



Comment-Response Document 2014-20

Technical requirements and operating procedures for the provision of data to airspace users for the purpose of air navigation

CRD to NPA 2014-20 — RMT.0593 & RMT.0594 — 12.3.2015

Related Opinion No 02/2015

EXECUTIVE SUMMARY

Acknowledging the importance of the aeronautical information and data provided to airspace users for the purpose of provision of safe air navigation, EASA issued Notice of Proposed Amendment (NPA) 2014-20 on the specific organisation requirements and responsibilities applicable to Data services (DAT) providers as well as the associated technical requirements for the provision of data services. Additionally, the proposed measures ensure that the Single European Sky (SES) objectives on interoperability with respect to data used on aircraft systems are achieved. Furthermore, to avoid double oversight of these service providers by the competent authority and by the aircraft operators contracting their services, said NPA proposed amendments to Commission Regulation (EU) No 965/2012 (hereinafter referred to as the 'Air OPS Regulation') as well as to the related Acceptable Means of Compliance (AMC)/Guidance Material (GM).

This Comment-Response Document (CRD) contains the comments submitted on NPA 2014-20 and the EASA's responses thereto.

During the NPA public consultation, EASA received 410 comments. EASA expresses its appreciation to the stakeholders who have provided not only their individual comments on the draft proposals, but also expressed their coordinated views through the relevant stakeholder groups and put forward alternative proposals. EASA considers that the comments received contribute essentially to the improvement of the proposed rules.

In order to take an informed decision, EASA also carried out a focussed consultation (in the form of a thematic meeting) that took place on 16–17 December 2014 with the aim of commonly identifying and analysing the issues as well as establishing guidance for the review of the proposals towards drafting the final Opinion. Said thematic meeting was attended not only by experts who were members of the RMT.0593 & RMT.0594 Rulemaking Group, but also by experts who contributed actively to the NPA consultation.

EASA trusts that the responses in this CRD satisfy the commentators insofar as they provide further clarification on the issues addressed.

Based on the comments and responses provided in the CRD, and in order to facilitate the understanding and the evaluation of the changes proposed in the responses to the comments, Opinion No 02/2015 was developed and EASA advanced the revised draft AMC/GM, which are presented in this CRD without prejudice to the final text of the ED Decision.

Applicability		Process map	
Affected regulations and decisions:	Commission Implementing Regulations (EU) Nos 1034/2011 and 1035/2011; Commission Regulation (EU) No 965/2012; EASA Opinion No 01/2005 (GM to Part-21)	Terms of Reference:	11.10.2013
Affected stakeholders:	DAT providers; aircraft operators and end-users; competent authorities; and EASA	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	Yes
Reference:	Article 8b of Regulation (EC) No 216/2008; Opinion No 01/2005; Commission letter A/9188 of 17.10.2012	RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	8.8.2014
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	Yes
		Publication date of the Opinion: (RMT.0593)	2015/Q1
		Publication date of the Decision: (RMT.0594)	2015/Q4



Table of contents

1. Procedural information.....	3
1.1. The rule development procedure.....	3
1.2. The structure of this CRD and related documents.....	3
1.3. The next steps in the procedure.....	3
2. Summary of comments and responses.....	4
2.1. Main comments.....	6
2.2. Conclusion.....	8
3. Draft AMC and GM (Draft ED Decision).....	9
4. Individual comments and responses.....	31



1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Comment-Response Document (CRD) in accordance with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [Rulemaking Programme](#), under RMT.0593 & RMT.0594. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft Regulation (Implementing Rule (IR)) and AMC/GM have been developed by the Agency based on the input of the RMT.0593 & RMT.0594 Rulemaking Group. All interested parties were consulted through NPA 2014-20, which was published on 8 August 2014. 410 comments were submitted by 30 stakeholders, including industry, national aviation authorities, and associations.

In order to take an informed decision, the Agency also carried out a focussed consultation in the form of a thematic meeting that took place on 16–17 December 2014 with the aim of commonly identifying and analysing the issues as well as establishing guidance for the review of the proposals towards drafting the final Opinion. Said thematic meeting was attended not only by experts who were members of the RMT.0593 & RMT.0594 Rulemaking Group, but also by experts who contributed actively to the NPA consultation. The resulting text of the proposed IR, AMC and GM has been developed by the Agency based on the analysis of the comments and inputs received.

The process map on the title page contains the major milestones of this rulemaking activity.

1.2. The structure of this CRD and related documents

This CRD provides a summary of comments and responses, as well as the full set of individual comments (and responses thereto) received on NPA 2014-20. The resulting text for AMC and GM is provided in Chapter 3 of this CRD, whereas the IRs are presented in the Annex to Opinion 02/2015.

1.3. The next steps in the procedure

This CRD is published together with Opinion No 02/2015, which contains the proposed IRs and is addressed to the European Commission.

The Decisions containing AMC and GM will be published by the Agency when the related IRs are adopted by the European Commission.

¹ Regulation (EC) No 216/2008 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 (OJ L 79, 19.3.2008, p. 1).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.



2. Summary of comments and responses

The Agency launched the public consultation of NPA 2014-20 on 8 August 2014 and the commenting period expired on 31 October 2014. In total, 410 comments were received from 30 stakeholders — 9 national aviation authorities, 6 design approval holders and aircraft manufacturers, 6 DAT providers, 8 other service providers and organisations for air navigation, 2 professional associations, 2 aircraft operators and 1 individual.

The Agency highlights that several comments were duplicates and of editorial nature. Nevertheless, the Agency concludes that the public consultation of NPA 2014-20 on the ‘Technical requirements and operational procedures for the provision of data for airspace users for the purpose of air navigation’ has brought real benefits to this rulemaking activity and contributed to the development of this Opinion. Stakeholders and interested parties provided valuable comments and, in many instances, alternative proposals to the proposed texts. These were accompanied by justifications, which facilitated the review of and the amendment to the initial proposal made in the NPA and the development of the final one.

The most contentious and most commented issues during the consultation were the following:

- the definitions of ‘aeronautical database’, ‘data quality requirements’ and ‘Data services (DAT) provider’;
- the scope of the aeronautical data and information to be covered under the proposed rule and the activities of the DAT providers;
- the issue of the statement of conformity, including its content and level of details;
- the use of data from different data sources, both authoritative and non-authoritative, by the DAT providers;
- the interfaces of the regulated parties with the other actors within the aeronautical data chain and the definition of the ‘data quality requirements’; and
- the equivalence between the certification of the DAT provider and the Federal Aviation Administration (FAA) Letter of Acceptance (LoA) attestation.

The distribution of the comments received on the various parts of NPA 2014-20, the stakeholders’ sectors participating in the public consultation, as well as the distribution of the Agency’s responses are shown in Table 1 and Figures 1 and 2 respectively.



NPA 2014-20	Pages	Comments
General	-	17
Explanatory Note	8–21	64
Implementing Rule	22–32	124
AMC/GM	33–49	189
RIA	50–63	14
References	64–65	2
Total		410

Table 1: Distribution of the comments received on the various parts of NPA 2014-20

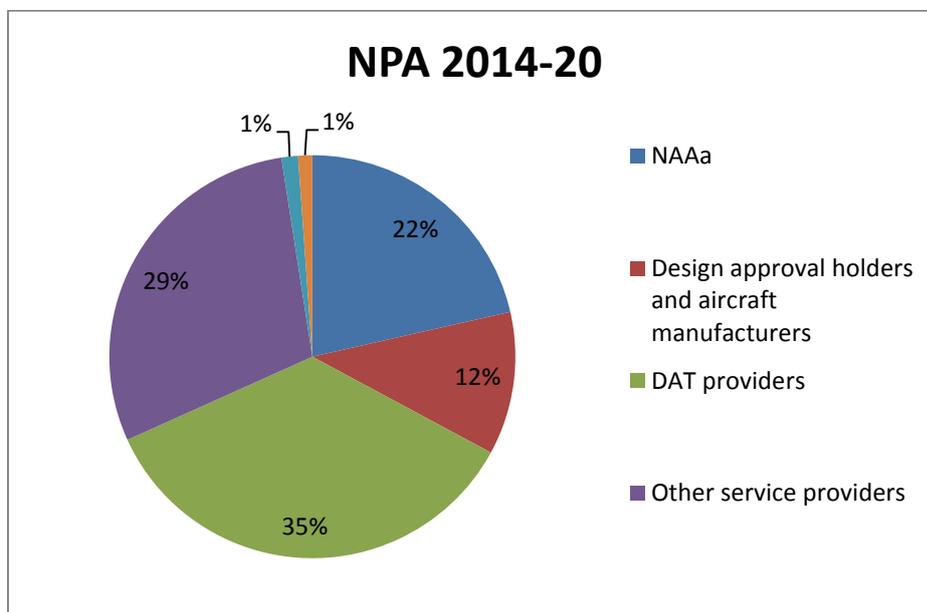


Figure 1: Distribution of the comments received per stakeholders' sector

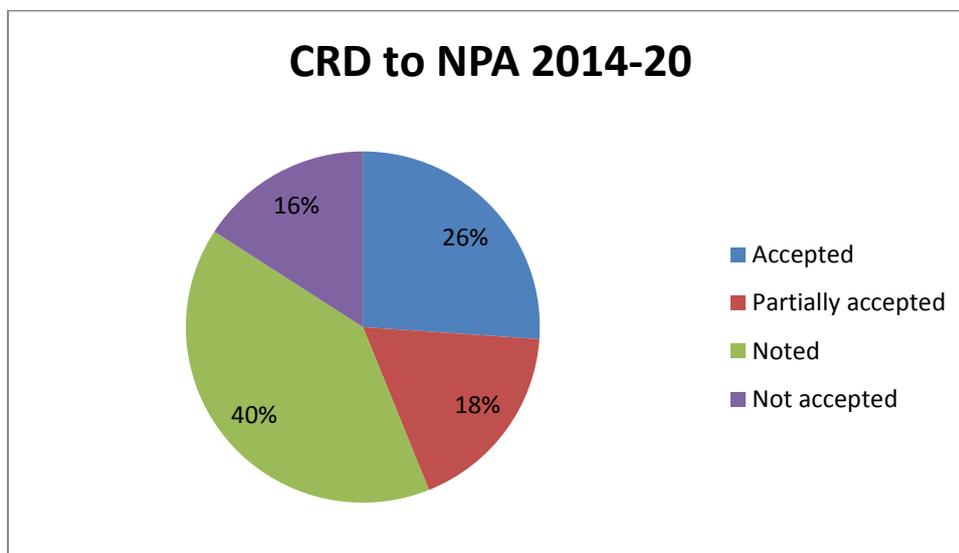


Figure 2: Distribution of the Agency's responses in CRD to NPA 2014-20



2.1. Main comments

The following paragraphs provide a summary of the main comments and conclusions on the main issues that have been identified during the NPA public consultation.

Definitions

Definitions form an essential part of any regulation and they are a crucial factor in the correct implementation of the law. Furthermore, specific attention has been paid to the correctness of the proposed definitions and their harmonisation with other existing IRs in the ATM/ANS domain and with ICAO, whenever feasible. Considering these principles and based on commentators' proposals, the following definitions have been added:

- 'certified aircraft application'; and
- 'aerodrome mapping database'.

In addition, some of the proposed definitions, such as 'aeronautical database', 'authoritative source' and 'data quality requirements' have been amended following the suggestions made during the public consultation. In particular, the definition of 'aeronautical database' has been amended to extend its scope and to include ground aeronautical systems as well. Moreover, to enhance clarity, new GM were introduced.

On the other hand, the proposed definition of 'data quality' has been well received by the stakeholders and the Agency is invited to promote it also at ICAO level following its adoption at EU level.

Aeronautical database used on certified aircraft application/equipment

A significant number of comments were received with regard to the scope of the aeronautical database used on certified aircraft application/equipment. This issue was also thoroughly discussed at the thematic meeting. Considering the feedback received, the Agency introduced the definition of 'certified aircraft application' as mentioned above and enhanced GM1 DAT.OR.100 (former GM2 DAT.OR.100) illustrating the meaning of the requirements, especially what is covered by that term.

Tailored data

During the rule development process, the Agency was made aware of the specific needs of the aircraft operators as regards the use of tailored data. Tailored data are those data sets generated and originated by the operator under their responsibility for their sole use. Therefore, the Agency now acknowledges the need to allow the processing of tailored data provided by an aircraft operator to the DAT providers, on request, for use by that aircraft operator. Such processing becomes subject to process verification and oversight by the DAT providers' competent authority. Through NPA 2014-20, the Agency proposes a regulatory approach that includes/incorporates these activities into the aeronautical data and information management. However, nothing prevents DAT providers from declining such requests and not undertaking such activities. This issue was amongst the most discussed topics during the thematic meeting which provided the Agency with advice on the way forward. The outcome of the discussion clearly indicated the aircraft operators' wish to retain the proposed regulatory approach, which was also well received by the DAT providers.



The use of data from different data sources, both authoritative and non-authoritative, by the DAT providers

Another strongly commented issue during the NPA public consultation was the different sources of data used by the DAT providers for their services provision. This issue was also thoroughly discussed at the thematic meeting. Acknowledging the comments related to the use of non-authoritative sources, the Agency amended DAT.OR.100(a) to clarify that the DAT provider shall validate in certain specific cases the aeronautical data. Such cases arise when the aeronautical data is not provided in the Aeronautical Information Publication (AIP), or by an authoritative source, or it does not meet the applicable data quality requirements. Furthermore, AMC on data source has been introduced, as well as GM to that AMC to support its interpretation.

'Statement of conformity'

Issuing a 'statement of conformity' is a requirement that exists under the current LoA process to confirm that the aeronautical databases delivered by the DAT provider are produced in accordance with this Regulation and the applicable industry standards. The associated AMC provides the form of said statement of conformity for aeronautical databases. The purpose of the statement is to make essential information available to the next users, i.e. either to another DAT provider or to the aircraft operator. During the consultation, different views were expressed as regards the level of detail necessary for such statement.

The most commented element of the statement was field 4 'Database identification'. This issue was also thoroughly discussed at the thematic meeting. The outcome of the discussion in the meeting confirmed that database identification is an essential part of the statement of conformity due to the necessity for traceability and identification of the data package delivered, including its backtracking. Therefore, the dedicated field in the statement has been retained, but DAT providers may use a numbering system of their own preference. Moreover, the link between a given database and the related statement of conformity would serve as a means of ensuring data integrity.

The Agency continues to be convinced that the proposed rule will be complied with if DAT providers continue issuing the subject statement the way they currently do (in accordance with Opinion No 01/2005). This view was finally shared by a European DAT provider concluding that no change to the current processes in place would be expected, except aligning the template used to correspond to the proposed one.

ISO 9001/EN 9100 as a means to establish compliance with the management system requirements

Considering the responses to the questions posed in the Explanatory Note to the consulted NPA, as well as the outcome of the focussed consultation, the Agency acknowledges the preference for keeping the ISO 9001/EN 9100 certificate as an AMC to demonstrate DAT providers' compliance with the management system requirements. Furthermore, the AMC to Type 1 DAT provider is amended to provide more flexibility and allow the Type 1 DAT provider to choose between the ISO 9001 or EN 9100 standard in order to demonstrate compliance. This solution will facilitate the smooth transition from Type 1 DAT provider to Type 2 DAT provider and vice versa, as the practice currently is in some cases.

Digital data exchange

Some Aeronautical Information Service (AIS) providers pointed out in their comments that the GM promoting that DAT providers use digital data sets as the preferred means of data exchange to support



data integrity is not comparable to the currently applicable requirements for AIS providers. It is important to note that in the European Union, through Regulation (EU) No 73/2010³, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties which are regulated by the said rule. However, this is not a global requirement (e.g. it is not required in ICAO Annex 15). As DAT providers are obtain aeronautical data and information worldwide, they need to be able to implement their processes in a more flexible way. Therefore, the Agency is confident that the proposed regulatory measure is appropriate, proportionate, and will encourage industry to make use of the digital interface. Furthermore, the Agency considers that elevating this requirement to AMC or IR level would require further evaluation and a thorough impact assessment. Therefore, at this stage, the Agency notes the comments and will further consider the issue based on the future implementation feedback.

Personnel requirements

Considering the reasons mentioned by a DAT provider, the Agency has removed the requirements on management and staff originally proposed in DAT.TR.100(b) as the provision addresses an organisational aspect with regard to the management and staff already laid down in ATM/ANS.OR.B.020.

Amendments to Regulation (EU) No 965/2012 (the Air OPS Regulation) and the related AMC/GM

A significant number of commentators indicated the need for clarification of the term 'primary navigation'. Based on the proposals received, the related AMC have been amended to clarify that they refer to applications used to meet the airspace usage requirements.

Paragraph (b) of GM1 CAT.IDE.A.355 on the integrity of data used in SPA-approved operations is deleted, as the issue is already addressed by the definition in GM1 DAT.OR.100 identifying such data for aircraft systems applications used for primary navigation. Eventual additional requirements that may be necessary for new SPA-approved operations will be addressed in the future directly in Part-SPA by means of appropriate references to Part-DAT.

2.2. Conclusion

The Agency trusts that the responses in this CRD satisfy the commentators insofar as they provide further clarification on the issues addressed. Without prejudice to the final text to be issued in the Agency's ED Decisions as the final step of the subject rulemaking activity, the resulting text (draft AMC/GM) is also provided in the CRD in order to facilitate the understanding and the evaluation of the changes proposed in the responses to the comments.

³ 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 (OJ L 23, 27.1.2010, p. 6).



3. Draft AMC and GM (Draft ED Decisions)

DRAFT DECISION ADOPTING THE ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO COMMISSION REGULATION (EU) .../... ON THE REQUIREMENTS FOR SERVICE PROVIDERS AND THE OVERSIGHT THEREOF

ANNEX I — DEFINITIONS OF TERMS USED IN ANNEXES II TO XIII

GM1 aa. Aeronautical data

DAT PROVIDERS

Aeronautical data in the context of DAT providers should mean that aeronautical data needed for the functionality of certified aircraft application(s) and does not form part of its (their) approved type design. It may change over the course of time such as e.g. 'aerodrome mapping data', 'obstacles data' and 'terrain data', etc., which are amongst other types of 'aeronautical data'.

GM1 ff. Authoritative source

ORGANISATIONS

(Note: This is a placeholder for GM.)

