European Aviation Safety Agency

Comment-Response Document 2016-09(A)

Appendix 1
to Opinion No 03/2018

RELATED NPA 2016-09(A) — RMT.0464 — 22.5.2018

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1. Summary of the outcome of the consultation

Please refer to Section 2.4.1. of Opinion No 03/2018.

2. Individual comments and responses

In responding to comments, a standard terminology has been applied to attest EASA's position. This terminology is as follows:

(a) **Accepted** — EASA agrees with the comment and any proposed amendment is wholly transferred to the revised text.

(b) **Partially accepted** — EASA either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.

(c) **Noted** — EASA acknowledges the comment but no change to the existing text is considered necessary.

(d) **Not accepted** — The comment or proposed amendment is not shared by EASA.

Following the analysis of the comments received on NPA 2016-09, modifications to the proposed IRs, AMC and GM have been introduced. Such modifications include the renumbering of some provisions, as a result of the deletion or re-organisation of the IRs. In order to avoid confusion, the responses in this CRD are provided referring to the numbering of the proposed IRs, AMC and GM as presented in NPA 2016-09(A) and NPA 2016-09(B), unless explicitly indicated that the analysis of the comment led to the renumbering of the provision. With regard to the articles of the proposed Cover Regulation and their associated AMC and GM, the responses to the comments are provided by making reference to the numbering in the associated Opinion.

CRD table of comments, responses and resulting text

(General Comments)	-

comment	*36* comment by: *Spare Chan* I vote for Option 1 - Essential and flexible AFIS rules.
response	Noted

comment	*57* comment by: *UAF (Union des Aéroports Français)* **<u>UAF comments</u>** UAF supports EASA proposition to incorporate more clear and proportional common rules for AFIS (Aerodrome Flight Information Services) in Europe, even if rules were already introduced in Regulation (EC) No 550/2004. UAF support policy option to keep 'option 1' (essential and flexible AFIS rules) as the "best" response for amending provisions for AFIS rules.
response	Noted

comment	*79* comment by: *René Meier, Europe Air Sports* Europe Air Sports thanks the Agency for preparing NPA 2016-09 (A). We identified several proposals for new or modified provisions important to members which are to the greatest extent active in sports and recreational aeronautical activities. Many thanks for considering our comments.
response	Noted

comment	*91* comment by: *EUROCONTROL* **General comments** First of all, the EUROCONTROL Agency would like to acknowledge the fact that the objective of the rulemaking task under the present NPA is to transpose current ICAO material into EU legislation. For this reason, it understands why the NPA does not anticipate certain current developments in ATM and the expected related ICAO PANS amendments in areas such as RNP parallel operations. However, it is assumed that the EU legislation will be updated as soon as the work in ICAO on these developments has been concluded. In addition, the EUROCONTROL Agency wishes to: • underline both the quality and organisation of the NPA, including the explanatory note and the accompanying documents for information purposes, namely the AFIS Survey - Analysis of Responses, the Annex 11 Checklist and the PANS ATM Checklist, all of this in the framework of a heavy and complex exercise. • recall the concerns expressed by the members of RMG.0464, partially reflected in the NPA (A) section 2.4, about the difference between the ICAO legal system (and associated tools) and the EU legal system. When transposing ICAO material in national legislation, States had their own flexibility to adapt the legal weight of the provisions to the actual needs and to the reality. At EU scale the situation is different and the limitations created by the rigid legal framework (IR-AMC-GM) should lead to a reflexion regarding possible improvements of the EU legal system to allow a more faithful and accurate transposition. • emphasize the necessity of duplication in some cases, therefore supporting that some provisions of SERA are duplicated in PART ATS (e.g. notably the objectives of ATS, but not only,). • highlight that the various notions related to meteorological units (meteorological watch office, aerodrome meteorological office and aeronautical meteorological station) as used in EU 2016/1377 are not consequently or correctly applied throughout the NPA when reference is made to a meteorological unit.
response	Noted EASA wishes to express the acknowledgement and the appreciation for the EUROCONTROL contribution to the development of this rulemaking task.

EASA, in coordination with the Commission, has initiated a process to ensure the timely maintenance of EU rules transposing ICAO provisions, when the latter are subject to amendments. For this purpose, the intent of EASA is to establish an EU/ICAO synchronisation mechanism and associated rulemaking tasks, which together will assure, inter alia, the continuous alignment between EU ATS and SERA requirements, taking into consideration the amendments to ICAO originating provisions. See also the response to comment #106.

With regard to the comments in the bullets:

— EASA noted the appreciation for the work done;

— in the proposed material EASA, supported by the RMG.0464, tried to provide as much flexibility as possible, in order to allow Member States implementing the proposed rules in a manner that caters for their needs. For this reason, most of the provisions related to ATS procedures is transposed as AMC or GM, which provides different levels of flexibility, including the adoption of alternative means of compliance. Information on AMC and their alternatives may be found at: http://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs

— EASA noted the comment; and

— EASA has performed a review of the relevant provisions referring to 'meteorological units' and has introduced the appropriate amendments (e.g. in ATS.OR.120 and in ATS.OR.435) to ensure coherence with the relevant provisions in Regulation (EU) 2017/373.

comment

147 comment by: *DTCA*

As a general comment to the NPA 2016-09 regarding the transposition of ICAO ATS provisions into EU law:
Danish Transport, Construction and Housing Authority (DTCHA) find that the statement "*in full respect of their original regulatory force"* is not fully applied in the transposition from PANS-ATM (shall/should contra AMC/GM). Not applied in full is seen as a highly important and principle issue in the transposition of ICAO provisions into EU law.
The risk being that the anticipated harmonisation/uniform implementation will not be achieved.

As a general comments regarding Part ATS vis a vis 923/2012:
There are several examples that essential requirements directed towards ATC/ATCOs (e.g. read-back of clearences and safety related information) are fully transposed in 923/2012 but only partly in Part ATS.
DTCHA propose that the entire NPA (Part B) is re-examined to ensure consistency.

We acknowledge that the scope for 923/2012 also encompass the ANSPs but specific requirements directed towards the ATC/ATCO should be transposed in full within Part ATS only/also.

response

Noted

The convention regarding the use of the terms 'shall' and 'should' in the EU legislation differs from the way they are used in the ICAO provisions.

In various ICAO documents the term ‘should’ is normally used to indicate that the provision has an optional nature and that it is not binding. This is not always the case when the term ‘should’ is used in the EU legislative context.

As in ICAO Standards, in the EU Implementing Rules, the term ‘shall’ indicates that the application of the requirement is mandatory. However, a deviation is possible in accordance with the procedures set in Article 14 of the EASA Basic Regulation.

In the EASA AMC, the word ‘should’ means that a regulated entity has to comply with the provision to demonstrate compliance with the related Implementing Rule; however, it is possible to apply an alternative means to comply with the implementing rule provided that the procedure in ATM/ANS.AR.A.015 in Annex II to Regulation (EU) 2017/373 is applied. This possibility also means that the competent authority that adopted the alternative means of compliance needs to demonstrate that such alternative achieves a result fully equivalent to that achieved by the implementation of the published EASA published AMC.

It is recalled that when transposing ICAO provisions into AMC, the ‘shall’ wording of ICAO is converted into ‘should’, which is a normal EASA practice in this case.

It is also noted that when the term ‘should’ is used in EASA GM, it does not have the same meaning as when it is used in the AMC. ‘Should’ in GM is to be intended as a recommendation and information.

Further explanation on the approach for the transposition of ICAO ATS-related SARPS and PANS may be found in Chapter 2.4 of NPA 2016-09(A).

It is recognised that not all the provisions transposed in Regulation (EU) No 923/2012 (SERA) and also relevant for Part-ATS are duplicated in the proposal issued with NPA 2016-09. Duplication was proposed only when EASA, with the agreement of RMG.0464, considered that in this way the readability of PART-ATS would be improved, as explained in NPA 2016-09(A) Section 2.5.

comment *158* comment by: *City Airport & Heliport (Manchester Barton)*

We agree with the principle objective of NPA 2016-09(A/B) to harmonise ATS provision across the EU, in particular pertaining to the provision of AFIS which in it’s present form varies across member states in its implementation and interpretation.

However we do have concerns that this harmonisation does not properly consider the varying nature of AFIS in different countries, where AFIS is provided at a variety of different complexity of airport's and air traffic movements.

The NPA rightly recognises that AFIS is not explicitly addressed in ICAO SARPS and Recommended Practices. Unfortunately, the NPA appears to have formed a conclusion that this is an omission and does not appear to have considered that ICAO have not attempted to produce a one size fits all solution, because ICAO recognises the complexity and diversity of Member States airports and have thus allowed Member States to operate an AFIS

appropriate to the needs of individual airports - rather than an enforced solution which meets only the needs of the "Collective".

Here in the U.K., many Aerodrome's providing AFIS have a multi runway layout, with intersecting runways (many of historic design), compact manoeuvring areas and complex mix of traffic that must be safely integrated.

The main objective of the NPA is to maintain a high level of safety in the European Union (EU) air navigation system, in particular with regard to ATS.

However and specifically, the removal of the ability of AFIS to control on the ground is considered a significant safety reduction that will result in increased occurrences of runway incursions and increased risk of aircraft collision, contradictory to the above objective.

response

Noted

The regulatory proposal aims at recognising AFIS within the ATS scope, on the assumption that it is a subset of flight information service.

The proposed provisions are built on existing documentation, such as the ICAO Circular 211 and the EUROCONTROL AFIS Manual, and are further validated against the outcome of a survey conducted by EASA indicating existing practices in use throughout the ECAC States, as well as on the feedback received by stakeholders' representatives participating to the Rulemaking Group 0464 activities and to ad hoc thematic meetings. On these grounds, the proposed provisions still provide, to the greatest extent, flexibility for the Member States to apply AFIS in accordance with the local needs and particular situations, and at the same time promotes harmonisation on the fundamentals, which is considered by EASA very important from a safety perspective.

It shall be also noted that, during the NPA 2016-09 public consultation period, ICAO has initiated a regulatory activity which aims at replacing the said Circular with a newly developed document. EASA intends to closely monitor this ICAO work and to reflect its outcome through the maintenance mechanism (see the response to comment #91).

Based on the comments on the proposed provisions for AFIS, EASA organised several focused consultation meetings with stakeholders, including those from the UK. The results of said focused consultation are reflected further in the CRD and the resulting Opinion, as well as in the associated draft Decision.

comment

160 comment by: *ISAVIA ohf.*

Isavia would like to point out that in some instances in the NPA the text is *inter alia* based on documents that are limited to the EUR Region in scope, namely ICAO Doc 7030/EUR and the European Air Navigation Plan. Isavia does not have any objections to the text of the NPA in this regard, as it seems no to affect the application of Doc 7030/NAT. However, Isavia would like to stress that some states and service providers affected by the draft regulation are responsible for airspace located partly or fully in other ICAO Regions. This is for example the case for Iceland, which is located entirely in the ICAO NAT Region. It is necessary that this be taken into account for all current and future rulemaking tasks so that implementing rules and

acceptable means of compliance do not create a conflict with other applicable regional procedures. This can be accomplished by reference to the applicable ICAO regional procedures or by creating alternatives where applicable.

response

Noted

The proposed material is developed aiming at the harmonisation of ATS provision throughout the Member States. Provisions which are proposed for transposition have been carefully selected and evaluated; as a general principle, ICAO Standards are transposed, when elected, as Implementing Rules, while other ICAO provisions have been mainly transposed as AMC or GM, thus leaving the possibility to apply alternative means of compliance.

EASA takes note of the Iceland specificity with regard to the ICAO regions and will consider it in the future regulatory activities.

comment

161 comment by: *Humberside Airport*

Page No: N/A

Para No: N/A

Comment:

Humberside International Airport Limited (HUY) is an European Aviation Safety Agency (EASA) Certified Aerodrome at which Air Traffic Control (ATC) and Flight Information Service (FIS) is provided, it is not a 'UNICOM' or Aerodrome FIS ('AFIS') aerodrome. The aerodrome does not have controlled airspace (CAS), it has a Class G Aerodrome Traffic Zone (ATZ) and is surrounded by Class G airspace with no direct connectivity with the en-route system. The HUY Air Navigation Service Provider (ANSP), that is based at and owned by HUY, is Certified by the United Kingdom (UK) Civil Aviation Authority (CAA) to provide Air Traffic Services (ATS) to aircraft; all of the HUY ANSP's air traffic controllers are certified in accordance with EU 340/2015 and all aircraft and vehicle movements are 'controlled' by the air traffic controllers at the aerodrome. ATS is provided in accordance with the UK's regulations for the provision of an ATS within Class G uncontrolled airspace in CAP 774 'UK Flight Information Services' (FIS). HUY has published Instrument Flight Procedures (IFP), including a Category 1 Instrument Landing System (ILS). Movements at HUY include Commercial Air Transport (CAT), both Scheduled and Charter, commercial helicopters for the offshore industry, Business Jets, cargo, and General Aviation (GA); in addition, Search and Rescue is also based at the airport with two S92 helicopters. The flight rules flown are approximately one third Instrument Flight Rules (IFR) and two thirds Visual Flight Rules (VFR). The adoption of this Notice of Planned Amendment (NPA) will greatly impact on most UK Class G operations, including HUY operations, unless the UK's Class G airspace and services provided within Class G airspace are made more ICAO compliant.

Whilst there may not have been any intent to interpret this NPA in a way that would prevent the UK's current processes and methodology for Class G operations from continuing in accordance with CAP 774 'UK Flight Information Services', it is sensible to plan for internationally recognised standards for airspace structure and services as this will improve safety overall by ensuring that aviation users adopt common international regulations; in

	order for the UK to conform to this NPA it is likely that a top-down review of the UK's airspace structure and service provision will be required.
response	Noted See the response to comment #985 in CRD 2016-09(B).

comment	*162* comment by: *Swiss AFIS Provider* **NPA 2016-09(A)** Para 2.6: · General remark: The representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation, as the regulator, share their support for an adequate level of proportionality for the regulation of AFIS. · Terms and definitions: It is proposed that a clarifying standing designation and abbreviation of the function "FISO", together with the definition of the service provided by such persons, is included in the regulation. · As a follow up to the proposed regulation, the harmonization of AFIS training and qualification schemes is strongly required. Para 2.7.4.1: · ATS.TR.160: The allowance to use of technology (surveillance systems) in the provision of AFIS is generally supported by the representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation Page 45, para. 2 ("*Furthermore, point (c)…")*: · There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"It is important to point out that AFIS units are in charge of providing FIS and alerting service,* ***as well as selecting the runway in use but*** *that in no circumstances are they authorized to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, ~~or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots."~~* Para 3.1.2.1: · There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"AFIS units provide information ~~and advice~~ to aircraft to achieve a safe, orderly and expeditious flow of air traffic at and close to an aerodrome in order to assist pilots in preventing collision between aircraft flying within their area of responsibility. AFIS includes, inter alia, traffic information, information on the meteorological conditions at and in the vicinity of the aerodrome, information on the aerodrome conditions."* Para 3.5: · Generally concur with the conclusion drawn in 3.5: A too detailed regulation could hinder the development of aerodromes. Proportionality must always be kept on a case-by-case level. Christian A. Gorfer, CFO Engadin Airport AG phone. +41 (0) 81 851 08 51

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response Noted

With reference to the comment on paragraph 2.6:

EASA does not deem a definition for 'FISO' necessary, as it is self-explanatory.

AFISO qualification and training are not within the scope of RMT.0464; however, EASA is consulting with its stakeholders the inclusion of a rulemaking task to address qualification and training of FISO and AFISO in its Rulemaking Programme.

With reference to the comment on paragraph 2.7.4.1:

Noted

With reference to Page 45, para. 2:

Partially accepted

The AFISO is responsible to suggest the runway in use; it is the prerogative of the pilot-in-command to make a decision on the actual use of the runway. In order to better clarify this concept, the text of GM1 ATS.TR.305(c)(2) has been further elaborated. See also the response to comment #274 in CRD 2016-09(B).

With reference to the comment on paragraph 3.1.2.1:

Not accepted, since the proposal is fully compliant with ICAO Annex 11 Standards in Section 2.2 point d) 'Objectives of air traffic services' and in 2.3.2 'Division of air traffic services'.

With reference to the comment on paragraph 3.5:

Noted

comment *179* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
GENERAL	The provision of ATS services in Europe is regulated by the provisions included in this NPA. However, once performed the transposition of the necessary ICAO provisions into EU regulatory framework, provisions not to be transposed at EU level (Annexes, PANS and documents) could be regulated at national level. For instance, the provisions related to oceanic airspace have not been considered in this NPA, but these provisions do apply to Canary Islands in Spain. Thus, this topic should be regulated at national level.	Differences to ICAO provisions should also be considered.

response Noted

The transposition of ICAO provisions into the EU aviation legislation is already done in various domains, such as OPS, SERA, AIS and MET.

The nature and the scope of such transposition are explained in NPA 2016-09(A) Section 2.4, as correctly mentioned in your comment. It has been proven that the transposition of ICAO provisions significantly reduces the differences at national level.

In addition, in this way EASA meets the objective established in point (d) of Article 2.2 of the EASA Basic Regulation 'to assist Member States in fulfilling their obligations under the Chicago Convention'.

Nowadays, it is expected that ICAO provisions are transposed into the national law; with the transposition into the EU legislation, this necessity does not exist anymore. Moreover, it does not introduce any substantial change to the well-established ICAO provisions, but addresses the responsibility to comply with provisions to the regulated entities (Member State, competent authority, ATS provider, ATS unit, etc.), in accordance with the existing EU regulatory principles.

comment *180* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
GENERAL	This NPA includes amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS)), and among them, the inclusion of "***visual approach***" definition and some AMC/GM for this kind of approaches. Does this lead the way to allow other kind of approaches with visual reference which could be performed under specified circumstances? Since there are some States which have provisions for such approaches (which are not exactly "visual approaches"), and according to SERA and AIR OPS standardization provisions, could those States keep that kind of provisions mainly based in runways without an instrument approach procedure?	Standardization and impact in operation.

response Noted

The intent of the proposal is not to prevent Member States from applying other kinds of procedures for approaches with visual reference. EASA does not deem appropriate to propose any provision limiting the application of such procedure.

comment *181* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
CHECKLIST	Updated versions of the Checklists should be provided after EASA finally publishes the appropriate ED Decision. Traceability has become a key aspect of the regulatory activity, tracking the transposition of ICAO provisions is difficult. Checklists should include the references to the latest amendments of ICAO publications (Amendment 50 to Annex 11 or Amendment 7-A to the Doc. 4444).	Annex 11 and ICAO PANS ATM Checklists provided are extremely useful for cross-referencing not only ICAO original documents and proposed regulations, but also Member States' regulations. Additionally, some mistakes have been found in the references (***see attached Excel file***) that should be corrected.

response Accepted

EASA has not received any Excel file attached to this comment. The Annex 11 and PANS ATM Checklists have been thoroughly reviewed and updated in accordance with the evolution of the regulatory proposal for EU ATS requirements; in this context, a quality check has been undertaken to remove any possible inconsistency. The two up-to-date Checklists are published as informative material together with the EASA Opinion for Part-ATS.

comment *219* comment by: *CAA-NL*

The Comments of the Ministry are the comments as introduced in this CRT by ATC The Netherlands and KNMI (Jan Sondij)

response Noted

comment *234* comment by: *Blackbushe AFIS*

We have had insufficient notice of this NPA to make an informed and valid response to the NPA, and its impact on the operation at Blackbushe.

The removal of ground movement control will have a serious impact on the safety and viability of the operation at Blackbushe.

The operation at Blackbushe has developed and expanded over time using the UK model of AFIS, which ensures full control of all pedestrians, vehicles and aircraft on the surface. The layout, design and development of the aerodrome has developed in accordance with the UK model. Blackbushe operates primarily, but not exclusively, in response to the needs of VFR traffic, and the aerodrome and local area can be intensely busy. This is not shown in the annual movement summary, which although high, only reflects the average movements, and not the intense periods of activity. It is our opinion that this shows a very real and present difference with operations in other states, such as in Scandinavia or central Europe.

The request to change the suffix from information to AFIS poses no difficulty. However other aspects of phraseology change and harmonisation would not be well received at this aerodrome. Particularly, we would not be happy with the phraseology 'runway free', as we feel that such phraseology is ambiguous.
Reduction of standards as part of a drive to greater harmonisation must be resisted. The response to any changes must be delayed and subject to a full and thorough impact assessment on how the proposed changes will affect the Blackbushe operation.

We respectfully request an extension to the deadline so that we may make a more detailed and in depth response to the NPA.

response

Noted

EASA published NPA 2016-09 on 14 September 2016, and initially the deadline for the public consultation period was set to 16 January 2017; upon request of the stakeholders, such deadline was extended to 28 February 2017, thus considerably extending the consultation timeframe compared to the usual 3-month period.

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted (see the response to comment #239).

The control of aircraft on the manoeuvring area is considered to be part of the ATC tasks as it fulfils the objective in ATS.TR.100(b), transposed from Standards in Section 2.2 of ICAO Annex 11. Hence, it should not be considered a task which can be fulfilled by AFIS units, which are providing flight information service in the aerodrome context and are required to fulfil the objectives in ATS.TR.100(d) as proposed in NPA 2016-09. Evidence gathered by EASA via formal and informal consultation has shown that this practice (AFIS units to fulfil ATC tasks for aircraft ground control) is extremely limited throughout the EU. Such a practice is also not recommended in the EUROCONTROL AFIS Manual and, at this stage, it seems that it will not be considered in the ongoing work to produce an ICAO AFIS Manual.

Phraseology to be used in air-to-ground communications when AFIS is provided will be

introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

With regard to the comment on the suffix for AFIS units, see the response to comment #257.

comment

236 comment by: *European Transport Workers Federation - ETF*

ETF is of the opinion that this regulation should follow some general principles to establish a clear understanding of what kind of service could be expected by the airspace users :

- ATC is a different service from FIS and AFIS and ATC officers are subject to a dedicated licensing regulation
- AFIS and FIS units do not provide control service even for the ground movements on aerodromes.
- No other aeronautical station provide any element of the air traffic services within the EU.

response

Noted

The proposal distinguishes between the different services within the scope of ATS and at the same time provides some flexibility for their application which takes into account local needs and well-established practices, in order to ensure the required proportionality for its implementation.

comment

237 comment by: *European Transport Workers Federation - ETF*

ETF is of the opinion that a requirement to assess the need to establish a dedicated ARO is needed based on a safety case approved by the competent authority. The roles and duties of this ARO must be further clarified especially with regard to the “life of the flight plan” and the need to collect data for closing the flight plans.
A definition of ARO would also be greatly appreciated.

response

Noted

The definition of ATS Reporting Office (ARO) is provided in Article 2 34. of Regulation (EU) No 923/2012 (SERA). Within Part-ATS, this definition is embedded in ATS.TR.110(b).

Further details on the submission of flight plans are included in SERA.4001, while the closing of a flight plan is addressed in detail in SERA.4020 (both in the aforementioned Regulation (EU) No 923/2012).

comment

238 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

The Federal Office of Civil Aviation (FOCA) appreciates the opportunity to comment on this NPA and congratulates the Agency for the good work.

response	Noted

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comment	*2* comment by: *Humberside Airport* Page No: 1 Para No: N/A Comment: The adoption of this NPA will impact on the way in which the UK CAA has authorised operations within Class G airspace. However, it is sensible to plan for internationally recognised standards for airspace structure and services as this will improve safety overall by ensuring that all aviation users adopt common international regulations and procedures; in order for the UK to conform to this NPA it is likely that a top-down review of the UK's airspace structure and service provision will be required.
response	Noted

comment	*52* comment by: *Frédéric BOISARD* Being AFISO and also Pilot, I confirm the need for more clear and proportional common rules for AFIS in europe, and support EASA action in this field.
response	Noted See the response to comment #192.

comment	*87* comment by: *EKGF / Maersk Oil* The NPA does not address any parameters for determining whether an aerodrome should be classified as AFIS or ATC. It does however propose airfields with *mainly general aviation* to be non-ATS (UNICOM stations). It could be beneficial with clear non-binding guidelines for member states, to clearly indicate in which direction the member states are expected to move forward with AFIS services. By continuing the linguistic level from ICAO circular 211/1988 there is a risk of continuing the various different AFIS interpretations that circular 211 has resulted in.
response	Noted With this regulatory proposal, EASA aims at regulating ATS (i.e. ATC, FIS, alerting service), not at addressing where such services have to be provided, which is considered to be overregulation. It is a responsibility of the Member State to select the most appropriate service (and airspace classification) in accordance with the traffic needs. It shall be noted that the proposal also contains some flexibility. See also the response to comment #236.

comment *192* comment by: *Airport Operators Association (UK)*

The Airport Operators Association (AOA) is the national voice of UK airports, representing the interests of over 50 UK airports, and the principal body engaging with the UK Government and regulatory authorities on airport matters.

The AOA supports this NPA in principal as UK airspace modernisation and harmonisation remains a priority, as it does in all of Europe. Some of the principal benefits will include the **delivery of the highest possible levels of safety consistently**, **meeting capacity** demands and becoming as **efficient as possible**.

Transposition of the International Civil Aviation Organisations (ICAO) Air Traffic Services (ATS) provisions into the EU aviation regulatory framework offers the potential to harmonise regulations bringing a number of the aforementioned benefits. Recognising the UK commitment to SERA (Single European Rules of the Air), and that the AOA (with others) is campaigning for airspace modernisation. The purpose of Controlled Airspace (CAS) is to enhance protection of Air Traffic Movements (ATM's) operating Instrument Flight Rules (IFR). With forecast growth and capacity demands, the "known" traffic environment will be placed under greater duress. Such growth must assume future UAS (drone) activity being realised too. With airspace classification determined upon the ATM demands, the continued use by CAT at smaller aerodromes is essential to achieve the widely acknowledged value of regional connectivity.

Hereto with, this aspiration for the transposition of ICAO into EU regulatory framework should not displace equitable use of airspace, nor disadvantage smaller operations on analysis of risk due to such enforced change. For the UK there remain a number of concerns, which EASA should be also concerned with. This is primarily the provision of no ATS outside of CAS.This procedure will be applied in due course by UK and other member states (where applicable). The solution may be some years away, therefore EASA is urged to consider, in its proposals at the next stage with all stakeholders, the solution to maintaining regulation equitably, based upon the back of enhanced safety standards.

The structure and classification of UK airspace is well documented and not explained here. There is some 29 UK aerodromes offering ATS for commercial air transport (CAT) activities and where the aerodrome is situated with Class G airspace. These aerodromes will have varying levels of air navigation systems (ANS) and accommodate mixtures of air traffic including; CAT, general aviation and sometimes a mix of military air traffic movements also.

Where this Notice of Proposed Amendment (NPA) seeks to align with ICAO provisions and assisting States in fulfilling their obligations (under the Chicago Convention), and defining proportionate and cost efficient rules, achieving this process will not be without some delay. It will also potentially put a number of UK smaller aerodromes at risk if a resolve is not achieved, in line with the NPA objectives, to provide continued use equitably. The UK aerodromes which offer ATS outside of controlled airspace will inevitably have to comply by either changing airspace, not offering ATS or reducing the level of service (as defined in UK civil aviation publications).

The structure to the UK Airspace Change Process (ACP) as it currently stands cannot accommodate significant ACP volume of requests in design, consultation or administration. The UK State regulator has indicated approximately ten years to achieve

alignment. This will lead the UK into failing to meet the NPA and therefore the main objectives, a state which is responsible for 25% of passenger traffic across the EU 28 states (as they stand). It appears evident that the UK will require a state program to address the ACP if it is to achieve the proposals within this NPA and UK aspirations to modernise its airspace.

Of equal concern is the disproportionate balance that will be created between aerodromes with and without CAS. Typically smaller airports, whether connecting to hubs or regional airports, may be impacted by the level of services able to be offered, subject to operation risk evaluation by others. The potential imbalance is subjective but offers an imbalance proportionality and a potential decline of very important regional connectivity services. As it stands there are no assurances or solutions for these regional airports amongst our important aviation sector. Airports and airlines may, at the suggestion of a risk of aerodrome restriction or closure, divert investment elsewhere.

There is an anticpation of the UK addressing some of these issues over time, however, in the interim there cannot be any erosion for small and regional airports through the risk exposure which will follow.

response Noted

See comment #985 in CRD 2016-09(B) and the related EASA response.

