



# Notice of Proposed Amendment 2022-107

in accordance with Article 6(2) of MB Decision No 01-2022

## Simpler interoperability framework for the single European sky airspace

RMT.0161 SUBTASK 2

### EXECUTIVE SUMMARY

The objective of the proposals put forward in this Notice of Proposed Amendment (NPA) is to adapt the implementing rules adopted on the basis of Regulation (EC) No 552/2004 to Regulation (EU) 2018/1139 as required by the legislator, ensure continuous compliance with those rules by optimising the use of resources during the demonstration of compliance and reduce the administrative burden, and also enable the clear allocation of responsibilities to the affected parties and maximise the synergies with existing processes.

The proposed amendments aim to mitigate the risk of overlaps and ambiguities that exist in the current regulatory framework due to the coexistence of interoperability requirements in the delegated and implementing acts proposed on the basis of Regulation (EU) 2018/1139 and in other EU regulatory frameworks. The proposed amendments will increase legal certainty and support the implementation of the seamless operation of the European Air Traffic Management network (EATMN) at all times and for all phases of flight.

Following the principles presented in NPA 2022-09 'Establishment of a regulatory framework on the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) (Subtask 1)' issued on 16 August 2022, and based on the results of the review and assessment of Regulations (EC) Nos 1032/2006, 1033/2006, 633/2007, 262/2009, 29/2009, and Implementing Regulations (EU) Nos 1206/2011, 1207/2011, and 1079/2012 (the single European sky interoperability (SES IOP) Regulations) implementing Regulation (EC) No 552/2004 repealed by Regulation (EU) 2018/1139, this NPA mainly proposes the transposition of the requirements from the SES IOP framework into the EASA regulatory framework, without introducing changes to the obligations of the affected parties and, when doing so, the 'rationale' for the introduction of the amendments is presented in this NPA.

The proposed new implementing regulations and the amending ones are expected to maintain safety or even increase it through enhanced commonality, continuous compliance, and oversight of the interoperability of the EATMN while reducing the regulatory burden, increasing cost-effectiveness, and improving harmonisation among the affected parties in terms of system technical requirements.

<b>Domain:</b>	ATM/ANS		
<b>Related rules:</b>	Commission Regulations (EC) Nos 1032/2006, 1033/2006, 633/2007, 262/2009, 29/2009 Commission Implementing Regulations (EU) Nos 1206/2011, 1207/2011, 1079/2012, 923/2012, and Regulation (EU) 2017/373		
<b>Affected stakeholders:</b>	Aircraft operators; ATM/ANS providers; organisations involved in the design and/or production of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment); Member States; national competent authorities (NCAs), including EASA; and, where applicable, aerodrome operators		
<b>Driver:</b>	Efficiency/proportionality	<b>Rulemaking group:</b>	Yes
<b>Impact assessment:</b>	Yes (light)		

### EASA rulemaking procedure milestones

Start Terms of Reference	Advisory Body consultation NPA 2022-107 (draft Opinion/Decision)	Proposal to the Commission EASA Opinion	Adoption by the Commission Implementing acts	Decision Certification Specifications, Detailed Specifications, Acceptable Means of Compliance, Guidance Material
14.2.2020	30.11.2022	2023/Q1	2023/Q3	2023/Q3



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## 1. About this NPA

### 1.1. How this NPA was developed

The European Union Aviation Safety Agency (EASA) developed this Notice of Proposed Amendment (NPA) in the context of Rulemaking Task (RMT).0161, which is included in Volume II of the European Plan for Aviation Safety (EPAS) for 2022–2026<sup>1</sup>.

RMT.0161 is structured into three subtasks, closely linked to each other, as follows:

- **Subtask 1:** Establishment of an EU regulatory framework for the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) to contribute to the safety and interoperability of the European ATM network (EATMN) operation.
- **Subtask 2:** Review of the implementing rules related to the single European sky (SES) interoperability Regulation (implementing Regulation (EC) No 552/2004 repealed by Regulation (EU) 2018/1139 (the Basic Regulation)) to update and adapt them to the EASA regulatory framework.
- **Subtask 3:** Establishment of the associated acceptable means of compliance (AMC) and guidance material (GM) to support the implementation of the interoperability framework developed, and of the first set of the EASA detailed specifications (DSs) based on existing interoperability implementing regulations and related Community specifications.