GM1 ii. Data Quality Requirements (DQRs)

GENERAL

Depending on the data characteristics considered, DQRs are specified as 'internationally recognised Data Quality Requirements' (mainly when data is provided by authoritative sources), 'end-user Data Quality Requirements' (typically for completeness, timeliness, etc.), or 'system designer Data Quality Requirements' (considering other data characteristics, such as accuracy, resolution, assurance level, traceability, format, etc.).

GM1 jj. Data services (DAT) provider

SERVICES

The services provided by the DAT provider that processes aeronautical data and provides an aeronautical database for use on certified aircraft application/equipment by airspace end-users/aircraft operators are considered to be pan-European services.

GM1 kk. Obstacle

MOBILE OBJECTS

Mobile objects may be converted to fixed items in obstacle database taking into account its mobility boundaries.

GM1 mm. Terrain

GENERAL

In practical terms, depending on the method of data collection used, terrain represents the continuous surface that exists at the bare Earth, the top of the canopy or something in-between, also known as 'first reflective surface'.



ANNEX II — REQUIREMENTS FOR COMPETENT AUTHORITIES — SERVICES PROVISIONS AND ATM NETWORK FUNCTIONS (PART-ATM/ANS.AR)

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GM1 ATM/ANS.AR.C.010 Oversight**DEMONSTRATION OF COMPLIANCE — DAT PROVIDERS**

In addition to the applicable requirements, the competent authority should assess the standards and processes applied by the DAT provider. The following specific areas should be overseen against EUROCAE ED-76/RTCA DO-200A 'Standards for Processing Aeronautical Data', dated October 1998, or subsequent revisions:

- (1) plans and procedures, including:
 - (i) alteration procedures (i.e. informing the supplier or data originator of the data alteration and endeavouring to receive concurrence/agreement);
 - (ii) data verification and validation (including the procedures that define the level of checking of the database prior to release). These procedures should be reviewed to ensure adequacy;
 - (iii) reporting and handling procedures (including occurrence reporting);
 - (iv) data configuration management;
 - (v) data transmission practices;
 - (vi) tool qualification; and
 - (vii) internal audit checks and response mechanisms;
- (2) internal standards; and
- (3) definition of 'Data Quality Requirements'.

AMC1 ATM/ANS.AR.C.015(a)(1) Oversight programme**AREAS OF POTENTIAL SAFETY CONCERNS — DAT PROVIDERS**

The competent authority should audit the DAT provider's procedures for dealing with situations where resolution and corrections could not be obtained with the aeronautical data source or other DAT providers for data that has been called into question in accordance with AMC1 DAT.TR.105(a). Such audits should confirm that effective controls are in place to ensure that an unsafe product is not released and that such concerns are communicated to customers in accordance with the requirements laid down in DAT.OR.200.

AMC1 ATM/ANS.AR.C.050(e) Findings, corrective actions, and enforcement measures**CORRECTIVE ACTION AND CORRECTIVE ACTION IMPLEMENTATION PERIOD — DAT PROVIDERS**

- (a) In case of a Level 1 finding, the competent authority may extend the initial 21-working-day period for demonstration of corrective action by the DAT provider, depending on the nature of the finding.
- (b) In case of a Level 2 finding, the initial corrective action implementation period granted by the competent authority should be appropriate to the nature of the finding but should not, in any



case, exceed 3 months. At the end of this period and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority.

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ANNEX III — COMMON REQUIREMENTS FOR SERVICE PROVIDERS (PART-ATM/ANS.OR)**SUBPART A — GENERAL COMMON REQUIREMENTS (ATM/ANS.OR.A)**

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AMC1 ATM/ANS.OR.A.005(b) Application for service provider certificate**AMC1 ATM/ANS.OR.A.035 Demonstration of compliance****EXPOSITION — DAT PROVIDERS**

- (a) The DAT provider should submit to the competent authority an exposition providing the following information:
- (1) a statement signed by the accountable manager confirming that the exposition and any associated manuals which define the organisation's compliance with the requirements will be complied with at all times;
 - (2) the title(s), name(s) as well as the appropriate knowledge, background and experience of the managers to be notified to the competent authority in accordance with ATM/ANS.OR.B.020;
 - (3) the duties and responsibilities of the manager(s) as required by ATM/ANS.OR.B.020 including matters on which they may deal directly with the competent authority on behalf of the organisation;
 - (4) a organisational chart showing lines of responsibility and accountability throughout the DAT provider, including a direct accountability of the accountable manager as required by ATM/ANS.OR.B.005(a)(1);
 - (5) a list of attesting staff as referred to in DAT.TR.100(b);
 - (6) a general description of manpower resources;
 - (7) a general description of the facilities of the DAT provider;
 - (8) a general description of the activities for which the DAT provider's certificate is requested;
 - (9) the procedure for the notification of organisational changes to the competent authority;
 - (10) the amendment procedure for the exposition;
 - (11) a description of the management system and the procedures as required by DAT.OR.115(a) to (k); and
 - (12) a list of those contracted organisations referred to in ATM/ANS.OR.B.015(b).
- (b) The exposition should be amended as necessary to remain an up-to-date description of the organisation, and copies of any amendments should be supplied to the competent authority.



GM1 to AMC1 ATM/ANS.OR.A.005(b) Application for service provider certificate
GM1 to AMC1 ATM/ANS.OR.A.035 Demonstration of compliance
EXPOSITION — DAT PROVIDERS

The exposition should contain the following table of contents:

1. General

Table of contents, document revision history, abbreviations, and terms.

2. Introduction

Purpose, scope, standards declaration, and reference documents.

3. Company description and policy

Description of the company, products and services, quality policy and objectives, customer requirements.

4. Terms of approval

Scope of work, notification of changes to the terms of approval, control of documents and records.

5. Management/resources responsibilities

Management team and personnel, organisation charts, duties and responsibilities of personnel.

Management review, human resources, competence, awareness, and training.

6. Production processes

Data production procedures, arrangements with suppliers, users/customers and other DAT providers, data receiving inspection and testing, data release, data distribution process, data products identification and quality checks, tailored data, data error reporting.

7. Management system

Introduction, document control, quality assurance, internal system audits, standards compliance plan audits, methods of improvement, occurrence management and reporting, record-keeping.

Appendix 1 — List of relevant personnel

GM2 to AMC1 ATM/ANS.OR.A.005(b) Application for service provider certificate
GM2 to AMC1 ATM/ANS.OR.A.035 Demonstration of compliance
EXPOSITION — DAT PROVIDERS

A means to develop the exposition may be by cross-referring to the procedures of the quality manual which are needed to demonstrate compliance with these requirements.

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GM1 ATM/ANS.OR.A.035 Demonstration of compliance

GENERAL — DAT PROVIDERS

In order to demonstrate compliance with the applicable requirements, the DAT provider should produce a compliance matrix/checklist detailing how its data production processes relate to EUROCAE ED-76/RTCA DO-200A 'Standards for Processing Aeronautical Data', dated October 1998, or subsequent revisions.

AMC1 ATM/ANS.OR.A.040(a)(2) Changes

CHANGE OF THE OWNERSHIP AND/OR THE LOCATION

A change of the service provider's ownership and/or the location of its facilities should be deemed significant and should comply with ATM/ANS.OR.A.040(a)(2).

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AMC1 ATM/ANS.OR.A.055(b) Findings and corrective actions

CORRECTIVE ACTION IMPLEMENTATION PERIOD — DAT PROVIDERS

In case of a Level 1 finding, the DAT provider should demonstrate corrective action to the satisfaction of the competent authority within a period of no more than 21 working days following receipt of written confirmation of the finding. At the end of this period and subject to the nature of the finding, the 21-working-day period may be extended and agreed by the competent authority when the safety issue is mitigated.

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SUBPART B — MANAGEMENT (ATM/ANS.OR.B)

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AMC1 ATM/ANS.OR.B.005(a) Management system**AMC1 DAT.OR.115 Management system**

ISO 9001/EN 9100 CERTIFICATE(S) FOR TYPE 1 DAT PROVIDERS

An ISO 9001 or EN 9100 certificate issued by an appropriately accredited organisation addressing all the elements required in the respective Subparts should be considered a sufficient means of compliance for a Type 1 DAT provider. In this case, the Type 1 DAT provider should accept the disclosure of the documentation related to the certification to the competent authority upon its request.

AMC1 ATM/ANS.OR.B.005(a) Management system**AMC1 DAT.OR.115 Management system**

EN 9100 CERTIFICATE FOR TYPE 2 DAT PROVIDERS

An EN 9100 certificate issued by an appropriately accredited organisation addressing all the elements required in the respective Subparts should be considered a sufficient means of compliance for a Type 2 DAT provider. In this case, the Type 2 DAT provider should accept the disclosure of the documentation related to the certification to the competent authority upon its request.



GM1 to AMC1 ATM/ANS.OR.B.005(a) Management system
ISO 9001/EN 9100 CERTIFICATE(S)

The elements required by this Regulation in reference to the management system that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority.

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AMC1 ATM/ANS.OR.B.030 Record-keeping
DATABASE — DAT PROVIDERS

The DAT provider should keep the records for a period of at least 3 years after the end of the validity period of the database unless otherwise specified by other applicable requirements.

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ANNEX VII — SPECIFIC REQUIREMENTS FOR THE PROVISION OF DATA TO AIRSPACE USERS FOR THE PURPOSE OF AIR NAVIGATION (PART-DAT)**SUBPART A — ADDITIONAL ORGANISATION REQUIREMENTS FOR THE PROVISION OF DATA TO AIRSPACE USERS FOR THE PURPOSE OF AIR NAVIGATION (DAT.OR)****Section 1 — General requirements****AMC1 DAT.OR.100 Aeronautical data and information****GENERAL**

- (a) Aeronautical data and information in this context should consist of:
- (1) Integrated Aeronautical Information Package (IAIP); and/or
 - (2) obstacle data; and/or
 - (3) terrain data; and/or
 - (4) Aerodrome Mapping Data (AMD); and/or
 - (5) other data/information that is validated by the DAT provider for the purpose of provision of its services.
- (b) Aeronautical databases should be databases, used on certified aircraft application/equipment, that support the flight operation where incorrect data leads to failures having at least minor or higher failure effect.
- (c) The scope should not include databases that are approved as part of the type design of the aircraft or engine (e.g. engine power settings (take-off, climb, Maximum Continuous Thrust (MCT), cruise) and aircraft performance data (e.g. take-off distance, V speeds)).

AMC1 DAT.OR.100(a) Aeronautical data and information**AMC1 DAT.TR.100(a)(2) Working methods and operating procedures****DATA SOURCE**

The DAT provider should use data coming from authoritative sources. If such data is not formally made available by an authoritative source or does not meet the applicable data quality requirements, but is required by end-users, the DAT provider may use data from other (non-authoritative) sources, provided these have been verified and validated to conform with the relevant standards and data quality requirements.

If a non-authoritative source is used for the data release, the DAT provider should issue a statement at its discretion.

GM1 DAT.OR.100 Aeronautical data and information**GENERAL**

- (a) In the context of this Regulation, aeronautical databases should include databases, used on certified aircraft applications, that support the flight operation of aircraft for the purpose of primary Communication, Navigation and Surveillance (CNS) or supplementing CNS.
- (1) Primary CNS applications include but are not limited to Flight Management System (FMS) navigation database.



- (2) Supplementary CNS applications include but are not limited to systems generating alerts and used for awareness having the following databases:
- (i) database for synthetic vision systems;
 - (ii) terrain database (TAWS);
 - (iii) obstacle database (TAWS);
 - (iv) Aerodrome Mapping Database (AMDB);
 - (v) brake assistance to vacate; and
 - (vi) surface indication and alert system.
- (b) Databases for which the DAT provider is not required to be certified in accordance with this Regulation include but are not limited to:
- (1) databases provided and/or used by the operator of the aircraft that are monitored under the operator's responsibility and not loaded into certified aircraft applications (e.g. airport moving map used in Electronic Flight Bags (EFBs), take-off and landing performance used in EFBs);
 - (2) databases not having any safety affect (e.g. used for passenger In-Flight Entertainment (IFE) systems outside the flight deck, etc.); and
 - (3) databases used on Visual Flight Rules (VFR) certified aircraft, except those used for primary navigation to meet the airspace usage requirements.

GM1 DAT.OR.100(b) Aeronautical data and information**GENERAL**

- (a) The full responsibility for the origination and provision of tailored data and its subsequent updates, as required, should lie with the aircraft operator.
- (b) The origination and provision of tailored data by an aircraft operator or on the aircraft operator's behalf for the purpose of air operation is not part of the DAT provider's activities scope and this Regulation does not cover its oversight.
- (c) The use of tailored data is related and limited to the operational purposes of the aircraft operator that requested the insertion of the tailored data.

GM1 to AMC1 DAT.OR.100(a) Aeronautical data and information**GM1 to AMC1 DAT.TR.100(a)(2) Working methods and operating procedures****NON-AUTHORITATIVE SOURCE**

- (a) A non-authoritative source may be an organisation other than those defined in point ff of Annex I, but providing and/or publishing data derived from data gathering or measuring performed (e.g. by aircraft operators, air crew, DAT providers, or other similar operational organisations, or a combination thereof), transformation of various sources to provide aeronautical data which conform with relevant standards and data quality requirements as specified by the airspace end-users.
- (b) When verifying a non-authoritative source, the DAT provider should proceed by using either additional information sources to validate this data (like satellite imagery, data or manuals from



other providers, users, military, etc.), or data which has been tested and confirmed through operations.

GM2 to AMC1 DAT.OR.100(a) Aeronautical data and information

GM2 to AMC1 DAT.TR.100(a)(2) Working methods and operating procedures

DATA SOURCE

The first known DAT provider that uses data coming from other (non-authoritative) sources in the aeronautical data chain, accepts the responsibility of the data originator (i.e. ensuring that the data meets the data quality requirements).

GM1 DAT.OR.105(a)(1) Technical and operational competence and capability

AERONAUTICAL DATA SOURCE PROVIDER

Aeronautical data source providers should be considered at least but are not limited to:

- (a) organisations providing authoritative data for the purpose of air navigation (e.g. AIS providers);
- (b) the DAT provider itself or another DAT provider;
- (c) the aircraft operator(s) for tailored data; and
- (d) the aerodrome operator(s), in case the information is not provided in the AIPs.

AMC1 DAT.OR.105(a)(2) Technical and operational competence and capability

STATEMENT OF CONFORMITY FOR AERONAUTICAL DATABASES

Logo of the DAT provider	Statement of conformity for aeronautical databases
1. DAT provider certificate number:	Nr
2. Type 1/Type 2* DAT provider : <i>* delete as appropriate</i>	Name
3. Address:	Address
4. Database identification:	Identification
5. Database use:	Applications/standards
6. Deviations:	Deviations
7. New database release:	8. Additional database release (correction):
9. Declaration of conformity: [XXX] databases released and distributed are produced in compliance with Regulation (EU) .../...	
10. Attesting staff:	



Date: <input type="text"/>	Name: <input type="text"/>	Signature: <input type="text"/>
AIRAC cycle/ validity period: <input type="text"/>		

Information to be entered into the statement of conformity for DAT form:

Field 4: List all the identifications of the databases covered under this release, or make reference to the document listing all the identifications of the released databases.

Field 5:

- In case of Type 1 DAT provider, list the standard data formats.
- In case of Type 2 DAT provider, list the equipment models and part numbers where compatibility has been demonstrated, or make reference to the document containing equipment models and part numbers where compatibility has been demonstrated.

Field 6: List the deviations or make reference to where the deviation information can be found (e.g. a web-link).

Field 10: Signature of an authorised representative of the applicant.

AMC2 DAT.OR.105(a)(2) Technical and operational competence and capability

PRODUCING AND UPDATING AERONAUTICAL DATABASES

The processes of producing and updating aeronautical databases should meet the standards specified in EUROCAE ED-76/RTCA DO-200A 'Standards for Processing Aeronautical Data', dated October 1998, or subsequent revisions.

GM1 DAT.OR.105(b) Technical and operational competence and capability

INDEPENDENCE

A DAT provider should ensure that the attesting staff and the person involved in the database release is not a single person (i.e. the four-eye principle).

AMC1 DAT.OR.115(g) Management system

TOOL QUALIFICATION

Tool qualification should meet the standards specified in EUROCAE ED-76/RTCA DO-200A 'Standards for Processing Aeronautical Data', dated October 1998, or subsequent revisions.

GM1 DAT.OR.200 Reporting requirements

GENERAL

The DAT provider should notify the competent authority of the following by using the occurrence reporting form:



- (a) errors/deficiencies affecting safe operations in an airspace segment/block;
- (b) errors/deficiencies with negative impact on safety stemming from a source in a Member State or a Functional Airspace Block (FAB); and
- (c) errors/deficiencies with negative impact on safety stemming from erroneous processing of the data or information within the intended aircraft application/equipment.

GM1 DAT.OR.200 Reporting requirements

UNSAFE CONDITION

(Note: This is a placeholder for (possible) GM.)**SUBPART B — TECHNICAL REQUIREMENTS FOR THE PROVISION OF DATA TO AIRSPACE USERS FOR THE PURPOSE OF AIR NAVIGATION (DAT.TR)****Section 1 — General requirements****AMC1 DAT.TR.100(a)(1) Working methods and operating procedures**

COMPATIBILITY WITH CERTIFIED AIRCRAFT APPLICATION/EQUIPMENT — TYPE 2 DAT PROVIDER

A Type 2 DAT Provider should perform tests to ensure that the database works as intended with the application by performing sampling checks on individual data sets (e.g. in a simulation/test bench environment).

AMC1 DAT.TR.100(a)(2) Working methods and operating procedures

SAMPLING CHECK

(Note: This is a placeholder for GM.)**GM1 DAT.TR.100(a)(2) Working methods and operating procedures**

DATA EXCHANGE

To support data integrity, the DAT provider may use digital data sets as a preferred means of data exchange.

GM1 DAT.TR.100(b) Working methods and operating procedures

SIGNATURE

The attesting staff, authorised by the DAT provider, may sign the statements issued in accordance with DAT.OR.105 manually or in a digital manner (e.g. digital signature).

AMC1 DAT.TR.100(b)(1) Working methods and operating procedures

ATTESTING STAFF

- (a) To qualify as attesting staff, appropriate knowledge, background, experience and specific training or assessment established by the DAT provider should be required.
- (b) Training should be provided to develop a satisfactory level of knowledge of organisational procedures, processes and products, aviation law, and associated IRs, AMC and GM, relevant to the particular role.



- (c) In addition to the general training policy, the DAT provider should define its own standards for training, including qualification standards, for personnel to be identified as attesting staff.
- (d) The training should be updated in response to experience gained and technological advancements.

