The deployment procedures referred to in point (c) could be integrated with the compliance procedures established in accordance with AMC1 ATM/ANS.OR.B.005(a)(8).

GM1 ATM/ANS.OR.A.045(j) Changes to a functional system

ATM/ANS EQUIPMENT INTO SERVICE | DEPLOYMENT ACTIVITIES

Deployment activities that may be conducted as part of a deployment procedure may include the following:

- (a) Assessment of the deployment environment where the ATM/ANS equipment will be operating, including both the physical and operating context, in order to determine whether the conditions of use or limitations are adhered to;
- (b) Performance of testing and inspections of the ATM/ANS equipment in its deployment environment to determine whether the conditions of use or limitations are adhered to. The testing may include a period of operation in the deployment environment of a sufficient duration to ensure that the conditions of use or limitations are adhered to.

AMC1 ATM/ANS.OR.A.070 Contingency plans

MODE S INTERROGATOR CODES

- (a) An air traffic service provider should assess the possible impact on air traffic services of interrogator code conflicts, and the corresponding potential loss of Mode S target surveillance data from the impacted Mode S interrogators, taking into account their operational requirements and available redundancy.
- (b) Unless the potential loss of Mode S target surveillance data has been assessed to have no safety significance, the surveillance provider should:
 - (1) implement monitoring means to detect interrogator code conflicts caused by other Mode S interrogators impacting eligible Mode S interrogators that they operate on any operational interrogator code;
 - (2) ensure that the interrogator code conflict detection provided by the implemented monitoring means is achieved in a timely manner and within a coverage that satisfy their safety requirements;
 - (3) identify and implement as appropriate, a fallback mode of operation to mitigate the possible interrogator code conflict hazards on any operational code, identified in the assessment referred to in point (1);
 - (4) ensure that the implemented fallback mode of operation does not create any interrogator code conflict with other Mode S interrogators referred to in the interrogator code allocation plan.

AMC1 ATM/ANS.OR.B.005(a)(8) Management system

COMPLIANCE PROCEDURE FOR THE ISSUE OF A STATEMENT OF COMPLIANCE

The ATM/ANS provider should establish a compliance procedure for making a statement of compliance in accordance with Article 6 of Delegated Regulation (EU) 2023/1768 as part of its management system. The compliance procedure should encompass all compliance activities for demonstrating with sufficient confidence the compliance of the design of ATM/ANS equipment with the applicable DSs established in accordance with Article 6(1) of Delegated Regulation (EU) 2023/1768.

AMC2 ATM/ANS.OR.B.005(a)(8) Management system

STAFF INVOLVED IN THE COMPLIANCE PROCEDURE

The compliance procedure referred to in AMC1 ATM/ANS.OR.B.005(a)(8) should encompass:

- (a) the training, knowledge and competence for the personnel involved in the deployment process; and
- (b) the necessary measures to prevent any situation of conflict of interest as regards the demonstration of compliance of the design of ATM/ANS equipment, in particular regarding the

staff who should evaluate the results of the deployment checks in an impartial and objective manner.

GM1 ATM/ANS.OR.B.005(a)(8) Management system

COMPLIANCE PROCEDURE FOR THE ISSUE OF A STATEMENT OF COMPLIANCE

When classifying the change to the ATM/ANS equipment subject to Article 6 of Regulation (EU) 2023/1768 as minor or major in accordance with AMC1 Article 6 of the said Regulation, the ATM/ANS provider may establish a compliance procedure for each type of change as part of the change management procedures in accordance with AMC1 ATM/ANS.OR.B.010(a).

GM2 ATM/ANS.OR.B.005(a)(8) Management system

COMPLIANCE PROCEDURE FOR THE ISSUE OF A STATEMENT OF COMPLIANCE | COMPLIANCE ACTIVITIES

Compliance activities that may be conducted as part of a compliance procedure may include the following:

- (a) record the justification of compliance within compliance documents;
- (b) perform testing and inspections, as necessary;
- (c) ensure and record the conformity of the test of ATM/ANS equipment and ensure that the test specimen conforms, as applicable, to the:
 - (1) specifications,
 - (2) drawings,
 - (3) manufacturing processes,
 - (4) software development standards,
 - (5) construction, and
 - (6) assembly means;
- (d) ensure that the test and measuring equipment to be used for testing is adequate for testing and appropriately calibrated;
- (e) carry out testing and inspections, as necessary, in accordance with the methods for such testing and inspections, to determine whether the ATM/ANS equipment complies with the applicable detailed specifications.

GM1 ATM/ANS.OR.B.005(d) Management system

MONITORING

This behaviour could be understood as performance of the service(s) delivered by the functional system of the ATM/ANS provider (e.g. specification such as function, accuracy, availability, continuity, timeliness, reliability, integrity, etc.). When the monitoring activity identifies underperformance of the service provided with respect to the specification of the service, the ATM/ANS provider should introduce mitigation measures.

For example, the ATC provider should monitor the quality of communication services and verify the conformance with the level of performance required for the operational environment under its responsibility with regard to the provision of ATC with data link services.

AMC1 ATM/ANS.OR.B.005(f) Management system

FORMAL INTERFACES — ATS PROVIDERS

Where data link communications are used, the ATS provider should make appropriate arrangements with a communication services provider to ensure that data exchanges can be established with all aircraft flying in the airspace under their responsibility and having data link capability in accordance with the applicable requirements, with due regard to possible coverage limitations inherent in the communication technology used.

AMC4 ATM/ANS.OR.B.015 Contracted activities

DATA LINK COMMUNICATIONS — ATS PROVIDERS

ATS providers that rely upon other organisations for the provision of communication services for data exchanges with aircraft which are necessary for air-ground applications should ensure that those services are provided in accordance with the terms and conditions of a service level agreement, including in particular:

- (a) the description of communication services in accordance with the requirements of the data link services;
- (b) the description of the security policy put in place to secure data exchanges of the air-ground applications;
- (c) the relevant materials to be supplied for the monitoring of the quality and performance of communication services.

AMC5 ATM/ANS.OR.B.015 Contracted activities

SERVICE LEVEL AGREEMENT — SURVEILLANCE DATA

- (a) When transferring surveillance data from their surveillance systems and surveillance data processing systems to other air navigation service providers, ATM/ANS providers should establish formal arrangements with them for the exchange of the data.
- (b) Formal arrangements between ATM/ANS providers for the exchange or provision of surveillance data should include the following minimum content:
 - (1) the parties to the arrangements;
 - (2) the period of validity of the arrangements;
 - (3) the scope of the surveillance data;
 - (4) the sources of the surveillance data;

- (5) the exchange format of the surveillance data;
- (6) the service delivery point of the surveillance data;
- (7) agreed service levels in terms of;
 - (i) surveillance data performance;
 - (ii) procedures in case of unserviceability;
- (8) change management procedures;
- (9) reporting arrangements with respect to performance and availability including unforeseen outages;
- (10) management and coordination arrangements;
- (11) ground-based surveillance chain safeguarding and notification arrangements.