This NPA proposes amendments that have been developed in the context of Subtask 2 and have been drafted by EASA with the support of experts nominated by the EASA Advisory Bodies (Rulemaking Group RMT.0161), as well as of subject-matter EUROCONTROL experts.

The NPA is submitted for consultation with the EASA Advisory Bodies (ABs) in accordance with Article 6(2) of MB Decision No 1-2022<sup>2</sup>. EASA decided to consult this NPA with the ABs as this regulatory proposal merely reorganises the existing requirements applicable to the affected parties by transposing them into the new EU regulatory framework on the conformity assessment of ATM/ANS equipment in accordance with the better regulation principles. In addition, it does not contain any controversial issues and, furthermore, is expected to have an overall positive impact on the regulated activities and entities, and addresses matters concerning already existing obligations.

The major milestones of this RMT are presented on the cover page.

### 1.2. How to comment on this NPA

Please submit your comments via email to [ATM@easa.europa.eu](mailto:ATM@easa.europa.eu).

The deadline for the submission of comments is **14 December 2022**.

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<sup>1</sup> <https://www.easa.europa.eu/en/document-library/general-publications/european-plan-aviation-safety-2022-2026>

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 replacing Decision No 18-2015 of 15 December 2015 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-no-01-2022-rulemaking-procedure-repealing-mb>).



### 1.3. The next steps

Following the AB consultation, EASA will review and analyse all the comments received, will further revise the proposed regulatory proposal, as appropriate, and shall issue a single opinion resulting also from the consultation of NPA 2022-09<sup>3</sup> issued under Subtask 1 of RMT.0161. In the preparation process of the opinion, EASA might perform additional focused consultations to discuss and address specific issues, as deemed appropriate, for which the stakeholders' views are considered essential or require further evaluation.

The opinion will be issued and addressed to the European Commission, which will use it as a technical basis to consider the adoption of the proposed implementing acts.

Upon adoption by the European Commission of the implementing acts proposed with the opinion, EASA will issue a decision with the related acceptable means of compliance (AMC) and guidance material (GM) which can be used by the affected parties to demonstrate compliance. Before the publication of such decision, the related proposed AMC and GM will be publicly consulted through a dedicated NPA (as defined for Subtask 3 of RMT.0161).

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<sup>3</sup> NPA 2022-09 'Establishment of a regulatory framework on the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment)' (Subtask 1) (<https://www.easa.europa.eu/en/document-library/notices-of-proposed-amendment/npa-2022-09>).



## 2. In summary — why and what

The single European sky (SES) initiative was launched in 2004 with the aim to enhance current air traffic safety standards, contribute to the sustainable development of the air transport system, and improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe with a view to meeting the requirements of all airspace users. This single European sky should comprise a coherent pan-European network of routes, network management and ATM systems based only on safety, efficiency and technical considerations, for the benefit of all airspace users. In pursuit of this objective, Regulation (EC) No 549/2004<sup>4</sup> in conjunction with, among others, Regulation (EC) No 552/2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)<sup>5</sup> established a harmonised regulatory framework for the creation of the single European sky. The objective of Regulation (EC) No 552/2004 was to achieve interoperability between the different systems, constituents, and associated procedures of the European Air Traffic Management network (EATMN), taking due account of the relevant international regulations and rules.

Consequently, when Regulation (EC) No 552/2004 was adopted, dedicated concepts of operation were implemented by means of implementing regulations, which apply to airspace users, aviation personnel, and ATM/ANS providers, as well as to the equipment, systems, and constituents they must use. Considering the ICAO framework, these rules, which mainly address interoperability from the airspace users' point of view, as well as the related procedures and training requirements, were enforced on aircraft operators by the States of registry.

In parallel with the development of the above-mentioned implementing regulations, in 2009, Member States transferred their competence to the EU, and as a consequence, in the context of the Basic Regulation, EASA's competence as regards ATM/ANS and aerodromes was extended. As a result, the provision of ATM/ANS services should comply with the essential requirements set out in the Basic Regulation, and when measures are adopted to implement this principle, they should be developed using as far as practicable the relevant provisions of the SES framework, including those laid down in interoperability Regulation (EC) No 552/2004.