The content of this proposal does not prevent any of the Member States from classifying their airspace in accordance with their needs. The overall package of Regulation (EU) 2017/373, including this proposal, provides sufficient flexibility for having a proportionate approach when providing services for smaller aerodromes. For example, it gives the possibility for an air navigation service provider to apply and obtain either a certificate which is valid throughout the EU, or a limited certificate valid only in the Member State of issue, or even to apply for a declaration for flight information services provision. In addition, this regulatory package includes guidance on the possibility to implement the so-called UNICOM-type aeronautical stations, which do not provide ATS but facilitate certain airspace users.

comment *204* comment by: *Jan Sondij*

General NPA 2016-09(A)	KNMI	The various notions related to meteorological units (meteorological watch office, aerodrome meteorological office and aeronautical meteorological station) as used in repealed EU 2016/1377 are not consequently or correctly applied throughout the NPA when reference is made to a meteorological unit.	Inconsistent rulemaking	Review MET part.

response Accepted

See the response to comment #91.

comment	*257* comment by: *Hellenic Civil Aviation Authority* After having thoroughly studied the NPA we would like to comment on the following: 1.AFIS service must be provided by fully trained and certified personnel, as it is a pre-requisite for the safety of air navigation. 2. We feel that choice of runway in use in Greek AFIS aerodromes must be provided by the AFISOs, because of increased traffic flow especially during summer period. 3. Vehicles and ground personnel movements in AFIS aerodromes should not be controlled by AFISOs. Instead information should be given, but not instructions or any form of clearances. 4.In reference to AFIS units call sign, use of AFIS, along with location (i.e PAROS AFIS) is preferable to avoid misinterpretations and confusion with the FIS en-route services using the term “information”. 5.Finally, we believe that the implementation of common rules and phraseology in AFIS services is beneficial for the personnel involved. Therefore we deem necessary the publication of ICAO document for the AFIS manual, based on the suggestions of the parties involved, and for the ECTRL AFIS Manual to be part of the ICAO ANNEX 11, so that full transposition is implemented. We would like to note that AFIS in Greece is provided according to ICAO CIR 211 and the ECTRL AFIS Manual, checked and approved by the competent authorities of the HCAA.
response	Noted With regard to the issue in point 1 of your comment: The proposed ATS requirements do not address in details the recruitment, competency and training of personnel providing AFIS, since such subjects are not within the scope of RMT.0464 as defined in its Terms of Reference; furthermore, it is to be noted that this subject is not specifically addressed in the EASA Basic Regulation. EASA could consider developing requirements for the AFIS personnel based on the advice of its Advisory Bodies and of its Member States. However, it shall be noted that with ATM/ANS.OR.B.005 in Regulation (EU) 2017/373, the ATM/ANS (including AFIS) providers are required to ensure that their personnel are trained and competent to perform their duties in a safe, efficient, continuous and sustainable manner. With regard to the issue in point 2 of your comment: See the response to comment #162 on the selection of the runway in use at aerodromes where AFIS is provided. With regard to the issue in point 3 of your comment: The proposal provides flexibility in this regard, leaving the decision to the competent authority whether or not AFISO may authorise vehicle and persons on the manoeuvring area. See the response to comment #239. With regard to the issue in point 4 of your comment: Noted The analysis of comments received on the proposal for the naming of the AFIS units has

shown that, in the absence of explicit ICAO SARPs on the subject, non-harmonised practices are in place throughout Member States. EASA has also considered various views expressed by stakeholders via the comments submitted through the NPA 2016-09 consultation, as well as during the various thematic meetings, which were held during the comments review. Moreover, global harmonisation in the context of the ongoing development of the ICAO AFIS Manual is being proposed. According to the information available for the time being, the relevant ICAO Group considers as appropriate to use the suffix 'INFORMATION' for the naming of AFIS units.

In consideration of all the above, EASA has decided to amend the proposed requirement for the naming of AFIS units and to replace the suffix 'AFIS' with the suffix 'INFORMATION'.

As in accordance with Section 5.2.1.7.1 of ICAO Annex 10 Volume II, such suffix is the same to be used also for the naming of flight information centres (FICs), EASA has developed the new GM1 ATS.TR.115(b)(9);(10), to provide guidance on the prevention of risks resulting from duplication of naming of FICs and AFIS units providing services in contiguous portions of the airspace.

With regard to the issue in point 5 of your comment:

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

1. Procedural information p. 4-5

comment *182* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Procedural Information Section 1.4 *The next steps in the procedure*	It is stated that "*Following the adoption of the regulation, the Agency will issue a decision containing the related AMC and GM*". It is important to stick to the material as presented under **sections 1.3** and **1.4** of **part (B)** of this **NPA 2016-09**.	This is of basic importance for a meaningful processing of the resulting regulation through commitology, as already experienced in previous instances (e.g. regulation (EU) 2015/340, regulation (EU) 2016/1377).

response Not accepted

EASA has further developed and, when necessary, amended the AMC and GM initially published with NPA 2016-09 on the basis of the comments received via the public consultation and of the subsequent review. These resulting AMC and GM are published as informative material together with the Opinion. They might be subject to further amendments as a result of possible modifications to the corresponding Implementing Rules introduced during the committee procedure. EASA is committed to ensure full transparency with regard to the evolution of the AMC and GM related to Part-ATS throughout all the phases of the regulatory process leading to the issuance of the EASA ED Decision.

2.1. Overview of the issues to be addressed p. 6-7

comment *1* comment by: *Harald GERBAUTZ*

response Noted

The commentator has not included any text for this comment.

comment *37* comment by: *Humberside Airport*

Attachments #1 #2

Page No: 6
Para No: 2.1

Comment:

The UK stands alone in Europe with its implementation of 'UK FIS' in CAP774 and the advice to pilots on the types of ATS that are available within Classes E and G airspace that is contained within 'UK Flight Information Services CAP1434' (see attached 'UK Flight Information Service' CAP774 and 'UK Flight Information Services' CAP1434). If this NPA is implemented as written, major changes will be required to the airspace structures over the UK to enable current operations requiring ATC to continue at aerodromes that either have no CAS or that have a Control Zone (CTR)/ Control Area (CTA) but have to control aircraft through Class G to access the en-route structure; such activity may have to cease. The HUY ANSP could not meet the requirements of this NPA owing to airspace constraints in that HUY has no CAS. In addition, the UK's operation of 'UK FIS' in CAP744 would no longer be possible. However, if a method of operations can be authorised that allows HUY and other such airports to continue to operate providing an ATS within Class G with EU 340/2015 certified air traffic controllers as we do today then this NPA can be accepted without any major airspace redesign. However, we do not believe that this is possible as the current UK provision does not meet the Part-ATS requirements unless the UK CAA was to provide an

	alternative Method of Compliance (altMOC) or amend the airspace to provide CAS with connectivity to the en-route structure. We believe that the UK will have a major decision to make as to whether the whole of the airspace is redesigned, from the top down, to become fully ICAO compliant, or aerodromes that operate CAT with fare paying passenger-type operations as are currently carried out without a Control Zone (CTR)/Control Area (CTA) or with a CTR/CTA but no direct connectivity to the en-route structure - which means CAT routing through Class G – would in all probability have to cease such operations. It should be noted that it is highly likely that most UK airports that provide air traffic control services without CAS would be unsuccessful in implementing a UK CAA Airspace Change Proposal (ACP) to establish CAS given the UK's current airspace policy and the CAA's ACP process, especially given the timescales involved; indeed the establishment of new CAS may become less likely in the future owing to changes to be made to the ACP process that we believe will increase the risk that an application would not be successful. Additionally, it is our opinion that it should not be an aerodrome's responsibility to request airspace changes to establish CAS to meet changes in regulation that will fundamentally change the accepted and currently authorised methods of operation within UK airspace, nor should an aerodrome have to request establishment of connectivity to the en-route structure; this should be a regulatory decision by the UK authorities and is likely to become a political issue. Within the UK, there are many airports that only have an ATZ and have associated ANSPs that provide air traffic controllers to control aircraft or that have Class D CAS with no connectivity to the en-route CAS structure (examples are Norwich Airport (EGSH) and Durham Tees Valley Airport (EGNV) that each have an island of Class D surrounded by Class G).
response	Noted See the comment #985 in CRD 2016-09(B) and the related EASA response.

comment	*81* comment by: *René Meier, Europe Air Sports* 2.1 Overview of the issues to be addressed page 6/81 In the third text block (and repeatedly throughout the NPA) we find "this new (ATM/ANS) Regulation aims at ensuring full implementation of the priniciples of the Basic Regulation..." Our question now: Which Basic Regulation is meant, the 216/2008, or the one actually "under construction".
response	Noted The Explanatory Note intended to refer to the ATM/ANS Common Requirements Regulation which, at the time when NPA 2016-09 was issued, had been finalised but had not been published on the EU Official Journal yet. Regulation (EU) 2017/373 was finally published on the EU Official Journal on 8 March 2017 and will be applicable as of 2 January 2020 (and not as of 1 January 2019 as indicated in the text of the Explanatory Note subject to this context).

comment	*183* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.1** *Overview of the issues to be addressed* **Section 2.4** *Transposition of ICAO provisions into Part-ATS*	It is important to clarify the nature and scope of the "transposition" of the ICAO documents into the EU regulatory framework, in particular of Annex 11 and PANS ATM (Doc 4444).	This is of basic importance in order to understand the legal implications of this transposition for the Member States as Contracting States under the Chicago Convention and, more particularly, in relation to their obligations under article 38 of the said Convention.

response Noted

See the response to comment #179.

comment *184* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.1** *Overview of the issues to be addressed* **Section 2.4** *Transposition of ICAO provisions into Part-ATS*	In relation to the transposition of ICAO Annexes into Annex IV (Part-ATS) of Regulation (EU) …/…, it is stated that "*it fosters the harmonisation of ATS provision throughout the EU, as it will lead to a reduction of the differences filed under the Chicago Convention*". This would imply that, once the relevant ICAO Annexes (namely, parts of Annex 10 Volume II, Annex 11 and PANS ATM) are transposed into the EU regulatory system, an article stating the differences to be communicated by the Member States should be produced and included in the cover regulation section of Regulation (EU) …/….	In the same manner as with **Regulation (EU) No 923/2012** (SERA), which transposed **ICAO Annex 2** and which details the list of commonly agreed differences to be notified to ICAO in accordance with its **Article 5** '***Differences***'. In fact, we fully support the statement of the final paragraph of **page 8**: "*An analysis of the differences to Standards of Annex 11 notified by the EU Members States in accordance with Article 38 of the Chicago Convention was also performed, with the objective of identifying commonalities in such differences and, when appropriate, formulating proposals for common EU differences from the ICAO provisions*".

response | Accepted

In case differences with the originating ICAO Standards are introduced within Part-ATS, such common differences will be included in Regulation (EU) 2017/373, as it was done with Regulation (EU) No 923/2012 (SERA).

See also the response to comment #720 in CRD 2016-09(B).

2.3. Summary of the regulatory impact assessment (RIA) p. 7-8

comment | *3* comment by: *Humberside Airport*

Page No: 7-8
Para No: 2.3

Comment:

Aerodromes that do not require ATC and currently provide AFIS come in many different sizes and have differing requirements. Therefore, some flexibility is required to ensure that regulation is proportional to the task at each individual aerodrome.

Justification:
Aerodromes that do not require ATC have too many differing requirements to be placed into a specific set of rules. The provision of AFIS should be based on national legislation. Whilst this would mean that a common standard could not be set, the benefit of meeting individual requirements would far outweigh any common standard. The national authority may be better placed to decide the appropriate regulations under which a particular AFIS aerodrome is placed.

response | Not accepted

Regulation (EU) 2017/373 establishes a regulatory framework allowing flexibility for ANS providers to apply for certification, limited certification or declaration when providing FIS. The requirements proposed in the Opinion and the associated draft Decision further address and harmonise the provision of FIS at aerodromes in its fundamental aspects, with the objectives explained in NPA 2016-09(A) Section 3.1.2. It is impossible to establish a regulatory framework, even at national level, which 'is proportional to the task at each individual aerodrome'.

comment | *44* comment by: *BE CAA*

	p7 Possible options Airspace department of BCAA fully supports OPTION 1.
response	Noted

comment	*51* comment by: *Frédéric BOISARD* Representing an AFIS-ANSP I agree that "option 1" (essential and flexible AFIS rules) is the best solution for amending provisoins for AFIS rules.
response	Noted

comment	*98* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **Aerodrome Flight Information Service - AFIS** Sweden is in general positive to a harmonized regulation and definition of aerodrome flight information service at a common European level as this is beneficial for flight safety as well as for the understanding of AFIS among flight crews and operators especially when it comes to operations by crews from an other member state. However, the present proposal in NPA 2016-09 does not seem to at a sufficient degree take into account the parts of Annex 11 and Doc 4444 relevant to air traffic service in general, regardless of ATC, FIS or AFIS. Instead the Annex 11 and Doc 4444 have mostly been directly transposed into ATC regulation even if there are several paragraphs which are relevant for the whole of ATS (ATC, AFIS and FIS). From a Swedish perspective this leads to the conclusion that NPA 2016-09 proposes a significant lower (under-regulated) service level of AFIS than is the case in Sweden today. As a consequence the aim for higher flight safety will not be met from a Swedish perspective. In NPA 2016-09(A) paragraph 3.4.3 it is stated *".. this regulatory proposal does not include detailed provisions on the recruitment, qualification and training of AFIS personnel, as these fields are not within the scope of RMT.0464*" and complemented with reference to the obligations for ATS providers in these areas. As it comes to common air-ground phraseologies supporting the provision of AFIS it is said to be beneficial and these will be developed during 2016-2017 for future inclusion in the SERA regulation. From a Swedish point of view these areas are crucial to have in place at the same time as the AFIS provisions in Part ATS come into force. The Swedish national regulations on the recruitment, qualification and training of AFIS personnel as well as the national regulation regarding language proficiency, radiotelephony and phraseology together with national general ATS and specific AFIS requirements forms the basis for providing AFIS to all types of air traffic without any limitations. The majority of Swedish aerodromes providing aerodrome flight information service are small regionally owned and financed airports handling commercial, scheduled flights with passengers. These airports are a crucial part of the Swedish transport system where air transport to large extent is the only reasonable type of transport. With an under-regulated

AFIS provision Sweden might have to reconsider the type of ATS provided to commercial air traffic leading to a change from AFIS to ATC with extensive negative economical impact for the aerodromes affected.

As NPA 2016-09 do not fully cover provisions common for ATS (incl AFIS), human recourses with regard to AFIS personnel and AFIS phraseology and since there is no explicit possibility for competent authorities to implement complementary national regulations **Sweden presently supports 'Option 0'** with an urge for continuing the efforts aiming at a complete proposal for harmonization of AFIS and the regulation thereof in due time.

response

Noted

As explained in Chapter 3 'Regulatory impact assessment' of NPA 2016-09(A), Option 1 'Essential and flexible AFIS rules' was selected as a result of harmonisation and safety considerations. The proposed AFIS provisions were carefully selected and formulated also taking into account the existing diverse implementation of AFIS throughout the EU, as evidenced by the EASA survey published together with the NPA. EASA also intended to ensure a minimum cost impact for the affected parties, and in particular for AFIS providers. Nothing prevents the Member States from implementing their national legislation complementing the EU provisions, provided that such national legislation is not in contradiction with the EU law.

The proposed ATS requirements do not address in detail the recruitment, competency and training of personnel providing AFIS, since such subjects are not within the scope of RMT.0464 as defined in its Terms of Reference; furthermore, it is to be noted that this subject is not specifically addressed in the EASA Basic Regulation. EASA could consider developing requirements for the AFIS personnel based on the advice of its Advisory Bodies and of its Member States.

However, it shall be noted that in accordance with ATM/ANS.OR.B.005 in Annex III to Regulation (EU) 2017/373, the ATM/ANS providers (including AFIS) are required to ensure that personnel are trained and competent to perform their duties in a safe, efficient, continuous and sustainable manner.

Comment

148 comment by: *ATC the Netherlands*

Pagina 7 Introduction of AFIS:
Option 0 'No policy change': No change to the actual EU rules; risks remain as outlined in the issue analysis.
Option 1 'Essential and flexible AFIS rules': Definition of AFIS and its essential requirements consistent with existing ICAO ATS principles and EU legislation and practices, while ensuring certain flexibility.
Option 2 'Comprehensive and prescriptive AFIS rules': Definition of AFIS and its complete mandatory requirements consistent with existing ICAO ATS principles and EU legislation.

The preference of The Netherlands is option 1: Essential and flexible AFIS rules.
Proportionality of requirements is essential for successful Service Provision, specifically at smaller aerodromes. For Meteorology, in accordance to WMO requirements, the local aerodrome operator may appoint a person to observe the weather conditions and

	communicate this to pilots. The formal Met provider is not necessarily involved. For reasons of proportionality it seems appropriate to regulate further details at a National level.
Response	Noted This regulatory proposal does not limit the additional qualification of AFISO to observe the weather conditions as a qualified MET observer, although this task cannot be considered as an ATS task. It shall be noted that the MET information to the airspace users shall be provided by a certified MET services provider; hence, arrangements for this purpose shall be established with a certified MET services provider to define the tasks of the MET observer. Provisions in ATS.OR.515(a) offer the necessary flexibility to Member States to determine the provision of MET information to AFIS units.

comment	*246* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* One of the main concerns that ATCEUC has is that there is no mention or recommendation whatsoever, throughout the whole document, to the fact that the objective of AFIS must be to enhance safety when an ATC service would be over dimensioned, but it is not to be used as a replacement for ATC, as we have seen they have done in some countries, for pure economic reasons. If traffic demand or the complexity of the airspace requires so, ATC should always be the option, and not the other way round.
response	Noted With this regulatory proposal, EASA aims at regulating ATS (ATC, FIS, alerting service), not at addressing where such services have to be provided, which was considered to be overregulation. It is a responsibility of the Member State to select the most appropriate service (and airspace classification) in accordance with the traffic needs.

2.4. Transposition of ICAO provisions into PART-ATS p. 8-10

comment	*67* comment by: *IFATCA* All instances of “should” shall be replaced by “shall” since IFATCA believe such assessments are necessary for the safe operation of aerodrome traffic. This has been proposed as an amendement to all the relevant change proposals.
response	Not accepted See the response to comment #147.

comment	*99* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* The editions/amendments regarding Doc 7030 and Annex 10 Vol II are missing. Annex 10 Vol V including edition/amendment is precluded.

response	Noted

Comment	*100* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* We have a reflection regarding the implementation of parts from Annex 10 Vol II and V in the ATS requirements. ATM/ANS Common Requirements Regulation Annex VIII (Part-CNS) stipulate the following CNS.TR.100 Working methods and operating procedures for providers of communication, navigation or surveillance services A communication, navigation or surveillance services provider shall be able to demonstrate that its working methods and operating procedures are compliant with the standards of Annex 10 to the Chicago Convention on aeronautical telecommunications in the following versions as far as they are relevant to the provision of communication, navigation or surveillance services in the airspace concerned: Volume I on radio navigation aids in its 6th edition of July 2006, including all amendments up to and including No 89; Volume II on communication procedures, including those with PANS status in its 6th edition of October 2001, including all amendments up to and including No 89; Volume III on communications systems in its 2nd edition of July 2007, including all amendments up to and including No 89; Volume IV on surveillance radar and collision avoidance systems in its 4th edition of July 2007, including all amendments up to and including No 89; Volume V on aeronautical radio frequency spectrum utilisation in its 3rd edition of July 2013, including all amendments up to and including No 89. Is there any risk associated with implementation of the same requirements from Annex 10 Vol II and V on both ATS and CNS providers? This is not highlighted in the NPA.
Response	Noted The very limited number of ICAO Annex 10 Volume II and V provisions transposed as Implementing Rules within Part-ATS would have the same regulatory force as the reference in accordance with provision CNS.TR.100 in Regulation (EU) 2017/373 mentioned in the comment. Therefore, there is no discrepancy between the obligations for regulated subjects.

Comment	*101* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* We support the general principle followed in this NPA that ICAO Standards elected for transposition are proposed as Irs in recognition of their status under the Chicago Convention. Regarding the placement of Recommended Practices from the ICAO Annexes, PANS ATM and other material selected for transposition into Irs, AMC, and GM, our general opinion are that PANS often has been proposed as GM. More detailed comments are included in our comments on the GM.
Response	Noted

Comment	*102* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* Sweden in general supports the intention to allocate tasks to specified functions/organisations and it is important this is done in a way which contributes to clearness and hereby reduces any possible misinterpretation. As an example: Annex 11, mom. 2.4.1 the transition to NPA is clarified with *".. Shall be Determined by the Member States by Consideration…"* these clarifications would contribute to a clearer division of responsibilities.
Response	Noted

Comment	*103* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* EASA has noted that the conversion from ICAO to EU legislation results in either over-regulating or under- regulating. The Swedish opinion is that the AFIS-service is under-regulated. Several of the implementing rules addresses ATC. However, there are several impelementing rules relevant to AFIS providers as well but left aside. In many cases this may be changed by shifting ATC to ATS. In addition, training and competency regarding AFIS is completely left unregulated.
Response	Noted See the responses to comments #98 and #1170 in CRD 2016-09(B).

comment *183* ❖ comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.1** *Overview of the issues to be addressed* **Section 2.4** *Transposition of ICAO provisions into Part-ATS*	It is important to clarify the nature and scope of the "transposition" of the ICAO documents into the EU regulatory framework, in particular of Annex 11 and PANS ATM (Doc 4444).	This is of basic importance in order to understand the legal implications of this transposition for the Member States as Contracting States under the Chicago Convention and, more particularly, in relation to their obligations under article 38 of the said Convention.

Response Noted

See the response to comment #179.

comment *184* ❖ comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.1** *Overview of the issues to be addressed* **Section 2.4** *Transposition of ICAO provisions into Part-ATS*	In relation to the transposition of ICAO Annexes into Annex IV (Part-ATS) of Regulation (EU) …/…, it is stated that "*it fosters the harmonisation of ATS provision throughout the EU, as it will lead to a reduction of the differences filed under the Chicago Convention*". This would imply that, once the relevant ICAO Annexes (namely, parts of Annex 10 Volume II, Annex 11 and PANS ATM) are transposed into the EU regulatory system, an article stating the differences to be communicated by the Member States should be produced and included in the cover regulation section of Regulation (EU) …/….	In the same manner as with **Regulation (EU) No 923/2012** (SERA), which transposed **ICAO Annex 2** and which details the list of commonly agreed differences to be notified to ICAO in accordance with its **Article 5** '***Differences***'. In fact, we fully support the statement of the final paragraph of **page 8**: "*An analysis of the differences to Standards of Annex 11 notified by the EU Members States in accordance with Article 38 of the Chicago Convention was also performed, with the objective of identifying commonalities in such differences and, when appropriate, formulating proposals for common EU differences from the ICAO provisions*".

response Noted

comment *185* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.4** *Transposition of ICAO provisions into Part-ATS*	We fully support the statements of the two first paragraphs of **page 9** on the treatment of ICAO Standards and Recommended Practices during the transposition of the ICAO material and on the deviation from the use of the passive voice, as well as the rationale behind that decision.	-

response	Noted

comment	*230* comment by: *Icetra* Iceland kindly requests that rules which are developed by EASA and intended to apply equally to all contracting parties of the EEA Agreement are prepared in such a way that it deals also with the particularities facing each state. For Iceland this means taking into account the fact that Iceland is situated in the ICAO NAT region and as such is committed to adhere to the NAT part of ICAO Doc 7030, not the EUR part of said document.
response	Noted See the response to comment #160.

2.5. Interrelation with the SERA Regulation p. 10-11

comment	*104* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* The NPA proposes recitals in both the SERA Regulation and the ATM/ANS Common Requirements Regulation that indicates that the two Regulations have to be read and applied in conjunction with each other. We don't think this is enough. We propose that article 5 in the ATM/ANS Common Requirements Regulation are changed as follows: Service providers shall be granted a certificate and be entitled to exercise the privileges granted within the scope of that certificate, where they comply and continue to comply, in addition to the requirements referred to in Article 8b(1) of Regulation (EC) No 216/2008, with the following requirements: (d) for providers of ATS, in addition to the requirements of points (a), (c) and (m), the requirements laid down in Annex IV (Part-ATS) **shall comply without prejudice to regulation (EU) No 923/2012**; As an alternate an footnote (d) for providers of ATS, in addition to the requirements of points (a), (c) and (m), the requirements laid down in Annex IV (Part-ATS)[1] [1] The requirements laid down in Annex IV (Part-ATS) shall comply without prejudice to the Regulation (EU) No 923/2012.
response	Accepted EASA has deemed appropriate to introduce a specific requirement to indicate that ATS providers are requested to comply with the applicable provisions in Regulation (EU)

No 923/2012 (SERA). Therefore, the text of Article 6 of Regulation (EU) 2017/373 is amended accordingly, as follows:

Service providers shall be granted a certificate and be entitled to exercise the privileges granted within the scope of that certificate, where they comply and continue to comply, in addition to the requirements referred to in Article 8b(1) of Regulation (EC) No 216/2008, with the following requirements:

……

(d) for providers of air traffic services, in addition to the requirements of points (a) and (c), the requirements laid down in Annex IV (Part-ATS) and the requirements laid down in Regulation (EU) No 923/2012;

comment

106 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

The NPA proposes duplication of a number of relevant SERA requirements as ATS requirements to ensure the completeness of the text and to improve readability. With this approach it is most important that the duplicated requirements in both regulations are updated at the same time. The NPA don't explain how this is ensured.

response

Noted

EASA, in coordination with the Commission, has initiated a process to ensure the timely maintenance of EU rules transposing ICAO provisions, when the latter are subject to amendments. For this purpose, the intent of EASA is to establish an EU/ICAO synchronisation mechanism and associated rulemaking tasks, which together will assure, inter alia, the continuous alignment between EU ATS and SERA requirements, taking into consideration the amendments introduced to ICAO originating provisions. This mechanism is described in a document which the Commission presented in the Single Sky Committee meeting #65, and which was consulted with the EASA Advisory Bodies (TeB and STeB). The maintenance mechanism is published on the EASA website, as an Appendix to the Terms of Reference of either RMT.0476, RMT.0668 or RMT.0719, which may be found under http://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions.

comment

129 comment by: *UK CAA*

Page 10-11 and 53

Paragraph No:

NPA 2016-09(A) 2.5 Interrelation with the SERA Regulation
NPA 2016-09(A) 3.1.1.2 The current EU ATS regulatory context
NPA 2016-09(A) 3.1.1.3 Transposing ICAO ATS provisions into the EU aviation safety

regulatory framework

Comment:

The UK CAA observes that, while the need to align Part-ATS with extant regulation is alluded to, there is no explicit explanation as to how EASA foresees continued synchronisation of Part-ATS content with its source ICAO material.
A robust 'maintenance' process is essential to ensure timely transposition of future amendments to ICAO Annex 11, Doc 4444 and other ICAO source material affecting Part-ATS. It is additionally required to capture any changes to other EU regulatory material that impacts on Part-ATS. Rulemaking and safety promotion programme including EPAS 2017–2021 refers to RMT.0719 'Regular update of ATM/ANS rules (IR/AMC/GM)'
however NPA 2016-09 makes no reference to the RMT. EASA is invited to provide insight into how RMT.0719 'Regular update of ATM/ANS rules (IR/AMC/GM)' is to be managed in practice.
Although EASA has a process in place to make suggestions on how States should respond to ICAO material and help them respond, States still have rights and obligations to ICAO including the ability to make national differences. This raises the potential of different national approaches to ICAO material impacting on EU legislation and supporting EASA AMC/GM and the need to have a way to resolve these, agree EU differences where needed and make appropriate changes to the regulatory package (i.e. Rule/AMC/GM).

Justification:
Requirement for a process to deal with amendments to the legislation and agreement on what this will be.

response | Noted

See the response to comment #106.

2.6. AFIS requirements p. 11-12

comment | *4* comment by: *Humberside Airport*

Page No: 11-12

Para No: 2.6

Comment:
"Assuming that smaller airfields would be addressed in the UNICOM way detailed above — hence not be subject to the AFIS rules at stake — and given the wide variety of sizes of the actual AFIS aerodromes and their operation, the Agency recognises the importance of ensuring the highest most adequate level of proportionality and value added through the future rules on AFIS. In this light, it is particularly important for the Agency to receive feedback on this subject through the consultation of this NPA."

Each aerodrome should be able to propose the type of operation and airspace it would like and where this would be subject to regulatory oversight, seek authorisations through the Competent Authorities. If each aerodrome/airport/airfield has its own designated airspace

(ATZ or other), then what services provided within that designated airspace could be up to that facility. However, realistically, common rules of the air and minimum aircraft equipage standards should be operated within the same classification of airspace to ensure a common approach. Under the intent of this NPA, can a small GA aircraft with limited equipment operate in the same classification of airspace as a fully equipped B738 that has fee paying passengers? Or should a fully equipped B738 that has fee-paying passengers be operated within Class G unclontrolled airspace? We believe that a minimum set of standards must be published that are applicable to all who operate within the same airspace in order to ensure that aircraft operators assess their risks of operating in the airspace classifications that they will be routing from/through/to. In the case of designated airspace for a UNICOM that would be expected to be of a small size and limited to the aerodrome and the immediate circuit area around the aerodrome, there could be fewer or lower requirements promulgated but it should be limited to that specific airspace. Once an aircraft departed from that 'designated airspace' it would be expected to adhere to standard equipage and regulations for the classification of the airspace the aircraft intended to operate within.

