



Brussels, **XXX**
[...](2015) **XXX** draft

ANNEX II TO EASA OPINION No 02/2015

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

[...]

COMMISSION REGULATION (EU) No .../..

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amending Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

[...]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008¹ of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, and in particular Articles 8(5) and 10(5) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 216/2008, the Commission should adopt the necessary implementing rules for establishing the conditions for the safe operation of aircraft.
- (2) In order to ensure a high level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices and scientific and technical progress, in the field of civil aviation
- (3) With the proposal on common rules for the certification and oversight of Data services (DAT) providers, it would be ensured that the provider of navigation data for use on aircraft systems processes the data in an appropriate manner to meet the airspace end-users' requirements for its intended use which is the enabler for safe Performance-Based Navigation (PBN) operations.
- (4) To avoid duplication of oversight of these DAT providers by the competent authority and by the operators contracting their services, this Regulation proposes the amendment of Regulation (EU) No 965/2012 as regards the management of aeronautical databases with the aim of encouraging synergies of these rules with the rules of other aviation domains and towards a 'total system approach'.
- (5) The measures provided for in this Regulation are based on the Opinion issued by the Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

¹ OJ L 79, 19.3.2008, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV (Part-CAT) is amended as follows:

1. CAT.IDE.A.355 is replaced as follows:

‘CAT.IDE.A.355 Management of aeronautical databases

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data..

(b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’

2. CAT.IDE.H.355 is added as follows:

‘CAT.IDE.H.355 Management of aeronautical databases

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

(b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’ [...]

Article 2

Annex VI (Part-NCC) is amended as follows:

1. NCC.IDE.A.260 is replaced as follows:

‘NCC.IDE.A.260 Management of aeronautical databases

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

(b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’

2. NCC.IDE.H.260 is added as follows:

‘NCC.IDE.H.260 Management of aeronautical databases

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’

Article 3

In Annex VII (Part-NCO), NCO.IDE.A.205 and NCO.IDE.H.205 are added as follows:

‘NCO.IDE.A.205 Management of aeronautical databases

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The pilot-in-command shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to the aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the pilot-in-command shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the pilot-in-command shall not use the affected data.’

and

‘NCO.IDE.H.205 Management of aeronautical databases

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The pilot-in-command shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to the aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the pilot-in-command shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the pilot-in-command shall not use the affected data.

Article 4

In Annex VIII (Part-NCO), SPO.IDE.A.230 and SPO.IDE.H.230 are added as follows:

‘SPO.IDE.A.230 Management of aeronautical databases

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’

and

‘SPO.IDE.H.230 Management of aeronautical databases

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.

Article 5

- (a) This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.
- (b) The operators shall comply with the requirements laid down in Articles 1 to 4 by [36 months from the date of the entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the Commission
The President*