In 2018, the revised Basic Regulation further streamlined the interoperability objective and required, where so provided, ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) to be subject to:

- certification; or
- a declaration issued by an organisation involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment); or
- another means of declaration issued by ATM/ANS providers as regards ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) to be put into operation by them,

<sup>4</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (Text with EEA relevance) - Statement by the Member States on military issues related to the single European sky (OJ L 96, 31.3.2004, p. 1).

<sup>5</sup> Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) (OJ L 96, 31.3.2004, p. 26).

to demonstrate compliance with the applicable detailed specifications and thus ensure compliance with the essential requirements of the Basic Regulation. Therefore, since the rules necessary for the interoperability of the EATMN are either contained in the Basic Regulation or will be contained in the delegated or implementing acts to be adopted on its basis, the EU legislator repealed the Regulation (EC) No 552/2004. However, a certain period of time was granted to allow for the necessary preparation, adoption and application of the related delegated and implementing acts. In this context, the implementing acts adopted on the basis of Regulation (EC) No 552/2004, namely Commission Regulations (EC) Nos 1032/2006, 1033/2006, 633/2007, 262/2009, 29/2009, 73/2010<sup>6</sup> and Commission Implementing Regulations (EU) Nos 1206/2011, 1207/2011, and 1079/2012 will continue to apply until 12 September 2023 at the latest, as defined by the legislator and as laid down in Article 139(2) of the Basic Regulation. For the same reasons, certain articles of Regulation (EC) No 552/2004, and the annexes thereto to which they refer, also continue to apply in respect of the subject matter covered, until the date of application of the implementing and delegated acts to be adopted on the basis of the Basic Regulation.

As a result of Subtask 1 to RMT.0161, EASA issued NPA 2022-09 on 16 August 2022 proposing a regulatory framework for the certification of certain ATM/ANS equipment (i.e. ATM/ANS systems and ATM/ANS constituents) as well as for the approval of organisations involved in its design and/or production once it has been found to comply with the applicable essential requirements of the Basic Regulation.

With the subject NPA resulting from Subtask 2 to RMT.0161, EASA proposes amendments to the EU interoperability regulatory framework to ensure compliance with Article 140(2) of the Basic Regulation, namely not later than 12 September 2023 the implementing rules adopted on the basis of the Basic Regulation and Regulation (EC) No 552/2004 shall be adapted to the Basic Regulation.

### 2.1. Why we need to amend the rules — issue/rationale

The allocation of responsibilities as regards the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) established under the current SES interoperability framework has not ensured an appropriate level playing field due to differing arrangements among the affected entities (national competent authorities, air navigation service providers (ANSPs), and manufacturers) implemented across Europe.

Moreover, the framework established by the SES interoperability Regulation did not provide the necessary clarity as regards the requirements such ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) should fulfil; in particular, it did not specify the criteria against which the declarations (verification of systems, and constituent conformity or suitability for use) had to be issued.

To address those deficiencies, the new regulatory framework for ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) proposed with NPA 2022-09 aims to provide the necessary legal certainty for the manufacturers concerned and ATM/ANS providers. As regards the verification of compliance with the essential requirements of the Basic Regulation, the proposals put forward in the

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<sup>6</sup> Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky was repealed by Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1).

subject NPA are purposed to adequately and clearly allocate the responsibilities to the various affected stakeholders along the ATM/ANS equipment life cycle, thus allowing for swifter and more efficient compliance assessment processes.

In addition, since the requirements necessary for the interoperability of the EATMN are either contained in the Basic Regulation or in the draft delegated or implementing acts proposed to be adopted on its basis, the referenced eight SES interoperability Regulations implementing Regulation (EC) No 552/2004 (repealed by the Basic Regulation) will cease to apply and should be repealed as proposed in this NPA.

To facilitate the assessment and understanding of the requirements, which are not covered by NPA 2022-09 or by other EU implementing regulations, and need to be transposed to avoid legal uncertainties and implementation gaps, EASA provides with this NPA eight appendices which contain cross reference tables where a comparison is made between the referenced eight SES interoperability Regulations and the proposed provisions (presented in Chapter 6), as well as the rationale for each draft provision explaining concisely the reasons behind the proposed amendments.