"Therefore, the Agency kindly invites its stakeholders to clearly indicate, as appropriate, the need as well as the ways to potentially add further clarity to the proposed AFIS requirements and enhance their level of proportionality."

In answer to the above, an Aerodrome FIS is a subset of FIS and should be covered within the FIS Section of the regulations. However, this is a complicated area as there are many different interpretation of how FIS, and particularly AFIS, are implemented. This could be an area that should be subject to its own consultation?

If the decision is to continue within the same consultation, the FIS regulations should be split from those of ATC to provide clarity. It needs to be clearly explained what activity an AFIS officer can control compared to an ATC controller together with any airspace classification limitations or restrictions, qualifications of the controllers, training courses, ANSP equipment, aerodrome minimum facilities, etc. If not, the aerodromes could be tempted to reduce ATS provision from ATC to AFIS to reduce costs. Additionally, CAT operators need to be able to explain to their fee-paying passengers about the level of risk when flying through/within Class G 'uncontrolled' airspace and/or into AFIS aerodromes such that an informed decision can be made by the passenger as to which route/airline to fly on.

Note that this could be a specific UK issue as the UK currently authorises and certifies ANSPs and certified air traffic controllers to provide a control service and ATS at aerodromes that have a Class G ATZ and to provide a service within Class G airspace outside of an ATZ and CAS; with the implementation of regulation described within this NPA, the UK may have to review its procedures as currently 'UK FIS' provides mitigation for such CAT flights as surveillance services are provided by certified ANSPs with EU 340/2015 certified ATC controllers.

response | Noted

See the response to comment #7 and comment #985 in CRD 2016-09(B) and the related EASA response.

comment | *42* | comment by: *Airport Buochs AG*

Para 2.6:

- General remark: The representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation, as the regulator, share their support for an adequate level of proportionality for the regulation of AFIS.
- Terms and definitions: It is proposed that a clarifying standing designation and abbreviation of the function "FISO", together with the definition of the service provided by such persons, is included in the regulation.
- As a follow up to the proposed regulation, the harmonization of AFIS training and qualification schemes is strongly required.

response

Noted

See the response to comment #162.

comment

59 comment by: *Civil Aviation Authority Norway*

As AFIS is used throughout Europe, there is clearly a need for pan European Regulations in the domain, because today it differs significantly between States and providers.

We will throughout the document place our comments where we suggest further clarity/Regulation is needed.

We also see the need for standardised spesifications for AFIS training, medical requirements, licensing and phraseology. See our comment to para 3.4.3.

response

Noted

See the response to comment #98 concerning AFISO training requirements.

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment

76 comment by: *CAA CZ*

See NPA 2016-09(A) Page 12
As air–ground ATS phraseology is located in the SERA Regulation, the Agency will ensure that such specific phraseology is developed under the rules maintenance mechanism for the SERA Regulation during 2016–2017, based on existing ICAO phraseology, the Eurocontrol AFIS manual and national AFIS phraseologies.
General statement
It is not clear which phraseology AFIS officer will use (although it was noted that AFIS phraseology will be prepared by EASA within the period 2016-2017) and what supposed to be legal responsibilities of AFIS officer in the provision of advice service.

response

Noted

The phraseology to be used in air-to-ground communications when AFIS is provided will be

introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment *82* comment by: *René Meier, Europe Air Sports*

2.6. AFIS requirements
page 11/81

Our questions: What is a "small local airfield"? Please add a crystal-clear definition. And: Why do you not use the term "aerodrome"? In the same context: What are "smaller airfields"?

Rationale
Would such an airfield mean an aerodrome small by its dimensions or by its movement figures?

For our communities it is absolutely essential to get risk-based, proportiomate rules adequate to the nature of our operations as proposed in the forth text block: As I am the pilot in command of my aircraft I am the only decision maker as regards my flight operations, I know what I have to do, I am licensed, I know the rules, so, strictly speaking, I not even need a UNICOM station, I only have to apply the rules of good airmanship.

response Noted

The expression ‘small local airfield’ was used in a descriptive way in the context of the explanatory note, i.e. ‘small’ in terms of number of movements or used primarily for recreational activities. It is recalled that both the assessment of the need for ATS and the selection of the most appropriate service at aerodromes remain a Member State’s responsibility.

See also the response to comment #192.

comment *83* comment by: *René Meier, Europe Air Sports*

2.6. AFIS requirements
page 12/81

In one sentence: We think the Eurocontrol Manual for Flight Information Service contains all relevant provisions.

We thank the authors for including the lack of common phraseology. Insisting on a such is much more helpful than insisting on Language Proficiency Level 4 whose introduction produces longer frequency blocking because of the "story-tellers" that replaced the precisely articulating "radio station operator".

We do not think that there is a need for regulating too many specifities. Up in the far North of Europe other habits and customs are well established and must remain in place. There is

e.g. no need to make a Finnish pilot flying in the northernmost part of his/her country only to follow rules approporiate for central Europe.

The composition of the review group you will create has to consider this. Looking at the map of Europe there are many more isolated areas than more or less densly populated ones.

response

Noted

See the response to comment #98 concerning AFISO qualification and training.

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment

89 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*

Page No: 11

Paragraph No: 2.6

Comment: We strongly support the inclusion of AFIS requirements, and have added comments in line with this view in relevant paragraphs throughout the proposed amendments to the ATM/ANS Common Requirements Regulation (including PART-ATS).

Justification: AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.

response

Noted

comment

107 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

As AFIS (in Sweden) in many cases provides services to commercial air traffic it is preferable they have to adhere to the same general requirement including certification/designation obligations as for ATC providers since this sets a common platform regarding QMS and SMS (etc) which would be beneficial in the view of safety and the operators using the services of AFIS providers.

response

Noted

The requirements for the certification and the designation of ATM/ANS providers (including AFIS providers) are already well-established within the EU legislation, in particular in the SES package, in Regulation (EU) No 1035/2011 as well as in Regulation (EU) 2017/373.

comment

108 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

According to NPA 2016-09 " *[AFIS] ... provisions are built upon the ICAO FIS principles, applied and adapted, as necessary, to the aerodrome context.*"
However, there are differences between the practise of FIS and AFIS especially the service provided to air traffic at and in the vicinity of an aerodrome which is not fully considered which leads to an under-regulated AFIS service leaving many specific AFIS tasks outside.
For example the handling of vehicles (also see our answer on IR ATS.TR.305 Scope of flight information service (c)).

response

Noted

Extensive AMC and GM were proposed, originating from the ICAO Circular 211-AN/128 and the EUROCONTROL AFIS Manual, to specifically address the provision of FIS at aerodromes. As a result of the review of the NPA comments, these AMC and GM have been reviewed and further complemented, as appropriate.

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted (see the response to comment #239).

comment

109 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

According to NPA 2016-09 *" ... requirements addressed to ATS providers are intended to include also the AFIS providers, subject to conditions established for their certification or declaration."*
Sweden fully supports this statement.
Unfortunately there are several transpositions which solely address ATC when it instead would be appropriate to address ATS to include AFIS and FIS.

response

Noted

The extension of ICAO provisions addressing aerodrome ATC service was carefully evaluated and proposed only when considered suitable for the objectives of flight information service. Following the review of the NPA comments, the proposed provisions have been carefully reviewed and further complemented, as appropriate. The information provided with this comment is not sufficient to re-evaluate the relevant provisions.

comment

110 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Regulation of phraseology to be used by AFIS must be implemented alongside the regulations for practising AFIS.

A common AFIS phraseology is necessary and beneficial for both AFIS personnel and operators not at least from a safety perspective and have to be published and come into force at the same time as the implementing rules on AFIS. Not at least as international air crews are operating in different member states.

response

Noted

The phraseology to be used in air-to-ground communications when AFIS is provided will be

	introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment	*111* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* The NPA does not include any level of training and competence requirements for AFIS with reference to ATM / ANS.OR.B.005 management system Annex II. If training and competence requirements for AFIS is not included in the requirements then the competent authority must be given the possibility to regulate training and competence for AFIS personnel in national law. Sweden's opinion is that training and competence for AFIS personnel should be handled as similar as possible as training and competence for ATC.
response	Noted See the response to comment #98.

comment	*112* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* Generally, the Swedish opinion is: If proposed regulations for AFIS will come into force then AFIS-service will be under-regulated in Europe. Proposed AFIS-regulations is different (under- regulated) to the current set of AFIS-regulations in Sweden and we are of the opinion that the level of safety will be negatively affected. See our comments on section IR/AMC/GM. Training and competence requirements for AFIS personnel must be included in the regulations or explicitly be left to the competent authority to regulate training and competence for AFIS personnel in national law.
response	Noted See the response to comment #98.

comment	*131* comment by: *UK CAA* **Paragraph No:** 2.6 **Comment:** The ICAOs ATM Ops Panel has commenced activity to replace ICAO Circular 211 on Aerodrome FIS with a manual that will be substantially based upon EUROCONTROL's Manual of Aerodrome FIS. As such, there are provisions within the EUROCONTROL manual which the UK CAA believe will be retained within Circular 211's replacement that are either not contained within, or will supersede the proposed Part-ATS text. It is understood that the future ICAO manual will be published and take effect after Part-ATS is published in the Official Journal, but before Part-ATS takes effect in EU law. The UK CAA considers this lack of synchronisation and the potential ramifications of such to be a significant issue.

Consequently, notwithstanding comments made by the UK CAA on specific provisions proposed within NPA 2016-09(b), we strongly advocate that the most appropriate course of action is for the Agency to withdraw the proposed provisions relating to aerodrome FIS from Part-ATS pending completion of ICAO's work. The Agency should thereafter undertake rulemaking activity to transpose ICAO aerodrome FIS requirements into Part-ATS. Any need for parallel activities to develop organisational, technical and licensing/training requirements should be considered at this time and Member States consulted on these in the appropriate manner. See also UK CAA comment against EASA's questions to stakeholders relating to the implementation of AFIS provisions.

In its comments on NPA 2016-09(b), the UK CAA has made a clear argument for aerodrome FIS officers to be permitted to provide instructions to aircraft, persons and vehicles on the manoeuvring area on the grounds of proportionality and safety. The loss of the authority to provide such instructions causes significant safety concerns to the UK CAA. Moreover, the potential mitigations to such safety concerns are considered to be either disproportionate, or would pose significant economic disbenefits to UK aviation industry.

Given this and the other national variations in AFIS provision within Europe that the UK CAA is aware of, the scope of *current* rulemaking affecting AFIS provision should be reduced in order to allow for later, synchronous rulemaking that takes full account both of ICAO's replacement AFIS manual and the need to allow sufficient flexibility of AFIS practice amongst Member States. A convergent approach is advocated.

Justification: Ensuring timely synchronisation with ICAO requirements; maintaining levels of safety at AFIS aerodromes and ensuring that EU regulatory materials remain proportionate.

response

Partially accepted

The proposal to put on hold EASA's regulatory initiative to regulate AFIS and to await for ICAO's outputs is not accepted, as at the moment there is no certainty neither on the content nor on the timeline for the adoption of the AFIS Manual being developed by ICAO. EASA has a mandate to propose regulation for ATS in the EU, including AFIS, and is committed to fulfil this task within the established deadline. It is reminded that the publication of NPA 2016-09 preceded the initiation of the ICAO work on AFIS. Being aware of the diverse implementation of AFIS in the EU, with this proposal EASA intends to provide the necessary proportionality and flexibility while establishing the fundamental framework for the provision of AFIS. The eventual future publication of the ICAO AFIS Manual and the provisions proposed by EASA are not expected to constitute any EU difference with ICAO SARPs.

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239.

With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234.

comment

144 comment by: *DTCA*

Ad Part (A), para 2.6

As regards AFIS as a concept being introduced via ICAO Circular 211-AN/128, published in 1988, Denmark, including Faroe Islands and Greenland, introduced national regulations on AFIS around 1990. The national regulations for AFIS included and still include, in the form of operational instructions, ICAO PANS-ATM provisions for the provision of flight information services (FIS).
Furthermore, since 15 years, AFIS has been provided at two Danish aerodromes by using ATS-surveillance (radar).
Also since then national regulations concerning competency, training and, later on, certification of AFIS-operators have been in place in Denmark.
Prior to the requirements of certification of ANSP's, cf. Regulation 135/2011, each individual AFIS service was operationally and technically approved by the authority to deliver the service, compliant with regulations.
Moreover Denmark established, also around around the same time criteria for the establishment of AFIS and ATC. The criteria are that AFIS shall be established at an aerodrome when the aerodrome is approved for instrument approach procedures or when scheduled flights are operated at the aerodrome.
The establishment of criteria when to establish AFIS and when to establish ATC is seen as a prerequisite to ensure an adequate level of safety in the provision of AFIS.
DTCHA propose that EASA, in collaboration with EU and EU member states, have the discussion of the necessity to have such establishment-criteria as the basis for the provision of AFIS.
In addition to the said criteria for establishing AFIS, Denmark at the same time deemed it necessary to set criteria for the establishment of airspace surrounding the aerodrome ensuring two-way radio communication within that airspace. Today's national regulations say that CAA Denmark (DTCHA) will establish a Traffic Information Zone (TIZ), and if necessary a Traffic Information Area (TIA) when the aerodrome a) is operated by scheduled flights, b) 500 IFR movements or more per one month takes place, or c) if the total number of operations in one year exceed 15.000 movements.
At that time the Nordic States agreed on very similar, where not exact same, criteria (when to establish AFIS and when to establish airspace around such aerodromes). This was verified between 2004 and 2006 by a Nordic Group of Authority personnel looking into the AFIS concept with the aim to look for ways of optimizing the service being provided by AFIS.
Linking this brief introduction to the NPA at hand, it must be noted that Denmark has already in place:
- certified AFIS units and FISOs (and before the certification of the AFIS units, the units were operationally and technically approved by the authority as mentioned above);
- national operational instructions for the provision of FIS and AFIS;
- competency, training and certification provisions; and
- a set of criteria for the establishment of AFIS at aerodromes and airspace linked to that service.

Introducing AFIS in the European context as is proposed by NPA 2016-09 does not allow States any flexibility to keep specific provisions with regards to AFIS, developed over many years.

Danish Transport, Construction and Housing Authority (DTCHA) propose that flexibility provisions be included into the Common Requirement and Oversight Regulation, similar to the flexibility provisions in 923/2012.

The introduction of such flexibility provisions will not, in our opinion, reduce the safety level

	at European level. On the contrary, introducing the text as proposed – and not allowing additional provisions that have been developed over years – may have as a consequence the introduction of ATC to ensure the existing level of safety in Denmark. DTCHA would agree that the Aerodrome Flight Information Services is a category of ATS ranging from ATS Reporting Office (ARO) over FIS/AFIS to ATC. DTCHA also agrees that smaller airfields operated by a radio-operator, which takes place also in Denmark – *"the UNICOM way"* - which are not ATS-units, should not be (further) discussed in the context of provisions for air traffic services. Provided that flexibility provisions for AFIS as mentioned above are included, either in the Requirements for ATS itself or in the cover regulation (CRO-regulation), DTCHA in general welcome the AFIS requirements as they are drafted in the NPA. DTCHA has noted with satisfaction that EASA will provide for common air–ground phraseologies supporting the provision of AFIS before the applicability date of the "CRO-regulation". With regard to qualification and training of AFIS-operators, we've noted EASA's remark: *"In the absence of an explicit regulatory mandate in the Basic Regulation, this proposal does not include a set of provisions addressing the qualification and training of AFIS officers."* DTCHA strongly recommends that such provisions are drafted and introduced at European level regardless it would require an amendment to the Basic Regulation. Having provisions for ATC without qualification and training provisions for the air traffic controllers would be unthinkable in today's ATS-environment. Likewise for the provision of AFIS and AFIS-operators. It can be argued that qualifications and training provisions for the provision of AFIS are particularly important due to the fact that the responsibility for aircraft safety, subject that relevant traffic information is provided by the AFIS-operator, rests with the pilots.
response	Partially accepted The proposal to establish criteria to determine the mandatory conditions for the establishment of either ATC service or AFIS or no-ATS is not accepted. With this regulatory proposal, EASA aims at regulating the ATS (ATC, FIS and alerting service), not at addressing where such services have to be provided, which is considered to be overregulation. It is a responsibility of the Member State to select the most appropriate service (and airspace classification) in accordance with the traffic needs. See also the response to comment #236. With regard to the possibility for Member States to have flexibility to keep specific provisions with regards to AFIS, as well as for AFISO qualification and training, see the response to comment #98. The proposed AFIS requirements include in various instances, when considered viable, the required flexibility for Member States to apply specific requirements in accordance with local specific needs. The phraseology to be used in air-to-ground communications when AFIS is provided will be

	introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).
comment	*149* comment by: *ATC the Netherlands* **Assuming that smaller airfields would be addressed in the UNICOM way detailed above — hence not be subject to the AFIS rules at stake — and given the wide variety of sizes of the actual AFIS aerodromes and their operation, the Agency recognises the importance of ensuring the highest most adequate level of proportionality and value added through the future rules on AFIS. In this light, it is particularly important for the Agency to receive feedback on this subject through the consultation of this NPA.** **Therefore, the Agency kindly invites its stakeholders to clearly indicate, as appropriate, the need as well as the ways to potentially add further clarity to the proposed AFIS requirements and enhance their level of proportionality.** For this purpose Aeronautical Stations exist. These stations are operated by an Aeronautical Station Operator (ASO), based on ICAO Annex 1. In 2.6 of the Explanatory Note the purpose of UNICOM has been described which is in line with Aeronautical Station (Operator) as it is today in the NL It is unclear to us why the FAA terminology (UNICOM) is used, rather than the ICAO/SERA terminology (aeronautical station) For reasons of proportionality it seems appropriate to regulate further details at a National level.
response	Noted The term 'UNICOM' has been proposed in GM in order to achieve EU harmonisation and to better address the nature of non-ATS 'services' provided by such type of stations. Nothing in the proposed requirements prevents Member States from developing and implementing additional provisions addressing such 'services' that are reflecting the local needs. See also the response to comment #608 in CRD 2016-09(B).
comment	*150* comment by: *ATC the Netherlands* **The option for States to allow UNICOM provisions, operated by non-professional staff, without ATS licensing requirements** The Netherlands can support the continuity of AFIS provisions at small aerodromes to support pilots with services without EU requirements, regulated where appropriate at national level. Furthermore we see in GA new technology adopted to facilitate needs that cannot be given based on the tradition technology. Normally local personal and their related organizations are supporting these needs with modern tools and equipment, taking safety considerations into account.
response	Noted See the response to comment #149.

comment	*156* comment by: *City Airport & Heliport (Manchester Barton)* It is noted that the agency recognises the importance of ensuring the highest most adequate level of proportionality and value added within future AFIS rules. However in describing the current provision of AFIS, Section 2.6 appears to describe all AFIS in Member States as having "deficiencies", whereas there may in fact be some Member States which already have in place a fully competent and appropriate safety performance of their AFIS as part of their Safety Management Systems, as we feel is the case here in the UK. We feel that there are specific elements of the proposals (primarily the loss of ability to control on the ground) which are not supported by evidence that by doing so this will maintain or increase safety. Indeed, by removing this ability, should EASA be consulting directly with the stakeholders in which this may affect (ie pilots, aircraft companies etc), who may have views that this level of service provision should indeed remain to ensure the safety of their operations to any particular Aerodrome providing AFIS? The loss of the ability to control on the ground actually reduces the service value of AFIS provision to such a level that there is not enough difference between the alternative (and much less costly to operate) option of an Aerodrome choosing to provide UNICOM or an Air/Ground style non ATS instead. In the UK, it is likely that many AFIS Aerodromes will be faced with the decision of whether the cost of AFIS can be justified, given the alternative of providing an Air/Ground Service may then be more viable. However this places Aerodromes into a position where safety levels may be lowered in lieu of ensuring the current level of safety assurance, especially at those aerodromes of sufficiently complex operation, but where Air Traffic Control is considered too onerous, but Air/Ground or Unicom is not sufficient.
response	Noted The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239. With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234.

comment	*167* comment by: *ISAVIA ohf.* Comment to the following text: *"Assuming that smaller airfields would be addressed in the UNICOM way detailed above — hence not be subject to the AFIS rules at stake — and given the wide variety of sizes of the actual AFIS aerodromes and their operation, the Agency recognises the importance of ensuring the highest most adequate level of proportionality and value added through the future rules on AFIS. In this light, it is particularly important for the Agency to receive feedback on this subject through the consultation of this NPA.* *Therefore, the Agency kindly invites its stakeholders to clearly indicate, as appropriate, the need as well as the ways to potentially add further clarity to the proposed AFIS requirements and enhance their level of proportionality."* Isavia concurs with the result of the RIA and that essential and flexible AFIS rules are the best way to address AFIS requirements.

response | Noted

comment | *169* comment by: *ISAVIA ohf.*

Comment to the following text:
"Assuming that smaller airfields would be addressed in the UNICOM way detailed above — hence not be subject to the AFIS rules at stake — and given the wide variety of sizes of the actual AFIS aerodromes and their operation, the Agency recognises the importance of ensuring the highest most adequate level of proportionality and value added through the future rules on AFIS. In this light, it is particularly important for the Agency to receive feedback on this subject through the consultation of this NPA.
Therefore, the Agency kindly invites its stakeholders to clearly indicate, as appropriate, the need as well as the ways to potentially add further clarity to the proposed AFIS requirements and enhance their level of proportionality."

Isavia concurs with the result of the RIA and that essential and flexible AFIS rules are the best way to address AFIS requirements.

response | Noted

comment | *173* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note Section 2.6 *AFIS requirements*	*Assuming that smaller airfields would be addressed in the UNICOM way detailed above - hence not be subject to the AFIS rules at stake - and given the wide variety of sizes of the actual AFIS aerodromes and their operation, the Agency recognises the importance of ensuring the highest most adequate level of proportionality and value added through the future rules on AFIS. In this light, it is particularly important for the Agency to receive feedback on this subject through the consultation of this NPA.* *Therefore, the Agency kindly invites its stakeholders to clearly indicate, as appropriate, the need as well as the ways to potentially add further clarity to the proposed AFIS requirements and enhance their level of proportionality.*	It is very desirable the adoption of measures and guidelines to regulate, at European level, the process to determinate the need (or no need) for ATS, and the level of ATS required in each aerodrome. Furthermore, the regulation of AFIS at a level equivalent to the regulation of ATC service is extremely desirable. In Spain there are regulations addressing those matters, but as said before for the sake of harmonisation it is considered convenient to regulate it at European level. The Spanish approach could serve as an example. In Spain, the necessity and sufficiency of AFIS or no ATS should be justified on an aeronautical safety study for each aerodrome and its associated airspace. In this aeronautical safety study the density and expected type of air traffic, as well as the meteorological conditions or any other related factor shall be taken into account.

		In Spain, it is in force the National Legislation Royal Decree 1133/2010 (Real Decreto 1133/2010, de 10 de septiembre, por el que se regula la provisión del servicio de información de vuelo de aeródromos (AFIS).). In this regulation, it is stated when AFIS is necessary and when AFIS is sufficient as an air traffic service for an aerodrome. Also conditions for the provision of the service are established. Some of them are highlighted below: --(as stated by Art.5, Art.9, Art.10 and Art.11). Public aerodromes meeting certain conditions (regarding annual and hourly operations, pilot training operations, mixture of traffic, MTOW and seating configuration of expected aircraft, exemptions to the certification, passenger commercial air traffic operations expected, IFR operations expected) shall conduct an aeronautical safety assessment to determine if ATC, AFIS or no ATS service is necessary and sufficient. Those aeronautical safety studies shall be conducted by certified air traffic control service (or AFIS) providers. Minimum factors to be taken into account in the study, and also the minimum content of it are also established. --(as stated by Art.5) It is mandatory the provision of ATS (at least AFIS): a) in any airport (that is not exclusively an heliport), as long as any passengers commercial air transport operation, other than touristic flights, are carried out; b) in any public airport as long as IFR operations are conducted. There are two exemptions to the above mentioned rule (Art.5bis) (that means that in those two cases ATS is not mandatory by this regulation): a) in public aerodromes, as long as passengers commercial air transport operations, included aerotaxis, are

		carried out with visual flight rules (VFR), if also the following conditions are meet: 1- An associated ATZ is defined, and some specific technical-operational requirements are meet (RD 1133, Annex VIII). 2- Less than 15.000 operations per year, and not more than 6 passengers commercial air operations, other than touristic flights, are register. 3- Aircraft operating in the aerodrome meet the following parameters simultaneously: i) They have a Maximum Operational Passenger Seating Configuration (MOPSC) equal or less than 19 seats. ii) They have a Maximum Take Off Weight (MTOW) equal or less than 7.668 kg. iii) They are CAT A, B or H (as stated by the Procedures for Air Navigation Services, ICAO Doc 8168 Volume I 5th Edition - 2006) b) If emergency medical assistance operations, including organ transport for transplantation if an immediate and quick transport is necessary, are conducted in accordance with the instrumental flight rules (IFR) during out-of-published hours of air navigation services provision. In this event, airport manager shall meet some specific requirements (RD 1133, Annex IX) -- In the case of the above mentioned exemptions, some of the most relevant measures that the airport manager shall implement are (as stated by Annex VIII and Annex IX respectively) the definition and publication of an airspace (Class G) around the aerodrome and the publication of an air-air frequency which aircraft operating in this airspace shall use to inform each other of its intentions of flight. -- (as stated by Art.6) it is mandatory ATC: In airports, during slots of heavy or

		medium aerodrome traffic density (as defined at ICAO Annex 14 Volume I) -- (as stated by Art.7, Annex VIII and Annex IX) ATC, AFIS, and no ATS service can be provided at the same aerodrome, but in different slots. The slots and services provided during each scheduled period shall be published in the AIP. -- (as stated by Art.8) It is mandatory the carriage of an operational two-way radiocommunication system on board of any VFR aircraft operating in an aerodrome where an AFIS unit is providing its services. Also it is mandatory the carriage of an operational two-way radiocommunication system on board of any aircraft operating in the airspace associated to the aerodrome where no ATS service is provided as stated above (Art.5 bis). -- (as stated by Art.12 to 17) Competencies and Responsibilities of entities involved in the provision of AFIS are defined (Spanish National Supervisory Authority, Spanish DGAC, other Spanish public government bodies involved, aerodrome manager, designated AFIS provider). There are also guidelines regarding the contents of the mandatory AFIS unit manual. -- (as stated by Art.18 to 29, Annexes IV to VII) Dispositions regarding AFIS Personnel and AFIS Training Providers are defined. -- (as stated by Annex II) Guidelines regarding the location and equipment of the AFIS unit are published. The Spanish regulation RCA 4.7.1.5.1.11 states that AFIS officer is responsible for: a) The provision of FIS and also alert service in the aerodrome and the

		corresponding FIZ. [...] The above mentioned responsibility is also stated in RCA 4.7.1.6. The AFIS provision in some Spanish aerodromes was implemented in recent years, and the balance of those operations has been quite positive. However, the possibility of operating commercial VFR and some specific IFR flights (IFR flights on emergency medical services) without ATS service in aerodromes under certain conditions have entered into force in Spain quite recently. For the time been no aerodrome made use of this measure, so there are no data to verify the safety assessment made in advance. Nevertheless, provided that it is properly supported by data and further safety assessments, the extension of the opportunity to operate some other IFR flights without ATS been provided in an aerodrome is expected to be welcome.

response Partially accepted

The selection of the type of the service (ATC, FIS, AFIS, no ATS) to be provided is an exclusive prerogative of Member States.

EASA does not consider appropriate to develop specific regulatory material to address the selection of the services to be provided in certain airspaces. In this regard, the information provided in the comment is fully in line with this principle and is considered to be a good practice.