GM1 to AMC1.DAT.TR.100(b)(1)(b) Working methods and operating procedures
AVIATION LAW

Aviation law should include but not be limited to:

- (a) the Chicago Convention, relevant ICAO annexes and documents;
- (b) Regulation (EC) No 216/2008 and its Implementing Regulations;
- (c) Regulations (EC) Nos 549/2004, 550/2004, 551/2004, and 552/2004 and their IRs;
- (d) the related Acceptable Means of Compliance (AMC), Certification Specifications (CSs) and Guidance Material (GM);
- (e) the assessment methodology of the alternative means of compliance;
- (f) the applicable national legislations; and
- (g) the applicable requirements and procedures.

AMC1 DAT.TR.100(b)(2) Working methods and operating procedures
RECORDS OF ATTESTING STAFF

- (a) The following is the minimum information that should be recorded by the DAT provider in respect of each attesting staff member:
 - (1) name;
 - (2) general training and standard attained;
 - (3) specific training and standard attained;
 - (4) continuation training, if appropriate;
 - (5) background experience;
 - (6) scope of the authorisation; and
 - (7) date of first issue of the authorisation.
- (b) The record should be kept in an appropriate format and should be controlled through an internal procedure of the organisation. This procedure could be part of the management system.
- (c) The DAT provider should ensure that the number of persons authorised to access the system of personnel data record-keeping is limited and an appropriate access control mechanism is in place.
- (d) The attesting staff member should be given access, upon request, to his/her own records.
- (e) The DAT provider should keep the record for at least two years after the attesting staff member has ceased employment with the organisation or the withdrawal of the authorisation, whichever occurs first.



GM1 DAT.TR.100(b)(2) Working methods and operating procedures
RECORDS OF ATTESTING STAFF

Records of the attesting staff may be stored electronically.

AMC1 DAT.TR.100(b)(3) Working methods and operating procedures
EVIDENCE OF THE SCOPE OF THE ATTESTING STAFF AUTHORISATION

- (a) The authorisation document should clearly indicate the scope of the authorisation to allow attesting staff and any other authorised persons to verify the privileges.
- (b) Attesting staff should make the authorisation document available to the competent authority upon request.

AMC1 DAT.TR.105(a) Required interfaces
INTERFACES WITH THE AERONAUTICAL DATA SOURCE AND/OR OTHER DAT PROVIDERS

- (a) The DAT provider should demonstrate that formal interfaces with aeronautical data sources or other DAT providers are implemented. Procedures should be established to communicate instances of erroneous, inconsistent or missing data to such providers and monitor that timely and effective responses are received.
- (b) Where resolution and correction cannot be obtained for data that has been called into question, the DAT provider's procedures for dealing with this situation should ensure that the DAT provider communicates the alteration or removal of data which the aeronautical data source and/or other DAT provider has not concurred with or resolved. The DAT provider's procedures should confirm that effective controls are in place to ensure that an unsafe product is not released and that such concerns are communicated to customers in accordance with the requirements laid down in DAT.OR.200.

AMC1 DAT.TR.105(b) Required interfaces
INTERFACES WITH THE AIRCRAFT EQUIPMENT DESIGN APPROVAL HOLDER FOR TYPE 2 DAT PROVISION

The DAT provider should demonstrate that formal interfaces exist with the equipment design approval holder. In particular, the DAT provider's procedures should endeavour that the equipment design approval holder communicates and responds to issues and constraints concerning compatibility/eligibility for installation between their equipment and the databases of the DAT provider.

AMC1 DAT.TR.105(c) Required interfaces
INTERFACES WITH AIRCRAFT OPERATORS — TYPE 2 DAT PROVIDERS

The Type 2 DAT provider should demonstrate that a formal interface with aircraft operators is in place to confirm that operators' requests are clearly defined and subject to review.



DRAFT ED DECISION AMENDING ED DECISION 2014/015/R 'ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO PART-CAT — ISSUE 2'

AMC1 CAT.IDE.A.355 ~~Electronic navigation data management~~ Management of aeronautical databases

ELECTRONIC NAVIGATION DATA PRODUCTS AND AERONAUTICAL DATABASES

- (a) ~~When the operator of a complex motor-powered aeroplane uses a navigation database that supports an airborne navigation application as a primary means of navigation, the navigation database supplier should hold a Type 2 letter of acceptance (LoA), or equivalent.~~
- (b) ~~If this airborne navigation application is needed for an operation requiring a specific approval in accordance with Annex V (Part SPA), the operator's procedures should be based upon the Type 2 LoA acceptance process.~~

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 CAT.IDE.A.355 ~~Electronic navigation data management~~ Management of aeronautical databases
CERTIFICATES AND STANDARDS FOR ELECTRONIC NAVIGATION DATA PRODUCTS AND AERONAUTICAL DATABASE APPLICATIONS

- (a) ~~A Type 2 LoA is issued by the Agency in accordance with the Agency's Opinion No 01/2005 on The Acceptance of Navigation Database Suppliers. The definitions of navigation database, navigation database supplier, data application integrator, Type 1 LoA and Type 2 LoA can be found in Opinion No 01/2005.~~
- (b) ~~Equivalent to a Type 2 LoA is the FAA Type 2 LoA, issued in accordance with the Federal Aviation Administration (FAA) Advisory Circular AC 20-153 or AC 20-153A, and the Transport Canada Civil Aviation (TCCA) 'Acknowledgement Letter of an Aeronautical Data Process', which uses the same basis.~~
- (c) ~~EUROCAE ED 76/Radio Technical Commission for Aeronautics (RTCA) DO 200A Standards for Processing Aeronautical Data contains guidance relating to the processes that the supplier may follow.~~

- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.
- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 CAT.IDE.A.355 Management of aeronautical databases
TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.



GM3 CAT.IDE.A.355 Management of aeronautical databases

STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.

AMC1 CAT.IDE.H.355 Management of aeronautical databases

AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 CAT.IDE.H.355 Management of aeronautical databases

AERONAUTICAL DATABASE APPLICATIONS

- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.
- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 CAT.IDE.H.355 Management of aeronautical databases

TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 CAT.IDE.H.355 Management of aeronautical databases

STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.



DRAFT ED DECISION AMENDING ED DECISION 2013/021/R 'ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO PART-NCC'

AMC1 NCC.IDE.A.260 ~~Electronic navigation data management~~ Management of aeronautical databases

ELECTRONIC NAVIGATION DATA PRODUCTS AND AERONAUTICAL DATABASES

- (a) ~~When the operator of a complex motor powered aeroplane uses a navigation database that supports an airborne navigation application as a primary means of navigation, the navigation database supplier should hold a Type 2 letter of acceptance (LoA), or equivalent.~~
- (b) ~~If this airborne navigation application is needed for an operation requiring a specific approval in accordance with Annex V (Part SPA), the operator's procedures should be based upon the Type 2 LoA acceptance process.~~

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 NCC.IDE.A.260 ~~Electronic navigation data management~~ Management of aeronautical databases

LETTERS OF ACCEPTANCE CERTIFICATES AND STANDARDS FOR ELECTRONIC NAVIGATION DATA PRODUCTS AND AERONAUTICAL DATABASE APPLICATIONS

- (a) ~~A Type 2 LoA is issued by the Agency in accordance with the Agency's Opinion No 01/2005 on The Acceptance of Navigation Database Suppliers (hereinafter referred to as the Agency's Opinion No 01/2005). The definitions of navigation database, navigation database supplier, data application integrator, Type 1 LoA and Type 2 LoA can be found in the Agency's Opinion No 01/2005.~~
- (b) ~~Equivalent to a Type 2 LoA is the FAA Type 2 LoA, issued in accordance with the Federal Aviation Administration (FAA) Advisory Circular AC 20-153 or AC 20-153A, and the Transport Canada Civil Aviation (TCCA) 'Acknowledgement Letter of an Aeronautical Data Process', which uses the same basis.~~
- (c) ~~EUROCAE ED-76/Radio Technical Commission for Aeronautics (RTCA) DO-200A Standards for Processing Aeronautical Data contains guidance relating to the processes which the supplier may follow.~~
- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.
- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.



GM2 NCC.IDE.A.260 Management of aeronautical databases

TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 NCC.IDE.A.260 Management of aeronautical databases

STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.

AMC1 NCC.IDE.H.260 Management of aeronautical databases

AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 NCC.IDE.H.260 Management of aeronautical databases

AERONAUTICAL DATABASE APPLICATIONS

- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.
- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 NCC.IDE.H.260 Management of aeronautical databases

TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 NCC.IDE.H.260 Management of aeronautical databases

STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.



DRAFT ED DECISION AMENDING ED DECISION 2014/016/R 'ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO PART-NCO — ISSUE 2'**AMC1 NCO.IDE.A.205 Management of aeronautical databases**
AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 NCO.IDE.A.205 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS

The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 NCO.IDE.A.205 Management of aeronautical databases
TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 NCO.IDE.A.205 Management of aeronautical databases
STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.

AMC1 NCO.IDE.H.205 Management of aeronautical databases
AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 NCO.IDE.H.205 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS

The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.



GM2 NCO.IDE.H.205 Management of aeronautical databases**TIMELY DISTRIBUTION**

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 NCO.IDE.H.205 Management of aeronautical databases**STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS**

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.



DRAFT ED DECISION AMENDING ED DECISION 2014/018/R 'ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL TO PART-SPO'**AMC1 SPO.IDE.A.230 Management of aeronautical databases**
AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 SPO.IDE.A.230 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS

- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.
- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 SPO.IDE.A.230 Management of aeronautical databases
TIMELY DISTRIBUTION

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 SPO.IDE.A.230 Management of aeronautical databases
STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.

AMC1 SPO.IDE.H.230 Management of aeronautical databases
AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation used to meet the airspace usage requirements, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) .../... or equivalent.

GM1 SPO.IDE.H.230 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS

- (a) Applications using aeronautical databases for which Type 2 DAT providers should be certified in accordance with Regulation (EU) .../... may be found in GM2 DAT.OR.100.



- (b) The certification of a Type 2 DAT provider in accordance with Regulation (EU) .../... ensures data integrity and compatibility with the certified aircraft application/equipment.

GM2 SPO.IDE.H.230 Management of aeronautical databases**TIMELY DISTRIBUTION**

The operator should distribute current and unaltered aeronautical databases to all aircraft requiring them in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined.

GM3 SPO.IDE.H.230 Management of aeronautical databases**STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS**

- (a) A 'Type 2 DAT provider' is an organisation capable of 'Type 2 DAT provision' in accordance with Regulation (EU) .../....
- (b) Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or any Working Arrangements between EASA and the competent authority of a third country.



4. Individual comments and responses

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

- (a) **Accepted** — The Agency agrees with the comment and any proposed amendment is wholly transferred to the revised text.
- (b) **Partially accepted** — The Agency either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.
- (c) **Noted** — The Agency 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 the Agency.

(General Comments)	-
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comment	2		comment by: <i>Luftfahrt-Bundesamt</i>
		The LBA has no comments on NPA 2014-20.	
response		<i>Noted</i>	

comment	18		comment by: <i>Stephane DUBET</i>
		<p>General comment</p> <p>This annex on DAT providers is closely linked to the AIS-AIM annex, since the data processed by the data providers mainly stems from AIS-AIM providers. Yet, in terms of structure and of contents, both parts are very different. In particular, some provisions applicable to ANSPS, as already set in EU Reg 73/2010, are not applicable to DAT providers. One may then wonder the point of these provisions if they are not applied through the whole data chain.</p> <p>For example, in the AIS-AIM domain, data shall be exchanged by ANSP through digital data exchanges (Reg 73/2010 Article 5 refers); but in the DAT annex, digital data exchanges are just promoted through Guidance Material (GM1 DAT TR 100 refers). So as an AIS-AIM provider, one may wonder the point of the significant efforts to be invested to ensure data exchanges through digital means if the (same) data are just transferred the usual paper-based way further ahead in the data chain. It is also unclear what the benefit of this is for the end-user if only part of the data-chain is subject to some stringent quality assurance.</p> <p>Overall, it is felt that there is a lack of good balance between the provisions applicable upstream (AIS-AIM) and downstream (DAT).</p> <p>This general comment does not call for specific changes in the draft DAT as such, but it is</p>	



	<p>felt an adjustment of this part once the AIS-AIM part is completed could re-balance the provisions of each annex and improve the consistency of the overall rule.</p>
response	<p><i>Noted</i></p> <p>The Agency fully agrees with the commentator that Part-DAT and Part-AIS/AIM are closely linked to ensure seamless data supply chain.</p> <p>As regards Regulation (EU) No 73/2010, as part of the activities of the ongoing RMT.0477 & RMT.0478 on ‘Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)’, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency and balance with the existing and forthcoming provisions.</p> <p>As regards GM1 DAT.TR.100(a)(2), it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in the long term when taking a business decision.</p> <p>Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.</p>
comment	<p>26 <i>comment by: skyguide Corporate Regulation Management</i></p> <p>This provision is only loosely linked to the AIS / AIM part. This is in contradiction with the EC concept of a seamless digital data chain from data origination to the airborne system. This decoupling of the downstream part of the data chain could also be a safety issue due to a lack of alignment with Annex VI Part-AIS (CRD -NPA2013-08 ANNEX B) where the work is still ongoing.</p>
response	<p><i>Noted</i></p> <p>The Agency fully agrees with the commentator that Part-DAT and Part-AIS/AIM should be consistent and aligned and that they are in that sense crucial to ensure seamless data supply chain. Furthermore, the Agency sees in a similar way the benefit of both Parts being published simultaneously as the DAT providers mainly receive data from AIS providers. Given though that the scope of activities of AIS providers (Part-AIS) and DAT providers (Part-DAT) are clearly outlined, progressing and publishing these two Parts in different timeframes was not seen as a problem. Besides that, today AIS providers are</p>

subject to EU level requirements, while the current LoA process does not constitute a mandatory requirement for DAT providers since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the applicant. Because of these reasons, after thorough discussion of this subject with the Rulemaking Group members, the Agency has decided to proceed by ensuring close coordination between the activities related to RMT.0477 & RMT.0478 on 'Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)' and the activities related to Part-DAT.

comment

37

comment by: *DGAC France*

As far as Air OPS regulations is concerned, the changes foreseen through this NPA are deemed positive.

response

Noted

comment

78

comment by: *IFAIMA*

Both NPA (DAT and AIS-AIM) should be published simultaneously in order to have consistent and aligned content with one another. DAT is interconnected with AIS-AIM since most of the data is originated by the AIS-AIM data providers.

In terms of structure and content both parts are different. Some provisions applicable to ANSP (73/2010) are not applicable to DAT providers. One of the objectives with this regulation should be cover the whole data chain facilitating and harmonizing its application.

73/2010 Article 5 states that data shall be exchanged between ANSP through digital exchanges, DAT annex makes it only via Guidance Material. What shall be the point for an AIS-AIM data provider making significant investments if the data transfer is going to made through other means (e.g. paper-based) up front breaking one of the objectives of the whole data chain and quality assurance.

response

Noted

The Agency fully agrees with the commentator that Part-DAT and Part-AIS/AIM should be consistent and aligned and that they are in that sense crucial to ensure seamless data supply chain. Furthermore, the Agency sees in a similar way the benefit of both Parts being published simultaneously as the DAT providers mainly receive data from AIS providers. Given though that the scope of activities of AIS providers (Part-AIS) and DAT providers (Part-DAT) are clearly outlined, progressing and publishing these two Parts in different timeframes was not seen as a problem. Besides that, today AIS providers are



subject to EU level requirements, while the current LoA process does not constitute a mandatory requirement for DAT providers since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the applicant. Because of these reasons, after thorough discussion of this subject with the Rulemaking Group members, the Agency has decided to proceed by ensuring close coordination between the activities related to RMT.0477 & RMT.0478 on 'Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)' and the activities related to Part-DAT.

As regards the referred Regulation (EU) No 73/2010, as part of the activities of the ongoing RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)), a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency and balance with the existing and forthcoming provisions.

As regards GM1 DAT.TR.100(a)(2), it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.

Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.

comment

146

comment by: UK CAA

Page No: General Comment

Paragraph No: Throughout regulation

Comment: It is unclear what the data quality requirements are for certified DAT 1 and DAT 2 data providers. If the regulation intends to extend the applicable articles of EU No.73/2010 downstream to the service providers, then clear reference via a compliance matrix to EU No.73/2010 should be developed and made available within this regulation. Currently it appears that only selected requirements from EU No.73/2010 e.g. QMS, conformity assessments have been singled out. UK CAA recommends that security, data exchange, data formats, tools and software, etc. should be included.

Additionally, it is not clear if the six Eurocontrol AMC to EU No.73/2010 are also



	<p>considered as applicable, or even acceptable, AMC to this regulation.</p> <p>Justification: Refined requirements enable data quality (accuracy, resolution and integrity) to be maintained beyond point of publication by the AISP.</p> <p>Proposed Text: UK CAA recommends that a compliance matrix with EU No. 73/2010 for applicable requirements for DAT 1 and DAT 2 data providers should be included.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes note of the comment.</p> <p>It should be noted that the data quality requirements are used not only during the aeronautical data and information publication, but also during the distribution process into the certified aircraft application/equipment.</p> <p>The concept on the defining data quality requirements flowing from the airspace end-users to origination is well described in EUROCAE ED-76/RTCA DO-200A (please refer to Appendix B thereto).</p> <p>Furthermore, it should be noted that Regulation (EU) No 73/2010 applies up to the moment when the aeronautical data and/or aeronautical information are made available by the AIS provider to the next intended user. This part of the aeronautical data chain is dealt with by the ongoing RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)). In the context of the drafting phase of the NPA resulting as an outcome of the work on said RMTs, a detailed assessment of Regulation (EU) No 73/2010 is in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing and forthcoming provisions.</p>
comment	<p>147 comment by: UK CAA</p> <p>Page No: General Comment</p> <p>Comment: The NPA loosely satisfies the concept of safety support as specified in NPA 2014-13. However, no reference is made to this rulemaking task. The UK CAA advocates inclusion in the CRD of an explicit confirmation that NPA 2014-20 requirements conform with the requirements laid out in NPA 2014-13.</p> <p>Justification: Alignment with existing and emerging rules.</p>
response	<p><i>Noted</i></p> <p>As already explained in Section 2.1. of the Explanatory Note to NPA 2014-20, with the forthcoming adoption of the draft Regulation on 'Requirements for service providers and the oversight thereof', proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers)</p>

will be subject to common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data services. Through NPA 2014-20, an amendment to said Annex VII (Part-DAT) is proposed.