## 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation and are complemented by Article 4, in which several principles are established for measures taken under that Regulation. The proposals of this NPA will contribute to achieving the overall objectives by addressing the issues described in Section 2.1.

More specifically, the proposed regulatory framework will ensure that the relevant safety, security, performance, and interoperability objectives are met by supporting the efficient functioning of the EATMN, in compliance with the applicable requirements of the Basic Regulation and of the delegated and implementing acts adopted on its basis.

In this context, the specific objectives are to:

- facilitate the establishment of a controlled mechanism for the coordinated introduction of new, agreed and validated concepts of operation or technologies;
- resolve legal uncertainties identified during standardisation inspections/visits;
- facilitate continued compliance of the affected parties with the safety and interoperability rules by optimising the use of resources during the demonstration of compliance and reduce the administrative burden; and
- achieve a clear allocation of responsibilities to the affected parties and maximise the synergies with existing processes.

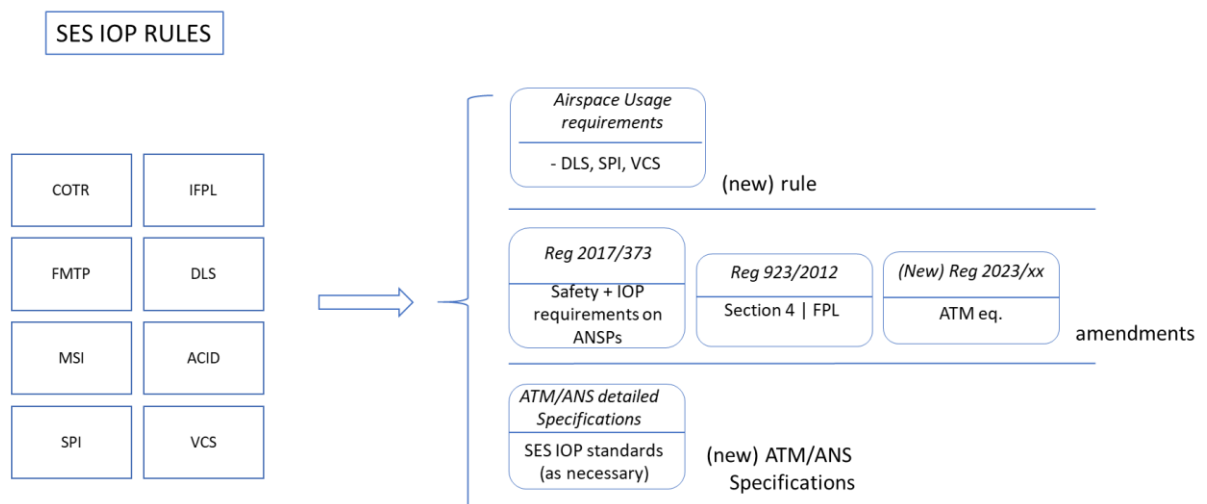
## 2.3. How we want to achieve it — overview of the proposed amendments

Following the review and assessment of Commission Regulations (EC) Nos 1032/2006, 1033/2006, 633/2007, 262/2009, 29/2009, and Commission Implementing Regulations (EU) Nos 1206/2011, 1207/2011 and 1079/2012 (the SES interoperability Regulations) implementing Regulation (EC) No 552/2004 repealed by Regulation (EU) 2018/1139, as presented in Chapter 6 and the associated appendices, this NPA puts forward:



- a proposal for a new COMMISSION IMPLEMENTING REGULATION (EU) .../... laying down common airspace usage requirements and operating procedures, and repealing the eight referenced SES interoperability Regulations; and
- amendments to Commission Implementing Regulation (EU) No 923/2012 (the SERA Regulation); and
- amendments to Commission Implementing Regulation (EU) 2017/373 (provision of ATM/ANS services).

The guiding principle for EASA in developing this regulatory proposal has been to substantially transpose the applicable requirements from the previous interoperability framework to the new one, without introducing substantial changes to the obligations of the affected parties due to the introduction of some amendments.