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239.

comment *186* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Section 2.6 AFIS requirements	Another term should be used instead of 'UNICOM' to designate the alternative non-ATS service.	Regarding the statement "*the definition of requirements for these UNICOM stations, if considered appropriate at all, is left to the*

		Definition of requirements for this alternative non-ATS service should be included in **NPA 2016-09 (B)**. Otherwise, any reference to that service and UNICOM should be deleted of the proposed amendment in order to avoid misunderstanding.	*initiative of the Member States as such stations are not included in the scope of ATS*", we consider that, even if out of the scope of ATS, this kind of UNICOM stations are closely related to this service since they are stablished as an alternative or complement to ATS. So the definition of the proposed UNICOM stations should be included in **NPA 2016-09 (B)**. USA, New Zealand, Canada or Australia use the UNICOM service. Is it expected to use the same definition in Europe? Why should we use this term if the requirements are not the same? Otherwise, if requirements for this alternative no-ATS service are not properly defined at European level, it is better to eliminate any reference to UNICOM in the proposed amendment in order to avoid misunderstanding. In summary, the following alternatives are suggested: a) To define UNICOM service in an equivalent way to the one used in other States; b) To define the European alternative non-ATS Service, but not calling it UNICOM; c) Only to appoint the suggestion of defining an alternative non-ATS Service, but without using 'UNICOM' name and with no additional requirements, AMC or GM;

response

Not accepted

See the response to comment #149.

In addition, the UNICOM-type ‘non-ATS services’ are considered to be outside the scope of ATS, hence outside the scope of this proposal. That is why UNICOM-type aeronautical stations are addressed exclusively in GM, to provide clarity on such aeronautical stations which are frequently misunderstood as AFIS units.

	See also the response to comment #608 in CRD 2016-09(B).

comment	*193* comment by: *Finavia* *Finavia finds it justified to start regulating AFIS on European level. Harmonization increases air traffic safety and we find EASA model a moderate approach to regulation.*
response	Noted

comment	*210* comment by: *Finnish Transport Safety Agency* § Finnish Transport Safety Agency finds it justified to start regulating AFIS on European level. Harmonization increases air traffic safety and EASA model seems a moderate approach to regulation.
response	Noted

comment	*226* comment by: *Airport Grenchen (Switzerland) LSZG* 1. General remark: Grenchen Airport supports an adequate level of proportionality for the regulation of AFIS like all representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation, as the regulator. 2. Terms and definitions: It is proposed that a clarifying standing designation and abbreviation of the function “FISO”, together with the definition of the service provided by such persons, is included in the regulation. 3. As a follow up to the proposed regulation, the harmonization especially of AFIS training and qualification schemes is strongly required.
response	Noted See the responses to comment #162.

comment	*239* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA:* We suggest to include it in the regulatory system and to add appropriate AFIS Phraseology and a common core content training for AFIS and FIS Personnel where FIS is not provided in conjunction with ATC provision. We support an accurate and clear distinction between the roles and responsibilities of ATC and FIS services as well as UNICOM provisions outside of the ATS Scope. The role of (A)FIS shall be to provide information (including Runway in use) and advice only. In our opinion AFIS shall not include the issuance of clearances and instructions to Aircraft. Therefore we would like to suggest the Agency to establish a better distinction between UNICOM Provisions and

ATS AFIS in order to avoid a confusion between the two services.

response

Noted

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

With regard to your comments concerning AFISO qualification and training, see the response to comment #98.

With regard to your comment concerning the issuance of information, clearances and instructions, as a result of the consultation, EASA has introduced the new provision ATS.TR.305(f) which allows AFISO to manage the movement of vehicles and persons on the manoeuvring area, in accordance with specified procedures, when so prescribed by the competent authority.

With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234.

With regard to your comment on the need for a better distinction between UNICOM-type aeronautical stations and ATS units, EASA is of the opinion that the proposed guidance, now grouped under a single GM (GM1 Article 3a(a)), provides the necessary clarification. See also the response to comment #608 in CRD 2016-09(B).

comment

244 comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)*

- General remark: The representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation, as the regulator, share their support for an adequate level of proportionality for the regulation of AFIS.
- Terms and definitions: It is proposed that a clarifying standing designation and abbreviation of the function “FISO”, together with the definition of the service provided by such persons, is included in the regulation.
- As a follow up to the proposed regulation, the harmonization of AFIS training and qualification schemes is strongly required.

response

Noted

See the responses to comment #162.

comment

247 comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination*

ATCEUC encourages and supports further regulation regarding AFIS human performance.

In the absence of an explicit regulatory mandate in the Basic Regulation, this proposal does not include a set of provisions addressing the qualification and training of AFIS officers. It should be kept in mind that ***ATM/ANS.OR.B.005*** *‘Management system’ in Annex II to the ATM/ANS Common Requirements Regulation* ***stipulates that providers (and therefore also***

	AFIS providers) shall ensure that their personnel are trained and competent to perform their duties *in a safe, efficient, continuous and sustainable manner (…)Within its activities concerning the consideration of human performance in the context of ATM/ANS,* ***the Agency will further carefully evaluate whether any specific and detailed EU regulation is necessary****.*
response	Noted See the response to comment #98.

2.7.1. Amendments to the ATM/ANS Common Requirements Regulation and to the upcoming ED Decision p. 13-50

comment	*5* comment by: *Humberside Airport* Page No: 13-15 Para No: 2.7.1.1 Comment:**Amendments to the Regulation.** **"In this light, in order to determine the best course of action, the Agency invites its stakeholders to:** **— comment on the need to include this provision in the EU regulatory framework;"** There is a need to include this provision in the EU regulatory framework to ensure clarity and to enable a common set of rules and procedures, and airspace construct, is applicable and applied across Member States. **"— in case the proposal is considered to be appropriate and necessary, comment as to whether the ATM/ANS Common Requirements Regulation is the most appropriate place to include such requirement, or if it should be included in a different regulation (existing or future); and"** Regulations, Acceptable Means of Compliance (AMC) and Guidance Material (GM) that are pertinent to both aircraft operators and ATC/AFIS should be included in both the Air Traffic Management (ATM)/ATS Common Requirements Regulation and Standardised European Rules of the Air (SERA) as all parties, pilots and controllers, need to be aware of the regulations applicable to the activity being undertaken and aircrew are unlikely to refer to ATM/ATS Regulations. **"— provide information on the arrangements at State level, in particular as regards the allocation of responsibilities."** It should be for the Competent Authorities (CA) to respond to the question above; however, the UK includes the issue of lasers within its Air Navigation Orders as a specific offence.
response	Noted The formulation of the Standard in Section 2.19.5 of ICAO Annex 11 is quite generic and puts

	the onus for its implementation to Member States. The associated Note 2 refers to ICAO Annex 14, Volume I 'Aerodrome Design and Operations', Chapter 5, where more detailed provisions related to laser beams and relevant protection areas are included. These Annex 14 provisions have not been transposed in Regulation (EU) No 139/2014 yet. On these grounds, and based on the comments received via the public consultation of NPA 2016-09, EASA is of the opinion that EU regulation of this subject, appropriately transposing the related ICAO provisions, may be considered in a coordinated manner within the context of a future regulatory activity on aerodromes. Following discussion with stakeholders held during the ATS Thematic Review meeting in November 2017, EASA has decided to maintain the transposition of this requirement, complemented by GM providing reference to ICAO Doc 9815.
Comment	*8* comment by: *TUIfly the Netherlands* 1. suggest to add 'Point of no return' definition as it is not in EASA Air Ops edition 7: ICAO definition: *Point of no return. The last possible geographic point at which an aeroplane can proceed to the destination aerodrome as well as to an available en route alternate aerodrome for a given flight.*
Response	Noted The comment does not seem to be relevant to this NPA.
comment	*9* comment by: *TUIfly the Netherlands* in 'fuel ERA aerodrome' text: suggest to alter text slightly for better readability: change 'which is used for the additional fuel' into 'which is used for the calculation of additional fuel'.
response	Noted The comment does not seem to be relevant to this NPA.
comment	*10* comment by: *TUIfly the Netherlands* 1. suggest to revise text to: 'required to proceed to the destination, make an approach and land'. In the text of the NPA the use of 'fly' and 'proceed' is not consistent. In general 'proceed' is used in the context of going to an aerodrome. In short: one is flying an approach or go-around and one is proceeding to an aerodrome.
Response	Noted The comment does not seem to be relevant to this NPA.

comment	*11* comment by: *TUIfly the Netherlands* in (c) (4) (ii): suggest to slightly revise the text to improve readability. Change: 'operation; as a minimum' into 'operation. As a minimum'.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*12* comment by: *TUIfly the Netherlands* in (6): change 'to' into 'at' in: 'a safe landing to an en-route alternate aerodrome'.
Response	Noted The comment does not seem to be relevant to this NPA.

comment	*13* comment by: *TUIfly the Netherlands* 1. in (d): text is not easy to read. Suggest to add 2 comma's: The operator shall ensure that in-flight replanning procedures for calculating usable fuel required, when a flight has to proceed along a route or to a destination aerodrome other than originally planned, includes: (c)(2) to (c)(8) above.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*14* comment by: *TUIfly the Netherlands* 1. in 7 (b): suggest to add 'at least' in the text as 'one or more' may be 2 or more!: 'one or more aerodromes, other than the destination aerodrome, so that at least two options etc.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*15* comment by: *TUIfly the Netherlands* in 7 (b): suggest to change 'select' into 'indicate'.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*16* comment by: *TUIfly the Netherlands*

	suggest to change 'use' into: 'estimated time of landing' as this is also the phrase used in (d).'Use' is more than just landing. Could mean landing, taxiing parking etc.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*17* comment by: *TUIfly the Netherlands* Can the RMG give guidance on this article? *(d) The operator shall apply appropriate safety margins to flight planning in order to take into account possible deterioration of the meteorological conditions at the estimate time of landing compared to the available forecast.* How to interpret this? What are 'appropriate safety margins' in this context
response	Noted The comment does not seem to be relevant to this NPA.

comment	*18* comment by: *TUIfly the Netherlands* in (a)(3)(ii): delete 'the' as in (i).
response	Noted The comment does not seem to be relevant to this NPA.

comment	*19* comment by: *TUIfly the Netherlands* (b): propose to say: 'broadcasting "MINIMUM FUEL" instead of 'declaring MINIMUM FUEL ' as it is spoken text and in line with text below. Also "MAYDAY MAYDAY" as this is spoken text.
Response	Noted The comment does not seem to be relevant to this NPA.

comment	*21* comment by: *TUIfly the Netherlands* number reference is wrong: 11. CAT.OP.MPA.245 is amended as follows: CAT.OP.MPA.246 Meteorological conditions — aeroplanes.
response	Noted The comment does not seem to be relevant to this NPA.

comment	*23* comment by: *Humberside Airport*

Page No: 13-15

Para No: 2.7.1.2, Paragraph 4.
"**With this proposed amendment, it is clarified that in presence of an aerodrome where ATS is provided, including controlled aerodromes, it is expected to have at all times an associated airspace and the designation of a provider in charge of rendering the services."**
Comment:

What is the meaning of 'an associated airspace' at all times? What assigned airspace classification should it have? For instance, can a 'controlled aerodrome' provide an air traffic control service within Class G airspace? Our understanding is that a 'controlled aerodrome' must have CAS with a minimum airspace classification of Class D.

Justification:

In order to provide a consistent application of assigned airspace classifications, it is important to clearly define the minimum classification of airspace. Otherwise Member States will provide their own interpretation.

response

Noted

The proposal in the NPA was not addressing directly the type of airspace classification; airspace classes and associated services are established in Regulation (EU) No 923/2012 (SERA). It is a Member State's responsibility to comply with the requirements thereof, and to assign the most appropriate classification that fits to the relevant needs. The proposal is introducing the obligation to establish a controlled airspace around all controlled aerodromes. The objective of this obligation is to clarify the airspace status around controlled aerodromes and to further implement the principle of Article 8.1 of Regulation (EC) No 550/2004, stipulating: '*Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility*.'

In simple terms, it means that the objective of the proposal is to establish clearly for all controlled aerodromes a published controlled airspace within which a designated ATS provider will deliver air traffic services for that controlled aerodrome. The airspace classification for such airspace may be selected by the competent authority among the classes of controlled airspace available and compatible with this objective. It is considered that this evolution will improve consistency with the principle of Article 8.1 of Regulation (EC) No 550/2004 described above, providing a clear identification of blocks of airspace, of what services are provided therein and by whom.

comment

24 comment by: *Humberside Airport*

Page No: 17

Para No: 2.7.1.3.1, Paragraph 2, line 2.

"it establishes the obligation for the ATS providers, with the related conditions, to ensure

that information on the flight plans and the flight data possessed by ATS units under their responsibility are made available to the relevant military entities, to facilitate the identification of aircraft."

Comment:
ATS providers may not be able to 'ensure' that the information stated above is provided; all they can do is transmit the data, they have no control over receipt. We agree that flight plans should be provided to the military where there is a requirement for a flight plan to be submitted for a particular flight. The question to be answered is what the most efficient method is? The UK has 62 ANSPs and it may not be a simple task for each ANSP to individually provide the military with this data. It would be better to have a central process for each State or, preferably, for the Network Manager to forward the flight plan to the appropriate military entity based on departure aerodrome, routing, and arrival aerodrome.

response

Not accepted

ATS.OR.115 is formulated in a manner that leaves sufficient flexibility to take into account the specific local needs and to establish the most appropriate arrangements for such information exchange.

comment

25 comment by: *Humberside Airport*

Page No: 21-22

Para No: 2.7.1.3.2

Comment:

Section 4 – Requirements for communications (Bold text at bottom of page 21 and top of page 22):

"Therefore, the Agency invites the stakeholders to comment on the transposition of this recommended practice as proposed in ATS.OR.465, in particular with regard to:

— the appropriateness of this requirement to the current operational environment at EU ATC units;"

This would have benefit during investigations providing evidence of other situational awareness, discussions that have taken place, or distractions. In an ideal world all conversations would be recorded as there will be instances of briefings during a handover or other information that will not be passed on or the controller will claim not to have been told/heard or the controller has not been told.

"— the need to extend the application of this requirement to all ATS units;"

What do you mean by ATS units? UNICOM units have nothing provided but some AFIS and/or Air to Ground providers may have some support; however, normally there would be no such facility provided as it would be too expensive to invest in and is not proportionate. This should only apply to ATC units.

"— the consideration about the fact that costs for the fulfilment of such requirement could override the expected benefits in terms of safety;"

If this is a requirement, then the choice is 'provide' or 'stop operating'. If it is only a 'nice to have', then do not mandate it as it is only a "should" within ICAO Annex 11. Cost could be an issue for some units, especially where there is no spare recording capacity on existing recording equipment.

"— the need to explicitly limit the requirement for the use of such recordings only for occurrence investigation purposes."

This is the biggest issue of concern as it is both one of privacy and morality. In an ideal world this should be achievable as personnel should be encouraged to report under a 'Just Culture' without fear, in the knowledge that they will be supported unless there has been a wilful act. However, history has shown that in time this will be challenged by the courts as police investigators will seek to have access to this information. Therefore, gaining the trust of personnel that it will only be used for aeronautically-related safety occurrence investigation is extremely important to overcome as there is a fear that the judicial authorities could demand and be provided with access to all evidence. If such recordings are not protected, personnel will be more reluctant to provide an accurate account of what occurred or will be more careful in what they say in fear that it could be used against them. For instance, where there is a non-aviation safety-related investigation and a Companies HR or management requests that the recordings are supplied for their internal investigation; such requests must be resisted. Lastly, these recordings may contain sensitive data and/or be subject to data protection regulations.

response

Noted

See the response to comment #137.

comment

26 comment by: *Humberside Airport*

Page No: 25-26

Para No: 2.7.1.4.1
ATS.TR.135.

"The Agency invites stakeholders to express their views on the subject and to indicate if the addition of the phrase 'a nominal' would be acceptable."

Comment:

The phrase 'a nominal' should be used as in certain circumstances an 'exact' 1,000ft cannot be provided. 'Nominal' enables the regulation to be met.

response

Noted

On the basis of the feedback received via the public consultation, as well as of the subsequent discussions with stakeholders during thematic review meetings, EASA proposes a revised text for ATS.TR.135(b), including the term 'a nominal', as follows:

…..

(b) The transition level shall be located above the transition altitude such that at least a nominal 300 m (1 000 ft) vertical separation minimum is ensured between aircraft flying concurrently at the transition altitude and at the transition level.

In addition, the new **GM1 ATS.TR.135(b)** is provided to explain the rationale and to support the implementation of the amendment introduced to ATS.TR.135(b).

comment *27* comment by: *Humberside Airport*

Page No: 27

Para No: 2.7.1.4.1

AMC1 ATS.TR.160(d)(1)

Comment:

'Direction Finding Bearings'. There are ANSPs that utilise this method of identification. Rather than discount it completely, could the identification method be placed as GM?

Justification:

Some ANSPs have Direction Finding equipment installed and there should be a published method of utilising this equipment as an aid to identification.

response Not accepted

There was a consensus within the Rulemaking Group 0464 supporting EASA on the fact that this method of identification is not suitable for transposition within the EU ATS requirements, because of the associated conditions established in the corresponding PANS ATM provision (Section 8.6.2.4.2), in particular the indication that it not be used as the sole means of establishing identification.

comment *28* comment by: *Humberside Airport*

Page No: 28

Para No: 2.7.1.4.1

AMC1 ATS.TR.160(d)(3)

Comment:

Greater clarity is required. Will this prevent vectoring in Class G to be routinely provided? This is probably a UK-specific issue, if so it will be for the UK CAA to provide direction and guidance to its affected certified ANSPs and aerodromes. HUY is an Approach Control Unit that only operates within Class G applying ATS in accordance with UK FIS. If these services

cannot be provided to CAT and/or vectoring is not allowed in Class G, HUY will be unable to operate as it does today (an application to establish CAS was submitted to the UK CAA in 2008/2009 but was withdrawn just prior to the final submission process as the unit was apparently advised that the ACP submission was unlikely to be successful due to insufficient aircraft movements/passengers). There are also Approach Control Units within the UK that have Class D but are surrounded by Class G with no connectivity to the en-route structure thus requiring 'control', and potentially vectoring, within Class G on departure and arrival. These units will be impacted by this regulation.

This could be a major issue for those UK ATC units that either do not have CAS or have CAS but no connectivity to the en-route structure. We would wish that a top down review of UK airspace was mandated to provide connectivity to the en-route CAS structure and provide CAS as CTR and CTA to protect and contain an airport's IFPs where an EASA Certified Aerodrome has a certified ANSP, certified air traffic controllers and Scheduled and Charter CAT.

Justification:

Some of the airspace within the UK does not meet the requirement for Part-ATS, specifically relating to provision of service by certified ANSPs and ATC controllers within Class G airspace at both EASA Certified Aerodromes and when CAT aircraft are transiting between the aerodrome and the en-route system through Class G airspace. To meet this NPA, all affected airspace must be amended to CAS for the provision of air traffic control.

response

Noted

See comment #985 and the related EASA response.

In accordance with Regulation (EU) No 923/2012 (SERA), in class G airspace, separation is not provided. If certain airspace requires a different set of services, such as separation by vectoring, a reclassification of the airspace where such service is provided should be considered. The existing SERA Regulation already provides tools, in addition to the classification of airspace, such as radio mandatory zones and transponder mandatory zones, which are considered to be sufficient for the needs of the airspace review and appropriate classification in the EU.

comment

29 comment by: *Humberside Airport*

Page No: 32

Para No: 2.7.1.4.2

AMC6 ATS.TR.210(a)(3)

"In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in AMC6 ATS.TR.210(a)(3)."

Comment:

The small size and complexity of UK airspace means that many aircraft are given effective delay (such as speed reduction) further out from their destination. The proposal for ten minutes may not be appropriate for all circumstances and it could cause increased workload at times on the R/T. It is suggested that the text is amended to state that the normal value is ten minutes unless a longer period is authorised by the Competent Authority. Note should also be made of the future intent of Arrival Management (AMAN) that is required under SESAR Pilot Common Projects that may become more important than the EAT time.

response

Not accepted

On the basis of the responses received during the NPA consultation, it was evident that the value of 10 minutes is largely applied throughout the EU and that it fits with the intent of the relevant Implementing Rule, which mandates that clearances, instructions and/or information are issued by ATC units for the purpose of preventing collision between aircraft under its control and of expediting and maintaining an orderly flow of traffic.

Different values, in particular bigger values than 10 minutes, may not always be appropriate for ensuring compliance with this Implementing Rule and may bring to the situation where the crew could declare minimum fuel which would bring disruption to the traffic. However, it is recalled that the competent authority may authorise alternative means of compliance, in accordance with the established procedures. For more information: http://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs

comment

30 comment by: *Humberside Airport*

Page No: 36

Para No: 2.7.1.4.2

AMC6 ATS.TR.210(c)(2)(i)

"Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima are applied in their State and to what extent."

Comment:
This should be for the UK CAA and/or NATS to respond to regarding Longitudinal separation.

response

Noted

comment

31 comment by: *Humberside Airport*

Page No: 38

Para No: 2.7.1.4.2

ATS.TR.225 (last paragraph on page)

Comment:

Regarding Line 2: "**In addition, it stipulates that ATC service has to be provided within a given block of airspace on an exclusive basis by a single ATC unit.**"

This will be an issue for the UK as the UK authorises the provision of ATC within Class G airspace and several ANSPs are able to operate within the same airspace where an ATS is provided under 'UK FIS'. If this 'exclusivity' is applied, in addition to having to redefine airspace classification within which ATC is provided to meet this NPA, there would also need to be a decision made by the UK CAA on which ANSP can provide an ATS in which sector of airspace; this would probably require a mandate to review and amend the whole of the UK airspace to meet this regulatory change.

response Noted

The referred proposed provision ATS.TR.225 is about ATC service. Your comment refers to Class G airspace which is by definition uncontrolled airspace.

The description provided in the explanatory note in NPA 2016-09(A) takes also into account the currently applicable requirements in Article 8.1 of Regulation (EC) No 550/2004.

See also the response to comment #28.

comment *32* comment by: *Humberside Airport*

Page No: 45

Para No: 2.7.1.4.2

ATS.TR.305 (Para 2, line 3)

"**It is important to point out that AFIS units are in charge of providing FIS and alerting service, and that in no circumstances are they authorised to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots.**"

Comment:

The UK centralises the provision of Alerting Services to the Distress and Diversion Cell.

response Noted

comment *33* comment by: *Humberside Airport*

Page No: 47

Para No: 2.7.1.4.2

HF and VHF Operational Flight Information Services

"In order to validate this approach, the Agency requests its stakeholders:

— to indicate if they agree with this approach; and

There is a requirement for HF and VHF Operational Flight Information Services, such Services should be included.

— to indicate if they are aware of any provision of HF and VHF OFIS broadcasts in the EU, and, should this be the case, to provide more detailed information."

The UK broadcasts in the form of VOLMET (VOLMET, or meteorological information for aircraft in flight, is the term applied to a worldwide network of radio stations that broadcast TAF, SIGMET and METAR reports on shortwave frequencies. Reports are sent using automated voice transmissions, in the upper sideband or J3E mode) and on VHF emergency frequency to provide warnings about mountain wave effects, breakaway balloons, activation of temporary Danger Areas, emergency restrictions on flight, etc.

response

Noted

EASA will not transpose the relevant ICAO provisions since the comments received during the public consultation of NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment

38 comment by: *Humberside Airport*

Page No: 27-28

Para No: 2.7.1.4.1

AMC3 ATS.TR.160(d)(1)

Comment:

'Application of Identification Methods by FIS and AFIS Controllers'. We need to be certain as to exactly what 'control service' FIS and AFIS officers would be applying if they are authorised to use these identification methods. What qualifications, training and validations do they need to achieve? Will aircrew understand that FIS and AFIS officers are not ATC controllers?

Justification:

Aircrew may not realise that FIS and/or AFIS officers are not ATC controllers.

response

Noted

FISO/AFISO may, by the use of ATS surveillance systems, identify aircraft for the purposes of the provision of traffic information. The identification methods in the proposed requirements clearly indicate that FISO/AFISO should not provide ATC service using the

surveillance data (e.g. identification established by vectoring is not to be applied by FISO/AFISO).

The establishment of a harmonised set of AFIS requirements throughout the EU, which also meets the principles of airspace classification as defined in Regulation (EU) No 923/2012, will definitely help the aircrews having a good awareness of the services they receive.

Furthermore, it is to be recalled that the relevant information on the various ATS, including aerodrome ATS, are published in the national aeronautical information publications.

With regard to the comment concerning FISO/AFISO training, please see the response to comment #98.

comment *39* comment by: *ENAIRE*

The Agency invites stakeholders to express their views on the subject and to indicate if the addition of the phrase 'a nominal' would be acceptable:
It's better to leave the reference as it is now.

response Not accepted

See the response to comment #26.

comment *40* comment by: *ENAIRE*

In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in AMC6 ATS.TR.210(a)(3):
10 minutes it's an ideal figure better than 20.

response Accepted

The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment *41* comment by: *ENAIRE*

Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima are applied in their State and to what extent:
In Canary Islands ENAIRE use this kind of separation in conventional control. Nº mach technique is used.

response Noted

EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision is maintained.

comment *43* comment by: *Airport Buochs AG*

Para 2.7.1.4.1

- ATS.TR.160: The allowance to use of technology (surveillance systems) in the provision of AFIS is generally supported by the representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation

Page 45, para. 2 ("*Furthermore, point (c)…")*:

- There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"It is important to point out that AFIS units are in charge of providing FIS and alerting service,* ***as well as selecting the runway in use but*** *that in no circumstances are they authorized to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, ~~or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots."~~*

response

With reference to the comment on Para 2.7.1.4.1, noted.

With reference to Page 45, para. 2, partially accepted.

The AFISO is responsible to suggest the runway in use; it is the prerogative of the pilot-in-command to make a decision on the actual use of the runway.

comment

53 comment by: *Morten Nielsen*

2.7.1.4.3. Section 3 - Flight information service page 45.

RWY in use should be selected by AFIS. Otherwise it is impossible to determine the traffic circuit and the instrument procedures to be used by arriving and departing IFR traffic for the RWY in use. Conflicts will easily occur and safety will be compromised.

RWY in use must never be selected by AFIS, so a pilot have to land or take off with tailwind against his wishes.

AFIS can approve right turn out after departure on pilots request, if no conflicting traffic in the traffic circuit.

AFIS is in control of vehicles on the maneuvering area at all times. Instructions from AFIS to vehicels must be complied with. If there is no control of vehicles, safety for aircrafts and vehicles on the maneuvering area will be compromised.

response

Partially accepted

With regard to the selection of the runway in use, see the response to comment #162.

With regard to the control of vehicles and persons on the manoeuvring area, see the response to comment #239.

comment

60 comment by: *Civil Aviation Authority Norway*

To the questions on page 15:
- We suggest to include it
- We have no strong arguments for the placeholder

	- National regulation forbidding strong lasers There is an obligation on the flight crew to report incidents to ATS and CAA Airlines have established procedures for how to handle laser beams in the cockpit and to report them to ATS ATS-units report to the local police The police has established national instuctions on how to react when use of laser is reported and also guidelines for investigation and criminal prosecution National information campaigns towards children have been performed Media has been used to inform the public about the dangers connected to pointing lasers towards aircraft
response	Noted See the response to comment #5.

comment	*61* comment by: *Civil Aviation Authority Norway* Questions on pages 21 and 22: - Like in the cockpit it would be helpful to have this information also from the ATS side. - If taken on board it should apply to all ATS units. - This is difficult to measure. Such a requirement need also some AMC/GM on how it should be understood and implemented, such as: - Should it cover only the working position or the whole TWR/ACC? - Which technical solutions should/could be used? - How to handle the personal integrity for the involved personell? - In some way the personal integrity of the personell need to be taken care of and this might be a way to do it. On the other hand it could also, when agreed by the involved personell, be useful in a learning/training perspective to use recordings from a live environment.
response	Noted See the response to comment #137.

comment	*62* comment by: *Civil Aviation Authority Norway* Question on page 26: We support to add the phrase "a nominal".
response	Noted See the response to comment #26.

comment	*63* comment by: *Civil Aviation Authority Norway* Question on page 32: We support to maintain the 10 minute value and to remove the flexibility. This is only based on the fact that we use it today and no need for change has been indicated to us.
response	Accepted

	The text of AMC6 ATS.TR.210(a)(3) remains unchanged.
comment	*64* comment by: *Civil Aviation Authority Norway* Page 45, second paragraph say that: AFIS can not issue instructions to vehicles or select runway in use. We do not agree in this statement as we consider it should be up to the aerodrome operator to decide if AFIS could "control" the vehicles on that particular aerodrome. Likewise we consider that the selection of the RWY in use is also one of the tasks of AFIS. We see this of course as a suggestion where it is up to the pilot to follow or not follow the suggested RWY in use. This is also in line with ATS.TR.305(c)(2).
response	Partially accepted With regard to the selection of the runway in use, see the response to comment #162. With regard to the control of vehicles and persons on the manoeuvring area, see the response to comment #239.
comment	*68* comment by: *IFATCA* Attachment #3 IFATCA is opposed to the use of Visual Area recordings for reasons of invasion of privacy. Prior to the installation of Area recorders, legislation shall be in place which prohibits the use of any area recorder information against a controller in any criminal or civil litigation or disciplinary proceedings of any kind. The legislation should provide for substantial penalties for any breach of the legislation. Except when an accident occurs, area recordings shall be capable of being erased when a controller is relieved from his position. Controllers shall have prompt confirmation of the erasure. Agreement between the Member Association and the employer on procedures for the erasure of area recordings shall be established prior to the operation of area recorders. Comment: In many European countries data protection acts and privacy protection law will not allow such area recording to be introduced without a significant legislative effort. Not only have in some countries constitutional rights to be changed and the air navigation law (or aviation act) amended, prior to the introduction of such area recording. If introduced they have to be commensurate, meaning that no recording shall be done, where there is a possibility to get the same data and/or information by other means (nowadays where all the coordination phone and e-coordinations are recorded, there is no gain anymore by having the ambiance voice recorded). In some countries the use of such data has been limited to a minimal use by the government. And a lot of new legislation has been created to protect these records from possible misuse. A lot of effort for a very small use. IFATCA has created a position paper on Recording and has attached excerpts of this paper to this comment. IFATCA Policy is:

Audio, visual and Ambient Workplace Recording (AWR), together with associated computer data and transcripts of air traffic control communications are intended to provide a record of such communications for use in the monitoring of air traffic control operations, and the investigation of incidents and accidents.