It should be noted that the above-mentioned common requirements contained in Annex III (Part-ATM/ANS.OR) to the draft Regulation on 'Requirements for service providers and the oversight thereof' resulted as an outcome of the consultation of NPA 2013-08 and NPA 2014-13. Said Annex includes Subpart C on 'Specific organisational requirements for the service providers other than ATS providers (ATM/ANS.OR.C)' that establishes requirements for the assessment and assurance of the changes to functional systems by service providers other than ATS providers.

Consequently, the DAT providers should also comply with these requirements for the assessment and assurance of the changes to functional systems by service providers other than ATS providers (initially proposed through NPA 2014-13).

For further details on the issue, please refer to Agency's Opinion No 03/2014, Section 2.5.5.3.

comment

148

comment by: UK CAA

Page No: General Comment

Comment: Numerous references to 'Competent Authority' appear throughout the NPA, but only on page 17 is there any explicit reference to EASA being the Competent Authority for the rule. A more explicit statement – either in the Explanatory Note or the RIA would have been appropriate.

UK CAA recommends explicit reference to the Competent Authority role should be made in the CRD.

Justification: Clarification.

response

Accepted

As already explained in Section 2.1. of the Explanatory Note to NPA 2014-20, the NPA is proposing an amendment to Annex VII to the draft Regulation on 'Requirements for service providers and the oversight thereof' (proposed to the Commission through Opinion No 03/2014). Said draft Regulation contains Article 4 which stipulates the competent authorities for the various service providers.

Furthermore, to clarify who the competent authority is for the DAT providers, GM associated with 'Data services provider' is proposed specifying that the services provided by the DAT provider that processes aeronautical data and provides an aeronautical



database for use by airspace users are considered to be pan-European services. Therefore, the competent authority for certification and oversight of DAT providers should be the Agency in accordance with Article 4(1)(d) of the said draft Regulation.

comment

154

comment by: *Austro Control*

NPA 2014-20 is supported by Austro Control.

response

Noted

comment

183

comment by: *APTICA*

Both NPA (DAT and AIS-AIM) should be published simultaneously in order to have consistent and aligned content with one another. DAT is interconnected with AIS-AIM since most of the data is originated by the AIS-AIM data providers.

response

Noted

The Agency fully agrees with the commentator that Part-DAT and Part-AIS/AIM should be consistent and aligned and that they are in that sense crucial to ensure seamless data supply chain. Furthermore, the Agency sees in a similar way the benefit of both Parts being published simultaneously as the DAT providers mainly receive data from AIS providers. Given though that the scope of activities of AIS providers (Part-AIS) and DAT providers (Part-DAT) are clearly outlined, progressing and publishing these two Parts in different timeframes was not seen as a problem. Besides that, today AIS providers are subject to EU level requirements, while the current LoA process does not constitute a mandatory requirement for DAT providers since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the applicant. Because of these reasons, after thorough discussion of this subject with the Rulemaking Group members, the Agency has decided to proceed by ensuring close coordination between the activities related to RMT.0477 & RMT.0478 on 'Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)' and the activities related to Part-DAT.

comment

184

comment by: *APTICA*

In terms of structure and content both parts are different. Some provisions applicable to ANSP (73/2010) are not applicable to DAT providers. One of the objectives with this regulation should be cover the whole data chain facilitating and harmonizing its



	<p>application.</p> <p>73/2010 Article 5 states that data shall be exchanged between ANSP through digital exchanges, DAT annex makes it only via Guidance Material. What shall be the point for an AIS-AIM data provider making significant investments if the data transfer is going to be made through other means (e.g. paper-based) up front breaking one of the objectives of the whole data chain and quality assurance.</p>
response	<p><i>Noted</i></p> <p>As regards the referred Regulation (EU) 73/2010, as part of the activities of the on-going RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)) a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency and balance with the existing and forthcoming provisions.</p> <p>As regards GM1 DAT.TR.100(a)(2), it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.</p> <p>Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.</p>
comment	<p>234 comment by: <i>Julian Scarfe, PPL/IR Europe</i></p> <p>PPL/IR Europe represents pilots conducting non-commercial IFR flight, and therefore our members will be the end-users of navigational databases.</p> <p>PPL/IR Europe supports the concept of Part-DAT. It is important for the Agency to balance the benefits of such a certification system against the compliance costs for providers, which will be passed on to end users. Since PPL/IR Europe has no direct experience with the creation and management of navigational databases, we rely on the judgement of those with more expertise in assessing the technical details of the measures. For this reason, we endorse the technical comments made by Garmin Inc.</p> <p>We would, however, like to comment on the draft revisions to the Ops rules. We will restrict our comments to NCO/NCC/SPO, and leave others to decide the implications for CAT.</p>

The three objectives of the RMT.593/4 rulemaking task are on oversight of aeronautical database provision (the first two) and

"to ensure that the SES objectives on interoperability with respect to data used on aircraft systems are achieved".

It is worth bearing in mind then, that the regulatory approach to operational rules should address the total system aspects of ATM. If the system relies on airspace users to navigate accurately and reliably, there should be a regulatory requirement to do so. Conversely, where there is no such ATM reliance and therefore no interaction with the safety of other airspace users, it is **not** necessary to regulate. At a practical level that means that when ATC is relying on the aircraft to meet the requirements of a performance based navigation (PBN) specification, the operator has such a responsibility, and when it is not, there is no need for regulation.

It is therefore important that any operational rule is confined in scope to occasions when the aircraft is conducting PBN. There is **no** safety case for going beyond this.

response *Partially accepted*

AMCs and GMs will be amended to reflect those cases where integrity of the aeronautical databases has to be ensured.

comment 247

comment by: *Brad Miller, FAA AIR-131*

Comment	Reason for Comment	Suggested Change
In order for our office to concur with this rulemaking, harmonization with the current LOA program must be the primary concern. Honoring of existing LOAs should be maintained unless there are changes made where there is clear reason why previous demonstration of compliance was inadequate.	Regulatory Impact Assessment (RIA) Option 2 states there will be alignment with AC 20-153A and extension to "aeronautical" databases. DO-200B has imported much of this compliance, as well as standardizing "tool qual." However, even new tool qual has provision for accepting previous approval as equivalent means. As long as there is not a "major" change to any tools or DQRs, then previous LOAs under DO-200A should be considered equivalent.	Make provision stating that as long as there is not a "major" change to any tools or DQRs, then previous LOAs under AC 20-153A and DO-200A should be considered equivalent. New LOAs or DO-200A without AC 20-153A compliance would require DO-200B compliance.



response *Partially accepted*

It should be noted that the AMCs that throughout the rule refer to ‘EUROCAE ED-76/RTCA DO-200A Standards for Processing Aeronautical data, dated October 1998, or subsequent reversion’ allow both versions to be used at the same time. This way, flexibility is provided to DAT providers to choose which version of the standard to use as a means of compliance.

comment 248

comment by: *Brad Miller, FAA AIR-131*

Jeff Meyers

Rule lacks guarantee that DQR’s are defined and adequate at time of installation approval. Reference AC 20-153A para 19.c	DAT.TR.100 addresses this point but only establishes agreement.	Add rule for type design approval holder: The holder of type design approval (equipment manufacturer in case of TSOA or aircraft OEM in case of TC) shall be responsible for DQRs associated with design approval including change control processes.
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response *Noted*

The Agency takes due consideration of the comment.

As this is not part of this rulemaking task, the Agency is going to develop a specific guidance to address the subject raised by the commentator to handle the databases in the context of the aircraft certification.

comment 360

comment by: *LFV*

EASA NPA 2013-08 Annex VI lays out in AIS.OR.100 that “An AIS-provider shall ensure that information and data are available for operations in a form suitable for: (2) flight planning, flight management systems, and flight simulators.”



response	<p>In order to meet the requirement regarding flight management systems, this could be interpreted that it is mandatory/necessary for an AIS-provider to also obtain a DAT certificate.</p> <p>Is this the case?</p>
response	<p><i>Noted</i></p> <p>The AIS provider is not required to obtain privileges for provision of data services in order to meet the requirements referred to in Annex VI (Part-AIS).</p> <p>Moreover, it is important to be pointed out that RMT.0477 & RMT.0478 on 'Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)' are in progress and the outcome of the work on said RMTs will amend Annex VI (Part-AIS) to better clarify the issue raised by the commentator.</p>
comment	<p>399 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>FAA Comments are joint submittal from Brad Miller, FAA AIR-131 and Jeff Meyers, FAA ANM-111 We can be reached at: brad.miller@faa.gov jeffrey.meyers@faa.gov</p>
response	<p><i>Noted</i></p>
comment	<p>414 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>Both NPA (DAT and AIS-AIM) should be published simultaneously in order to have consistent and aligned content. DAT is interconnected with AIS-AIM since most of the data is originated by the AIS-AIM data providers.</p> <p>In terms of structure and content both parts are different. Some provisions are applicable to ANSP (73/2010) and not applicable to DAT providers. One of the objectives with this regulation should be cover the whole data chain facilitating and harmonizing its application.</p> <p>73/2010 Article 5 states that data shall be exchanged between ANSP through digital exchanges, DAT annex makes it only via Guidance Material. What is the point for an AIS-AIM data provider making significant investments if the data transfer is going to be made through other means (e.g. paper-based) up front breaking one of the objectives of the whole data chain and quality assurance.</p>
response	<p><i>Noted</i></p> <p>The Agency fully agrees with the commentator that Part-DAT and Part-AIS/AIM should be</p>



consistent and aligned and that they are in that sense crucial to ensure seamless data supply chain. Furthermore, the Agency sees in a similar way the benefit of both Parts being published simultaneously as the DAT providers mainly receive data from AIS providers. Given though that the scope of activities of AIS providers (Part-AIS) and DAT providers (Part-DAT) are clearly outlined, progressing and publishing these two Parts in different timeframes was not seen as a problem. Besides that, today AIS providers are subject to EU level requirements, while the current LoA process does not constitute a mandatory requirement for DAT providers since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the applicant. Because of these reasons, after thorough discussion of this subject with the Rulemaking Group members, the Agency has decided to proceed by ensuring close coordination between the activities related to RMT.0477 & RMT.0478 on 'Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)' and the activities related to Part-DAT.

As regards the referred Regulation (EU) No 73/2010, as part of the activities of the ongoing RMT.0477 & RMT.0478, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing and forthcoming provisions.

As regards GM1 DAT.TR.100(a)(2), it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.

Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.

1. Procedural information — 1.4. The next steps in the procedure

p. 8

comment 284

comment by: Navtech

The DAT Review group including Navtech should want to be invited to such a thematic review meeting and Navtech prefers not a Webex or equivalent meeting format but to attend a formal meeting at EASA premise.



response

Accepted

The Agency has taken due consideration of the comment.

Said thematic meeting took place on 16–17 December 2014 and Navtech was invited as one of the most active commentators.

2. Explanatory Note — 2.1. Overview of the issues to be addressed

p. 9-12

comment

1

comment by: *KLM*

This NPA is addressing the wrong part of the chain.

It is said that the data providers have to work in accordance with ICAO Annex 15, but when it still occurs that AIS in European countries do not comply with AIRAC dates or cancel major changes one day before implementation, then all this in the NPA is a paper tiger.

In many cases the navigation database of the aircraft flying around is wrong for at least 28 days until the next AIRAC date.

AIS do not understand the time required for a database provider to code and load the data into a database and cancellations and changes or corrections to data published earlier, cannot be changed in the databases before the next AIRAC cycle, but AIS offices all over the world but also in Europe still do that.

Also incorrect data or incomplete data continues to be around. Missing charts in AIP's unclear text in AIC or notam happens every month.

regulations to address all this should be issued instead of again putting a burden onto operators and users and providers of databases; the source of all data should be better regulated to comply and understand AIRAC cycles and coding of data.

Oversight has to be done at the beginning and not at the end users that have to work with data provided by AIS.

response

Noted

The Agency takes due consideration of the comment.

It is important to be noted that through the NPA, an amendment to Regulation (EU) No 965/2012 (the Air OPS Regulation) is also proposed in order to avoid double oversight of the providers in question (DAT providers) by their competent authority and by the operators contracting their services.

Besides that, it should be noted that already today there are EU regulations that are applicable to AIS providers (e.g. Regulation (EU) No 1035/2011 on common requirements for the provisions of air navigation services, including AIS). Furthermore, Regulation (EU)



No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky that applies up to the moment when the aeronautical data and/or aeronautical information are made available by the AIS provider to the next intended user is also in force. Having considered the above, an EU regulatory framework for the providers in question already exists today.

Moreover, it is important to be pointed out that the work on RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)) is ongoing. During the drafting phase of the NPA resulting as an outcome from said RMTs, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing provisions.

comment

3

comment by: *BCAA*

On page 10 of 68 there are references to Annexes Va and Vb but it is unclear from which Regulation. There is no footnote or reference to the meant Regulation. Our own search couldn't find a Regulation with the corresponding Annex Va and Vb in attachment. Thank you for adding the reference to increase readability of the text.

response

Noted

The Agency takes note of the comment.

The text refers to the Essential Requirements set out in Annex Vb and, as far as practicable, in Annex Va of Regulation (EC) No 216/2008 (also referred to as the 'Basic Regulation').

comment

42

comment by: *Swedish Transport Agency*

"On another hand, ICAO Annex 15 defines how an aeronautical information services (AIS) provider shall receive and/or originate, collate or assemble, edit, format, publish/store and distribute specified aeronautical information/data.

Our comments

Amendment 37 to ICAO Annex 15 has deleted originate from aeronautical information services (AIS), please use the revised text when referring to ICAO Annex 15.

An aeronautical information service shall receive, collate or assemble, edit, format, publish/store and distribute aeronautical data and aeronautical information".

Both (EU) 73/2010 and ICAO Annex 15 use the vocabulary "aeronautical data and aeronautical information" instead of aeronautical information/data" as aeronautical



	information is a result from the assembly, analysis and formatting of aeronautical data according to Article 3.2 (EU) 73/2010 and Annex 15 Chapter 1.1. Change aeronautical information/data to aeronautical data and aeronautical information.
response	<i>Accepted</i>
	The Agency takes due consideration of the comment.

comment	155 comment by: <i>NATS National Air Traffic Services Limited</i>
	The EN states that this NPA is proposing an amendment to Annex VII. Whilst this is correct the NPA is also proposing changes to other Annexes as well as other rules.
	Impact: Misleading EN that may lead the reader to a false conclusion over the scope of the NPA
response	<i>Accepted</i>
	The Agency takes due consideration of the comment.
	As correctly mentioned by the commentator, NPA 2014-20 is also proposing a number of amendments to the other Annexes (e.g. Annex I and Annex II at IR level and Annex III at AMC/GM level). However, the major change is the introduction of the new Annex VII on specific requirements for the provision of data services.
	This issue will be correctly addressed into the EN to the forthcoming Opinion resulting from the subject NPA consultation.

comment	285 comment by: <i>Navtech</i>
	Confirm that working arrangements are/have been made with the relevant authorities for continued compatibility.
response	<i>Accepted</i>
	If the comment is correctly understood, the Agency does agree with the statement.

comment	286 comment by: <i>Navtech</i>
	A note that in practice this may not be realized if the operators have an already established internal requirement or otherwise desire their own oversight...?



response

Noted

The Agency takes note of the comment.

It should be noted that through NPA 2014-20 an amendment to Regulation (EU) No 965/2012 (the Air OPS Regulation) and the associated AMC is proposed as well. Such amendment would relieve the aircraft operators from the obligation to oversee the DAT providers (data suppliers). After the adoption of the proposed implementing measures, the aircraft operators would need to adjust their working methods and operationing procedures to comply with the new rule.

2. Explanatory Note — 2.2. Objectives

p. 13

comment

38

comment by: *ENAIRE*

In general, looking at the regulation, it does not seem to be proportional with regards the requirements applicable for Aeronautical Information Data Originators (DO) and Aeronautical Information Service providers (AISP) under Regulation 73/2010.

A comment and commitment of the Agency regarding the future review of the regulation applicable to DO and AISP to align it to the requirements described in this NPA and applicable to DAT providers would be highly appreciated.

response

Noted

The Agency takes due consideration of the comment.