**Figure 1 — Regulatory structure**

Taking into account the outcome of the review and assessment of the referenced SES interoperability Regulations, it was noted that the definition of ‘State aircraft’ provided in those Regulations is limited to aircraft used for military, customs and police purposes, while Article 2(3)(a) of Regulation (EU) 2018/1139 steers to ‘aircraft [...], while carrying out military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority, and the personnel and organisations involved in the activities and services performed by those aircraft;’ Therefore, for legal certainty and to harmonise the scope of applicability of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis, the term ‘State aircraft’ is replaced by ‘aircraft referred to in Article 2(3)(a) of Regulation 2018/1139’.

A limited set of AMC and GM resulting from the transposition of the SES interoperability Regulations adopted on the basis of Regulation (EC) No 552/2004 is provided for information, without prejudice to the *draft* text to be proposed as a result of the rulemaking activity carried out under Subtask 3 to RMT.0161 and to be consulted in accordance with the rulemaking process.

### 2.3.1. Draft COMMISSION IMPLEMENTING REGULATION (EU) .../... laying down common airspace usage requirements and operating procedures

The Basic Regulation empowers the Commission to adopt measures for the implementation of the Basic Regulation and its essential requirements with respect to establishing and maintaining a high uniform level of aviation safety in the European Union. In order to achieve these objectives, Article 44 of the Basic Regulation requires the adoption of implementing acts laying down detailed provisions concerning the operating rules related to the use of airspace, aircraft equipment and ATM/ANS systems and ATM/ANS constituents required for the use of airspace.

The subject NPA contains EASA's proposal for three draft implementing acts implementing the Basic Regulation and its essential requirements towards a total system approach to aviation safety and in line with the better regulation principles.

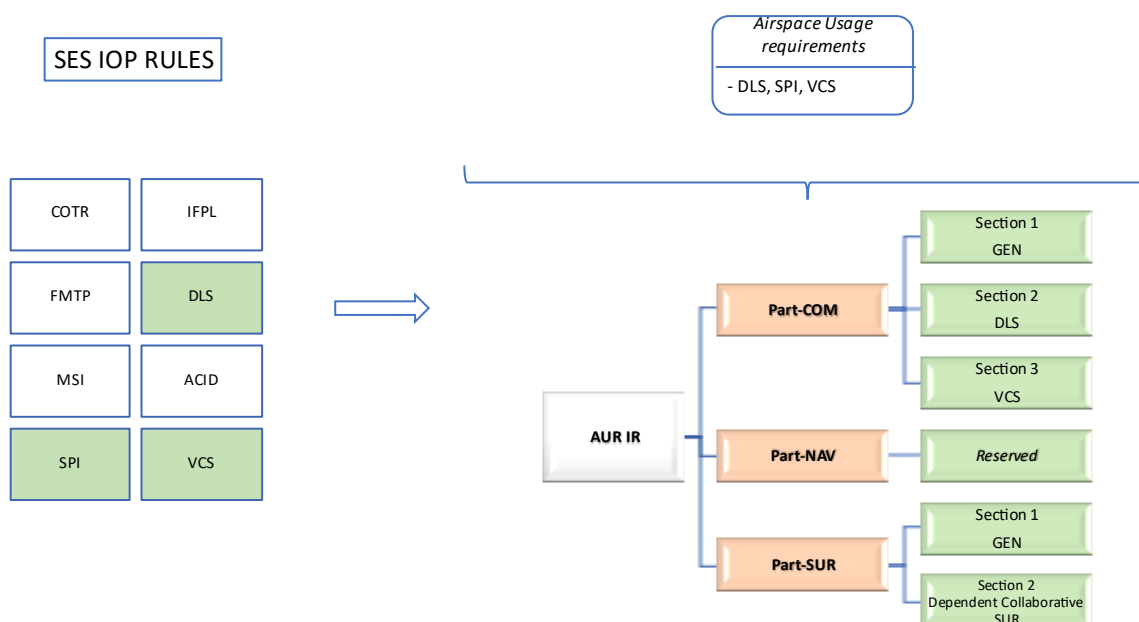
The proposal introduces a draft implementing regulation on common airspace usage requirements (AUR) and operating procedures, and repeals the eight SES interoperability Regulations implementing Regulation (EC) No 552/2004, which itself was repealed by the Basic Regulation. The proposed regulation shall apply to Member States, aircraft operators and their competent authorities.