Audio and visual recordings and AWR are confidential are not permitted to be released to the public.
Audio and visual recordings and AWR are not to be used to provide direct evidence such as in disciplinary cases, or to be used to determine controller incompetence.

Except for AWR, recorded data shall be used only in the following cases:
a) when investigating ATC related accidents and incidents;
b) for search and rescue purposes;
c) for training and review purposes provided all ATCOs affected agree.
d) for the purposes of adjusting and repairing ATC equipment.

Access to recorded data shall be limited to authorised personnel. Authorised personnel shall be mutually agreed by the controllers' representative and the appropriate authority. Recorded data used shall be identical as presented to and / or originated by the controller at the relevant controller's position.

Recorded Data – Specific policy on Ambient Workplace Recording (AWR):

Ambient Workplace Recording (AWR) may generally be defined as any type of recording, audio and / or visual, instituted in an air traffic control operations area that records the conversation of controllers and the environment within an air traffic control operations room on a continuous basis.

IFATCA is opposed to the use of visual AWR for reasons of invasion of privacy

AWR shall only be used to aid in incident and accident investigations to improve aviation safety.

The AWR system, including user management and access to the recordings, should be managed by an independent authority within the ANSP, chosen jointly by management and Member Association(s).

Before being published in an incident or accident report, non-relevant information shall be removed from AWR transcripts.

response

Noted

See the response to comment #137.

comment *70* comment by: *DGAC*

The proposed definition of ‘controlled aerodrome’ reinstitutes adherence to the original ICAO Annex 11 definition but disregards the associated Note. Such Note, while allowing for flexibility in the decision to designate a control zone associated with a controlled aerodrome, is not consistent with the aforementioned principle of Regulation (EC) No 550/2004.

Comment from DGAC
Annex 11 specifies in paragraph 2.11.5 that the lateral limits of control zones shall encompass at least those portions of the airspace, which are not within control areas, containing the paths of IFR flights arriving at and departing from aerodromes to be used under instrument meteorological conditions.
It should be clear from this regard that aerodrome control services can be provided without CTR as in ICAO Annex 11.

response

Not accepted

Article 8.1 of Regulation (EC) No 550/2204 states: 'Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate in the Community'. The proposed definition, further amended as a result of the NPA public consultation, establishes compliance with the aforementioned requirement.

See the response to comment #952 in CRD 2016-09(B).

It shall be noted that the Note in the originating ICAO definition of 'controlled aerodrome' is not considered for transposition.

comment *71* comment by: *DGAC*

ATS.TR.135 requires the ATS units concerned to determine the transition level and defines the criteria to be used for this purpose. In order to be consistent with ATS.TR.130(a), point (a) clarifies that the transition level is to be used in areas where the transition altitude is established, and not 'in
the vicinity of aerodrome concerned and, when relevant, the terminal control area (TMA) concerned', as instead indicated in the originating Section 4.10.2.1 of PANS ATM. GM1 ATS.TR.135 points out the need for coordination between ATS units with the purpose of establishing a common
transition level for aerodromes located nearby. Point (b) of ATS.TR.135, derived from Section 6.3.1.2 of ICAO Doc 7030 EUR, determines the location of the transition level in respect of the transition altitude with the purpose of allowing their safe simultaneous utilisation. The Agency discussed theproposal made by a member of RMG.0464 to add the phrase 'a nominal' to the minimum separation value between the given transition altitude and the transition level. The rationale behind this proposal was that if the 'correct' values of 1013.25 hPa for the Standard and 27.3 ft per hPa in calculating the transition level are used, in certain pressure conditions, a whole flight level is lost for the sake of 7 ft (quarter of an hPa). The addition of 'a nominal' would incorporate the 7 ft 'deviation' described above and would allow more flexibility.

DGAC supports the addition of the phrase 'a nominal'

response

Noted

See the response to comment #26.

comment *72* comment by: *DGAC*

	AMC6 ATS.TR.210(a)(3), transposed from Section 6.5.7 of PANS ATM, addresses the circumstances and the procedures for the issuance and the communication of an expected approach time (EAT) to flights which are expected to be subject to a delay above a specified minimum. The original PANS ATM provision (Section 6.5.7.1) stipulates that the EAT should be determined and communicated to aircraft when the delay is estimated to be of 10 minutes or more, unless otherwise specified by the appropriate authority. As a result of the analysis and the discussions with the RMG.0464, the Agency proposes to remove the element of flexibility and to maintain the standard 10-minute value, with the objective of standardising this procedure throughout the EU Member States. However, there is evidence that in a few Member States the procedure to determine and communicate the EAT is applied only when there is a delay of 20 minutes or more. DGAC considers the 10 minutes value is appropriate and is currently applied by the DSNA and supports removing the flexibility.
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*73* comment by: *DGAC* ATS.TR.325 adopts the recommended practices in Sections 4.4.1 and 4.4.2 of Annex 11, related to the use of VOLMET and D-VOLMET broadcasts, which have to be provided at the discretion of the competent authority and, in any case, using standard radiotelephony phraseologies. In addition, GM1 ATS.TR.325, derived from the Note to Section 4.4.2 of Annex 11, provides a reference to ICAO Doc 9377 as a source of guidance material on standard radiotelephony phraseologies to be used in VOLMET broadcasts. As a result of the analysis of the content and the application of Section 4.3 'Operational flight information service broadcasts' of Annex 11, the Agency, supported by RMG.0464, concluded that there was no evidence that HF and VHF operational flight information service (OFIS) broadcasts, as described respectively in Sections 4.3.2 and 4.3.3, are provided anywhere in the EU. On these grounds, the Agency decided not to propose requirements for these information services. DGAC agrees with this approach and has currently no provision of such OFIS broadcast
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided in the EU Member States.

comment	*77* comment by: *EKGF / Maersk Oil* Control of the Maneuvering area under the scope of ATS is described in the national Danish legislation. Specific instructions to aircraft on the maneuvering area (taxiways/runways) are not allowed - suggestions are. Control of other vehicles on the traffic and maneuvering area is regulated not under ATS scope but as additional legislation specific for the appropriate airport, giving the AFIS unit the authority to control the movement of the vehicles and thus

preventing hazardous situations to emerge such as runway incursions. Suggest the Agency take this distinction in consideration.

The EUROCONTROL AFIS manual /published as a recommendation only (which a number of countries, e.g. Indonesia, are using to redevelop their ATS legislation regarding uncontrolled airfields) very clearly defines the parameters for the selection of runway in use on AFIS aerodromes. This is also the case in the current regulations in all the Nordic countries and serves a relevant purpose for the aerodromes providing AFIS on aerodromes with high and diverse traffic intensity - e.g. both IFR and VFR operations, general aviation operations, parachuting activity, adjacent active military danger (D) areas etc. For some AFIS aerodromes the operations reach close to 15.000 operations per year. It is in the common interest of all stakeholders that it is the AFIS unit that outlines the runway in use. (with the exception that a commander can choose not to accept - as for ATC).
The reason for mentioning the EUROCONTROL manual in this context is to emphasize that there are countries outside the European Union implementing the EUROCONTROL standards, which have been in force in the Nordic countries for many years. If the purpose of revising the ATM/ANS Common Requirements Regulation is to increase the flight safety it is worth considering if it is beneficial to transpose the current NPA text regarding AFIS selection of runway in use, if the outcome is a risk of leading to very different AFIS procedures for transiting and international flights.

response Partially accepted

With regard to the selection of the runway in use, see the response to comment #162.

With regard to the control of vehicles and persons on the manoeuvring area, see the response to comment #239.

comment *84* comment by: *René Meier, Europe Air Sports*

2.7.1.2 Amendsments to Annex I - Definitions
page 15/81

The propose definition of "controlled aerodrome" raises questions. We insist on a flexible use of aerodromes...

What you mention in block 4 of your text has nothing to do with aerodromes, it has to to with airspace. Furthermore Regulation (EC) No 550/2004 is now 13 years old, for this reason not to much should be based on this old set of provisions.

Please no overkills! In the end the pilot in command is responsible for his/her aircraft, nobody else.

response Not accepted

The initial SES Regulations have been revised with the SES II package in 2009 and it is considered that Regulation (EC) No 550/2004 is still relevant and valid, particularly for what is an essential building block of the SES philosophy.

Regarding the specific case of controlled airspace around controlled aerodromes, it is considered that this evolution will improve consistency with the principle of Article 8.1 of

	Regulation (EC) No 550/2004 stipulating that 'Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility.', thus providing a clear identification of blocks of airspace, of what services are provided therein and by whom and increasing aircrews' awareness and therefore safety. See also the response to comment #952 in CRD 2016-09(B).
comment	*85* comment by: *René Meier, Europe Air Sports* 2.7.1.3.2 Section 4 - Requirements for communications Page 19/81 Thank you for your statement on "radio coverage to the practical extent", we support this. Rationale We easily can take off, fly, and land without any radio communication needed, all depends on the environment we are operating in...
response	Noted
comment	*86* comment by: *EUROCONTROL* **2.7.1.3.2. Section 4 - Requirements for communications** ATS.OR.465 - Page 21 The EUROCONTROL Agency is of the opinion that recording background communication and aural environment at ATCO work stations would be cost prohibitive and neither practical, desirable, socially acceptable, nor beneficial. It recommends not to include this proposal in the IR.
response	Not accepted See the response to comment #137.
comment	*90* comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)* **Page No:** 21-22 **Paragraph No:** 2.7.1.3.2 **Comment:** See our comments to ATS.OR.465
response	Noted See the response to comment #137.
comment	*114* comment by: *Swedish Transport Agency, Civil Aviation Department*

(Transportstyrelsen, Luftfartsavdelningen)

Sweden is in general positive to the introduction of UNICOM and shares the NPA opinion it should be left to the member states to decide whether to implement UNICOM or not.

However, we also agree with the wording in GM2 article 3 (1 b) which states UNICOM is a provision which lies outside the scope of ATS provision and therefore this forthcoming regulation does not seem to be the appropriate context in which UNICOM is to be addressed.

response

Not accepted

NPA 2016-09 already clarifies that UNICOM-type aeronautical stations, and the facilitation they may provide to aviation operations, are not within the scope of ATS. GM2 to Article 3(1b) was proposed within Part-ATS for clarification, since the feedback received from EASA standardisation activities highlighted that currently there is some confusion between such stations and the stations which are used for the provision of ATS. As a result of the review of comments received, all guidance on UNICOM-type aeronautical stations is gathered under GM2 to Article 3a(a) 'Determination of the need for ATS — UNICOM AERONAUTICAL STATION'. See also the response to comment #608 in CRD 2016-09(B).

comment

115

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

the NPA opinion it should be left to the member states to decide whether to implement UNICOM or not.

However, we also agree with the wording in GM2 article 3 (1 b) which states UNICOM is a provision which lies outside the scope of ATS provision and therefore this forthcoming regulation does not seem to be the appropriate context in which UNICOM is to be addressed.

Accordingly we suggest ...

_____

As a member state we are positive to the introduction of UNICOM, and it should be for the member state to decide if implemented or not. We also think that UNICOM should be regulated in another regulation then ATS (ATM/ANS) since it is clear that UNICOM is not in any parts considered as ATS-service. We suggest that the regulation regarding UNICOM can be part of SERA-regulation instead, or other regulation if considered more appropriate.

Remove UNICOM from GM1 (Proposed amendments, page 53) from the AFIS-definition and introduce it as a separate definition in SERA instead.

Both the following GM should be changed from ATS.OR/TR, instead these should be prescribed as to be determined by the member states.

GM3 ATS.OR.125(a) - Coordination between aeronautical information services and ATS providers - PROMULGATION OF INFORMATION FOR UNICOM AERONAUTICAL STATIONS NOT

PROVIDING ATS

GM1 ATS.TR.115 - Identification of ATS units and airspaces -
IDENTIFICATION OF UNICOM AERONAUTICAL STATIONS AT AERODROMES

response

Partially accepted

See the response to comment #114.

comment

116 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

The associated airspace and flight procedures around the aerodrome are the aerodrome operator´s responsibility. The aerodrome operator shall have procedures in place for mitigating the risks associated with activities that could impact safe operations of aircraft operating at, to or from the aerodrome. Furthermore the aerodrome operator has the responsibility to ensure that non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft should be extinguished, screened, or otherwise modified so as to eliminate the source of danger

The operational responsibility to safeguard the areas around the aerodrome is maintained by air traffic control during aerodromes operational hours. In the event of serious affecting the on-going traffic the air traffic control shall take actions to maintain a safety and orderly flow of air traffic operations at, to or from the aerodrome.

Recommendations related to laser emissions, which may endanger the safety of aircraft, are found in ICAO Annex 14. It is also the aerodrome operator's responsibility to safeguard the associated airspace and flight procedures around the aerodrome. Consequently, it is the aerodrome operator's proactive responsibility to safeguard the areas around the aerodrome. Thus Sweden recommends incorporating the laser-beam related zones in aerodrome safety regulation Commission Regulation (EU) No 139/2014.

response

Noted

See the response to comment #5.

comment

117 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

We support the requirement in ATS.OR.465 regarding recording of background communication and the aural environment at ATCO work stations.

In Sweden exactly the same requirement at ATC units where implemented in June 2007 with a transitional provision until January 2009.

Our experience is that the costs for the fulfilment override the benefits in terms of safety. The information from the recordings have been used in investigations, and the information have in these cases added important facts.

We don't support an extension of the requirement to all ATS units.

response	Noted See the response to comment #137.

comment	*118* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* Regarding the phrase 'a nominal' we support the principle. However the use of it should depend on the need of it. If there is a need due to, for example, the traffic amount, the complexity in traffic and airspace the ATS provider should have the opportunity to use 'a nominal'. This use should be treated as a change to the functional system of ATS and the ATS provider should perform a safety assessment accordingly.
response	Noted See the response to comment #26.

comment	*119* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* We support the 10-minute value in use for the determination of the EAT. 10-minutes is the ICAO value and we don't support changes to ICAO via this NPA regarding EAT.
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*120* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* HF and VHF operational flight information service (OFIS) broadcasts, as described respectively in Sections 4.3.2 and 4.3.3, are not provided in Sweden.
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment	*130* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* MET.OR.245 Information concerning the release of toxic chemicals are already taken care of by the NOTAM system. Depending on the organisation in the State the meteorological institutes may be or may not be involved, although not necessary the aviation meteorological part. To keep the established routine to use the NOTAM system satisfies the requirement in Annex 11 Section 7.6.
response	Not accepted The distribution of NOTAM may not be in all cases a sufficient method to ensure that all the

airspace users have such an important information on-board (e.g. the NOTAM could be issued when the aircraft is already airborne).

comment *135* comment by: *UK CAA*

Paragraph No: 2.7.1.1 Point (c) of Article 3(1d)

Comment: The UK CAA agrees that the Annex 11 requirement to take "adequate steps… to prevent emission of laser beams from adversely affecting flight operations" should be ***considered*** for transposition into the EU regulatory framework and for responsibility for any resultant actions to be attributed to Member States.

However, the UK CAA does not agree that Article 3(1) of the ATM/ANS Common Requirements Regulation is the most appropriate vehicle for this provision and would expect the Commission to determine any ***actual*** need and an appropriate vehicle in this regard.

Arrangements within the UK to prevent emission of laser beams from adversely affecting flight operations are linked directly to legislation. The Air Navigation Order 2016 prohibits the use or direction of any light at any aircraft which is likely to endanger the aircraft or dazzle or distract the pilot of the aircraft (Articles 224 and 225) and prohibit the reckless or negligent endangerment of an aircraft (Article 240). Further legislation is also being proposed within the 'Modern Transport Bill' which specifically addresses the 'offence of pointing a laser at a plane or other moving vehicle'.

The legislation is then supported by a number of other documents. CAP 736 'Operation of Directed Light, Fireworks, Toy Balloons and Sky Lanterns within UK Airspace' provides AMC and GM to organisers of events involving laser light, the approval and oversight of which is conducted by the competent authority. The UK CAA also publish CAP493 'Manual of Air Traffic Services' which provides AMC and GM to ATS providers on the actions to be taken when notified of approved laser displays that may affect aircraft, and on the receipt of a report of an aircraft or ATS installation being maliciously targeted by a laser.

response Noted

See the response to comment #5.

comment *137* comment by: *UK CAA*

Paragraph No: 2.7.1.3.2, ATS.OR.465

Comment: The UK CAA agrees that value can be obtained from allowing the recording of background communication and the aural environment at ATCO workstations and that, in principle, the requirement should be extended to all ATS units. From the perspective of aviation related investigations, the insights that can be gained on the contextual factors affecting the performance of ATS personnel are invaluable. However, the UK CAA has a number of concerns related to the way in which EASA proposes to transpose the recommended practice from Section 3.3.3 of Annex 11 into the EU regulatory framework.

	The recording of background communication and the aural environment at ATCO workstations is analogous to cockpit voice recording (CVR), which is a long-established and accepted practise. However, in accordance with CAT.GEN.MPA.195, the use of CVR data is restricted to those events involving an accident, an incident that is subject to mandatory reporting, or for 'other purposes' subject to the consent of all crew members and maintenance personnel concerned. Detailed AMC has been provided to support such use of recorded data to prevent its misuse. The Agency's proposals in relation to ATS.OR.465 do not constrain the use of the recorded data and the UK CAA strongly believes that this should be addressed in order for the principle of recording the aural environment to be acceptable. Given that the Annex 11 recommendation stemmed from the BFU's investigation report into the MAC over Uberlingen, it is reasonable to argue that the purpose of the recommendation is to support accident investigation. However, the UK CAA believes that the scope of the provision should be further developed to mirror that detailed in CAT.GEN.MPA.195. The next consideration is that, in the absence of AMC and/or GM to guide the ATS provider on how the provision should be implemented, it is possible to comply with the requirement in such a way that the recorded data provides no value to a safety investigation. The UK CAA is therefore concerned that the development of prescriptive supporting AMC regarding methods of recording could result either in excessive implementation costs or could produce a requirement that was not technically feasible to deliver at all ATS units. Furthermore, the negligible increased safety benefit that recording the aural environment would bring may not offset the costs of implementation; particularly if the use of the data was restricted to support accident investigation alone and would thus be utilised less often. The UK CAA supports the principle of recording of background communication and the aural environment at ATS units, but believes that the Agency needs to reconsider the way in which such a requirement is incorporated into the EU regulatory framework. The UK CAA proposes refinement of ATS.OR.465 such that that the equipage requirement is specified by the competent authority. We further propose that, subject to EASA clarifying and resolving the issues identified in the UK CAA's technical comments on ATS.OR.465, this provision should be further developed to indicate how background communication recordings are to be used. The UK CAA proposes that this content is derived from those elements of CAT.GEN.MPA.195 relating to the use of CVR data. The Agency can then propose AMC and GM to ATS.OR.465 akin to AMC1 CAT.GEN.MPA.195(f)(1) and GM1 CAT.GEN.MPA.195(f)(1). **Proposed Text:** The UK CAA proposes that ATS.OR.465 contained in NPA 2016-09 Part B is amended to read as follows: "When so prescribed by the competent authority, air traffic control units shall be equipped with devices that record background communication and the aural environment at air traffic controller work stations." In addition, EASA are requested to develop further text within ATS.OR.465 relating to the retention and use of the data and are further requested to develop AMC and GM to this provision, based on AMC1 CAT.GEN.MPA.195(f)(1) and GM1 CAT.GEN.MPA.195(f)(1).
response	Partially accepted In addition to the comments received via the public NPA 2016-09 consultation on this subject, EASA queried some investigation authorities worldwide to ascertain the current

implementation of the Recommended Practice in Annex 11 from which this provision originated. Overall, the feedback received showed that there is no unambiguous interpretation and implementation of the provision. Moreover, the subject was extensively discussed with stakeholders during various focused consultation events during the comments review. In order to respond to the various issues highlighted by the comments received, and with the objective of providing flexibility for implementation and at the same time of ensuring that as much data as possible is available for the purposes of safety investigation, EASA proposes the revised text of ATS.OR.465, as follows:

(a) Unless otherwise prescribed by the competent authority, air traffic services units shall be equipped with devices that record background communication and the aural environment at air traffic controller, or the flight information service officer, or the AFIS officer work stations, as applicable, capable of retaining the information recorded during at least the last 24 hours of operation.

(b) Such recordings shall only be used for the investigation of accidents and incidents which are subject to mandatory reporting.

The amended text allocates to the competent authority the responsibility for determining whether or not to implement the requirement to ATS units. Since during the thematic meeting discussions the majority of stakeholders requested that such recordings shall only be used for the purposes of accidents and incidents investigations, EASA considered that the proposal to develop AMC and GM similar to those developed within EU OPS rules is not necessary, since the handling of data for occurrence investigation purposes is already addressed within the EU legislation.

It shall be noted that the duration of the retention period or such recordings is indicated to be at least 24 hours; the flexibility of the provision leaves discretion to the competent authority to establish a longer timeframe. This timeframe differs from the minimum 30 days established in ATS.OR.460 for the other mandatory recordings.

comment *139* comment by: *UK CAA*

Paragraph No: 2.7.1.4.2, AMC6 ATS.TR.210(a)(3)

Comment: The UK CAA does not support the proposal to remove the flexibility permitted in PANS-ATM 6.5.7.1. EASA has not justified its removal other than by an implied harmonisation benefit. The UK CAA is of the opinion that its removal will adversely impact upon ATS and airspace safety, capacity and efficiency.

The UK routinely exploits the flexibility permitted in PANS-ATM 6.5.7.1 by issuing an EAT when a delay of 20 mins or more is expected. Given the high density/high complexity nature of TMA operations in the UK, it has been determined that, at times, it is not feasible for an ATS unit to determine an EAT and transmit it to the aircraft for a delay of less than 20 mins; to do so would significantly increase controller workload and RTF loading. Particularly given the UK's position in relation to mainland Europe and the Atlantic and the need for interaction between UK ANSPs and ACCs in adjacent FIR/UIR to pass EATs.

The UK CAA does not believe that it would be appropriate to specify an alternative single value within AMC6 ATS.TR.210(a)(3) as suggested. There is no particular operational or safety benefit in harmonisation across the Member States - such a value is better, and more appropriately, determined locally based on local air traffic conditions. Therefore flexibility provided within PANS-ATM 6.5.7.1 for competent authorities to determine an alternative period is to be retained.

Proposed Text: The UK CAA proposes the following amendment to the proposed text for AMC6 ATS.TR.210(a)(3)(a) contained in NPA 2016-09 (B):

"(a) The appropriate ATS unit should determine an expected approach time for an arriving aircraft that will be subjected to a delay of 10 minutes or more**, or such other period as has been determined by the competent authority."**

response

Not accepted

On the basis of the responses received during the NPA consultation, it was evident that the value of 10 minutes is largely applied in the EU and fits with the intent of the relevant Implementing Rule it refers to, which mandates that clearances, instructions and/or information are issued by ATC units for the purpose of preventing collision between aircraft under its control and of expediting and maintaining an orderly flow of traffic.

Different values, in particular bigger values than 10 minutes, may not always be appropriate for ensuring compliance with this IR and may bring to the situation where the crew could declare minimum fuel which would bring disruption to the traffic. However, the competent authority may authorise alternative means of compliance, in accordance with the established procedures. For more information: http://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs

comment

140 comment by: *UK CAA*

Paragraph No: 2.7.1.4.2

Comment: Longitudinal separation minima based on Mach number are not applied in UK territorial airspace; however, they are used in Oceanic airspace within which the UK provides ATS.

response

Noted

EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

comment

141 comment by: *UK CAA*

Paragraph No: 2.7.1.4.3, penultimate paragraph

Comment: The UK CAA interprets the text of ICAO Annex 11 4.3.2 and 4.3.3 as relating to automated, routine broadcasts of information rather than 'discrete' broadcasts of information by licensed ATS personnel for specific purposes. On that basis, the UK CAA

	supports EASA's proposal not to transpose Annex 11 4.3.2 and 4.3.3 text on OFIS broadcasts. Moreover, we are not aware of the provision of any such OFIS broadcasts on HF and/or VHF within the EU.
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment	*143* comment by: *EUROCONTROL* **2.7.1.5. Amendments to Annex V - Subpart A 'Additional organisation requirements for providers of meteorological services (MET.OR)'** - Page 50 MET.OR.242 The EUROCONTROL Agency suggests amending MET.OR.242. The argumentation used is not understood since it calls for the specific recognition of AFIS units but in the same time it is indicated that an AFIS unit is an ATS unit. Since MET services for ATS units are described per MET.OR.245 the suggested amendment is not understood. Furthermore, the impact of requiring an identical service level for AFIS as for aerodrome control tower should not be underestimated. The consequence could be that aerodromes served by an AFIS unit shall be equipped with meteorological observations, systems, potentially meteorological staff which is not necessarily the case in many States that have AFIS implemented today. MET.OR.245 The EUROCONTROL Agency suggests amending MET.OR.245 to include 'toxic chemicals'. In the transposition of ICAO Annex 3, thorough deliberations by the rulemaking team and EASA, and not challenged during the NPA on the MET Rules, concluded to remove toxic chemicals from the list of phenomena to report. Toxic chemicals are not meteorological and the information flow when such an incident/accident is not through the MET provider. So while it is relatively easy to include toxic chemicals in MET.OR.245, in practice this will not secure that this type of information is relayed to ATS units.
response	With regard to the comment related to MET.OR.242: Not accepted The guiding principle is that the content of meteorological information for AFIS units should be the same as for aerodrome control towers, as they operate in a very similar, if not identical, environmental context. However, the term 'as necessary' in MET.OR.242(a) together with the provided condition 'unless otherwise prescribed by the competent authority' in the associated ATS.OR.515(a) offer a considerable degree of flexibility to define the meteorological information to be provided to AFIS units. With regard to the comment related to MET.OR.245: Not accepted EASA carefully reconsidered the ICAO provisions relevant to the toxic chemical-related information and took into account as well Section 7.6 of ICAO Annex 11, ICAO Doc 9691

'Manual on Volcanic Ash, Radioactive Material and Toxic Chemical Clouds'. These provisions clearly indicate that information on toxic chemical clouds are to be provided to ATS units, when available. The provision of information to aircraft concerning the release into the atmosphere of radioactive materials or toxic chemicals is in the scope of flight information service (ATS.TR.305(a)(3)). The proposed provision, as formulated, provides a great degree of flexibility for its implementation.

In the proposed provision, reference to the radioactive material is removed from MET.OR.245(g), as this obligation is already established within MET.OR.245(f)(5).

Therefore, the resulting text reads as follows:

'(g) when available, provide the relevant ATS units, in accordance with local agreement, with information regarding the release into the atmosphere of toxic chemicals which could affect the airspace used by flights within their area of responsibility'.

comment *145* comment by: *DTCA*

Ad 2.7.1.1

The DTCHA reply to this question is specifically addressing the question if provisions for laser beam emission should be included at a European level into the provisions for ATS.
ICAO Annex 11, para 2.19.5, provides for an ICAO Standard saying: *"Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations."*

Denmark has taken steps in the form of a national regulation on the use of outdoor application of laser equipment (BL 3-41, September 2003).
Having such provisions at a European level is possible, but will not tackle what is seen in Denmark as being an issue: that regardless the provisions drafted, it is merely impossible to identify person(s) that either do not know the national regulations or, which seems more likely, do not sense that misuse of laser beams from small portable devices can be a flight safety issue.
Hence, DTCHA is of the opinion
- that provisions on laser emissions should not be included in the EU regulatory framework;
- - not applicable;
- - see introductory remarks above.