It is important to be noted that the work on RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)) is ongoing. During the drafting phase of the NPA resulting as an outcome of said RMTs, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing provisions.

comment

287

comment by: *Navtech*

These objectives are well appreciated by Navtech!

response

Noted

2. Explanatory Note — 2.3. Interfaces

p. 13-14

comment	<p>27 comment by: <i>skyguide Corporate Regulation Management</i></p> <p>The figure on page 14 does not reflect the definition of Type 1 DAT provider as provided on page 22. According to the figure, the Type 1 DAT provider has no interface to the airborne system. But according to the definition there is such an interface (<i>...provides an aeronautical database for use on aircraft...</i>).</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>As correctly mentioned by the commentator, the Type 1 DAT provider does not have a direct interface with the aircraft operator. However, it is important to be noted that it has an indirect interface through the Type 2 DAT provider in order to receive the data quality requirements to be able to provide the aeronautical data in a generic format.</p>

comment	<p>28 comment by: <i>skyguide Corporate Regulation Management</i></p> <p>Figure is unclear. Seamless digital data chain from data origination to the airborne system should be visible.</p> <p>The acronym DQR is misleading as this abbreviation is already widely used for by all parties in the process of implementing the ADQ IR (DQR is an Eurocontrol Specification : SPEC-152 as a means of compliance for ADQ IR).</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>The airborne part of the seamless data chain is reflected into the figure (on the right side). It should be noted that the data quality requirements are used not only during the aeronautical data and information publication, but also during the distribution process into the certified aircraft application/equipment.</p> <p>The concept of the defining data quality requirements flowing from the airspace end-users to origination is well described in EUROCAE ED-76/RTCA DO-200A (please refer to Appendix B thereto).</p>

comment	<p>65 comment by: <i>ENAIRE</i></p> <p>The status and applicability of Commission Regulation (EU) 73/2010 to DAT providers</p>
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	<p>should be clarified. EASA ToR RMT.0593 & RMT.0594 (section 5) states that:</p> <p><i>[...]the implementing measures concerning requirements and operational procedures for the provision of data for airspace users for the purpose of air navigation shall complement or amend Commission Regulation (EU) No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky.[...]</i></p> <p>If a possibility exists for these rulemaking tasks to amend Commission Regulation (EU) 73/2010 – should it be considered as an “affected regulation” or even as a “reference”? No mention to it is made in the NPA’s section 5.</p>
response	<p><i>Noted</i></p> <p>It is important to be noted that Regulation (EU) No 73/2010 applies up to the moment when the aeronautical data and/or aeronautical information are made available by the AIS provider to the next intended user regardless of the means of distribution (either physical or automatic distribution) as stipulated by Article 2(3) of that Regulation.</p> <p>Besides, it is important to be noted that the commented rule (Part-DAT) regulates the DAT providers that receive, assemble, translate, select, format, distribute and/or integrate aeronautical information for use in aeronautical databases on certified aircraft systems application/equipment that is released by authoritative sources or may be originated by the DAT provider itself, i.e. it is the next segment in the aeronautical data chain, from post-publication by AIS providers to the end-user.</p> <p>Furthermore, in order to ensure seamless data supply chain, close coordination has been established with the activities related to RMT.0477 & RMT.0478 on ‘Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)’, as appropriate. During the drafting phase of the NPA resulting as an outcome of said RMTs, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing provisions.</p>
comment	<p>139 comment by: <i>Lufthansa Systems FlightNav</i></p> <p>2.3., page 14, para 2:</p> <p>LSYFN points out that current wording normally refers to “intended use” instead of “intended operations”.</p>
response	<p><i>Accepted</i></p> <p>The Agency takes due consideration of the comment.</p>

comment	<p data-bbox="352 210 405 237">250</p> <p data-bbox="975 210 1449 237">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p data-bbox="352 297 1198 360">Where it states: "Furthermore, that provider or a DAT provider Type 1 receives data from an authoritative source."</p> <p data-bbox="352 405 1449 470">A Type 1 or 2 can receive data from any source, whether authoritative or not. They may originate as long as they validate.</p> <p data-bbox="352 512 568 539">Propose deletion.</p>
response	<p data-bbox="352 573 469 600"><i>Accepted</i></p> <p data-bbox="352 663 943 689">The Agency shares the view of the commentator.</p>

comment	<p data-bbox="352 806 405 833">288</p> <p data-bbox="1171 806 1449 833">comment by: <i>Navtech</i></p> <p data-bbox="352 898 1449 999">It needs to be discussed whether the DAT have a agreed understand of the definition what "originate" data means.RMT 477/478 Documentation needs to be reviewed, as well as EU 73/2010 for definition of the term.</p> <p data-bbox="352 1043 1449 1108">With any reference to ISO 9001, can we be specific that AS 9100 is also equivalent as with the re-write this may not be implied.</p> <p data-bbox="352 1115 1449 1323">Additionally, will this apply only to ISO 9001:2008? There will be a significant change with ISO 9001:2015, how will the re-write impact any requirements of this regulation? Reference to ED 76 is interesting when it comes to current updating of the ED 76 document. Again the requirements with this re-write will be significantly changed. It is suggested by Navtech that this regulation not be formalized until after the re-writing of the referenced standards so that it can be clearly seen what the scope and impact will be.</p> <p data-bbox="352 1361 1449 1503">Regarding the GM developed to promote use of digital data as preferred means. This is welcomed, but GM described here is not available to Navtech yet. Only ICAO AIM SG initiative to develop ICAO PAMS and new Annex15 and Annex 4 providing such framework to AIS providers to deliver datasets is acknowledged yet.</p>
response	<p data-bbox="352 1527 469 1554"><i>Accepted</i></p> <p data-bbox="352 1619 1449 1854">The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. For smooth assignment from Type 1 DAT provider to Type 2 DAT provider and vice versa, the commented provision is amended with 'ISO 9001/EN 9100' for Type 1 DAT providers. Furthermore, as regards 2008 vs 2015, the Agency will not specify to leave it open and provide flexibility to the DAT providers to choose which version to use as a means of compliance.</p> <p data-bbox="352 1883 1449 1991">Similarly, as regards the ED 76/DO 200A and the applicability of the next revision, the AMC throughout the rule intentionally refer to 'ED-76/RTCA DO-200A Standards for Processing Aeronautical data, dated October 1998, or subsequent reversion' to allow both versions</p>



to be used at the same time. Flexibility is, thus, provided to DAT providers to choose which version of the standard to use as a means of compliance.

It should be noted that the GM developed to encourage the DAT provider to use digital data sets as a preferred means of data exchange to support data integrity is GM1 DAT.TR.100(a)(2) proposed in NPA 2014-20.

comment 290

comment by: *Navtech*

According current DO 200B understanding upwards DQR means from the end user to the supplier / AIS or Data Originator according figure following here.

response *Noted*

The Agency takes note of the comment.

comment 378

comment by: *Lufthansa Systems FlightNav*

2.3., para 1:

"Those DAT providers which originate data would need to comply..."

LSYFN points out that data origination on a DAT provider's side was subject to longer discussion in the current Workgroup 44 to revise ED-76 / DO-200A. It should be defined what is meant by the term 'data origination'.

response *Noted*

Point 2.3 of the Explanatory Note to NPA 2014-20 aims to explain that any data flow coming through a formal State publication (e.g. State AIP or other authoritative source) would presumably meet the validation requirements with the published data set. And in certain specific cases such as e.g. the aeronautical data is not provided in the aeronautical information publication (AIP) or by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself. In this context, the DAT provider shall validate that aeronautical data.

comment 411

comment by: *HANSA*

According to Basic Regulation, Annex Vb 2. Services .

Aeronautical information and data for airspace users for the purpose of air navigation
(i) "The data used as a source for aeronautical information shall be of sufficient quality,



complete, current and provided in a timely manner”.

However, neither in the new regulation nor in the doc of EASA rule_Op_01_05 Nav_database_supp, A.163, any provision exists concerning the data provider of AIS system itself. **In other words which will be the entity providing data for AIP and how the quality and integrity of those data will be ensured?** This data provider is not also depicted under para 2.3 and the block diagram of page 14 of NPA-2014-20 titled “Total system approach”

response *Noted*

The issue raised by the commentator is to be addressed through RMT.0477 & RMT.0478 on ‘Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)’. The NPA resulting from said RMTs is anticipated to be issued for consultation in the 2nd quarter of 2014 and it will propose an amendment to Annex VI to the draft Commission Regulation (EU) .../... of XXX laying down technical requirements and administrative procedures related to service providers and the oversight thereof pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 482/2008, Commission Implementing Regulations (EU) Nos 1034/2011 and 1035/2011 and amending Commission Regulation (EU) No 677/2011 (please see Annex to EASA Opinion No 03/2014).

Besides that, it should be noted that already today there are EU regulations that are applicable to AIS providers (e.g. Regulation (EU) No 1035/2011 on common requirements for the provisions of air navigation services, including AIS). Furthermore, Regulation (EU) No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky that applies up to the moment when the aeronautical data and/or aeronautical information are made available by the AIS provider to the next intended user is in force. Having considered the above, an EU regulatory framework for the providers in question already exists today.

2. Explanatory Note — 2.4. Summary of the Regulatory Impact Assessment (RIA) — 2.4.2.

Options

p. 15

comment 35

comment by: ROMATSA

Table 1 – Selected policy options

Option 1 refers to the transposition of current LoA concept into certification scheme and regulating ONLY the Navigation Databases while Option 2 combines Option 1 with an extension of the scope from the navigation databases to aeronautical databases. This means that Option 2 excludes completely the oversight of navigation function?



response

Noted

The Agency takes note of the comment.

The current scope, being limited to 'Navigation database', is not considered adequate, and the Agency's intent is to also address other types of aeronautical databases (e.g. for on-board aircraft operational use and supporting the navigation domain, including the corresponding awareness functionality) is the intent. Moreover, by using the term 'extension', it should be understood that the navigation databases are included in aeronautical databases. Considering the above mentioned, the oversight of the navigation function is part of the proposed Option 2.

Besides, it should be noted that the DAT provider oversight and the current LOA oversight are limited to the database aspects and do not cover the 'function' for which the certification process is already provided.

comment

156

comment by: *NATS National Air Traffic Services Limited*

Option No 2 allows the aircraft operators to take credit from the oversight process. What is the form of this "credit" as it is not explained in the NPA?

response

Noted

The term 'credit' is used in the sense that the aircraft operators would not be required to verify the integrity of the data for the indented use on certified aircraft application/equipment. Instead, they would use aeronautical databases provided by certified DAT providers without any further assurances of the data integrity and the processes in use. Furthermore, it would relieve aircraft operators from the suppliers audit.

2. Explanatory Note — 2.4. Summary of the Regulatory Impact Assessment (RIA) — 2.4.3.

Summary of the impact analysis

p. 16

comment

329

comment by: *Honeywell*

The last sentence of paragraph after the table states, "a full harmonisation in terms of scope between the Agency and the FAA regarding regulatory requirements", but AC 20-153A is not regulation, so how does this harmonization actually work?

response

Noted

The Agency takes a note of the comment.

The Agency does agree with the commentator that the voluntary LoA process and the proposed one (certification scheme) are at a different level.

Nevertheless, this does not prevent the Agency from considering the result of these different processes as being equivalent.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.2. Definitions p. 16-17

comment **188** comment by: *Garmin International*

2.5.2, 2nd paragraph

Regarding the text stating that ICAO Annex 15 will be taken into account when developing definitions, suggest taking not only revisions of ICAO Annex 15 into account, but also forthcoming DO-200B revisions as well.

response *Accepted*

The Agency takes due consideration of the comment.

comment **251** comment by: *Brad Miller, FAA AIR-131*

2.5.2, pg 17	2 nd to last paragraph talks about the need to include tailored data for this rule however it is not clear to FAA what the intent is in terms of data assurance for tailored data. FAA specifically excludes tailored data from the scope of DO-200A approvals, similar to the general description in GM1 DAT.OR.100 on pg 38.	Incompatibility with FAA LOAs	Delete references to tailored data
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response *Not accepted*

During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT



providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.

Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.

Moreover, in addition to DAT.OR.100(b) which referring to tailored data clearly states that ‘The responsibility of this data and its subsequent update shall remain with the aircraft operator.’, GM1 DAT.OR.100(b) has been amended further to clarify the subject.

comment 291

comment by: *Navtech*

See previous comment on definition of “originate data”. To be stated in Annex I. In addition, please clarify explicitly these terms and it should be important to ensure that these definitions align with the definitions within the other referenced standards such as ICAO Annex 15 and ED76 so that there will be no conflicting definitions.

response *Noted*

The Agency fully agrees with the commentator that definitions are an essential part of any Regulation and that they are in that sense crucial for the correct implementation of the law. However, it is important to realise that one of the main objectives of the proposed rule is to implement the EASA Basic Regulation and its Essential Requirements acknowledging the fact that it also has a dual legal basis including the implementation of the relevant SES Regulations. Because of these reasons, specific attention has been paid to the correctness of definitions proposed and their harmonisation, whenever feasible. Furthermore, it is important to be noted that the purpose of the definitions laid down in Article 2 and Annex I is to define the terms used in the subject Regulation and the Annexes thereto which are essential for the correct implementation.

comment 292

comment by: *Navtech*

	Considered to be Mandatory
response	<p><i>Accepted</i></p> <p>The proposed definitions are part of the draft Regulation which shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty. Therefore, the definitions shall be considered mandatory.</p>

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.3. Transitional provisions

p. 17

comment	<p>4</p> <p style="text-align: right;">comment by: <i>BCAA</i></p> <p>The transitional provisions in §2.5.3. foresee different timelines for competent authority and for DAT providers. BCAA has a preference for identical transitional provisions for both parties.</p>
response	<p><i>Not accepted</i></p> <p>It should be noted that the authority requirements (proposed in Annex II) are the same for all the service providers' competent authorities, including the Agency when acting as such authority (e.g. for DAT providers). Annex II (Part-ATM/ANS.AR) was consulted through NPA 2013-08 resulting in Opinion No 03/2014, and the 18-month transition period to allow the competent authorities to establish compliance with and adapt themselves to the new requirements was well received. Therefore, the Agency does not see a justified reason to propose different timelines for the DAT providers' competent authorities from all the other service providers' authorities.</p> <p>Considering the NPA 2014-20 consultation, the Agency retains the proposal for a 36-month adaption time for DAT providers to ensure compliance with the new proposed rule.</p>

comment	<p>149</p> <p style="text-align: right;">comment by: <i>UK CAA</i></p> <p>Page No: 17</p> <p>Paragraph No: 2.5.3.</p> <p>Comment: UK CAA recommends guidance for the transition to the requirements will need to be included to ensure harmonisation with the transition provisions within EU No. 73/2010.</p>
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response	<p>Justification: Clear guidance on the transition to the requirements will ensure harmonisation with transition provisions for ADQ within EU No 73/210.</p> <p><i>Noted</i></p> <p>The Agency takes note of the comment. However, the commentator is also kindly invited to consider whether a more detailed rulemaking proposal on the issue would be possible.</p>
comment	<p>153 comment by: <i>Lufthansa Systems FlightNav</i></p> <p>2.5.3.:</p> <p>It is assumed that EASA will have internal trainings for its auditors prior to the first audits following the new rules.</p> <p>Is EASA thinking of sharing or giving such trainings with existing LoA-holders to prepare them for audits following the new rules?</p> <p>LSYFN appreciates if EASA will publish an amended version of the compliance checklist for the issuance of letters of acceptance for navigation database suppliers prior to audits following the new rules.</p>
response	<p><i>Noted</i></p> <p>The Agency takes due note of the comment.</p> <p>The Agency is planning to organise an additional thematic meeting to focus the discussion with the stakeholders on the proposed AMC/GM once the commented draft Commission Regulation (Part-DAT) is 'stabilised' as a result of the Comitology process.</p> <p>Moreover, thereafter in order to assist stakeholders in preparing for the future implementation, the Agency also would consider organising a workshop focussing on the new requirements and aiming to familiarise the existing LoA holders with the use of Acceptable Means of Compliance and Guidance Material, being established by the Agency.</p>
comment	<p>332 comment by: <i>Honeywell</i></p> <p>Is there any provisions for grandfathering existing LOAs (either EASA or FAA)?</p>
response	<p><i>Noted</i></p> <p>It should be noted that the LoA does not constitute a mandatory requirement since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the</p>

applicant.

It is important to be highlighted that with the extension of the Agency’s competence to ATM/ANS, especially in accordance with Article 8b(2) of the Basic Regulation, the providers of ATM/ANS (including data services) are required to hold a certificate. The proposed draft rule would provide the implementing measures to this end. Furthermore, with said draft rule, the scope of the services provided by DAT providers would be extended (from navigation databases to aeronautical databases as well).

Having considered the above, no grandfathering provisions are set out.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.3. Transitional provisions — QUESTION/COMMENT: Stakeholders are invited to comment on the Agency’s proposal for transitional provisions. p. 17

comment	5	comment by: BCAA
	BCAA prefers identical transitional provisions.	
response	<i>Not accepted</i>	
	<p>It should be noted that the authority requirements (proposed in Annex II) are the same for all the service providers’ competent authorities, including the Agency when acting as such authority (e.g. for DAT providers). Annex II (Part-ATM/ANS.AR) was consulted through NPA 2013-08 resulting in Opinion No 03/2014, and the 18-month transition period to allow the competent authorities to establish compliance with and adapt themselves to the new requirements was well received. Therefore, the Agency does not see a justified reason to propose different timelines for the DAT providers’ competent authorities from all the other service providers’ authorities.</p> <p>Considering the NPA 2014-20 consultation, the Agency retains the proposal for a 36-month adaption time for DAT providers to ensure compliance with the new proposed rule.</p>	

comment	43	comment by: Swedish Transport Agency
	<p>The transitional provisions are ok . However, the CA’s compliance/ possible noncompliance to ADQ regulation (73/2010) should be taken into account as a “starting point” . It is a key issue for accurate data provision..</p>	
response	<i>Noted</i>	



The Agency takes due note of the comment.

comment

90

comment by: *Boeing*

Page: 17

Paragraph: **2.5.3 Transitional provisions****The proposed text states:**

“Stakeholders are invited to comment on the Agency’s proposal for transitional provisions.”

REQUESTED CHANGE: We request that EASA consider creation and delivery of a training class / seminar offering for DAT providers and competent authorities, including auditors, as an element of transitional provisions.

JUSTIFICATION: To ensure an alignment in interpretation of requirements and support timely implementation of this regulation's requirements.

response

Noted

The Agency takes due note of the comment.

The Agency is planning to organise an additional thematic meeting to focus the discussion with the stakeholders on the proposed AMC/GM once the commented draft Commission Regulation (Part-DAT) is ‘stabilised’ as a result of the Comitology process.