The act has been structured in such a manner that the cover regulation and its articles only focus on the general applicability of the requirements, Member States' obligations, and on the dates for their entry into force. The annexes, namely 'Part-Communication', 'Part-Navigation' and 'Part-Surveillance' and the associated subparts provide the technical requirements and refine the applicability scope accordingly.

Additional subparts in the context of the proposed act structure might be determined and introduced in the future by dedicate rulemaking activities, as considered necessary.

The scope of this proposed act is limited to the transposition of those requirements contained in the eight SES interoperability Regulations addressing requirements for aircraft that operate within the single European sky airspace to be equipped with:

- data link services,
- voice channel spacing, and
- dependent collaborative surveillance.



**Figure 2 — Structure of the airspace usage requirements (AUR) implementing regulation**

### 2.3.2. Proposed amendments to Commission Implementing Regulation (EU) No 923/2012 (the SERA Regulation)

The following key amendments are proposed to the SERA Regulation:

- Article 1(3), replacing ‘ANS provider’ by ‘ATM/ANS provider’ to extend the applicability of the Regulation to the Network Manager (NM).
- Article 2, adding a few definitions.
- Section 4 ‘Flight plans’ of the Annex ‘Rules of the air’ with the aim to introduce, among others, responsibilities for the affected parties involved in the flight planning chain (for example, the Network Manager’s tasks in the pre-flight phase derived from the transposition of the related provisions from Regulation (EC) No 1033/2006 laying down the requirements on procedures for flight plans in the pre-flight phase (IFPL) for the single European sky). In addition, a requirement mandating that operations manuals contain the necessary instructions and information developed and maintained by the Network Manager is proposed, provided that any deviations from these instructions would lead to rejection of the flight plan by the integrated initial flight plan processing system (IFPS) and, thus, it is considered essential that all users adhere to the referenced instructions. In addition, it is proposed to delete the reference to repetitive flight plans (RPL) as it is not applicable in the EUR region anymore. Furthermore, selected provisions from Regulation (EC) No 1207/2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky and Regulation (EC) No 1079/2012 laying down requirements for voice channels spacing for the single European sky (VCS) are proposed to be transposed into Section 4.

- New Section 15 concerning the introduction of essential requirements for the Controller–Pilot Data Link Communication (CPDLC) on the basis of ICAO provisions laid down in Chapter 8 ‘Aeronautical Mobile Service — Data Link Communications’ to ICAO Annex 10, Volume 2. Point ATS.OR.400 ‘Aeronautical mobile service (air–ground communications) — general’ of Annex IV (Part-ATS) to Regulation 2017/373 generally requires ATS providers to use voice or data link, or both, in air–ground communications for air traffic services purposes. The introduction of this Section aims to enable the use of aeronautical mobile services and does not impose any new requirements; it rather reflects the current regulatory framework and practices (see also Section 2.3.3).
- New Appendix 6 addressing the completion of a flight plan.

For further details, please refer to the rationale for each draft provision where the reasons behind this proposed amendment to Annex 2 to this NPA are concisely explained.

### **2.3.3. Proposed amendments to Commission Implementing Regulation (EU) 2017/373 (provision of ATM/ANS services)**

The following amendments are proposed:

- New Article 3e is inserted, which results from the transposition of Article 5 of Regulation (EC) No 262/2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky (MSI), which was the basis for the amendment to point ATS.OR.446 ‘Surveillance data’, the introduction of new Section 2 ‘TECHNICAL REQUIREMENTS FOR PROVIDERS OF SURVEILLANCE SERVICE’, and the new technical requirements for the Network Manager proposed in point NM.TR.105 ‘Allocation and use of Mode S interrogate code’.
- Article 2 is complemented by the introduction of few definitions, which relate to terms used in the proposed amendments to the Regulation.
- The transposition of Regulation (EC) No 1079/2012 laying down the requirements for the voice channels spacing for the single European sky (VCS) resulted in amendments to points ATS.OR.400 Aeronautical mobile service (air–ground communications) — general.
- The SERA Regulation and Annex IV (Part-ATS) to Regulation (EU) 2017/373 do not include requirements for CPDLC, as within the EU regulatory framework such communications were regulated by Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky (the DLS Regulation). In the context of this regulatory proposal, point ATS.OR.415 ‘Aeronautical mobile service (air–ground communications) — area control service’ is amended as a result of the transposition of the referenced DLS Regulation by establishing the link with the new AUR Regulation, and stipulates the ATS providers’ responsibility to have the capability to provide data link services to aircraft equipped with all communication and other equipment necessary for the intended flight. This proposal is to be considered in conjunction with the proposed introduction of new Section 15 to the SERA Regulation.
- The transposition of Regulation (EC) No 1032/2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units (COTR) resulted in amendments to point ATS.OR.430 ‘Aeronautical fixed service (ground–ground communications) — general’ and point ATS.TR.230 ‘Transfer of responsibility for control’, including the associated appendix as regards the