Ad 2.7.1.3.2

Therefore, the Agency invites the stakeholders to comment on the transposition of this recommended practice as proposed in ATS.OR.465, in particular with regard to (4 questions):

1) DTCHA find it appropriate to introduce this requirement at ATC working positions in the EU, seen from the perspective of aircraft accident and incident investigation and ATM incident investigation.
EASA could consider, due to the costs involved for stakeholders, to postpone the implementation by a few years.

2) The requirement should encompass only ATC working positions (neither FIS nor AFIS).

3) See comments above in 1).

4) It has to be 100% clear that the use of such recordings must be limited to a) aircraft accident and incident investigation and b) ATM incident investigation purposes.

Ad 2.7.1.4.1

Whereas ICAO in PANS-ATM includes the phrase "a nominal" several places, the phrase is not included in the PANS-ATM for this particular provision.

As a general principle DTCHA is of the opinion that such a change should be dealt with by the ICAO OPS/ATM Panel, and subsequently, be considered by the ICAO ANC, for the ANC to consider an amendment to PANS-ATM.

Ad 2.7.1.4.2

"In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT. or..."

DTCHA reply: From an authority perspective and as the 10 minutes value is already in the PANS-ATM, DTCHA finds that the 10-minute value is appropriate.

Ad 2.7.1.4.3 (p. 45 2nd paragraph):

"Furthermore, point (c) specifies the additional information to be provided to aircraft by AFIS units, in consideration of the specific aerodrome environment. Such additional information is derived from the ICAO Circular 211-AN/128. It is important to point out that AFIS units are in charge of providing FIS and alerting service, and that in no circumstances are they authorised to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots."

DTCHA disagree with parts of the statement that AFIS units "*in no circumstances are they authorised to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots*."

As for the statement regarding selection of runway in use:

The proposal in (B) ATS.TR.305 c), Scope of flight information service, reads:
"AFIS provided to flights shall include, in addition to relevant items outlined in points (a) and (b), the provision of information concerning:
(1) collision hazards to aircraft and vehicles operating on the manoeuvring area;
(2) the runway in use;
(3) messages, including clearances, received from other ATS units to relay to aircraft.

In order to provide information concerning the runway in use, it requires selection of runway in use. Hence the AFIS-operator shall be responsibility to select the runway in use, taking into

	consideration wind (direction/speed), visibility, breaking action, noise abatement procedures and requests of the pilots of the aircraft concerned. DTCHA propose a separate requirement: "The AFIS-operator shall select runway in use, taking into consideration a) wind direction and –speed, b) visibility, c) breaking action, d) noise abatement procedures, and e) the requests of the pilots in command of the aircraft concerned." The above proposal is in line with Danish national regulations and is taking into full consideration that the pilot in command is the ultimate responsible for the safety of his/her aircraft. Reference is given also to the definition of "runway in use", stating "ATS" and not limiting the definition to "ATC". <u>As for the statement regarding issuing instructions to aircraft and vehicles on the ground:</u> The mandate given to an AFIS-operator to provide flight information service (FIS), based on ICAO PANS-ATM, is limited to the provision of services to aircraft at the maneuvering area and in the air. In order to perform the FIS duties based on ICAO PANS-ATM, the AFIS-operator must have a mandate from the aerodrome operator to instruct vehicles and persons on the ground (apron as well as the maneuvering area). Such mandate/awareness is part of the qualification and training requirements that are in place in Denmark. Finally, and rrelated to the EASA question concerning HF and VHF OFIS broadcasts in the EU, DTCHA is not aware of any such provisions in the EU.
response	As far as the comment on the question on laser beam emissions is concerned: Noted See the response to comment #5. As far as the comment on aural background recording is concerned (ref. ATS.OR.465): Partially accepted See the response to comment #137. As far as the comment to the question concerning 'a nominal' is concerned: Not accepted See the response to comment #26. As far as the comment on the question on AMC6 ATS.TR.210(a)(3) concerning EAT: Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged. As far as the possibility that AFIS units may undertake ATC tasks (issuance of instructions and

clearances to aircraft):

Not accepted

See the response to comment #234.

As far as the comment related to the issuance of instructions to vehicles and persons on the manoeuvring area:

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted (see the response to comment #239).

As far as the comment on the selection of the runway in use by AFIS units, see the response to comment #162.

As far as the comment related to OFIS provisions are concerned:

EASA will not transpose the relevant ICAO provisions since the comments received with NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment *151* comment by: *ATC the Netherlands*

P 15 laser beam emissions on the flight operations (Article 9(c) of Regulation (EU) No 139/2014)

There is no need for additional requirements. Safety problems related to hazardous, confusing and misleading lights can be handled by Member States appropriately. The experience in the Netherlands with problems due to lasers show that full attention can be given to the problem with the current rules.

response Noted

See the response to comment #5.

comment *152* comment by: *ATC the Netherlands*

Page 21 recording of background communication and the aural environment at ATCO work stations
Therefore, the Agency invites the stakeholders to comment on the transposition of this recommended practice as proposed in ATS.OR.465, in particular with regard to:
— the appropriateness of this requirement to the current operational environment at EU ATC units;
— the need to extend the application of this requirement to all ATS units;
— the consideration about the fact that costs for the fulfilment of such requirement could override the expected benefits in terms of safety; and
— the need to explicitly limit the requirement for the use of such recordings only for occurrence investigation purposes.

In our view comparison of the situation in a cockpit and an ATC facility is not appropriate. All communication is registered and in cases of doubt personnel can be interviewed after incidents. In the proposal is not clear what area should be monitored and how sufficient quality of the recording can be assured. At towers background communications are being

	recorded at present but in OPS rooms it is difficult to realize. This proposal is deemed to be cost prohibitive and neither practical, desirable, socially acceptable, nor beneficial. See also our comment of Part B ATS.OR. 465
response	Noted See the response to comment #137.

comment	*153* comment by: *ATC the Netherlands* **Page 26 Flexibilty in respect of the minimum separation value between the given transition altitude and the transition level** **The Agency invites stakeholders to express their views on the subject and to indicate if the addition of the phrase 'a nominal' would be acceptable.** **NL Response** The Netherlands supports the flexible approach.
response	Noted See the response to comment #26.

comment	*154* comment by: *ATC the Netherlands* **Page 32 t** **he circumstances and the procedures for the issuance and the communication of an expected approach time (EAT) to fligh**ts **In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in AMC6 ATS.TR.210(a)(3).** **NL Response** In the Netherlands normally the EAT is transmitted when the expected delay exceeds 4 minutes. Furthermore the problem will disappear with the introduction of AMAN. The requirement for 10 minutes is acceptable if this may be interpreted as a maximum period. Given the SESAR related changes and the current practice, flexibility is needed to deviate.
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged. EASA is of the opinion that the normal ATC practice for the issuance of an EAT when the delay is less than 10 minutes is not regarded as a non-compliance with the provision, as the information is just more accurate than what the subject AMC prescribes. It shall be noted that if this practice is based on a formal requirement expressed by the competent authority, an alternative means of compliance to AMC6 ATS.TR.210(a)(3) shall be filed.

comment	*155* comment by: *ATC the Netherlands*

Page 36 the longitudinal separation minima based on Mach number in AMC5 and AMC6 to ATS.TR.210(c)(2)(i), the discussions held with the RMG members concluded that their applicability and use within the EU context in uncertain.
Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima

In the Netherlands separation, based on Mach numbers, is not in use.

In order to validate this approach, the Agency requests its stakeholders:
— to indicate if they agree with this approach; and
— to indicate if they are aware of any provision of HF and VHF OFIS broadcasts in the EU, and, should this be the case, to provide more detailed information.

In The Netherlands these facilities are not used.

response

Noted

With regard to separation minima based on Mach number, EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

With regard to OFIS, EASA will not transpose the relevant ICAO provisions since the comments received with NPA 2016-09 indicate that this service is not provided in the EU.

comment

157 comment by: *City Airport & Heliport (Manchester Barton)*

In NPA 2016-09(A), 2.7.1.4.3, it is stated that AFIS may not select the runway to be used for take-off and landing at the Aerodrome. We feel strongly that in order to ensure that aircraft can safely integrate together within a circuit, AFIS should be able to designate the runway in use. (This is current practice in the U.K. and works well.) This does not prevent a pilot from requesting another, but ensures a semblance of order. Particularly at Aerodrome's with multiple runways (we have 3 runway strips which all intersect at two points). In addition to considering wind, weather conditions etc, local procedures (eg noise abatement, obstacles) may also be a factor to be considered and should be included in GM1 ATS.TR.305,c,2

It also states that under no circumstances should AFIS units issue instructions to aircraft and vehicles on the ground. This practice is currently permitted within the U.K.

We strongly feel that the proposal to remove the ability to provide ground control is a serious reduction in safety and contrary the aims of improving safely through the standardisation of AFIS throughout the EU. We would propose that this ability to apply ground control should be subject to member states review, perhaps requiring a robust justification and risk assessment so that it's use is proportionate and relevant to the Aerodrome's layout and traffic complexity, consistent with the need to apply a level of safe integration of all activity.

To put our comments into the context of our aerodrome's operations, here at Manchester (Barton), we have been an AFIS unit for some 18 years. Prior to this we were air/ground, but decided to introduce AFIS specifically because of the safety benefits of the ability to control

on the ground.

Manchester (Barton), whilst a small grass UK Licenced aerodrome, is also very complex in nature. We have 4 Runways giving 8 landing directions, all of which intersect each other at two points. The layout of the Aerodrome is crowded and restricted.

There are over 100 aircraft at the aerodrome, and we have a mix of aircraft ranging from Gyroplanes, Flexwing Microlights, 3-axis Microlights, Aircraft, small piston helicopters, turbine helicopters and Emergency Service Helicopters. We also have an increasing number of large helicopters visiting, including Military including S.92, Chinook, Apache, Lynx, Puma etc.

We currently have approximately 48,000 movements each year and these are growing. We have previously peaked at 78,000 movements and we anticipate that the current growth we are seeing may return to these levels. It is not uncommon to have up to 8 aircraft within the circuit, plus 3 helicopters operating circuits or hover training, whilst also integrating other departing and arriving helicopters including Category A emergency flights where priority is essential.

The current provision of AFIS allows us to tightly co-ordinate and integrate all the above movements.

There are several key areas where we believe the ability to control ground movements allows this integration to be achieved safely;

<u>Helicopters</u>

Helicopters account for some 11,500 movements per year. Due to the layout of the aerodrome, with such a high proportion of helicopter movements almost all of these are required to cross one or more runways for each movement when departing and arriving. There are also an additional number of helicopter positioning movements between hangars/parking and fuel which increase this number. The provision of control is considered essential in ensuring safe separation and integration between fixed winged movements using one or more runways as the FISO is able to understand the bigger traffic picture.

The limitations of the size of the manoeuvring and apron areas also means that helicopters are often required to operate in close proximity to aircraft. This close integration carries additional risks of downwash to aircraft. Experience has shown that pilot's are often unaware of the
dangers or extent of this downwash and even when information is passed, they can put themselves in danger by becoming too close. The ability therefore of the FISO to control mitigates this risk considerably as the FISO has wider experience of various types and is able to manage this risk by holding or re-directing aircraft or helicopters to maintain safe separation.

Many of our Helicopter movements involve public transport of passengers, either in the form of public undergoing pleasure flights, or as passengers on helicopter charter. With these operations taking place in a busy traffic environment, shouldn't the public expect that some form of control measures are in place to help protect their own safety, as would be expected when flying on any other form of commercial transport?

Taxying and runway crossings

For aircraft departing or returning to park after landing requires aircraft to cross one or more runways, in some cases this can requires a crossing of three runways to reach the desired holding point and can also include crossing the runway in use. When more than one runway may be in use at any time, the FISO can currently manage safe integration by issuing instructions. Because of the layout of the Aerodrome, the view from the Aircraft cockpit is restricted meaning that as an aircraft taxies it cannot see the approaches to all runways, thus this ability of the FISO to assist the pilot by issuing instructions helps ensure that Runway Incursions are mitigated against, and protects any aircraft using those runways for landing or taking off.

If we were to only provide information to pilots to assist with safe manoeuvring on the ground, the complexity of our operation and aerodrome layout would mean the amount of information we would have to give over the RTF would be untenable. During busy periods where we can have upwards of 500 movements within a ten hour day, the number of radio transmissions can already become congested. It is not uncommon to have a combination of perhaps 8-10 aircraft taxying on the ground, plus a further 8 aircraft within the circuit and another 3-4 aircraft inbound.

We feel that the lack of the ability to control on the ground will inevitably lead to increased Runway Incursions, and is therefore a retrograde step in safety assurance.

GNSS Approaches
In the UK, there are developments underway to facilitate the introduction of GNSS approaches at AFIS Aerodromes. If an aircraft is making such an approach in poor weather, then the ability to ensure the runway is sterile for the movement is a key safety factor in this process.

Alternative measures

We have considered whether without control on the ground, we could introduce alternative measures. However being a grass aerodrome, we are limited in how we can define taxyways. We already have in place signage for holding points, and we have a comprehensive Pilot Handbook and UK AIP entry defining our various operating procedures. We fear that to further try to define even more procedures would actually overload the amount of briefing material a pilot could sensibly absorb and any meaning in the brief would be lost, subsequently causing a detrimental opposite effect to having more procedures and rules.

We are also concerned at the potential reduction in safety benefit and thus any human cost should a serious incident or accident occur as a result of lowering the safety measures in place through the removal of the ability to control on the ground, and then additional cost to the Aerodrome in terms of Insurance, and safety perception to the public. It is interesting to note that from the EASA AFIS survey (NAP 2016-09(A) 3.1.2.5 (page 62) it was highlighted that the most frequent type of occurrence reported were near collisions and runway incursions. Our own local records show that the provision of control on the ground has successfully mitigated against ground collisions and runway incursions in many circumstances.

The current AFIS provision in the UK provides a good balance between having an enhanced safety oversight whilst allowing smaller but busy General Aviation Aerodromes the ability to

	function safety and efficiently without having the burden of costs of having to provide a full Air Traffic Control Service (which would most likely cause such Aerodromes including ours to become financially unviable).
response	Noted The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239. With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234. EASA is grateful for the detailed description of the complexity of the traffic demand at your airport and, accordingly, would suggest considering a provision of services other than AFIS (e.g. ATC).

comment	*163* comment by: *ISAVIA ohf.* Isavia would like to add comments to the following text: *— comment on the need to include this provision in the EU regulatory framework;* *— in case the proposal is considered to be appropriate and necessary, comment as to whether the ATM/ANS Common Requirements Regulation is the most appropriate place to include such requirement, or if it should be included in a different regulation (existing or future); and* *— provide information on the arrangements at State level, in particular as regards the allocation of responsibilities.* Isavia is of the opinion that it is appropriate to include this requirement in the EU regulatory framework. Isavia agrees that the responsibility should be on the Member State as proposed in the NPA.
response	Noted See the response to comment #5.

comment	*164* comment by: *ISAVIA ohf.* Comment is made to the following text: *Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima are applied in their State and to what extent.* The Mach number technique is used extensively within BIRD CTA. Isavia is of the opinion that separation methods and minima based on the Mach number technique should be included.
response	Noted EASA notes the usage of this separation technique by some European ATS providers; hence

	the proposed provision remains.

comment	*165* comment by: *ISAVIA ohf.* Comment to the following text: *Air traffic control units shall be equipped with devices that record background communication and the aural environment at air traffic controller work stations, capable of retaining the information recorded during at least the last 24 hours of operation.* *Therefore, the Agency invites the stakeholders to comment on the transposition of this recommended practice as proposed in ATS.OR.465, in particular with regard to:* *— the appropriateness of this requirement to the current operational environment at EU ATC units;* *— the need to extend the application of this requirement to all ATS units;* *— the consideration about the fact that costs for the fulfilment of such requirement could override the expected benefits in terms of safety; and* *— the need to explicitly limit the requirement for the use of such recordings only for occurrence investigation purposes.* Isavia does does not oppose the proposed transposition. Isavia does however not support the application to all ATS units and considers that to be disproportionate. Isavia is against explicitly limiting the use of the recordings only for occurence investigation purposes. These recordings can for example be very useful during search and rescue operations.
response	Partially accepted See the response to comment #137.

comment	*166* comment by: *ISAVIA ohf.* Comment to the following text: *In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in AMC6 ATS.TR.210(a)(3).* Isavia uses the 10 minute value and consideres it is appropriate.
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*168* comment by: *ISAVIA ohf.* Comment to the following text: *"In order to validate this approach, the Agency requests its stakeholders:* *— to indicate if they agree with this approach; and* *— to indicate if they are aware of any provision of HF and VHF OFIS broadcasts in the EU,*

and, should this be the case, to provide more detailed information."

Isavia does not use OFIS and agrees with the approach to omit the requirements for OFIS.

response

Noted

EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment

170 comment by: *Julian Scarfe*

In 2.7.1.2 the Agency writes:

The Agency proposes a definition of 'controlled aerodrome' which is different from that in the SERA Regulation. The definition aims to adhere to the principle laid down in Article 8.1 of Regulation (EC) No 550/2004, stipulating: 'Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate in the Community'. This principle is implemented in the regulatory proposals for PART-ATS (in this NPA) and the forthcoming NPA on Part-ASD to be published in the course of 2016 in the context of the regulatory activities of RMT.0445.
With this proposed amendment, it is clarified that in presence of an aerodrome where ATS is provided, including controlled aerodromes, it is expected to have at all times an associated airspace and the designation of a provider in charge of rendering the services.

The principle in Art 8.1 of 550/2004, interpreted in the way this NPA would interpret it, is counterproductive and contrary to the objective of aviation safety.

The simplicity of having one and only one ATS provider associated with any volume of airspace is seductive. But unfortunately, the simplest solutions are not always the optimal solutions to complex problems; and the cost of a sub-optimal solution to a complex problem in ATM is measured not only in money but also in lives lost.

One misconception stems from the assumption that the value of an air traffic control service comes from the provision of separation. And, the simplistic solution continues, separation is only efficient if there is an exclusive provider of air traffic services within any airspace volume.

But this misses the point. The ultimate objective of an ATS is not to separate aircraft – it is to "prevent collisions between aircraft", as well as to "expedite and maintain an orderly flow of traffic". Aerodrome control has a key function in *sequencing* traffic in the air, as well as separating traffic on the manoeuvring area. It does not require a volume of airspace to achieve that.

The ICAO paradigm, which leads to a distinction between the provision of air traffic control and the need for an airspace volume in which it is provided, has always supported the concept of aerodrome control *without* an associated volume of controlled airspace. In historical context, before the alphabetical airspace classification, *controlled airspace* was airspace in which an air traffic control service was provided to (and obligatory for) all IFR flights. This is consistent with the current A to G classification of airspace, of which classes A

to E are controlled airspace. But it is clearly a logically distinct proposition from the idea prosed by teh Agency that air traffic control may *only* be provided in controlled airspace.

Controlled airspace is only justified where there is a need to provide an air traffic control service to (and separation between) IFR flights in the air. By contrast, aerodrome control "prevents collisions between aircraft" and "expedites and maintains an orderly flow of traffic" to both VFR and IFR flights, on the ground and in the air.

In a busy aerodrome environment, a flight information service providing information to allow pilots to make their own decisions is no more capable of substituting for aerodrome control than it is for area control in a busy TMA. But to *require* controlled airspace for aerodrome control forces on airspace users a separation requirement that they do not need, and creates an unnecessary regulatory constraint that interferes with efficient airspace use and increases cost.

If the Agency breaks the ICAO paradigm and *requires* controlled airspace to be associated with aerodrome control, there is a significant risk that aerodrome control will be withdrawn in situations where the establishment of controlled airspace cannot be justified on the basis of separation of IFR traffic. This has safety implications for airspace users. To take a step of this magnitude requires a detailed impact assessment on the relative safety weighed against the operational cost. This IA has not been performed.

response

Not accepted

See the responses to comments #70 and #84, and #952, #1183 and #1450 in CRD 2016-09(B).

It shall be noted that the requirements on the airspace classification are already included in Regulation (EU) No 923/2012 (SERA). The selection of the proper airspace classes and the related services in certain volumes of airspace is a Member States' responsibility. With this proposal, EASA in no way suggests any changes to the airspace classification that is already established, but aims at establishing clarity and consistency with already existing EU requirements. Therefore, the comment about the impact of the introduction of this proposal is not understood.

comment

174 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note **Section 2.7.1.4.2** *Section 2 - ATC service* *AMC6 ATS.TR.210(a)(3)*	*In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in* ***AMC6 ATS.TR.210(a)(3)****.*	Spain considers the 10-minutes value completely appropriate for the determination of the EAT.

response | Accepted

The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment | *175* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note Section 2.7.1.4.2 *Section 2 - ATC service AMC5 and AMC6 to ATS.TR.210(c)(2)(i)*	*Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima are applied in their State and to what extent.*	These separation methods are used in Spain, specifically in the Canary Islands region.

response | Noted

EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

comment | *176* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Explanatory Note Section 2.7.1.4.3 Section 3 — Flight information service Annex 11, Section 4.3	*In order to validate this approach, the Agency requests its stakeholders:* *— to indicate if they agree with this approach; and* *— to indicate if they are aware of any provision of HF and VHF OFIS broadcasts in the EU, and, should this be the case, to provide more detailed information.*	The provision of HF and VHF OFIS broadcasts is not considered in the Spanish regulation either.

response | Noted

EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment	*187* comment by: *LFV Sweden* The use of 'hazardous, confusing and misleading lights' is a security issue and therefore not suitable to be included in the EU regulatory framework, i.e. not an ATM/ANS issue. The problems with laser beams is not limited to aviation and should be regulated from a 'wider EU-level' to cover all aspects (e.g. all form of transportations).
response	Noted See the response to comment #5.

comment	*188* comment by: *LFV Sweden* Regarding recording of background communication (ATS.OR.465): Since the recommended practice is already implemented as an IR in Sweden with the purpose only for occurence investigations, we support the transposition into Part ATS. The last quastion about the purpose should be a recommendation.
response	Noted See the response to comment #137.

comment	*189* comment by: *LFV Sweden* AMC6 ATS.TR.210(a)(3): We appy the 10-minute rule which is appropriate.
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*190* comment by: *LFV Sweden* Sweden does not apply the longitudinal separation minima based on Mach number technique.
response	Noted EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

comment	*191* comment by: *LFV Sweden* We agree with the approach and we are not aware of any HF or VHF OFIS broadcasts in the EU.
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received to NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment	*194* comment by: *Finavia* *Finavia is not in favor of extending the application of this requirement to all ATS units. It would add costs without any proof of being beneficial in terms of safety.* *Recording in ATS environment is not analogical to cockpit environment, since ATS personnel have no risk of losing their lives during an accident (Uberlingen being the unfortunate exception to the rule) and can therefore be interviewed for accident investigation purposes after the incident.* *Transposition should be in GM, since this is only a recommendation in ICAO regulation.*
response	Noted See the response to comment #137.

comment	*195* comment by: *Finavia* · **2.7.1.4.1 "NOMINAL"** o ***The Agency invites stakeholders to express their views on the subject and to indicate if the addition of the phrase 'a nominal' would be acceptable.*** *Addition on the phrase 'a nominal' is acceptable for Finavia.*
response	Noted See the response to comment #26.

comment	*196* comment by: *Finavia* · **2.7.1.4.2 PANS-ATM 6.5.7 (Expected Approach Time, EAT; s. 31-32)** o ***In consideration of the situation described above, the Agency invites the stakeholders to express their views as to whether the 10-minute value is appropriate and currently in use for the determination of the EAT, or, in case it should be amended, what would be the correct time value to be introduced in AMC6 ATS.TR.210(a)(3).*** *The 10-minute value is appropriate and currently in use in Finland.* · **2.7.1.4.2 Longitudinal separation minima based on Mach number (s. 36)** o ***Therefore, in order to verify the applicability of these separation methods and minima in the EU context, the Agency invites the stakeholders to indicate whether these separation methods and minima are applied in their State and to what extent.*** *This separation method is not applied in Finland.* · **2.7.1.4.3 HF and VHF OFIS broadcasts (s. 47)** o ***In order to validate this approach, the Agency requests its stakeholders:*** o ***to indicate if they agree with this approach; and*** o ***to indicate if they are aware of any provision of HF and VHF OFIS broadcasts in the EU, and, should this be the case, to provide more detailed information.*** *Finavia agrees with the proposed approach*
response	Noted With regard to the comment on the EAT, the text of AMC6 ATS.TR.210(a)(3) remains

	unchanged. With regard to separation minima based on Mach number, EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains. With regard to OFIS, EASA will not transpose the relevant ICAO provisions since the comments received with NPA 2016-09 indicate that this service is not provided throughout the EU Member States.
comment	*198* comment by: *EFLEVA* The change to the ICAO definition of controlled airspace introduces a problem for me3mber states which do not currently have controlled airspace around all aerodromes providing an ATC service (e.g. the United Kingdom). The ICAO definition of a Controlled Aerodrome is: **Controlled aerodrome**. An aerodrome at which air traffic control service is provided to aerodrome traffic. *Note.— The term "controlled aerodrome" indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.* The NPA seeks to alter the note which it had previously incorporated into its own definition: **Controlled aerodrome'** means an aerodrome at which ATC service is provided to aerodrome traffic ~~regardless whether or not a control zone exists.~~ It appears that as a result of this all aerodromes which have an ATC service can only continue to do so by implementing controlled airspace. The costs of implementation, plus the ongoing staff and regulatory costs would be very substantial, and there is no recognition in a RIA of these costs. In the UK, NATS reports that controlled airspace would need to be established at 29 civil and 30 military aerodromes. The impact on GA of a further 59 CTRs in the UK would be catastrophic. It is clear that EASA have not appreciated the impact of this proposal and it must be changed. Regulation (EC) No 550/2004 did not intend to mandate controlled airspace around aerodromes and cannot support this proposal.
response	Not accepted The interpretation that 'as a result of this all aerodromes which have an ATC service can only continue to do so by implementing controlled airspace' is correct. On the contrary, the interpretation that 'Regulation (EC) No 550/2004 did not intend to mandate controlled airspace around aerodromes' cannot be supported. It is considered that the proposed evolution will improve consistency with the principle of Article 8.1 of Regulation (EC) No 550/2004 stipulating that 'Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility.', thus providing a clear identification of blocks of airspace, of what services are

provided therein and by whom. With this proposal, EASA in no way suggests any changes to the airspace classification that is already established, but aims at establishing clarity and consistency with already existing EU requirements.

Many cases are known where the limits of the area where the ATS provider exercises its responsibilities around a controlled aerodrome are unclear, in particular when the controlled aerodrome is surrounded by uncontrolled airspace and air traffic controllers may not be aware of the traffic operating nearby the aerodrome traffic. EASA deems that the proposed evolution would ultimately improve safety.

See also the responses to comments #616, #952, #1183 and #1450 in CRD 2016-09(B).

comment *202* comment by: *Airport Operators Association (UK)*

ATS.TR200. In respect of this being trasnposed as SERA 8001 - Application Air traffic control service shall be provided: (a) to all IFR flights in airspace Classes A, B, C, D and E; (b) to all VFR flights in airspace Classes B, C and D; (c) to all special VFR flights; (d) to all aerodrome traffic at controlled aerodromes. Therefore provision must continue to be made for equitable use of airspace, including benefits afforded to safety, efficiency and cost, to all commercial air transport within uncontrolled airspace. The next stage of the NPA or its outcomes, EASA is urged to consider ATM using uncontrolled airspace in its quest and how the high levels of safety continue to be achieved.

response Noted

It is not clear how the comment is linked to the application of ATC service, which is addressed in the mentioned provision.

It shall be noted that the requirements on the airspace classification are already included in Regulation (EU) No 923/2012 (SERA). The selection of the proper airspace classes and the related services in certain volumes of airspace is a Member States' responsibility. With this proposal, EASA in no way suggests any changes to the airspace classification that is already established, but aims at establishing clarity and consistency with already existing EU requirements.

comment *203* comment by: *Jan Sondij*

General NPA 2016-09 (A) 2.7.1.5 MET.OR.245	KNMI	2.7.1.5. suggests amending MET.OR.245 to include 'toxic chemicals'. In the transposition of ICAO Annex 3, the rulemaking team and EASA, concluded to remove toxic chemicals from the list of phenomena to report. Toxic chemicals are currently not meteorological and the information flow when such an incident/accident occurs is not organised through the MET provider So while it may be easy to include toxic chemicals in MET.OR.245, in practice this will not secure that this type of information is relayed to ATS units.	Obligation on MET ANSPs that cannot be fulfilled.	Not to amend MET.OR.245

response

Not accepted.