Furthermore, in order to assist the stakeholders to prepare for the future implementation, the Agency would also consider organising a workshop focussing on the new requirements and aiming to familiarise the existing LoA holders with the use of Acceptable Means of Compliance and Guidance Material, being established by the Agency.

comment

135

comment by: *Icelandic Transport Authority*

We consider the transitional provisions acceptable

response

Noted

The Agency takes due note of the comment.

comment

157

comment by: *NATS National Air Traffic Services Limited*

Transitional provisions:



	<p>The answer to the questions depends on the transitional provisions for the rest of NPA 2013-08 and the CRD thereto. Given that DAT providers have to also comply with Annex III it would seem sensible that these proposals apply no sooner than Annex III, but not necessarily the 36 months after Annex III is applicable (DAT providers may have to have a different transitional arrangement for Annex III, otherwise they may have to comply with Annex III but not Annex VII for a period of time).</p>
response	<p><i>Noted</i></p> <p>Considering the comment, the transition period proposed reflects that DAT providers should comply with Annex III, Annex VII and Annex XIII, as applicable, at the same time, i.e. '36 months from the date of the entry into force of this Regulation'.</p>
comment	<p>252 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>How do these time frames relate to honoring of FAA LOAs?</p> <p>This NPA is based on DO-200A, so will there be an additional adjustment of these when DO-200B is published?</p>
response	<p><i>Noted</i></p> <p>During the transition period, the Agency and the FAA need to revise the Technical Implementation Procedures for airworthiness and environmental certification between the FAA of the USA and EASA of the EU.</p> <p>As regards ED 76/DO 200A and the applicability of the next revision, the implementing measures, especially the AMC, intentionally refer throughout the rule to 'ED-76/RTCA DO-200A Standards for Processing Aeronautical data or subsequent reversions' to allow both versions to be used at the same time. Flexibility is, thus, provided to DAT providers to choose which version of the standard to use as a means of compliance.</p>
comment	<p>293 comment by: <i>Navtech</i></p> <p>Only considered to be a limited acceptability by Navtech to date until a more mature Opinion is available as a result of the NPA consolidation work.</p>
response	<p><i>Noted</i></p> <p>The Agency takes due note of the comment.</p>

comment	<p>355 comment by: <i>THALES AVIONICS</i></p> <p>Transitional provision should address separately applications relative to “transformation” of already LOA approved DAT services into new certification scheme and new applications for not previously LOA approved DAT services. Provision proposed seems acceptable in case of LOA “transformation” for navigation databases but should be extended for other type of aeronautical data not already approved under LOA concept.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It should be noted that the LoA concept does not constitute a mandatory requirement since it is not a mandatory certification attesting compliance with a binding act. The conditions and associated guidance are applied on a purely voluntary basis at the request of the applicant.</p> <p>It is important to be highlighted that with the extension of the Agency’s competence to ATM/ANS, especially in accordance with Article 8b(2) of the Basic Regulation, the providers of ATM/ANS (including data services) are required to hold a certificate. The proposed draft rule would provide the implementing measures to this end.</p> <p>Having considered the above, no grandfathering provisions are set out and the proposed transition provisions would apply to all DAT providers irrespective of whether they are LoA holders or not.</p>

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.5. Management system

p. 17

comment	<p>136 comment by: <i>Icelandic Transport Authority</i></p> <p>AMC1 ATM/ANS.OR.B.005 Management system should be kept.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the Agency retained the AMC.</p>
comment	<p>140 comment by: <i>Lufthansa Systems FlightNav</i></p> <p>(1) The reference to ISO 9001 might have to be adjusted: Is EASA referencing the current version of ISO 9001:2008, or also referencing to future version of ISO 9001:2015?</p>



	<p>(2) If an ISO 9001 certificate is going to be considered as sufficient means of compliance for a company's management system, is EASA then going to skip the corresponding topics during an LoA audit?</p> <p>(3) Typo in last line (9100 instead of 9001)?</p>
response	<p><i>Noted</i></p> <p>After due consideration of the stakeholders' responses to the question posed by the Agency in the Explanatory Note (Section 2.5.5.) regarding the management system on the one hand, and the NPA 2014-20 consultation on the other hand, including the focussed one organised after the NPA consultation closure, the Agency acknowledges the preference for keeping the ISO 9001 certificate as AMC. The AMC refers to the version currently in place, but when the new one comes into force, the Agency will keep it open to provide flexibility to DAT providers to choose which version to be used.</p> <p>Considering the comment for clarification, a new GM associated with the AMC on management system is introduced. Said AMC clarifies that elements that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority as, taking into consideration the AMCs on management system clearly, it states that ISO 9001/EN 9100 certificates, issued by an appropriately accredited organisation and addressing all the elements required should be considered as a sufficient means of compliance for a DAT provider.</p>
comment	<p>150 comment by: UK CAA</p> <p>Page No: 17</p> <p>Paragraph No: 2.5.5.</p> <p>Comment: UK CAA recommends that the proposed AMC1 ATM/ANS.OR.B.005 Management system DAT providers Type 1 & Type 2 should be kept.</p> <p>Justification: Retaining AMC1 provides a concise reference for the DAT providers to the provisions for the management system and associated AMC.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the Agency retained the AMC.</p>
comment	<p>189 comment by: Garmin International</p> <p>2.5.5, 1st paragraph</p>

response

Suggest making it clearer that ISO certificates are an *optional* means of showing management system requirements are met. Suggest for final sentence “Therefore, an EN ISO 9001 certificate is proposed to be considered as an ~~■ sufficient—optional~~ means of compliance for DAT providers Type 1, while for DAT providers Type 2, the compliance ~~would~~ **could** be shown through EN ISO 9100.”

Partially accepted

After due consideration of the stakeholders’ responses to the question posed by the Agency in the Explanatory Note (Section 2.5.5) regarding the management system and the NPA 2014-20 consultation, including the focussed one organised after the NPA consultation closure, the Agency acknowledges the preference for keeping the ISO 9001/EN 9100 certificate as AMC. However, it should be noted that ATM/ANS.OR.A.020 on means of compliance applies to DAT providers as well. Through this provision, flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the IRs is met. The proposed procedure is the same with the one already adopted in the fields of aircrew, air operations and aerodromes.

comment

253

comment by: *Brad Miller, FAA AIR-131*

Would recommend 9100 for both. Even though Type 1 doesn't integrate to hardware, QMS principals are aerospace-based and in-process verification techniques like "tool qual" receive greater emphasis, which is favorable to DAT processing.

Also, we have had Type 1 LOAs become Type 2 and vice-versa depending on the listing of integrated hardware, so commonality would be recommended.

A note stating maintenance of ISO registration being required is also a suggestion.

response

Accepted

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment and for smooth assignment from Type 1 DAT provider to Type 2 DAT provider and vice versa, the commented provision is amended with ‘ISO 9001/EN 9100’ to apply for Type 1 DAT providers.

Furthermore, a GM is introduced stating that ‘Elements required by this Regulation in reference to the management system that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority.’



comment	<p data-bbox="352 277 405 304">294</p> <p data-bbox="1171 277 1449 304" style="text-align: right;">comment by: <i>Navtech</i></p> <p data-bbox="352 365 1449 432">Is this intended to be ISO 9001 or AS 9100? As mentioned prior, Navtech prefers to explicitly reference both.</p> <p data-bbox="352 472 1449 607">Additionally, what will be exact impact of this demonstration of compliance? Will showing the certificate lead to a reduced scope of the EASA audit? As there is a cost associated with these certificates, it will be preferred that the EASA audit scope could be reduced when the certificate is presented by the DAT provider.</p>
response	<p data-bbox="352 640 469 667"><i>Accepted</i></p> <p data-bbox="352 728 1449 880">The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. For smooth assignment from Type 1 DAT provider to Type 2 DAT provider and vice versa, the commented provision is amended with 'ISO 9001/EN 9100' for Type 1DAT providers.</p> <p data-bbox="352 909 1449 1182">Considering the comment for clarification, a new GM associated with the AMC on management system is introduced. Said AMC clarifies that elements that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority as, taking into consideration the AMCs on management system clearly, it states that ISO 9001/EN 9100 certificates, issued by an appropriately accredited organisation and addressing all the elements required should be considered as a sufficient means of compliance for a DAT provider.</p>
comment	<p data-bbox="352 1305 405 1332">330</p> <p data-bbox="1145 1305 1449 1332" style="text-align: right;">comment by: <i>Honeywell</i></p> <p data-bbox="352 1393 1449 1527">Is an ISO 9001 certificate for Type 1 DAT providers really the appropriate ISO standard, given the statement in section 3.1 that says a Type 1 DAT provider "provides an aeronautical database for use on aircraft". Shouldn't the Type 1 DAT provider be held to the ISO 9100 standard just like the Type 2 DAT providers.</p>
response	<p data-bbox="352 1559 469 1585"><i>Accepted</i></p> <p data-bbox="352 1646 1449 1843">The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment and for smooth assignment from Type 1 DAT provider to Type 2 DAT provider and vice versa, the commented provision is amended with 'ISO 9001/EN 9100' to apply for Type 1 DAT providers.</p>
comment	<p data-bbox="352 1964 405 1991">331</p> <p data-bbox="1145 1964 1449 1991" style="text-align: right;">comment by: <i>Honeywell</i></p>

	Can an FAA LOA be used in place of an ISO 9001/9100 certificate since both the LOA and ISO certificate are attesting to the rigor of the quality assurance processes of the DAT provider?
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It is important to be noted that a LoA Type 2 issued by the FAA would be equal to a kind of approval issued as the result of certification, i.e. recognition that the organisation complies with all the applicable requirements, while ISO 9001/EN 9100 should be considered as a sufficient means of compliance for DAT providers as regards the requirements for the management system only. Considering the mentioned, an FAA LOA and ISO 9001/ EN 9100 are not considered equivalent.</p>

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.5. Management system — QUESTION/COMMENT: Stakeholders are invited to comment whether the proposed AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 1 and AMC1 ATM/ANS.OR.B.005 Management system — DAT provider Type 2 should be kept, removed or amended and to provide justifications for it. p. 17-18

comment	<p>6</p> <p style="text-align: right;">comment by: BCAA</p> <p>BCAA can agree on EN ISO 9001 certificate as sufficient means of compliance for DAT providers Type 1, because this is in line with ADQ IR EC 73/2010.</p> <p>BCAA can NOT agree on EN ISO 9100 for DAT providers TType 2, because EN 9100 is not availbale outside Germany (EN9100 is a DIN norm used in Germany, there is not an ISO equivalent available) and this requirement is not in line with the requirements of ADQ IR EC 73/2010. For DAT providers Type 2, BCAA wants to go for the ISO 19100 series as mentioned in Annex III of EC 73/2010 for consistency. So, this means : ISO 19107, 19115, 19139, 19118, 19136, 19110.</p>
response	<p><i>Partially accepted</i></p> <p>As regards the comment on ISO 9001 to apply to Type 1 DAT providers, the Agency takes due consideration thereof.</p> <p>As regards the comment on EN 9100, the issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The comment is considered invalid, as EN 9100 is a European standard and in the case of European standards, the national members of CEN (European Committee for Standardization) have an obligation to adopt all ENs (full European standards) as national standards and to withdraw any conflicting national standards that are in their catalogue.</p>



comment	44	comment by: <i>Swedish Transport Agency</i>
	Sweden supports the Agency's proposal - should be kept.	
response	<i>Accepted</i>	

comment	158	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>Management system:</p> <p>It is noted that two new AMC are proposed. In both cases the AMC are to the whole of the related IR (ATM/ANS.OR.B.005) albeit one AMA is for Type 1 and one AMC for Type 2. Is this intentional? When comparing a similar AMC for ANS providers that AMC is only for ATM/ANS.OR.B.005(a). If it is intentional what is the rationale for this approach as opposed to that for ANSP? If unintentional DAT providers could be added to the existing AMC ATM/ANS.OR.B.005(a) for ANSP as the wording is almost identical.</p>	
response	<i>Partially accepted</i>	
	<p>Considering the comment and based on the NPA 2014-20 consultation, the AMCs in question are amended resulting in dedicated AMCs applicable only to Type 1 and Type 2 DAT providers.</p>	

comment	356	comment by: <i>THALES AVIONICS</i>
	<p>DAT providers type 2 are in most of case avionic products manufacturers and then subject to EN 9100 certification, while ISO 9001 for DAT providers type 1 seems effectively more appropriate. Then if ISO 9001 and ISO 9100 certifications are deemed sufficient by Agency for respectively Type 1 and Type 2 DAT providers, proposed AMC should be kept and then would avoid multiple oversight of DAT providers management system.</p>	
response	<i>Accepted</i>	

comment	408	comment by: <i>HANSA</i>
	<p>According to ICAO Annex 15 section 3.2 "3.2.1 Quality management systems shall be implemented and maintained encompassing all functions of an aeronautical information service, as outlined in 3.1.7. The execution of such quality management systems shall be made demonstrable for each function stage, when required".</p>	

Having in mind the above, the quality system will also be imperative for the DAT provider (s). If this Quality system is acknowledged by ISO certificate (s), (ISO 9001 & ISO 9100 correspondingly), these can be considered as acceptable means of compliance, provided that they have been issued by an accredited organisation, the corresponding quality systems (under ISO certificates) have been duly implemented and are subject to periodic inspection by the responsible organisation having issued them. Consequently, all the functions under **DAT.OR.115**, will be covered.

response *Accepted*

Considering the comment, the approach is retained.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.6. Annex VII — Specific requirements for the provision of data for airspace users for the purpose of air navigation p. 18

comment 151

comment by: UK CAA

Page No: 18

Paragraph No: 2.5.6.

Comment: The proposed methodology for the 'statement of conformity' is acceptable to the UK CAA. Furthermore, we recommend this should reflect the provisions within EU 73/2010.

Justification: Assurance is required that the onward data change subsequent to publication by the AISP maintains harmonisation with ADQ provisions.

response *Accepted*

The Agency takes due consideration of the comment.

It is important to be noted that the work on RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)) is ongoing. During the drafting phase of the NPA resulting as an outcome of said RMTs, a detailed assessment of Regulation (EU) No 73/2010 is currently in progress in order to determine the best approach for regulating data quality to ensure consistency with the existing provisions.

comment 254

comment by: Brad Miller, FAA AIR-131



	<p>Where it says: "Furthermore, when so requested, the DAT provider should process tailored data provided by the aircraft operator or originating from other DAT providers for use by that aircraft operator."</p> <p>Tailored data is out of scope and this is not harmonized with FAA.</p> <p>Please delete.</p>
response	<p><i>Not accepted</i></p> <p>During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.</p> <p>Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.</p> <p>Moreover, in addition to DAT.OR.100(b) which referring to tailored data clearly states that 'The responsibility of this data and its subsequent update shall remain with the aircraft operator.', GM1 DAT.OR.100(b) has been amended further to clarify the subject.</p>
comment	<p>296 comment by: <i>Navtech</i></p> <p>Navtech would prefer exclusion of some requirements from the statement of conformity including database identification. Also clarification around the detailed regarding deficiencies.</p>
response	<p><i>Not accepted</i></p> <p>This issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The database identification is considered an essential part of the statement of conformity for aeronautical database as there is a necessity for traceability for the user to identify what package has been delivered and have evidence that the deliverable falls under the DAT provider oversight. It is not intended to have a dedicated form for each existing part number but to have a listing of all part numbers covered under the release for that cycle (e.g. by using a reference to a</p>

detailed list that is published and traceable from the statement).

If the commentator refers to the item 'Deviations', the DAT provider is required to list the deviations or make reference where the deviation information can be found. Today, it is a common praxis to publish the identified deficiencies in the database at a dedicated place on the internet. A reference to that location is expected as a minimum.

comment

409

comment by: HANSA

DAT.OR.100

In specific cases, if aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself.

Clarification is needed for which "specific cases" this will apply as well as how the quality of data will be ensured in these cases.

Probably a kind of AMC, that the DAT provider has to be compliant with, must be in place covering those particular cases.

response

Partially accepted

The Agency takes note of the comment.

A specific case could be when aeronautical data and information is not provided in the AIP.

It should be noted that a number of AMC/GM have already been proposed to illustrate the means and provide guidance for the establishment of compliance with the provision in question.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.6. Annex VII — Specific requirements for the provision of data for airspace users for the purpose of air navigation — QUESTION/COMMENT: Stakeholders are invited to comment on the Agency's proposals for 'Statement of conformity' and to provide justification elements on the possible safety, social, and economic impact, or alternatively to propose another suitable and justified solution to the above issue.

p. 18-19

comment

7

comment by: BCAA

BCAA can accept the principle of Statement of conformity only, if there is afterwards an audit to check correctness of the statement.



response

Noted

The Agency takes due note of the comment.

comment

45

comment by: *Swedish Transport Agency*

Sweden support the Agency's proposal regarding "statement of conformity" (for DAT providers type 2)

response

Noted

The Agency takes due note of the comment.

comment

137

comment by: *Icelandic Transport Authority*

We support the proposal for conformity statement. Safety wise it is a step forward.

response

Noted

The Agency takes due note of the comment.

comment

249

comment by: *Brad Miller, FAA AIR-131*

In DAT.OR.100 delete reference to tailored data.

Any association with tailored data with a DAT type 1 or 2 should be removed since not compatible with FAA LOA

response

Not accepted

During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.

Furthermore, this issue was also thoroughly discussed at the thematic meeting which



provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.

comment 298

comment by: *Navtech*

Navtech assumes that the “may” statement has found agreement by the other DAT at this early stage of GM proposal or development of such GM. Is it expected by the DAT that the GM is solely based on ICAO AIS SG material for Annex 15 ICAO PANS then?

response *Noted*

The Agency takes note of the comment.

If the comment refers to the issue of a statement by the DAT provider, if a non-authoritative source is used for the data release, the word ‘may’ is replaced by the word ‘should’.

comment 357

comment by: *THALES AVIONICS*

THALES AVIONICS has no comment on the Agency’s proposal for ‘statement of conformity’ as it is already provided in the frame of our current LOA type 2 approval for NDB deliveries. Then no change for THALES AVIONICS process, just potentially an update of the template in order to match with one proposed in the guidance material.

response *Noted*

The Agency takes due note of the comment.

comment 412

comment by: *HANSA*

The “Statement of Conformity” should be subject to compliance with the conditions under A.163 & A.145. Consequently the quality of data issued by originators (i.e. AIP) has to be ensured in advance (**see my comment 411, above**). The latter is not explicitly requested in this NPA. In addition the arrangements between the data provider and the equipment design organizations **could not cover** all the operators intended to use the corresponding data. One proposal could be, the associated AMC on the “statement of conformity”, have to be as detailed and precise as possible.

response *Noted*

The Agency takes note of the comment and believes that the proposed AMC1 DAT.OR.105(a)(2) on 'Statement of conformity' meets the commentator's expectations.

2. Explanatory Note — 2.5. Overview of the proposed amendments — 2.5.7. Proposed amendments to Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations p. 19-21

comment 190

comment by: *Garmin International*

2.5.7, AMC1 CAT.IDE.A.355 1st paragraph, and in 3.2 where proposing the following AMCs/GMs:

AMC1 CAT.IDE.A.355
 AMC1 CAT.IDE.H.355
 AMC1 NCC.IDE.A.260
 AMC1 NCC.IDE.H.260
 AMC1 NCO.IDE.A.205
 AMC1 NCO.IDE.H.205
 AMC1 SPO.IDE.A.230
 AMC1 SPO.IDE.H.230

Suggest clarifying what the term "or equivalent" means at the end of the first sentence. Is this a reference to holding a foreign authorization issued by another authority? It is recognized that the statement "*Equivalent to a certified 'Type 2 DAT provider' is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or a Working Arrangement between EASA and the competent authority of a third country,*" exists in the various AMC's for Parts CAT, NCC, NCO, and SPO, but it would be even more useful to provide examples of these equivalent authorizations. Examples could include LOAs issued by the US FAA against AC 20-153A or RTCA/DO-200A.

One example where "or equivalent" is used is in section 3.2, AMC1 CAT.IDE.A.355, which proposes the text "When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a type 2 DAT provider certified in accordance with Regulation (EU) No .../..., **or equivalent.**" The same statement exists in the 7 other AMCs referenced in this comment.

Rather than modifying all 8 instances of "or equivalent" included the AMCs, it may be sufficient to define what is meant by "or equivalent" in the Annex I hh. definition of a 'Data Services Provider (DAT provider)'.