processes to be implemented for automated coordination as required by point (c) of point ATS.TR.230.

- Implementing Regulation (EC) No 1206/2011 laying down requirements on aircraft identification for surveillance for the single European sky (ACID) is the basis for the proposed new points ATS.OR.446 ‘Surveillance data’ and NM.TR.110 ‘Flagging of flights eligible for individual identification using aircraft identification feature’.

For further details on these proposed amendments, please refer to the related rationale provided for each draft provision in Annex 3.

#### 2.4. What are the expected benefits and drawbacks of the proposed amendments

This proposal will provide the following benefits to the EU regulatory system as regards interoperability in EU:

- the comprehensive interoperability framework will ensure the safe and uniform application of the common rules and assist authorities in their oversight role;
- the simplified interoperability framework will contribute through various regulatory measures to the facilitation of the implementation of the ATM Master Plan; and
- the simplification introduced with this proposal will remove overlapping requirements, support the clear allocation of responsibilities to the affected parties, prevent legal uncertainties, and reduce the administrative burden.

Furthermore, enhancing the harmonisation of the ATM/ANS equipment requirements will result in improved efficiency and lower costs for airspace users and ATM/ANS service providers and in improved operational coordination, thus reducing the fragmentation of the ATM/ANS equipment market and facilitating industry cooperation at EU level.

No specific drawbacks relating to the amendments proposed in this *draft Opinion and Decision* are identified.

The proposal does not include a detailed impact assessment considering that:

- the transposition of the existing implementing rules adopted on the basis of Regulation (EC) No 552/20024 repealed by Regulation (EU) 2018/1139 to the EASA regulatory framework is performed in a manner that does not lead to changes in substance and does not impact on the interoperability requirements, as far as practicable;
- this *draft Opinion* introduces amendments that are already being implemented by EU Member States and the other affected parties with the SES interoperability requirements; thus, the proposed amendments are considered non-controversial.

Indeed, none of the elements identified are expected to have major impacts on EU aviation stakeholders with regard to implementation challenges, as the subject requirements have already been implemented throughout the EU.

### 3. Proposed amendments and rationale

#### 3.1. Draft regulation (*draft EASA opinion*)

3.1.1. Annex 1 — Draft COMMISSION IMPLEMENTING REGULATION (EU) .../... laying down common requirements on airspace equipment for the use of the single European sky airspace

3.1.2. Annex 2 — Draft COMMISSION IMPLEMENTING REGULATION (EU) .../... amending Implementing Regulation (EU) No 923/2012 as regards interoperability of the European Air Traffic Management network

3.1.3. Annex 3 — Draft COMMISSION IMPLEMENTING REGULATION (EU) .../... amending Implementing Regulation (EU) 2017/373 as regards interoperability of the European Air Traffic Management network

#### 3.2. Draft acceptable means of compliance and guidance material (*draft EASA decision*)

3.2.1. Annex 1a — Draft AMC and GM to draft COMMISSION IMPLEMENTING REGULATION (EU) .../... laying down common requirements on airspace equipment for the use of the single European sky airspace

3.2.2. Annex 2a — Draft AMC and GM to draft COMMISSION IMPLEMENTING REGULATION (EU) .../... amending Implementing Regulation (EU) No 923/2012 as regards interoperability of the European Air Traffic Management network



#### 4. Proposed actions to support implementation

- Focused communication for Advisory Body meeting(s) (MAB/SAB/TeB/TEC/COM)  
*(Advisory Body members)*
- Dedicated (thematic) workshops/sessions  
*(Primarily targeted audience: industry, competent authorities)*