See the response to comment #143.

comment *205* comment by: *Jan Sondij*

General NPA 2016-09 (A) 2.7.1.5 MET.OR.242	KNMI	2.7.1.5. suggests amending MET.OR.242 to provide identical information to AFIS units as is provided to aerodrome control tower. The impact of this change should not be underestimated as in many States the described full set of meteorological products and services are not being provided to AFIS units and only on international airports.. The consequence could be that aerodromes served by an AFIS unit shall be equipped with meteorological observations, systems, meteorological staff etc. which is not necessarily the case in many States that have AFIS implemented today. It may also impose all ANS regulations on the entity that provides meteorological information to the AFIS unit, as in that case the repealed 2016/1377 applies. Furthermore, the current designation in ICAO functions like aeronautical meteorological station, and aerodrome meteorological office, does not necessarily match the meteorological services to be provided to AFIS. All in all this proposal seems not subsidiary and not proportional.	Implies certification and designation for meteorological service providers for AFIS units, and provision of a full set of meteorological information for AFIS units that is not the case today in many States. Not subsidiary and not proportional.	Not to amend MET.OR.242.

response

Not accepted

See the response to comment #143.

comment *206* comment by: *Jan Sondij*

General NPA 2016-09 (A) 2.7.1.5 MET.OR.242	KNMI	2.7.1.5. suggests amending MET.OR.242 to include AFIS unit. The reasoning is not understood, as EASA states: "Having explicitly recognized the AFIS unit within the scope of ATS units…". As such, there is no need to explicitly mention AFIS as it falls under the scope of ATS units.	Unnecessary reference, no need to specify.	Not to amend MET.OR.242.

response

Not accepted

The actual content of provision MET.OR.242, despite its title 'Information to be provided to air traffic services units', includes explicit reference to aerodrome control tower and to approach control unit.

See also the response to comment #143.

comment

207 comment by: *Airport Operators Association (UK)*

ATS.TR.160 (a) The Airport Operators Association concurs with the UK representatives and the concerns of its AOA airport members, with the following (amended) statement.

The exclusion of the provision of vectoring from the functions of the ATS surveillance system in the FIS poses an issue (considered alongside other issues within the NPA), which is a significant concern for a number of UK regional airports and their communities. Within stabilised UK regulation (e.g. CAP 774) UK FIS specifically states that ATS surveillance systems may be used to allow a controller to provide headings for the purpose of positioning, sequencing, or as navigational assistance to aircraft in receipt of a Traffic Service or a Deconfliction Service. This provides a high level of safety within uncontrolled airspace which the NPA appears to seek to remove, in conflict with the objectives of the NPA.

The current UK procedure has permitted Air Traffic Control Officers (ATCO) to vector aircraft in Class G airspace for instrument approach procedures at those aerodromes without an associated control zone. The wording of the NPA is such that ATC service is an ATS provided within controlled airspace (CAS) alone; for instance, the proposed amendment to the definition of 'controlled aerodrome' and the exclusion of airspace classes F and G in ATS.TR.200. On implementation of Part-ATS, as currently worded, the exclusion of the provision of vectoring from the functions of the ATS surveillance system in the FIS would require the UK to change its modus operandi in relation to the provision of ATS by ATCOs in Class G airspace. Other, potential, issues which are associated with this are:

- a requirement to introduce CTR around aerodromes where an ATC service is provided;
- a requirement to review and, if necessary, to adapt UK wide airspace structures and classifications;

- the airspace change proposal system is not suitable or robust to be able to introduce the required volume of change
- significant time would be required to implement these changes (measured in years)
- there will likely be significant political and public resistance to change
- it is unacceptable that financing the cost of the change would be required to be borne by industry while
- there is no demonstrable evidence or safety imperative for such a change
- There is insufficient available resource within industry and the CAA to implement this magnitude of change

A long term threat being imposed on regional aerodromes and operations may evolve due to potential for impact upon UK FIS (removal of the deconfliction minima principle). Should commercial aviation elect to operate wholly within CAS, where analysis of risk determines this outcome, it will undoubtedly offer a higher degree of risk to cease operations for some regional locations.

response

Noted

See the comment #985 to CRD 2016-09(B) and the EASA response.

In accordance with Regulation (EU) No 923/2012 (SERA), in class G airspace separation is not provided. If certain airspace requires a different set of services, such as separation by vectoring, a reclassification of the airspace where such service is provided should be considered. The existing SERA Regulation already provides tools, in addition to the classification of airspace, such as radio mandatory zones and transponder mandatory zones, which are considered to be sufficient for the needs of the airspace review and appropriate classification in the EU.

comment *209* comment by: *Airport Operators Association (UK)*

response

Noted

The commentator has not submitted any text for this comment.

comment *211* comment by: *Finnish Transport Safety Agency*

§ Radiation and Nuclear Safety Authority (STUK) is responsible authority in Finland on laser emissions.
§ Laser emissions potentially harmful to aviation are managed in Finland by requiring the operator of laser-device to contact the air navigation service provider responsible for the area where activities are planned to take place. The role of the ANSP in question is to analyse if planned activity is possible to accommodate to the aviation system safely. If not, CAA has the power to restrict or prohibit the planned operation.

§ This requirement is based on Finnish Aviation Act which states that "Activities that either cause hazard to or interfere with the flow of air traffic is prohibited. Air traffic service provider has to be informed in advance of the activities potentially causing danger for flight safety or traffic flow, so that the air traffic service provider can assess whether the planned operation could be carried out without jeopardizing air safety and without disturbing the traffic flow. If the planned activities cannot be adapted safely and in a convenient way to aviation with the available resources of air traffic service provider, Finnish Transport Safety Agency may limit, prohibit or impose conditions to the activities."

response

Noted

See the response to comment #5.

comment

212 comment by: *Finnish Transport Safety Agency*

o Concerning the ATS.OR.465, Finnish Transport Safety Agency is in the opinion that the current recommendation is sufficient and there is no need for additional EU requirement. There is no strong justification to add more regulation, and in our national government strategy we aim to lighten regulation. This would also be in line with EU Better regulation and EU Aviation strategy.

response

Noted

See the response to comment #137.

comment

213 comment by: *Finnish Transport Safety Agency*

§ Addition on the phrase 'a nominal' is acceptable for Finnish Transport Safety Agency.

response

Noted

See the response to comment #26.

comment

214 comment by: *Finnish Transport Safety Agency*

§ The 10-minute value for expected approach time is appropriate and currently in use in Finland.

response

Accepted

The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment

215 comment by: *Finnish Transport Safety Agency*

§ This longitudinal separation minima based on Mach number is not applied in Finland.

response

Noted

EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

comment	*216* comment by: *Finnish Transport Safety Agency* § Finnish Transport Safety Agency agrees with the proposed approach concerning HF and VHF OFIS broadcasts.
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received to NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

comment	*218* comment by: *SAS Anette Good* AMC20 ATS.TR.210(a)(3) — the applicability of visual departure only during the daytime and under specified meteorological conditions; We want to keep the possibility of visual departure during darkness/night when meteorological conditions permits. This gives the possibility to avoid unnecessary long departure procedures and saves fuel and track miles.
response	Noted EASA acknowledges the concern expressed via the comment. It is acknowledged that the duration of day and night time in the Nordic States significantly varies throughout the year compared to other Member States. For this reason, the requirement is not established as an IR, but as an AMC, which gives the possibility to adopt an alternative means of compliance as described in: https://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs . However, it should be noted that the need for an alternative means of compliance in this case should be carefully considered since the definition of 'night' (as opposed to day) is established in Annex I to Regulation (EU) No 965/2012, as follows: ''Night' means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority, as defined by the Member State'.

comment	*221* comment by: *CAA-NL* 2.7.1.5. Proposes to amend MET.OR.245 to include 'toxic chemicals'. Toxic chemicals are currently not meteorological and the information flow when such an incident/accident occurs currently is not organised through the MET providers. Given this situation, the impact of this addition to the current rule is not sufficiently considered. Before this proposal can be accepted the impact on the MET services need to be considered, including the implementation period needed for the changes to be introduced.
response	Not accepted See the response to comment #143.

comment	*222* comment by: *FASVIG* This comment concerns the proposed change to Definition 57 - Controlled Aerodrome (within Section 2.7.1.2). By not accepting the note in the ICAO Annex 11 definition of a Controlled Aerodrome - ie "The term "controlled aerodrome" indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists" and deleting the phrase "regardless whether or not a control zone exists" from the EASA definition, GA operations in the UK would be devastatingly affected. FASVIG cannot support this change. NPA Part A talks about this being necessary for compatibility with Regulation (EU) 2016/1185; however, we can find no connection to justify this.
response	Not accepted See the responses to comments #70 and #84, and #952 in CRD 2016-09(B). It shall be noted that the requirements on the airspace classification are already included in Regulation (EU) No 923/2012 (SERA). The selection of the proper airspace classes and the related services in certain volumes of airspace is a Member States' responsibility. With this proposal, EASA in no way suggests any changes to the airspace classification that is already established, but aims at establishing clarity and consistency with already existing EU requirements. Therefore, your comment about the impact of the introduction of this proposal is not understood.

comment	*225* comment by: *Stephen Slater* An unintended consequence of this is that it will result in all aerodromes which have an ATC service being required to establish controlled airspace, resulting in likely restriction of airspace access for sport flying as well as considerable additional staff and regulatory costs. In the UK, where ATSOCAS services are inferior to those in many other parts of Europe, this would result in as many as 59 new areas of controlled airspace needing to be established. This would result in restriction of significant amounts of airspace to sport aviation and other users.
response	Not accepted See the responses to comments #70 and #84. It shall be noted that the requirements on the airspace classification are already included in Regulation (EU) No 923/2012 (SERA). The selection of the proper airspace classes and the related services in certain volumes of airspace is a Member States' responsibility. With this proposal, EASA in no way suggests any changes to the airspace classification that is already established, but aims at establishing clarity and consistency with already existing EU requirements. Therefore, your comment about the impact of the introduction of this proposal is not understood.

comment	*227* comment by: *Airport Grenchen (Switzerland) LSZG* Para 2.7.1.4.1 · ATS.TR.160: The allowance to use of technology (surveillance systems) in the provision of AFIS is generally supported by the representatives of the aerodromes of Switzerland and

	the Swiss Federal Office for Civil Aviation Page 45, para. 2 ("*Furthermore, point (c)…")*: · There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"It is important to point out that AFIS units are in charge of providing FIS and alerting service,* ***as well as selecting the runway in use but*** *that in no circumstances are they authorized to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, ~~or selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots."~~*
response	With reference to the comment on Para 2.7.1.4.1, noted. With reference to Page 45, para. 2, partially accepted. See also the response to comment #162.

comment	*231* comment by: *Icetra* ICETRA has some thoughts on this issue. First, concerning the need to explicitly limit the use of background communication and aural environment recordings for occurrence and investigation purposes. We believe that in the view of this requirement stemming from safety recommendation 09/2004 of the Investigation Report AX001-1-2/02 where it is explicitly stated that this recommendation is put forward to "improve the investigation of future accidents and incidents" the use of such recordings should indeed be limited to investigations of occurrences and incidents. Concerning the appropriateness of this requirement to current operational environments and the need to extend the application of this requirement to all ATS units and also taking costs and benefits into account we believe that the need and hence the requirement for such recordings at a unit should be based on factors such as the operational environment, amount of traffic the unit serves, the number of workstations at the unit; rather than requiring background communication and aural environment recordings for all ATC units irrespective of the assessed benefit of such recordings.
response	Noted See the response to comment #137.

comment	*232* comment by: *Icetra* We are of the opinion that a 10-minute value is appropriate
response	Accepted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*233* comment by: *Icetra* Concerning the question if the addition of the phrase "a nominal" would be acceptable, it is our view that for non-native english speakers, this is likely to cause confusion and we do not

	support that. For the sake of "not losing a whole flight level for the sake of 7 ft (quarter of an hPa)" we would rather support detailed guidance in AMC or GM.
response	Noted See the response to comment #26.

comment	*241* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA on paragraph no: 2.7.1.1. Article 3(1d), Point (c)* We recommend to include it in the regulatory framework.
response	Noted See the response to comment #5.

comment	*242* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA on paragraph No: 2.7.1.3.2. ATS.OR.465:* We recommend to include it in the regulatory framework and to extend it to all ATS units, especially as the aircraft are already equipped with such a system. It should be clear that such recordings are only to be used for occurrence investigation purposes.
response	Noted See the response to comment #137.

comment	*243* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA on paragraph No: 2.7.1.4.1. ATS.TR.135:* We support the proposal made by a member of RMG.0464 to add the phrase “a nominal” to the minimum separation value between the given transition altitude and the transition level.
response	Noted See the response to comment #26.

comment	*245* comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)* · ATS.TR.160: The allowance to use of technology (surveillance systems) in the provision of AFIS is generally supported by the representatives of the aerodromes of Switzerland and the Swiss Federal Office for Civil Aviation
response	Noted

comment	*248* comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)*

	There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"It is important to point out that AFIS units are in charge of providing FIS and alerting service, **as well as selecting the runway in use but** that in no circumstances are they authorized to undertake actions related to the provision of ATC, such as issuing instructions to aircraft and vehicles on the ground, ~~or selecting the runway to be used for take off and landing at the aerodrome, which should remain a prerogative of the pilots."~~*
response	Partially accepted See also the response to comment #162.

comment	*251* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* - Normally it is the police (state or local) that deals with it, since it is considered to be a criminal action.
response	Noted See the response to comment #5.

comment	*252* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* Not needed Not needed The cost doesn't make up for the benefit in terms of safety, and it is the airspace users who would ultimately have to pay for it, unnecessarily, according to our view. If they went ahead with it, ABSOLUTELY
response	Noted See the response to comment #137.

comment	*253* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC is not sure as how the "nominal" is calculated. We understand and agree with the reasons why this proposal is made, but we would like the Agency to explain it further.
response	Noted See the response to comment #26.

comment	*254* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC agrees on the need for harmonization of this figure, be it 10 or 20'. However, we are concerned because there are different approaches already in force all over Europe, and it largely depends on traffic and the rules in place.
response	Noted The text of AMC6 ATS.TR.210(a)(3) remains unchanged.

comment	*255* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC can confirm that these separation methods and minima are applied in several countries across Europe, above all for oceanic traffic, so we request the Agency to maintain these provisions.
response	Noted EASA notes the usage of this separation technique by some European ATS providers; hence the proposed provision remains.

comment	*256* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC doesn't know of any country in Europe where OFIS broadcasts are provided, and therefore we support the Agency in its decision not to write any requirements on this topic.
response	Noted EASA will not transpose the relevant ICAO provisions since the comments received on NPA 2016-09 indicate that this service is not provided throughout the EU Member States.

3. Regulatory impact assessment (RIA) p. 53

comment	*129* ❖ comment by: *UK CAA* Page 10-11 and 53 **Paragraph No:** NPA 2016-09(A) 2.5 Interrelation with the SERA Regulation NPA 2016-09(A) 3.1.1.2 The current EU ATS regulatory context NPA 2016-09(A) 3.1.1.3 Transposing ICAO ATS provisions into the EU aviation safety regulatory framework **Comment:** The UK CAA observes that, while the need to align Part-ATS with extant regulation is alluded to, there is no explicit explanation as to how EASA foresees continued synchronisation of Part-ATS content with its source ICAO material. A robust 'maintenance' process is essential to ensure timely transposition of future amendments to ICAO Annex 11, Doc 4444 and other ICAO source material affecting Part-ATS. It is additionally required to capture any changes to other EU regulatory material that impacts on Part-ATS. Rulemaking and safety promotion programme including EPAS 2017–2021 refers to RMT.0719 'Regular update of ATM/ANS rules (IR/AMC/GM)' however NPA 2016-09 makes no reference to the RMT. EASA is invited to provide insight into how RMT.0719 'Regular update of ATM/ANS rules (IR/AMC/GM)' is to be managed in practice. Although EASA has a process in place to make suggestions on how States should respond to

ICAO material and help them respond, States still have rights and obligations to ICAO including the ability to make national differences. This raises the potential of different national approaches to ICAO material impacting on EU legislation and supporting EASA AMC/GM and the need to have a way to resolve these, agree EU differences where needed and make appropriate changes to the regulatory package (i.e. Rule/AMC/GM).

Justification:
Requirement for a process to deal with amendments to the legislation and agreement on what this will be.

response

Noted

See the response to comment #106.

3.1.1. ATS regulatory framework p. 53-55

comment

132 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

The RIA states that the decision to transpose the ICAO reference material to establish ATS requirements was not an option, but an approach established and consolidated by other ATM/ANS-related regulatory activities which preceded the initiation of this rulemaking task.

Sweden doesn't support this statement. Another option is to transpose the content of Annex 10 Volume II, Annex 11 and the SERA-regulation and leave the implementing of the PANS-ATM to the Member states.

The proposal includes transposing PANS-ATM requirements on a case-by-case basis that results in several PANS including *shall* now propose as GM (not AMC) including *should*. This is a big change of the original requirements and not as stated *in full respect of their original regulatory force*.

The proposal also includes PANS requirements not transposed, for example the requirement 4.5.7.5.1, 4.5.7.5.1.1 and not least 4.5.7.5.2 stating that an controller shall listen to the readback of clearances and take immediate action to correct any discrepancies. This shortage effects the requirements about ATC clearances.

Further there is the use of other material in addition to the ICAO material in the proposal, for example UK CAP and French study. This use effects the interpretation of PANS ATM.

Another example is the interpretation of the phrase appropriate ATS authority. In the proposal this is often proposed as competent authority and more exact approved by the competent authority. In the proposal there is examples that the competent authority is obliged to issue approvals in cases there the requirement together with oversight should be enough. For example ATS.TR.255 Operations on parallel or near-parallel runways and AMC1 ATS.TR.210(a)(3) Operation of ATC service HORIZONTAL SPEED CONTROL
INSTRUCTIONS — GENERAL (a). It is important to keep in mind that the ATS provider is certified to perform a safe service, competent authorities do not perform ATS.

All the above gives that an RIA should be performed for the transposing of ATS requirements.

response | Not accepted

See the response to comment #1170 in CRD 2016-09(B).

ICAO provisions addressing read-back are already transposed in SERA.8015 of Regulation (EU) No 923/2012 and duplicated, for the purposes of Part-ATS, in ATS.TR.235. See also the response to comment #826 in CRD 2016-09(B).

3.1.2. AFIS p. 55-67

comment | *7* comment by: *Humberside Airport*

Page No: 58-61

Para No: 3.1.2.4

Comment:

Issues to be addressed

Whilst the thrust of the argument in this section is in regard to the provision of FIS and AFIS, it is the provision of ATC within Class G airspace within the UK that will create one of the largest impacts. The UK CAA authorises and Certifies ANSPs to operate within Class G 'uncontrolled' airspace providing a 'UK FIS', which includes the provision of surveillance services, including vectoring, to flights by international commercial air transport operations, both schedule and charter flights; whilst this may be contrary to the guidance within ICAO Circular 211-AN/128 – Aerodrome Flight Information Service, it has served the UK operators well. In addition, an ATC service through the provision of Approach Control and Aerodrome Control is also provided within the Class G ATZ and within the Class G surrounding the ATZ. The UK airspace construct is different to most of ICAO/mainland Europe, it has developed over many years to cater for the many aviation activities within the UK's congested airspace. The airspace construct and rules applied within UK airspace provide facilities and options for as many airspace users as possible; additionally, the GA community has a 'loud voice' and is particularly keen to have access to as much airspace as possible. The provision of surveillance services to support the ATS provided by our certified ANSP's, by certified ATC controllers, within Class G airspace is a mitigation for 'international commercial air transport' operations that allows 'international commercial air transport' to operate within Class G airspace. If regulations are introduced that prevent the provision of such services within Class G airspace, then 'international commercial air transport' operations would have to review their safety cases to operate within Class G where the provision of the mitigation of a surveillance service by certified ATC controllers had to cease where the UK was unable to amend its airspace to provide a minimum of Class D CTRs and CTAs to contain the IFPs together with the provision of CAS to connect to the en-route structure.

Regarding FIS and AFIS, whilst ideally there should be common standards that should be explicitly separated from those of ATC within this regulation in order to provide clarity over what can be provide when and where, there are too many aerodromes with differing types of operations, intensity, etc that to place specific rules against them might not be proportional or as efficient; indeed where some form of control service to aircraft, vehicles

and pedestrians is currently provided, it could reduce safety levels (note that most of the aerodromes that provide a level of 'control' could not afford to provide ATC nor would their type of operations or number of movements potentially justify CAS so ATC could not be provided (under the current requirements for provision of CAS)). It would be better to separate the rules and regulations for AFIS into a separate consultation or, preferably, allow Member States to legislate AFIS at the national level.

response

Noted

See the comment #985 and the EASA response.

In accordance with Regulation (EU) No 923/2012 (SERA), in class G airspace separation is not provided. If certain airspace requires a different set of services, such as separation by vectoring, a reclassification of the airspace where such service is provided should be considered. The existing SERA Regulation already provides tools, in addition to the classification of airspace, such as radio mandatory zones and transponder mandatory zones, which are considered to be sufficient for the needs of the airspace review and appropriate classification in the EU.

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted (see the response to comment #239).

With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234.

With regard to the request to separate AFIS requirements from Part-ATS: See the response to comment #142.

comment

45 comment by: *Airport Buochs AG*

Para 3.1.2.1:
· There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"AFIS units provide information ~~and advice~~ to aircraft to achieve a safe, orderly and expeditious flow of air traffic at and close to an aerodrome in order to assist pilots in preventing collision between aircraft flying within their area of responsibility. AFIS includes, inter alia, traffic information, information on the meteorological conditions at and in the vicinity of the aerodrome, information on the aerodrome conditions."*

response

Not accepted

See the response to comment #162.

comment

133 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Sweden´s opinion is that type of air traffic service (ATS) should be determined by the circumstances normally prevailing at the aerodrome which should include the following facts to be consider in the selections of type of air traffic service:

Airspace design

Traffic volumes
Simultaneous movements
Weather conditions
Available radio navigation aids
Environmental restrictions, and
Other relevant factors

response

Partially accepted

The proposal in the comment is mostly covered in GM1 to Article 3a(a) 'Determination of the need for air traffic services' — *ELEMENTS TO DETERMINE THE NEED FOR ATS PROVISION*.

comment

134 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

In Sweden there are in total 14 airports providing AFIS. A majority of these are providing services to both international and domestic commercial air traffic as Sweden has not implemented any restrictions providing AFIS to international commercial traffic.
The Swedish air force has declared they have no objections to operate at any of these 14 airports in Sweden providing AFIS.

In case of introducing an obligation on airports to provide ATC to commercial air traffic there will be a significant risk some of these 14 Swedish airports will have to close (due to increased costs among other reasons).

response

Noted

The requirements proposed with the NPA do not introduce any obligation to provide ATC service at aerodromes with commercial aviation operations. The selection of the appropriate ATS and the designation of the provider at the aerodromes is a Member State's responsibility.

comment

159 comment by: *DGAC/SGANA Spain*

In relation to what AFIS personnel can or cannot do according to European Regulations and ICAO Annexes, DGAC of Spain would like to draw your attention to the fact that Annex 14 is also to be considered, not only Annex 11.

Although **Apron management service is not ATS**, ICAO in its Annex 14 includes the possibility of such service being provided by an ATS Unit:

Annex 14, point 9.5, deals with Apron management service, and includes the following recommendations:

9.5 Apron management service

9.5.1 **Recommendation.—** *When warranted by the volume of traffic and operating conditions, an appropriate apron management service should be provided on an apron by an aerodrome ATS unit, by another aerodrome operating authority, or by a cooperative combination of these, in order to:*

a) regulate movement with the objective of preventing collisions between aircraft, and between aircraft and obstacles;

b) regulate entry of aircraft into, and coordinate exit of aircraft from, the apron with the aerodrome control tower; and

c) ensure safe and expeditious movement of vehicles and appropriate regulation of other activities.

9.5.2 **Recommendation.—** *When the aerodrome control tower does not participate in the apron management service, procedures should be established to facilitate the orderly transition of aircraft between the apron management unit and the aerodrome control tower.*

As you can see, ICAO contemplates the possibility of Apron management service to be provided by an ATS unit, and as the NPA 2016-09 rightly states, an AFIS unit is an ATS unit.

Spain, in order to address ICAO recommendations on Apron management service adopted Royal Decree 1238/2011 on the matter (Real Decreto 1238/2011, de 8 de septiembre, por el que se regula el servicio de dirección en la plataforma aeroportuaria). According to this R. D. Apron management service can be provided by AFIS Units.

Our Royal Decree on AFIS (Real Decreto 1133/2010, de 10 de septiembre, por el que se regula la provisión del servicio de información de vuelo de aeródromos (AFIS)) in its article 22.2 contemplates that as far as that is included in the AFIS Unit Manual, the movement of persons and/ or vehicles in the movement area is subject to authorization from AFIS personnel, as well as aircraft movement on the apron.

So, we understand that our legislation is in line with ICAO Annex 14, and that the new European Regulation should not interfere with the provision of Apron management service by AFIS units, as safety is of paramount importance, and provisions like those we have currently in place in Spain improve safety, compared with a situation where for the same airport no Apron management service were provided because there is no ATC there, and it is not economically viable to have both AFIS and apron management service as traffic levels are low.

response

Noted

Apron management service is not part of ATS and, therefore, it is not included in this regulatory package. Such service is being addressed by EASA via RMT.0485 ‘Requirements for apron management services at aerodromes’, in the context of which EASA has issued Opinion No 02/2014. At the time of issue of this CRD, Opinion No 02/2014 is subject to the committee procedure.

comment

228 comment by: *Airport Grenchen (Switzerland) LSZG*

Para 3.1.2.1:

	· There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"AFIS units provide information ~~and advice~~ to aircraft to achieve a safe, orderly and expeditious flow of air traffic at and close to an aerodrome in order to assist pilots in preventing collision between aircraft flying within their area of responsibility. AFIS includes, inter alia, traffic information, information on the meteorological conditions at and in the vicinity of the aerodrome, information on the aerodrome conditions."*
response	Not accepted See the response to comment #162.

comment	*240* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA on paragraph no: 3.1.2.1:* We support the issuance of 'advice' by AFIS as given for FIS already in the existing ICAO regulations. However we miss an appropriate procedure and phraseology for AFIS in Part B. IN our opinion the issuance of advice shall not get an 'indirect control' of air traffic and shall only be issued for certain purposes (to be defined) such as e.g.: high density of traffic; taxiroute in special circumstances (e.g. blocked taxiway); in cases of required back tracking.
response	Partially accepted The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA). The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239.

comment	*249* comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)* There is need for clarification of the following para in order to clearly differentiate between ATC and AFIS: *"AFIS units provide information ~~and advice~~ to aircraft to achieve a safe, orderly and expeditious flow of air traffic at and close to an aerodrome in order to assist pilots in preventing collision between aircraft flying within their area of responsibility. AFIS includes, inter alia, traffic information, information on the meteorological conditions at and in the vicinity of the aerodrome, information on the aerodrome conditions."*
response	Not accepted See the response to comment #162.

3.1.2. AFIS p. 57

comment	*20* comment by: *TUIfly the Netherlands* typo: aircraft no longer continue to the intended. Should be 'continues'

response | Noted

The comment does not seem to be relevant to this NPA.

3.2. Objectives p. 67-68

comment | *65* comment by: *Civil Aviation Authority Norway*

If all of these objectives are to be met we need more regulations connected to AFIS. We understand that this is not within the scope of RMT.0464, but we urge EASA to start a process to develop requiremets on AFIS recruitment, medical-, qualifications-, training- and licensing requirements alike what is done for ATCOs in EU 2015/340. We also need some common and agreed phraseology in addition to what we have today.

response | Noted

See the response to comment #98.

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment | *69* comment by: *Civil Aviation Authority Norway*

It seems that the NPA only includes some paras of the EUROCONTROL AFIS Manual. To have an efficient AFIS we are of the opinion that more of the Manual have to be included. To mention only a few, para 3.4.3 on RWY availability, para 4.2.2 on Control of vehicles, para 4.2.2.3.2 on light signals and the associated airspace to be used by AFIS (TIZ/TIA) is important to have available when AFIS is used. By picking only bits and pieces from the Manual the AFIS will remain fragmented in Europe. A question is then: What will be the way forward? Will Part ATS be supplied with more text from the Manual, should EASA develop its on AFIS Manual or are there other ways to implement this? The most important question is however, if those parts of the AFIS Manual which is not transposed to Part ATS can still be used by the states? It is vital to us that we dont have to reduce the standard of the AFIS that we have today.

response | Partially accepted

The proposed AFIS provisions were carefully selected and formulated also taking into account the existing diverse implementation of AFIS throughout the EU, as evidenced by the EASA survey published together with the NPA. EASA also intended to ensure a minimum cost impact for the affected parties, and in particular for AFIS providers. Nothing prevents the Member States from implementing their national legislation, even when this legislation is based upon the EUROCONTROL AFIS Manual, complementing the EU provisions, provided that such national legislation is not in contradiction with the EU law.