The topics of grandfathering and bi-lateral recognition are very important to current FAA LOA holders. To avoid duplication of oversight, which is a main goal of this NPA, EASA must recognize LOAs issued by other countries and not require additional audits and/or



	<p>certifications of these holders.</p>
response	<p><i>Noted</i></p> <p>It should be noted that GM3 CAT.IDE.A.355 already provides this information; however, a more precise reference on where the working arrangements between EASA and the competent authorities of third countries may be found under http://easa.europa.eu/document-library/bilateral-agreements.</p>
comment	<p>299 comment by: <i>Navtech</i></p> <p>The term “aeronautical databases used on certified aircraft systems applications “ is referenced multiple times in the NPA, and is missing a clear definition regarding what type of aeronautical database will be affected by this statement.</p> <p>It is not clear if databases for applications running on a (per definition certified installed EFB (such as enroute data to support an enroute charting application, or AMDB and eTOD data) or affected by this statement. A clear definition what is considered an “aeronautical databases used on certified aircraft systems” is absolutely necessary to evaluate the possible impact of the NPA onto all data providers.</p> <p>The scope and reference of the term is not clarified in EC 965/2012 Air Ops nor in NPA 2014-20. A clarification would be required regarding the following information:</p> <p>(A) Define certified aircraft systems: Certified hardware and software or certified hardware only OR (B) Clearly define what data is in the scope of the term aeronautical databases used on certified aircraft systems (e.g. AMDB, eTOD)</p> <p>This comment is applicable to all further references of the term “aeronautical databases used on certified aircraft systems applications “.</p>
response	<p><i>Accepted</i></p> <p>This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p> <p>Considering the comment, a definition of ‘certified aircraft application’ is introduced.</p> <p>As regards clarification on the data in the scope of the term ‘aeronautical databases used on certified aircraft system’, it is important to be noted that GM1 DAT.OR.100 has already addressed the issue. Considering the comments during the NPA 2014-20 consultation, said GM is further improved.</p>

comment	301	comment by: <i>Navtech</i>
	The definition of the scope of the term “aeronautical databases used on certified aircraft systems applications “ is required to identify the possible impact and clarification on the extension to "helicopter operations".	
response	<i>Noted</i>	
	This is clarified in GM1 CAT.IDE.A.355 by reference to Part-DAT. In principle, there is no specific difference between aeroplane and helicopter operations with regard to the use of aeronautical databases.	

3. Proposed amendments

p. 22

comment	46	comment by: <i>Swedish Transport Agency</i>
	<p><i>Definitions</i></p> <p><i>bb. ‘Aeronautical database’ means a collection of current aeronautical data, stored electronically on airborne system, which is valid for a dedicated period and may be updated in accordance with the ICAO AIRAC regulation</i></p> <p>The proposed definition narrows the possibility to use the definition for aeronautical systems on ground i.e European AIS Database. Propose to change to “Airborne aeronautical database”.</p>	
response	<i>Partially accepted</i>	
	Considering the comment, the definition in question is amended to provide the possibility for its use for aeronautical systems on ground as well.	

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Proposed amendments to draft Regulation (EU) No .../... on ‘Requirements for service providers and the oversight thereof’ — ANNEX I DEFINITIONS FOR TERMS USED IN ANNEXES II TO XIII

p. 22-23

comment	8	comment by: <i>BCAA</i>
	Some of the definitions are not in line with the ones already published in ADQ IR EC Regulation 73/2010. Especially definitions dd 'Aerodrome mapping data', ff 'data quality', ii 'obstacle' are	



	conflicting.
response	<p><i>Noted</i></p> <p>The definitions are an essential part of any Regulation and in that sense they are crucial for the correct implementation of the law. Furthermore, specific attention has been paid to the correctness of definitions proposed and their harmonisation, whenever feasible.</p>
comment	<p>9 comment by: <i>BCAA</i></p> <p>Defintion 'hh Data Service Provider (DAT provider)' is unclear. Especially the difference between Type 1 and Type 2 is unclear, because both are on the airborne side : type 1 is 'for use on aircraft' and type 2 is 'for use in corresponding airborne applicability/equipment'. Maybe a reformulation to underline better the differences could be helpful.</p>
response	<p><i>Partially accepted</i></p> <p>Taking due consideration of the comment, the Agency has amended said definition.</p> <p>However, it should be noted that the difference between Type 1 DAT provider and Type 2 DAT provider is the specific format compatible with the aircraft system used by Type 2 DAT provider for processing aeronautical data and providing an aeronautical database for the use on aircraft (i.e. in corresponding airborne application/equipment).</p>
comment	<p>10 comment by: <i>BCAA</i></p> <p>General remark : why are defintions needed for words that are already defined in another EC Regulation, like EC Regulation 73/2010 ? This double use is not in line with legal requirements for editing legal text and on top of that the proposed definitions are conflicting with the existing ones.</p>
response	<p><i>Noted</i></p> <p>The definitions are an essential part of any Regulation and in that sense they are crucial for the correct implementation of the law. It is agreed that any fragmentation of definitions should be limited to the utmost. However, at this point, it is important to realise that one of the main objectives of the proposed rule is to implement the EASA Basic Regulation and its Essential Requirements acknowledging the fact that it also has a dual legal basis including the implementation of the relevant SES Regulations. Because of these reasons, specific attention has been paid to the correctness of definitions proposed</p>

and their harmonisation, whenever feasible. Besides that, it is important to be noted that the purpose of the definitions laid down in Article 2 and Annex I is to define the terms used into the subject Regulation and the Annexes thereto and, thus, facilitate its correct implementation. Finally, it was not deemed appropriate to refer the reader to a SES Regulation which is also an Implementing rule (e.g. Regulation (EU) No 73/2010).

comment 11

comment by: BCAA

General remark : because of the definition of data provider, the text now deals with the post-publication phase. It is difficult to understand, because the existing requirements are all for the part from data originator up to publication in the AIP. Now, the text deals with the part up to the end-user, use on aircraft, use in airborne equipment. It is difficult to understand why there is a need for specific requirements, while the basic, general requirements for that part of the chain (after AIP up to end-user) are not yet drafted nor published and thus not yet mandatory nor applicable.

response *Noted*

The Agency takes note of the comment.

As correctly mentioned by the commentator, the proposed rule addressed the data for use on airborne systems (i.e. certified aircraft application/equipment). However, it should be noted that the rule regulates the DAT providers and its purpose is to ensure that these providers of aeronautical data process the data in an appropriate manner to meet the airspace end-users requirements for its intended use.

The 'need' for these requirements are stemming from the Article 8b of Regulation (EC) No 216/2008 and the Essential Requirements laid down in Annex Vb to said Regulation. For more details, please refer to Section 2.1. of the Explanatory Note to NPA 2014-20.

comment 19

comment by: *Stephane DUBET*

The definition of "aeronautical database" is deemed too restrictive as it only addresses onboard use, and thus prevents or narrows the possibility to use the term for aeronautical databases used for ATM on the ground. In particular, AIS-AIM makes extensive use of aeronautical databases, but not limited to the ones used in airborne systems.

It is suggested to change this definition to a more generic one like the one used for AMDB in ICAO material: "a collection of current aeronautical data organized and arranged as a structured data set", or alternatively to limit this definition to "airborne database".

It is also suggested to remove the last part of the sentence ("and may be updated...") and to only retain "and valid for a given period"



response *Partially accepted*

Considering the comment, the definition in question is amended to provide the possibility for its use for the aeronautical systems on ground as well. This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

comment 20

comment by: *Stephane DUBET*

The definition of data quality is different from the definition of the same term in EU Reg 73/2010 and ICAO Annex 15 (which both only consider accuracy, resolution and integrity). Yet, the inclusion of the other data characteristics make sense so it is suggested that this DAT definition is promoted in Europe and at ICAO level as an amendment to the current "data quality" one in the material applicable to AIS-AIM providers.

response *Noted*

The Agency takes note of the comment and will further consider the issue based on the discussions during the Comitology process.

comment 25

comment by: *Stephane DUBET*

For the definition of "terrain", it is suggested to include the note that is linked to the exact same definition in Annex 15, as this note is important to provide flexibility in the acquisition of terrain data.

The note in Annex 15 reads as follows

In practical terms, depending on the method of data collection used, terrain represents the continuous surface that exists at the bare Earth, the top of the canopy or something in-between, also known as "first reflective surface".

response *Accepted*

Considering the comment, the Agency introduced the note referred to in the comment as a 'soft law', i.e. GM to the definition of 'terrain'.

comment 29

comment by: *skyguide Corporate Regulation Management*

bb. 'Aeronautical database' means a collection of current aeronautical data, stored electronically on airborne system, which is valid for a dedicated period and may be updated in accordance with the ICAO AIRAC regulation.



Proposal: 'Aeronautical database' means a collection of current aeronautical data, stored electronically on airborne or ground systems, which is valid for a dedicated period and may be updated in accordance with the ICAO AIRAC regulation.

Comment: Expression is also used in AIM (ground system) for their databases. Restriction to "airborne system" in the definition is therefore not admissible. Definition should be more generic.

ee. 'Authoritative source' means: — a State authority organisation, or — an organisation formally recognised by the State authority to originate or publish data which meets specified data quality requirements for air navigation.

Comment: Definition is unclear. What is meant by "State authority organisation"? Police? Fire brigade? Can a data originator also be an authoritative source? Suggest to develop AMC and/or GM to clarify.

ff. 'Data quality' means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity (or equivalent assurance level), traceability, timeliness, completeness, and format.

Comment: Goes beyond the definition of data quality according to ICAO Annex 15. Could cause a problem of terminology in EASA Rule Development. Timeliness is not a data quality attribute but more linked to the process behind. According Basic Regulation Annex Vb 2.(a)(i) 'The data used as a source for aeronautical information shall be of sufficient quality, complete, current and provided in a timely manner' we understand that timely manner or timeliness is an additional attribute and not included in the quality.

response

Partially accepted

As regards 'aeronautical database', considering the comment, the definition in question is amended to provide the possibility for its use for the aeronautical systems on ground as well. This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

As regards 'authoritative source', the Agency takes due consideration of the comment and has inserted a placeholder in the draft AMC/GM to introduce a GM to illustrate the requirement aiming at increased clarity when finalising the ED Decision.

As regards 'data quality', considering the NPA 2014-20 consultation, the proposal is well received by the stakeholders and the Agency is invited to promote this change of said definition also at ICAO level.

comment

30

comment by: EUROCONTROL

3.1. Draft Regulation (Draft EASA Opinion) - Page 22

ANNEX I - DEFINITIONS FOR TERMS USED IN ANNEXES II TO XIII

bb. 'Aeronautical database'

The EUROCONTROL Agency has two comments:



1/ "stored electronically on airborne system" is the one element in the definition that creates a problem. Should the definition be kept unchanged, how would AIS/AIM RMT define the 'ground based aeronautical database'?

2/ Besides, 'AMC1 DAT.OR.100 Aeronautical data and information' provides a different sort of definition which seems more appropriate: "Aeronautical databases should be databases that support the flight operation of the aircraft used on certified aircraft system applications."

dd. 'Aerodrome mapping data'

The EUROCONTROL Agency has two comments:

1/ Although the Explanatory Note states on page 16 "Article 2.2(d) of the Basic Regulation mandates to duly take into account ICAO provisions when establishing implementing rules", this definition differs from the ICAO one since it is complemented by "for aeronautical use";

2/ Is there a reason for omitting the definition of ICAO's Aerodrome Mapping Database (AMDB)? AMDB: a collection of aerodrome mapping data organized and arranged as a structured data set.

ff. 'Data quality'

The EUROCONTROL Agency has one comment:

Although the Explanatory Note states on page 16 "Article 2.2(d) of the Basic Regulation mandates to duly take into account ICAO provisions when establishing implementing rules", this definition differs from the ICAO one since it is complemented by "(or equivalent assurance level), traceability, timeliness, completeness, and format".

response *Accepted*

In reference to 'aeronautical database', considering the comments received during the NPA 2014-20 consultation, the definition is amended to provide the possibility for its use for the aeronautical systems on ground as well. The revised definition was coordinated with the Rulemaking Group RMT.0477 & RMT.0478 and it will fit for its purposes as well.

In reference to AMC1 DAT.OR.100, is important to be noted that it refers to non-binding standards used to illustrate means for establishment compliance.

In reference to 'aerodrome mapping data', considering the comment, the definition is amended. Furthermore, based on the inputs during the NPA 2014-20 consultation, the definition of 'aerodrome mapping database (AMDB)' is added to Annex I.

In reference to 'data quality', as correctly mentioned by the commentator, the proposed definition differs from the one laid down in ICAO Annex 15. However, the proposed definition is well received by the stakeholders and the Agency is invited to promote it also at ICAO level in case it is adopted at EU level.



comment	<p>80</p> <p>The definition of "aeronautical database" should cover also its use for ATM on the ground and not restrict to airborne systems. A more generic definition should be applied, e.g. "a collection of current aeronautical data organized and arranged as a structured data set".</p> <p>We do not understand what does it mean "may be updated in accordance with ICAO AIRAC Regulation". We propose to remove this part. It doesn't feel good to us a regulation that uses the term "shall apply" in the begining and then some of the definitions using therm "may be".</p>	comment by: <i>IFAIMA</i>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the definition in question is amended to provide the possibility for its use for the aeronautical systems on ground as well. This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed on the subject.</p>	
comment	<p>81</p> <p>The definition of "data quality" is more demanding than what's regulated in 73/2010 and ICAO Annex 15. In case this gets adopted, we propose to promote this change also on EU and ICAO levels.</p>	comment by: <i>IFAIMA</i>
response	<p><i>Accepted</i></p>	
comment	<p>89</p> <p><u>kk. Terrain</u> EASA should refer to the exact definition of "Terrain" in the ICAO Annex 15 that includes the following note : "Note. - In practical terms, depending on the method of data collection used, terrain represents the continuous surface that exists at the bare Earth, the top of the canopy or something in-between, also known as "first reflective surface".</p>	comment by: <i>AIRBUS</i>
response	<p><i>Accepted</i></p> <p>Considering the comment, the Agency introduced the note referred to in the comment as a 'soft law', i.e. GM to the definition of 'terrain'.</p>	

comment	<p>185</p> <p>The definition of "aeronautical database" should cover also its use for ATM on the ground and not restrict to airborne systems. A more generic definition should be applied, e.g. "a collection of current aeronautical data organized and arranged as a structured data set".</p> <p>We do not understand what does it mean "may be updated in accordance with ICAO AIRAC Regulation". We propose to remove this part. It doesn't feel good to us a regulation that uses the term "shall apply" in the begining and then some of the definitions using therm "may be".</p>	comment by: <i>APTICA</i>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the definition in question is amended.</p>	
comment	<p>186</p> <p>The definition of "data quality" is more demanding than what's regulated in 73/2010 and ICAO Annex 15. In case this gets adopted, we propose to promote this change also on EU and ICAO levels.</p>	comment by: <i>APTICA</i>
response	<p><i>Accepted</i></p>	
comment	<p>191</p> <p>3.1, Annex I, aa.</p> <p>Suggest aligning definition of "Aeronautical data" with proposed EUROCAE ED-76A definition: "Data used for aeronautical applications such as navigation, flight planning, flight simulators, terrain awareness and other purposes (e.g. navigation data, terrain and obstacle data, aerodrome mapping data, etc.)."</p>	comment by: <i>Garmin International</i>
response	<p><i>Not accepted</i></p> <p>The definitions are an essential part of any Regulation and they are in that sense crucial for the correct implementation of the law. Furthermore, specific attention has been paid to the correctness of definitions proposed and their harmonisation, whenever feasible. This definition is aligned with the one already found in another EU Regulation (e.g. Regulation (EU) No 73/2010).</p>	
comment	<p>192</p>	comment by: <i>Garmin International</i>

response	<p>3.1, Annex I, bb.</p> <p>Regarding the definition of “aeronautical database,” consider either:</p> <p>1) Aligning with proposed ED-76A definition of "database": "One or more files of data structured to enable data to be extracted from the files and for them to be updated. This primarily refers to data stored electronically and accessed by computer, rather than in files of physical records."</p> <p>-OR-</p> <p>2) Keep the proposed definition, but remove "current" and "which is valid for a dedicated period and may be updated in accordance with the ICAO AIRAC regulation." Currency does not define whether a collection of data is a database, and not all data types have defined periods of validity with expiration dates or are updated in accordance with the AIRAC system. Terrain is the best example.</p> <p><i>Partially accepted</i></p> <p>The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment, the definition is amended accordingly.</p>
comment	<p>193 comment by: <i>Garmin International</i></p> <p>3.1, Annex I, ii.</p> <p>Regarding definition of “obstacle,” suggest removal of third word “all” because no obstacle dataset that exists is guaranteed to have <i>all</i> obstacles for its coverage region.</p>
response	<p><i>Not accepted</i></p> <p>This part of the definition should be read in conjunction with the rest.</p> <p>The definitions are an essential part of any Regulation and they are in that sense crucial for the correct implementation of the law. Furthermore, specific attention has been paid to the correctness of definitions proposed and their harmonisation, whenever feasible. This definition is aligned with others which are already found in other EU Regulations (e.g. Regulation (EU) No 139/2014) and ICAO SARPs.</p>
comment	<p>237 comment by: <i>THALES AVIONICS</i></p> <p>bb. ‘Aeronautical database’</p> <p><u>Proposed text</u></p> <p><i>... stored electronically on airborne system, which is valid for a dedicated period, and may</i></p>



be updated for some types of data in accordance with the ICAO AIRAC regulation

Justification

ICAO AIRAC regulation mainly applies to navigation data but not to the whole range of Aeronautical data.

ee. 'Authoritative source'

Proposed text

... State authority to originate or publish data which meets data quality requirements for air navigation. As specified in internationally recognized standards (e.g. ICAO Annex 15 and RTCA DO 201)

Justification

1. It should be clarified that the specified data quality requirements are independent from any applications (i.e. avionics systems), but follows internationally recognized standards.

2. Why definition of "Authoritative source" makes reference to data quality requirements for air navigation only, what about DQR related to other kind of aeronautical data?

gg. 'Data quality requirements'

Proposed text

Add following note: Depending of the data characteristics considered Data Quality Requirements are specified by "Internationally recognized Data Quality Requirements" (when data are provided by Authoritative Sources), "End-user data Quality Requirements" (typically for completeness, timeliness, ..) or "System designer Data quality Requirements" (for other data characteristics, such as accuracy, resolution, assurance level, traceability, format, ..)