## 5. References

### 5.1. Related EU regulations

- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1)
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) — Statement by the Member States on military issues related to the single European sky (OJ L 96, 31.3.2004, p. 1)
- Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10)
- Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) — Commission statement (OJ L 96, 31.3.2004, p. 20)
- Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) (OJ L 96, 31.3.2004, p. 26).
- Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units (OJ L 186, 7.7.2006, p. 27)
- Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky (OJ L 186, 7.7.2006, p. 46)
- Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units (OJ L 146, 8.6.2007, p. 7)
- Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky (OJ L 13, 17.1.2009, p. 3)
- Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky (OJ L 84, 31.3.2009, p. 20)
- Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky (OJ L 305, 23.11.2011, p. 23)
- Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky (OJ L 305, 23.11.2011, p. 35)
- Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No



1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1)

- Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky (OJ L 320, 17.11.2012, p. 14)
- Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1)

## 5.2. Related EASA decisions

- Executive Director Decision 2017/001/R of 8 March 2017 issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373 'Common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight'
- Executive Director Decision 2013/013/R of the Executive Director of the European Aviation Safety Agency of 17 July 2013 adopting the Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 'Acceptable Means of Compliance and Guidance Material to the rules of the air'
- Executive Director Decision 2022/008/R of 22 March 2022 issuing the following: Issue 4 of the Certification Specifications and Acceptable Means of Compliance for Airborne Communications, Navigation and Surveillance 'CS-ACNS – Issue 4'

## 5.3. Other references

- NPA 2022-09 'Establishment of a regulatory framework on the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment) (Subtask 1)' issued on 16 August 2022
- ICAO Annex 10 'Aeronautical Telecommunications' (Volume II 'Communication Procedures' including those with PANS status) — Seventh Edition, July 2016
- ICAO Annex 10 'Aeronautical Telecommunications' (Volume V 'Aeronautical Radio Frequency Spectrum Utilization') — Third Edition, July 2013
- ICAO Annex 11 'Air Traffic Services' — Fourteenth Edition, July 2016
- ICAO Doc 4444 'Procedures for Air Navigation Services — Air Traffic Management' (PANS ATM) — Sixteenth Edition, 2016
- ICAO Doc 7030 'Regional Supplementary Procedures' — Fifth Edition, 2008 — Amendment 9 of 24.04.2014

## **6. Appendices to the proposed requirements contained in this NPA**

- 6.1. Appendix 1 — CROSS REFERENCE TABLE of Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units**
- 6.2. Appendix 2 — CROSS REFERENCE TABLE of Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky**
- 6.3. Appendix 3 — CROSS REFERENCE TABLE of Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units**
- 6.4. Appendix 4 — CROSS REFERENCE TABLE of Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky**
- 6.5. Appendix 5 — CROSS REFERENCE TABLE of Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky**
- 6.6. Appendix 6 — CROSS REFERENCE TABLE of Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky**
- 6.7. Appendix 7 — CROSS REFERENCE TABLE of Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky**
- 6.8. Appendix 8 — CROSS REFERENCE TABLE of Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky**

## 7. Quality of the NPA

To continuously improve the quality of its documents, EASA welcomes your feedback on the quality of this NPA with regard to the following aspects:

### 7.1. The regulatory proposal is of technically good/high quality

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.2. The text is clear, readable and understandable

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.3. The regulatory proposal is well substantiated

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.4. The regulatory proposal is fit for purpose (capable of achieving the objectives set)

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.5. The impact assessment (IA), as well as its qualitative and quantitative data, is of high quality

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.6. The regulatory proposal applies the 'better regulation' principles<sup>[1]</sup>

*Please choose one of the options below and place it as a comment in CRT; if you disagree or strongly disagree, please provide a brief justification.*

Fully agree / Agree / Neutral / Disagree / Strongly disagree

### 7.7. Any other comments on the quality of this NPA (please specify)

*Note:* Your comments on Chapter 8 will be considered for internal quality assurance and management purposes only and will not be published in the related CRD.

<sup>[1]</sup> For information and guidance, see:

- [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en)
- [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en)
- [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox/better-regulation-toolbox\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox/better-regulation-toolbox_en)