As a result of the comments review for the purposes of the issue of this CRD and of the Opinion, EASA has evaluated the introduction of additional provisions derived from the

	EUROCONTROL AFIS Manual, for example in the case of GM1 ATS.TR.305(c)(2), which was amended to include additional guidance from the said manual.

3.3. Policy options p. 68-69

comment	*46* comment by: *BE CAA* PP 67-68 Policy options Airspace department of BCAA fully supports OPTION 1.
response	Noted

3.4.1. Safety impacts p. 69

comment	*50* comment by: *EGBW* **1. <u>AFISO versus Pilot awareness</u>** At aerodromes operating a flight information service CAP797 requires: *Paragraph 8.5: AFISOs shall maintain a continuous watch by visual observation on all flight operations on and in the vicinity of an aerodrome as well as vehicles and personnel on the manoeuvring area.* *Paragraph 20.11: A data display must be maintained in accordance with local instructions* An AFISO is licenced for that airfield, is required to be knowledgeable and up to date on the layout, local procedures and hazards. It follows therefore, that duty AFISO's will have a comprehensive and real-time picture of the airfield situation, traffic and hazards. Generally they will have a clear and unobstructed view of the entire airfield manoeuvring area. Pilots of stationary or taxying aircraft do not have the bigger picture and rely on information from the AFISO to manoeuver safely. The problem applies equally to ground movements, particularly operations vehicles. If the right to issue ground manoeuvring instructions is denied to the AFISO, then pilots may, and will on occasion, manoeuver in such a way as to compromise safety. 2. **<u>Safety Analysis</u>** NPA 2016-09(A) refers to an analysis of 234 occurrence reports at EU AFIS aerodromes. None of the conclusions relate to an identified concern with the UK practise of issuing ground instructions. In fact the report states:

"From the analysis, it resulted that: — the most frequent type of occurrence reported at those AFIS aerodromes were near collisions and runway incursions;

Clearly, analysis is required to show what percentage of those occurrences would have been avoided by issuing ground instructions. Is there definitive evidence that the 22 UK airfields operating an FIS have a safety issue through the issue of ground instructions?

Conversely, the impact of changing the rule has not been analysed. Given the hundreds of thousands of ground movements involved, how can EASA be confident that it will not degrade safety as a consequence of the rule change on a demonstrated stable and safe system.

NPA 2016-09(A) aim is harmonisation of FIS across EU member states, but it does not analyse best practise.

3. **Pilots self briefing**

Notwithstanding any rules of the air, the facts are that many pilots do not adequately brief themselves before undertaking a flight. Some 20% of visitors call for joining without having obtained PPR. Whilst such visitors are accommodated safely and courteously it often demonstrates that the pilots involved are unaware of local hazards, regulations or airfield layout. Denying the AFISO any ability to issue "hold", "stop" or "taxy via" instructions on the ground will overcomplicate R/T and potentially degrade safety.

4. **Examples**

The view from some parts of the taxiway is obstructed by parked aircraft and pilots cannot easily see opposite direction aircraft:

Current R/T:
AFISO: "G-LD hold at bravo and give way to opposite direction C152 traffic from your right"
G-LD: "Hold at Bravo, G-LD"

Possible R/T:
AFISO: "G-LD opposite direction C152 traffic from your right".
G-LD: "visual with C152, G-LD".
AFISO: "G-NE opposite direction PA28 traffic from your left".
G-NE: "visual with PA28, G-NE".

The AFISO has no idea of the outcome to this conflict. Potentially there will be more R/T:

G-NE: "G-NE will hold at Bravo to let the PA28 pass".
AFISO: "G-NE roger".

The amount of R/T has been significantly increased. On a busy day this will lead to R/T becoming unmanageable. This scenario applies equally to ground vehicles for example runway inspections. The relative small size of vehicles means they are much more difficult to see during runway incursions.

If an aircraft is at a runway holding point:

Current R/T:
G-NE: "G-NE hold Echo ready for departure".
AFISO: "Hold your position, traffic on final".
G-NE: "G-NE holding"

Possible R/T:
G-NE: "G-NE hold Echo ready for departure".
AFISO: "G-NE traffic on final"
G-NE "G-NE taking off"

The AFISO has no idea of the outcome to this conflict.
Outcome 1: G-NE enters runway, finals traffic elects to go around and conflicts with departing.
Outcome 2: G-NE enters runway, finals traffic against the rules lands with G-NE still on take-off roll.
Outcome 3: No conflict, but AFISO workload and concern increased.

Many AFISO airfields have multiple runways and require crossing of thresholds or back tracking runways. If the AFISO cannot explicitly define taxy instructions and/or a request to hold at a specific point, then runway incursions are much more likely.

response

Noted

The proposal to provide flexibility at national level for AFISO to manage vehicles and persons on the manoeuvring area is accepted. See the response to comment #239.

With regard to the comment on the control of aircraft on the manoeuvring area, see the response to comment #234.

The phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

EASA is grateful for the detailed description of the complexity of the traffic demand at your airport and, accordingly, would suggest considering a provision of services other than AFIS (e.g. ATC).

3.4.3. Social impacts p. 70

comment

235 comment by: *European Transport Workers Federation - ETF*

The recognition of AFIS creates a potential social dumping for aerodrome control units to be downgraded as AFIS units. More extensive technical AFIS and competence requirements (not included here) would adequately balance this risk, therefore further regulatory action is required.
The recognition of UNICOM creates a potential social dumping for AFIS units to be downgraded as UNICOM units. ETF opposes the introduction of UNICOM in EU regulation.

Mention and recognition of UNICOM stations is harmful to the ATM workers unless clear

requirement for UNICOM stations not to provide any kind of ATS related information is established.

response

Noted

With regard to more extensive competence requirements, Sse the response to comment #98.

The regulatory proposal does not introduce UNICOM-type aeronautical stations within the EU regulatory framework, as these stations are not regarded as ATS units. The relevant GM aims at providing clarification concerning the possibility for Member States to implement such aeronautical stations to facilitate local aerodrome operations when ATS provision is not established, but not at regulating them.

3.4.7. Open questions to stakeholders p. 75-76

comment *6* comment by: *Humberside Airport*

Page No: 75

Para No: 3.4.7

“Open questions to stakeholders”

Comment:

"In order to enable an even more detailed assessment of the impacts of the options described in this RIA, the Agency invites the stakeholders to respond to the following questions:

Questions for AFIS providers:"

"(a) Would the compliance with the proposed AFIS provisions introduce additional costs and/or burden (e.g. revision of AFIS training courses/material; extra resources in FTEs)?"

The UK already regulates some Flight Information Service Officers but depending on the final requirement there would be increased costs associated, especially where training courses and certification become a requirement.

"(b) If the answer to the previous question is affirmative, could you detail the sources of costs and quantify them?"

These are not known.

response

Noted

comment *34* comment by: *Humberside Airport*

Page No: 76

Para No:

Comment:**"Questions for all stakeholders:"**

"(a) Do you believe that the harmonised implementation of AFIS provision will bring safety benefits (e.g. pilot situational awareness)?"

Yes.

"(b) If the answer to the previous question is affirmative, please specify."

The knowledge that all AFIS units are operating to common standards will improve safety. However, there are many different types of AFIS type aerodromes and it may not be practical, efficient or proportional to regulate them to the same standard.

"(c) Do you expect an increase in the use of AFIS in the future?"

Probably, especially if the current ATC control provision within Class G cannot continue.

"(d) If the answer to the previous question is affirmative, please specify on which assumptions you base your judgement."

This view is based on the fact that AFIS is less expensive to operate compared to ATC. As a consequence of what will be a business driven requirement, whilst regulation pertaining to GA flights should be proportionate to the type of operation at an AFIS aerodrome, regulations must be in place to ensure that minimum standards and requirements are applied to CAT operations involving fee-paying passengers where such operations are allowed within Class G airspace to operate into/out from AFIS aerodromes. On the assumption that AFIS aerodromes can control CAT within Class G uncontrolled airspace and/or utilise Instrument Flight Procedures in Class G, on financial considerations alone it will be much cheaper to operate to an AFIS standard than to ATC.

Within the UK, at those EASA Certified Aerodromes that currently provide an ATC Service with certified ANSPs and ATC controllers within Class G airspace and there is no possibility to provide CAS with the UK's policy given the number of movements and passengers, then the current ATC provision would have to be converted to AFIS unless agreement is reached that authorised the UK to continue its current methods of operation within Class G.
"In addition to the above questions, stakeholders are kindly invited to provide any other quantitative information they may find necessary to bring to the attention of the Agency with regard to this RIA."

If the service provided is AFIS, can CAT be operated with IFPs in Class G uncontrolled airspace where there is only an ATZ and the IFPs are not contained within CAS? Can an AFIS be provided in CAS? If the answer to both of these questions is 'No' then there is an issue for the UK as the UK provides an ATC by certified air traffic controllers applying an ATS in accordance with 'UK FIS' in Class G 'Uncontrolled' airspace with IFPs and an aerodrome protected by a Class G ATZ. The UK will need time to review its airspace policy and the airspace provided to certified aerodromes and certified ANSPs with certified ATC controllers that are currently authorised to provide services within Class G airspace in order to meet the requirements of this NPA to ensure that ATC is provided in Classes A-E and FIS in Classes F-G.

There may be an issue with UNICOM, AFIS and ATC all operating in the same airspace as the standards and rules applicable in identical classifications of airspace should be the same. A possible solution is to define and create airspace that meets the needs of each operation based on safety. This could impact the UK airspace construct or airports without CAS as potentially airports without CAS might have to have their IFPs removed where IFPs have to be protected by CAS. The UK CAA would also be required to review all of its approvals for EASA certified aerodromes and certified ANSPs and ATC controllers to ensure that this NPA can be complied with by either providing CAS or removing authorisations.

response

Noted

See comment #985 and the related response.

EASA notes that no quantification of the impact is provided in your response.

comment

48 comment by: *BE CAA*

§3.4.7. p75 Questions for AFIS providers:

AFIS is not (yet) implemented in Belgium.
It appears anyhow logic expecting additional costs linked a.o.
- the equipment to be certified,
- the HR to be trained and put in place,
- the safety assessment to be initiated,
- ...

response

Noted

comment

49 comment by: *BE CAA*

§3.4.7. p76 Questions for all stakeholders

(a)(b) we may of course expect safety benefits as traffic information will be provided, hand-over procedures will be facilitated, personnel will be correctly trained, pilot situational awareness will be increased, alerting service will be provided, ... All arguments listed in the "Option 1" concept are all positive benefits as well.

(c)(d) we expect indeed requests for AFIS implementation from the local authorities of non-controlled airfields where the density of traffic is rather high and/or where mixed traffic (ULM, gliders, planes, Para dropping activities, ...) is operating.
BCAA plans as well imposing AFIS on airfields where commercial traffic is operating.
BCAA intends also in a later stage analyzing the feasibility and opportunity implementing AFIS on controlled airports when density of traffic is low or limited during some periods.

response

Noted

comment

54 comment by: *Frédéric BOISARD*

3.4.7 Open questions to stakeholders

Questions for AFIS providers :
(a) Would the compliance with the proposed AFIS provisions introduce additional costs and/or burden.

Answer : the additional costs would not be significant as most of the IR, OR and AMC set in the NPA are already applied in our country. The only point that could create significant changes is that of the AFISO training, as what is currently done amongst European countries is varied, and what could be set in the future as a "minimum common standard" could imply many changes.

response

Noted

See the response to comment #98 with regard to AFISO training.

It is recognised that the introduction of common EU requirements on AFIS will largely harmonise the content of the training to be provided to AFISOs in all the EU Member States.

comment *55* comment by: *Frédéric BOISARD*

(a) and (b) : I've been flying through Europe over the last 20 years, and I have noticed many differences about the way the AFIS is provided in different countries. Harmonisation of AFIS provision would increase safety as pilots could expect to have the same services all over Europe.

(c) and (d) : I expect an increase in the use of AFIS in the future, because AFIS is an interresting alternative to Control for aerodrome with low commercial trafic, and AFIS allows more safety than UNICOM, especially for places with an important GA Trafic.

Additional remark : in order to increase safety, when the time comes to set clearly a "common core" for provision of AFIS, it would be a goood point to :
1) set the possibility for AFIS-O to suggest manoeuvres for safety matters
2) have an information given to pilots (in magazines, with the help of AOPA, flying club federations, national civil aviation authorities, ...) as many of them don't know the difference between control and AFIS.

response

Noted

comment *56* comment by: *UAF (Union des Aéroports Français)*

UAF comment

(a) No, first assessment shows that these new provisions no introduce extra costs for FISO.

response

Noted

comment *66* comment by: *Civil Aviation Authority Norway*

	Questions on page 76: (a) Yes (b) We use AFIS for IFR/VFR, civil/military and national/international commercial air traffic. It is our opinion that standardisation, harmonisation and common knowledge of AFIS in Europe is a prerequisite for a safe and efficiant service across national borders. (c) We do not know, but it could be likely in order to save money.
response	Noted

comment	*74* comment by: *DGAC* Responses from DGAC **(a) Do you believe that the harmonised implementation of AFIS provision will bring safety benefits (e.g. pilot situational awareness)?** Yes **(b) If the answer to the previous question is affirmative, please specify.** it's important for a good understanding of the level of service for worldwide pilots. **(c) Do you expect an increase in the use of AFIS in the future?** Difficult to answer this question since the level of service at an aerodrome depends on the aerodrome changes and traffic evolution.
response	Noted

comment	*138* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* (a)(b) Yes, in general a harmonisation of AFIS provision would achieve safety benefits. However, the proposed AFIS-regulations are different (under- regulated) to the current set of AFIS-regulations in Sweden. Accordingly there is a risk the level of safety regarding AFIS provision in Sweden will be negatively affected unless the level of the proposed rules is broadened and raised to a higher level according to our wishes/answers in this NPA. Or as an alternative the member states are given the opportunity to complement the regulations at a national level. Although the latter will not meet the aim of harmonisation but will prevent states from lowering its acceptable level of safety. (c)(d) There is no indication that the numbers of AFIS-providers/airport will increase in Sweden in the future.
response	Noted See the response to comment #98.

comment	*142* comment by: *UK CAA*

	EASA poses a number of questions to stakeholders relating to the implementation of AFIS provisions: Question (a) Notwithstanding differences between Member States regarding the issuance of instructions to aerodrome traffic on the manoeuvring area, the UK CAA believes that the provision of aerodrome FIS to aircraft in the air is broadly consistent amongst Member States. The safety challenges faced today in relation to pilot situational awareness (as implied within NPA 2016-09's RIA) would not be resolved by increased harmonisation of aerodrome FIS provision in isolation as it does not address the fundamental pilot situational awareness issue. The UK CAA therefore does not believe that harmonisation of aerodrome FIS provision alone would bring about the anticipated safety benefits. Indeed, harmonisation of aerodrome FIS provision as proposed could unnecessarily introduce safety disbenefits through the potential to remove at potentially considerable cost a number of safety barriers and mitigations which have been long established and are proven effective. Such safety barriers have evolved over time and are reflected, in part, in the Eurocontrol AFIS Manual that is informing ICAO's work to replace Circular 211. Progression of Part-ATS's proposed AFIS changes appears to undo and contradict (without sufficient justification) the Eurocontrol AFIS Manual and in time the proposals are likely to run counter to ICAO Circular 211's replacement. Rulemaking would be necessary to revise Part-ATS to reflect Circular 211's replacement, thus generating work for EASA, turbulence amongst regulators, ATS providers and airspace users, and incur rule development/implementation costs. This can be avoided in a pragmatic manner by removing AFIS provision proposals from Part-ATS (thus enabling Member States to both meet their obligations to ICAO whilst continuing to apply Eurocontrol AFIS Manual provisions). Given that NPA 2016-09 states that 'safety risk analysis shows that there is no impelling safety driver to regulate AFIS', the Agency can, in the foreseeable future, undertake rulemaking to achieve convergence/harmonisation of AFIS requirements based upon the new ICAO AFIS Manual and in a less turbulent and more cost-effective manner. Question (c) The UK CAA believes that, as industry continues to seek to target resources more effectively and efficiently, ANSPs will increasingly consider the replacement of air traffic control service at an aerodrome with aerodrome FIS. This is likely to be particularly true at those aerodromes where traffic is predominantly general aviation with low levels of commercial air transport activity.
response	Noted With regard to your response to question (a), EASA was expecting responses to help in quantifying the impact of this proposal. Unfortunately, no such response was received and therefore it has not been possible to further evaluate such impact. With regard to your comment on 'unnecessarily introduce safety disbenefits through the potential to remove at potentially considerable cost a number of safety barriers and mitigations which have been long established and are proven effective', as a result of the NPA consultation, EASA has introduced additional flexibility at national level with regard to the management of vehicles and persons on the manoeuvring area. See also the response to comment #239. EASA wishes to recall that the existing ICAO Circular 211, as well as the EUROCONTROL AFIS Manual, where duly taken into account for the development of the regulatory proposal issued with NPA 2016-09. It shall be noted that the nature of such documents is not binding

	whatsoever, neither under the ICAO framework, nor under the EU legislation or under the EUROCONTROL Convention. Hence, EASA does not see any significant impact in case there are some minor deviations between the said documents and the EASA proposal on AFIS, which instead is consistent with the ICAO SARPs addressing FIS. With regard to your response to question (c), EASA reaffirms that it is a State's prerogative to select the most appropriate ATS for the intended operations at aerodromes. The introduction of an explicit set of requirements on AFIS is considered to add clarity and to support the appropriate selection.
comment	*146* comment by: *DTCA* Ad 3.4.7 - Open question for all stakeholders With regard to the questions related specifically to AFIS (questions for all stakeholders): a) and b): In line with the reply given to (A) para 2.6, we believe that a harmonized implementation of AFIS provisions will bring safety benefits, provided that AFIS is seen in the context of the "total system approach", meaning that AFIS-phraseology and qualification and training for AFIS personnel becomes part of the provisions; c) No increase in the use of AFIS is expected; d) N/A Concerning the EASA invitation for stakeholders "to provide any other quantitative information they may find necessary to bring to the attention of the Agency with regard to this RIA." - DTCHA cannot supplement with any further quantitative information.
response	Noted
comment	*171* comment by: *IATA* Although IATA members welcome the Standardization and regulation of AFIS services and the additional safety aspects of same, we would have a concern over the level of service provision and cost associated with providing this newly regulated service. Although the NPA is aimed and creating a European standard for AFIS provision that gives flexibility to the Service providers we would not support any dilution of the service provision from one of full ATS to AFIS unless supported by a full risk assessment and Cost benefit analysis which could prove the case. Similarly we would advocate that the service providers should accept the cost of this regulatory compliance without passing it onto the end user in the form of additional charges. Similarly, we are interested to understand the impact on NSA resources to ensure this compliance and what mechanisms they would employ to check the issuances of licenses /certifications of AFIS providers.
response	Noted The objective of the regulatory proposal for EU ATS requirements is to clarify and harmonise the provision of such services throughout the EU. It is the full responsibility of the Member States to select and designate the most appropriate ATS for the intended operations at

aerodromes.

It is recalled that the charging scheme for the provision of air navigation services is established in Regulation (EU) No 391/2013 and is not within the scope of this regulatory proposal. The AFIS provisions are not expected to generate notable additional costs, as also resulting from the responses received to a specific question in the RIA (Chapter 3 of NPA 2016-09(A)), namely:

'Would the compliance with the proposed AFIS provisions introduce additional costs and/or burden (e.g. revision of AFIS training courses/material; extra resources in FTEs)?'

It is recalled that the certification of ATS, including AFIS, is already an obligation under the currently applicable Regulation (EU) No 1035/2011 and therefore it is not expected that an extra burden is introduced for the competent authority in relation to certification and oversight of AFIS providers.

comment

172 comment by: *IATA*

IATA believes that the harmonized AFIS provision will bring about safety benefits, especially from a crew and operational planning perspective as Airlines will be able to plan to defined minimum levels of services at these stations, the AIP standardization would also act as another positive safety benefit, while the operating crews situational awareness should also be improved. We would have some concerns if service providers began to change their ATS provision to AFIS although as explained above if this was supported by the positive risk analysis and hazard identification processes which would require airline consultation we would consider all aspects.

response

Noted

See the response to comment #171.

comment

177 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Regulatory impact assessment (RIA) Section 3.4.7 *Open questions to stakeholders*	***Questions for AFIS providers:*** *(a) Would the compliance with the proposed AFIS provisions introduce additional costs and/or burden (e.g. revision of AFIS training courses/material; extra resources in FTEs)?* *(b) If the answer to the previous question is affirmative, could you detail the sources of costs and quantify them?*	Since Spain nowadays counts with specific regulation for AFIS providers and it is considered that the proposed regulation does not contradict our regulation it is foreseen that the only costs and/or burden that this regulation will introduce to the Spanish NSA is the effort of amend our regulation in order to avoid double regulation.

response | Noted

comment | *178* comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
(A) Regulatory impact assessment (RIA) Section 3.4.7 *Open questions to stakeholders*	***Questions for all stakeholders:*** *(a) Do you believe that the harmonised implementation of AFIS provision will bring safety benefits (e.g. pilot situational awareness)?* *(b) If the answer to the previous question is affirmative, please specify.* *(c) Do you expect an increase in the use of AFIS in the future?* *(d) If the answer to the previous question is affirmative, please specify on which assumptions you base your judgement.*	It is considered that the harmonised implementation of AFIS provision will really bring safety benefits to air navigation in Europe. It will benefit not only pilot situational awareness, as suggested, but also it will facilitate certification processes and the training and mobility of AFIS personnel.

response | Noted

comment | *197* comment by: *Finavia*

Finavia finds it positive to have a harmonized concept in Europe with regards to AFIS.
Compliance with the provision does not have significant effect on costs.
Finavia does not expect an increase in the use of AFIS in the future.

response | Noted

comment | *199* comment by: *High Coast Airport AB*

Open questions.

a. No
b. -
Questions to all stakeholders
a. No
b. -
c. No
d. -

response: Noted

comment: *200* comment by: *High Coast Airport AB*

Sweden together with the other Nordic countries have AFIS that is very similar to ATC. The difference lies in the distribution of responsibility in that ATC control air traffic and AFIS informs the commanders who takes a greater responsibility and more decisions when flying to/from an airport that has AFIS.
In other parts of Europe different approach in the operation of airports depending on the needs of the airport.
Due to the big difference between countries in Europe regarding AFIS makes an regulation of this difficult to achieve.
This also makes it hard to harmonize AFIS to a joint regulation.
As an answer to the referral we do not want a joint regulation.
Option 0 is our choice.

Lars Sundlöf
Chief ATS
High Coast Airport

response: Noted

See the response to comment #98

comment: *201* comment by: *High Coast Airport AB*

Attachment #4

response: Noted

See the response to comment #98

comment: *208* comment by: *Estonian Civil Aviation Administration*

ECAA prefers Option 1.

response: Noted

comment: *217* comment by: *Finnish Transport Safety Agency*

§ Finnish Transport Safety Agency finds it positive to have a harmonized concept in Europe

	with regards to AFIS. The clarity of regulation in connection with the expected lightening of the certification requirements may lead to introduction of new airports with the concept. It also clarifies and makes it easier to join the market.
response	Noted

comment	*224* comment by: *ACR AB* Question for all stakeholders: a) Affirmative b) We belive that a uniform set of rules will increase the pilots sitational awareness and thus increase flight safety. c) Affirmative d) We belive that if it will be possible by AFIS-units to handle small amounts of commersial air traffic on regional airports, a common set of European rules will make it possible for more airlines to operate and thus increase the amout AFIS aerodrome.
response	Noted

3.5. Comparison and conclusion p. 76-77

comment	*47* comment by: *Airport Buochs AG* Para 3.5: • Generally concur with the conclusion drawn in 3.5: A too detailed regulation could hinder the development of aerodromes. Proportionality must always be kept on a case-by-case level.
response	Noted

Comment	*88* comment by: *EKGF / Maersk Oil* A general concern with the proposed amendment is that the proposed option (1) may not substantially lift flight safety in uncontrolled AFIS airspace / aerodromes in the Nordic countries where the current legislation regarding AFIS exceeds the content in option 1. In order to maintain the level of *our* current regulations, one would anticipate that a certain level of flexibility is given to the competent authorities in the member states; for the competent authority to define national regulatory deviations in order to ensure acceptable rules in regions with already well developed AFIS regulations. However, this could to some degree have the possible drawback that you risk the continued fragmented European AFIS provision.
response	Noted See the response to comment #98.

Comment	*136* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Aerodrome Flight Information Service – AFIS
Sweden is in general positive to a harmonized regulation and definition of aerodrome flight information service at a common European level as this is beneficial for flight safety as well as for the understanding of AFIS among flight crews and operators especially when it comes to operations by crews from an other member state.

However, the present proposal in NPA 2016-09 does not seem to at a sufficient degree take into account the parts of Annex 11 and Doc 4444 relevant to air traffic service in general, regardless of ATC, FIS or AFIS. Instead the Annex 11 and Doc 4444 have mostly been directly transposed into ATC regulation even if there are several paragraphs which are relevant for the whole of ATS (ATC, AFIS and FIS). From a Swedish perspective this leads to the conclusion that NPA 2016-09 proposes a significant lower (under-regulated) service level of AFIS than is the case in Sweden today. As a consequence the aim for higher flight safety will not be met from a Swedish perspective.
In NPA 2016-09(A) paragraph 3.4.3 it is stated *".. this regulatory proposal does not include detailed provisions on the recruitment, qualification and training of AFIS personnel, as these fields are not within the scope of RMT.0464*" and complemented with reference to the obligations for ATS providers in these areas. As it comes to common air-ground phraseologies supporting the provision of AFIS it is said to be beneficial and these will be developed during 2016-2017 for future inclusion in the SERA regulation.
From a Swedish point of view these areas are crucial to have in place at the same time as the AFIS provisions in Part ATS come into force.

The Swedish national regulations on the recruitment, qualification and training of AFIS personnel as well as the national regulation regarding language proficiency, radiotelephony and phraseology together with national general ATS and specific AFIS requirements forms the basis for providing AFIS to all types of air traffic without any limitations.

The majority of Swedish aerodromes providing aerodrome flight information service are small regionally owned and financed airports handling commercial, scheduled flights with passengers. These airports are a crucial part of the Swedish transport system where air transport to large extent is the only reasonable type of transport. With an under-regulated AFIS provision Sweden might have to reconsider the type of ATS provided to commercial air traffic leading to a change from AFIS to ATC with extensive negative economical impact for the aerodromes affected.

As NPA 2016-09 do not fully cover provisions common for ATS (incl AFIS), human recourses with regard to AFIS personnel and AFIS phraseology and since there is no explicit possibility for competent authorities to implement complementary national regulations **Sweden presently supports 'Option 0'** with an urge for continuing the efforts aiming at a complete proposal for harmonization of AFIS and the regulation thereof in due time.

response

Noted

See the response to comment #98.

Comment

223 comment by: *ACR AB*

ACR also prefer option 1 as long as EASA permit the member states to define additional provisions for AFIS.

Response	Noted

Comment	*229* comment by: *Airport Grenchen (Switzerland) LSZG* Para 3.5: · Generally concur with the conclusion drawn in 3.5: A too detailed regulation could hinder the development of aerodromes. Proportionality must always be kept on a case-by-case level.
Response	Noted

Comment	*250* comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)* Generally concur with the conclusion drawn in 3.5: A too detailed regulation could hinder the development of aerodromes. Proportionality must always be kept on a case-by-case level.
Response	Noted

4. References p. 79-81

comment	*80* comment by: *René Meier, Europe Air Sports* 4. References 4.3. Reference documents page 79…/81 We think the latest edition “Eurocontrol Manual for Aerodrome Flight Information Service” should be added to the list of Reference documents. Rationale: It’s existence is mentioned on page 56/81. This document contains, in our view, all information on the procedures to be applied for AFIS. It greatly 131implifies decision making when an aerodrome has to choose between AFIS or ATC. It was of great help when we worked on our project “IFR (in airspace G) without ATC” at Grenchen Regional Airport (LSZG)
response	Noted The EUROCONTROL 'Manual for Aerodrome Flight Information Service (AFIS)' Edition 1.0 of 17.06.2010 is included in the list of reference documents in Chapter 4.3 of NPA 2016-09(A), on page 81.

3. Attachments

CAP1434UKFlightInformationServicesIF.pdf
Attachment #1 to comment #37

CAP774 JUN16.pdf
Attachment #2 to comment #37

IFATCA position paper on Ambient Workplace Recording 2017 02 20.pdf
Attachment #3 to comment #68

EASA NPA 2016-09 hka.pdf
Attachment #4 to comment #201