Justification

Clarify that Data Quality Requirements may come from different sources

response

Partially accepted

In reference to 'aeronautical database', considering the comments during the NPA consultation, the definition in question is revised.

In reference to 'authoritative source', considering the comments during the NPA consultation, the definition in question is revised.

In reference to 'data quality requirements', the Agency welcomes the proposal and places it as GM to the definition in question.

These issues were also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

comment

255

comment by: *Brad Miller, FAA AIR-131*

Change gg. to read:

'Data quality requirements' means a specification of the characteristics of data (i.e., accuracy, resolution and integrity (or equivalent assurance level), traceability, timeliness, completeness, and format).

DQRs by themselves do not ensure data is compatible with intended use.



response

Accepted

Considering the comment, the subject definition is amended.

comment

256

comment by: *Brad Miller, FAA AIR-131*

Change hh, first bullet to read:

"Type 1 DAT provider that processes aeronautical data and provides an aeronautical database for use on aircraft **in a format meeting data quality requirements** for which no corresponding airborne application/equipment compatibility has been determined."

response

Partially accepted

Considering the comment, the provision is amended.

comment

257

comment by: *Brad Miller, FAA AIR-131*

Delete jj.

Tailored data should not be part of data assurance regulation.

FAA harmonization is not compatible with this inclusion.

response

Not accepted

During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.

Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.



comment	<p data-bbox="351 201 399 235">361</p> <p data-bbox="1228 201 1436 235">comment by: LfV</p> <p data-bbox="351 291 1436 369">The NPA 2014-20 definition of an “Aeronautical database” includes data and information in vector and/or raster format.</p> <p data-bbox="351 392 1436 548">If the NPA 2014-20 also covers non-primary FMS, such as moving maps or advanced GPS, it is unclear if an AIS provider is prohibited to deliver aeronautical data to those who intend to use the data in such system, unless the AIS provider also obtain a DAT-certificate. Please clarify.</p>
response	<p data-bbox="351 582 430 616"><i>Noted</i></p> <p data-bbox="351 683 829 716">The Agency takes note of the comment.</p> <p data-bbox="351 739 1436 817">Based on the NPA 2014-20 consultation feedback, the definition is amended to cover a wider scope.</p> <p data-bbox="351 840 1436 918">Furthermore, further clarifications are provided in the AMC/GM associated with DAT.OR.100 to illustrate the scope and databases covered by the DAT providers’ activities.</p>
comment	<p data-bbox="351 1019 399 1052">366</p> <p data-bbox="1053 1019 1436 1052">comment by: THALES AVIONICS</p> <p data-bbox="351 1120 877 1153">hh. ‘Data Services Provider (DAT provider)’</p> <p data-bbox="351 1153 526 1187"><u>Proposed text</u></p> <p data-bbox="351 1198 375 1220">...</p> <p data-bbox="351 1220 1436 1332">— <i>Type 1 DAT provider that processes aeronautical data and provides an aeronautical database for use on aircraft in a generic format under controlled conditions for which no corresponding airborne application/equipment compatibility has been determined.</i></p> <p data-bbox="351 1344 375 1366">...</p> <p data-bbox="351 1366 502 1400"><u>Justification</u></p> <p data-bbox="351 1400 1436 1467">To clarify that even if it is the ultimate goal, Type 1 aeronautical database are not developed for being used as such on an aircraft</p>
response	<p data-bbox="351 1489 518 1523"><i>Not accepted</i></p> <p data-bbox="351 1590 1436 1870">Taking into account the definition of ATM/ANS as stipulated in Article 3(q) of the Basic Regulation, this proposed draft rule would regulate the services and providers of these services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation, i.e. to the airspace users, while the services of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation are regulated in Annex VI to the same Regulation.</p> <p data-bbox="351 1892 1436 1960">Furthermore, this proposal was also tabled at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p>

Considering the above, the proposal is not accepted.

comment

397

comment by: THALES AVIONICS

aa. 'Aeronautical data'Proposed text

aa. 'Aeronautical data' means a representation of aeronautical facts, concepts or instructions related to the external environment of a certified avionics system, which values may change over the time independently of the certified avionics system which is designed to use them, and which could be formalised in a manner suitable for communication, interpretation or processing.

Justification

Such definition is not sufficiently explicit and may induce doubts on the range of applicability of this regulation. There is a need to clarify that the Aeronautical data are data that are used by avionics systems on-board an aircraft, which cannot be determined for ever at the time of the system certification as they depends from external aspects.

response

Not accepted

The Agency fully shares the view that the definitions are an essential part of any Regulation and that they are in that sense crucial for the correct implementation of the law. Furthermore, specific attention has been paid to the correctness of the proposed definitions and their harmonisation, whenever feasible. This definition is aligned with others which are already found in other EU Regulations (e.g. Regulation (EU) No 73/2010) and ICAO Annex 15 SARPs.

comment

398

comment by: THALES AVIONICS

dd 'Aerodrome mapping data'Comment

Following note should be added: *"those "aerodrome mapping data" are one type among many others of "aeronautical data""*

Justification

Providing a separate definition for "Aerodrome mapping data" may drive to the conclusion that those data are not aeronautical data. It should be clarified that those "aerodrome mapping data" are one type among many others of "aeronautical data"

response

Accepted

Considering the comment, a new GM is introduced to address the subject issue.



comment	<p data-bbox="351 201 399 235">400</p> <p data-bbox="1053 201 1436 235">comment by: THALES AVIONICS</p> <p data-bbox="351 291 510 324">ii. 'Obstacle'</p> <p data-bbox="351 324 478 358"><u>Comment</u></p> <p data-bbox="351 358 750 392">Following note should be added:</p> <p data-bbox="351 392 1324 425"><i>those "obstacles data" are one type among many others of "aeronautical data"</i>.</p> <p data-bbox="351 425 1436 504"><i>"Mobile" objects will be converted in fixed items in obstacle database taking into account its mobility boundaries</i></p> <p data-bbox="351 504 502 537"><u>Justification</u></p> <p data-bbox="351 537 1436 616">Providing a separate definition for "Obstacles data" may drive to the conclusion that those data are not aeronautical data</p> <p data-bbox="351 616 1436 683">Obstacle database should be limited to fixed items. Mobile objects can move by definition but within a given perimeter that should be protected by definition of a fixed obstacle</p>
response	<p data-bbox="351 694 470 739"><i>Accepted</i></p> <p data-bbox="351 784 1436 862">Considering the comment, two additional GMs are introduced to address the subject issues.</p>
comment	<p data-bbox="351 974 399 1019">401</p> <p data-bbox="1053 974 1436 1019">comment by: THALES AVIONICS</p> <p data-bbox="351 1064 502 1108">kk. 'Terrain'</p> <p data-bbox="351 1108 478 1142"><u>Comment</u></p> <p data-bbox="351 1142 750 1176">Following note should be added:</p> <p data-bbox="351 1176 1308 1220"><i>"those "Terrain data" are one type among many others of "aeronautical data"</i></p> <p data-bbox="351 1220 502 1254"><u>Justification</u></p> <p data-bbox="351 1254 1436 1321">Providing a separate definition for "Terrain data" may drive to the conclusion that those data are not aeronautical data</p>
response	<p data-bbox="351 1332 470 1377"><i>Accepted</i></p> <p data-bbox="351 1422 1316 1467">Considering the comment, a new GM is introduced to address the subject issue.</p>
comment	<p data-bbox="351 1579 399 1624">402</p> <p data-bbox="1053 1579 1436 1624">comment by: THALES AVIONICS</p> <p data-bbox="351 1668 981 1713">Definition of "non-authoritative source" is missing.</p> <p data-bbox="351 1713 526 1747"><u>Proposed text</u></p> <p data-bbox="351 1747 1436 1926"><i>kk. Non-authoritative sources are sources of data not formally made available by Authoritative sources or other DAT providers, but required by end users, that the DAT provider generates by itself or by combination, transformation of various sources to provide aeronautical data which conform with relevant standards and data quality requirements as specified from the end users.</i></p> <p data-bbox="351 1926 502 1960"><u>Justification</u></p> <p data-bbox="351 1960 1436 2004">Though "navigation data" were provided by Authoritative sources, when opening this</p>

	<p>regulation to other aeronautical data, not all of those would be provided by Authoritative sources. Therefore this notion of "non-authoritative" sources is key for such regulation (e.g. terrain data, obstacle data, ..) ,</p>
response	<p><i>Not accepted</i></p> <p>This issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. It was considered that the subject issue has already been well addressed as the proposed draft rule contains a definition of ‘authoritative source’ and a GM (GM1 DAT.TR.100) to AMC1 DAT.TR.100(a)(2) on ‘Working methods and operating procedures’ as regards non-authoritative sources.</p>
comment	<p>406 comment by: <i>Vladislav KULJANISHVILI</i></p>
	<p>According to article 14 of Joint Practical Guide for persons involved in the drafting of European Union legislation THE DEFINITIONS SHALL NOT CONTAIN AUTONOMOUS NORMATIVE PROVISIONS. This is the case with definition "ee". Authoritative source, which defines it is a "organization formally approved by the State authority." Such an explanation of term sets normative provision on the State. Moreoether, there is no provisions included in the main part of NPA requiring State to formally recognise an organization with a view to make it "authoritative source".</p>
response	<p><i>Noted</i></p> <p>As already explained in Section 2.1. of the Explanatory Note to NPA 2014-20, the proposed rule proposes the specific requirements for the provision of data services that will be located in Annex VII to the future Regulation on ‘Requirements for service providers and the oversight thereof’ (addressed to the Commission through Opinion No 03/2014). Said Regulation contains Article 3 on ‘Provision of services’ which sets out obligations for the Member States. The issue raised by the commentators is considered to be addressed throughout said Article.</p>
comment	<p>407 comment by: <i>Vladislav KULJANISHVILI</i></p>
	<p>According to article 14 of Joint Practical Guide for persons involved in the drafting of European Union legislation THE DEFINITIONS SHALL NOT CONTAIN AUTONOMOUS NORMATIVE PROVISIONS. This is the case with definition "jj". Tailored data, which puts responsibility on aircraft operator for the data and its subsequent updates. Such an explanation of term sets normative provision on the aircraft operator.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency agrees that the definitions are an essential part of any Regulation and that</p>

they are in that sense crucial for the correct implementation of the law. During the rule development, specific attention has been paid to the correctness of definitions proposed. However, it should be noted that the purpose of the definitions is to clarify the terms used in the Regulation and not to set up requirements.

However, considering the comment, the definition is revised.

comment 415

comment by: *European Transport Workers Federation - ETF*

The definition of "aeronautical database" should cover also its use for ATM on the ground and not restrict to airborne systems. A more generic definition should be applied, e.g. "a collection of current aeronautical data organized and arranged as a structured data set".

We do not understand what "may be updated in accordance with ICAO AIRAC Regulation" means. We propose to remove this section. It doesn't feel good to us a regulation that uses the term "shall apply" in the beginning and then some of the definitions using the term "may be".

response *Accepted*

Considering the comment, the definition is amended accordingly.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — ANNEX II — REQUIREMENTS FOR COMPETENT AUTHORITIES — PROVISION OF SERVICES AND OTHER ATM NETWORK FUNCTIONS (Part-ATM/ANS.AR) p. 24-25

comment 194

comment by: *Garmin International*

3.1, Annex II, Attachment to service provider's certificate titled "Service Provider Certificate Service Provision Conditions"

Consider wording Type 2 Scope of Service to incorporate all privileges of Type 1 certificate. There isn't any reason a Type 2 supplier shouldn't also be able to supply data to another organization in a generic format. In essence, the Type 2 certificate should



grant authorization for everything a Type 1 certificate does, plus the authorization to format for a specific airborne platform.

Suggest "Provision of DAT Type 2 authorises the supply of aeronautical databases in the following formats: [list of the generic formats], as well as to end users/operators for the following system..."

response *Not accepted*

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The Agency disagrees with the proposed approach of a Type 2 DAT provider being 'automatically' certified as a Type 1 DAT provider at the same time. However, this does not prevent a Type 2 DAT provider from extending its scope to Type 1 after verification by the competent authority.

comment 333

comment by: *Honeywell*

If the certificate for a Type 2 DAT supplier is supposed to cover multiple equipment and databases, how does an issue with one of the configurations affect the certificate and the other products covered by that certificate?

response *Noted*

It is important to be noted that the certificate would indicate only the privileges granted and the scope of the services provided by the DAT provider, i.e. for Type 1 DAT provider, the supply of aeronautical databases in generic formats (not to the end-users/aircraft operators), and for Type 2 DAT provider, the supply of aeronautical databases to end-users/aircraft operators for the airborne application/equipment, for which compatibility has been demonstrated followed by a list [Manufacturer] Certified Application/Equipment Model [XXX], Part No [YYY]. The certificate would not indicate the databases produced by a DAT provider.

Furthermore, in accordance with DAT.OR.105(a)(2), the DAT provider should issue a statement of conformity that the aeronautical database it has produced is in accordance with the rule. The format of said statement of conformity is proposed at AMC level. It contains a field (#4) requiring all the identifications of the databases covered under this release to be listed or a reference to be made to the document listing them and another field (#5) on the Database use.

Considering the above, if the comment is well understood, the link between the database produced and its intended use would be managed by the statement of conformity for aeronautical database, not via the certificate.



comment	334	comment by: <i>Honeywell</i>
	<p>There doesn't seem to be clear location on the certificate attachment for identifying the databases produced under the certificate. How is an operator to know that the database they receive is covered by the certificate?</p>	
response	<i>Noted</i>	
	<p>The certificate would indicate only the privileges granted and the scope of the services provided by the DAT provider, i.e. for Type 1 DAT provider, the supply of aeronautical databases in generic formats (not to the end-users/aircraft operators), and for Type 2 DAT provider, the supply of aeronautical databases to end-users/aircraft operators for the airborne application/equipment, for which compatibility has been demonstrated followed by a list [Manufacturer] Certified Application/Equipment Model [XXX], Part No [YYY]. The certificate would not indicate the databases produced by a DAT provider, while in accordance with DAT.OR.105(a)(2), the DAT provider should issue a statement of conformity that the aeronautical database it has produced is in accordance with the rule. The format of said statement of conformity is proposed at AMC level. It contains fields (#4 and #5) to address the databases covered under this release or to make reference to the document listing them and the equipment models and part numbers where compatibility has been demonstrated, as applicable.</p> <p>Considering the above, the aircraft operator would receive the information in question via the statement of conformity for aeronautical database, not via the certificate.</p>	

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — ANNEX VII — SPECIFIC REQUIREMENTS FOR THE PROVISION OF DATA FOR AIRSPACE USERS FOR THE PURPOSE OF AIR NAVIGATION (Part-DAT) p. 26-30

comment	12	comment by: <i>BCAA</i>
	<p>In DAT.OR.100 (a) : there is a 'may' in the second paragraph. This is strange, because the title of section 1 speaks about 'general requirements'. BCAA expected thus a 'shall' instead of a 'may'. The data provider shall be fully responsible for the data quality of the data originated by the data provider itself, in any case.</p>	
response	<i>Not accepted</i>	
	<p>Today, the Agency's 'Conditions for the Issuance of Letters of Acceptance for Navigation Database Suppliers' establish the procedure for the issuance of LoA for organisations that translate, format and/or integrate information that originates from the States</p>	



aeronautical information services (e.g. AIP) into electronic databases for airborne navigation systems.

With the proposal in question, in specific cases, the data and information for the provision of services by DAT providers could be originated and/or validated by the DAT providers themselves. However, in the Agency's opinion, DAT providers should not be forced to become data originators. This could only happen in specific cases, if the DAT providers are requested so.

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

comment 13

comment by: BCAA

DAT.OR.200 : In (a) (2)-(3)-(4) there is a reference to errors. The requirement claims that corrective action shall be taken and reporting done after deviations or possible errors or erroneous, inconsistent or missing data. This is difficult to accept. BCAA prefers that errors in the aeronautical databases are detected and corrected before release.

response *Partially accepted*

The Agency does agree with the principle expressed by the commentator. Nevertheless, there are cases where errors are detected after the data release which need to be communicated to the users. Furthermore, DAT.OR.110 on 'Management system' (former DAT.OR.115) is amended to address the errors/deficiencies handling.

comment 14

comment by: BCAA

DAT.TR.100 (b) (1) : this sentence is difficult to understand.

A rewording would be appreciated.

The accountable manager shall ensure that the production ... : this task shall be included in his/her list of responsibilities anyway, whatever the wording looks like. This is the goal to achieve.

response *Partially accepted*

Considering the comments received in reference to DAT.TR.100(b) and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on 'Requirements for service providers and the oversight thereof', addressed to the Commission with Opinion No 03/2014, the Agency acknowledges the similarities between ATM/ANS.OR.005(a)(6) and (c) and ATM/ANS.OR.B.020. Therefore, the provision is removed.



comment	15	comment by: <i>BCAA</i>
	<p>DAT.TR.100 (b) (3) + (c) (1) : both sentences speak about '<u>discharge</u> their allocated responsibilities' : BCAA can't agree on this. It is up to the DAT providers to decide if they want to <u>delegate</u> responsibilities or not and there has to be agreement from the NSA on how this is organized. During oversight audits, the NSA will check that the formal interfaces are OK and compliant with current regulations to guarantee quality of data provided.</p> <p>There can only be an option for delegation, but a full discharge of responsibilities and thus loss of control over the work and its quality is out of the question.</p>	
response	<i>Accepted</i>	
	<p>Considering the comments received in reference to DAT.TR.100(b) and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on 'Requirements for service providers and the oversight thereof', addressed to the Commission through Opinion No 03/2014, the Agency acknowledges the similarities between ATM/ANS.OR.005(a)(6) and (c) and ATM/ANS.OR.B.020. Therefore, DAT.TR.100(b)(3) is removed.</p> <p>Considering the comment, DAT.TR.100(c)(1) is amended in order to enhance clarity.</p>	
comment	21	comment by: <i>Stephane DUBET</i>
	<p>It is proposed to slightly edit DAT.OR.100 for the sake of clarity by putting "that is released by authoritative source" just before "for use in aeronautical databases on..."</p>	
response	<i>Accepted</i>	
comment	24	comment by: <i>Stephane DUBET</i>
	<p>DAT TR.105 and associated Guidance Material: the meaning of "operational interface" or just "interface" is unclear - is it a processing interface or a dedicated link (with identified entities in both ends).</p> <p>It is suggested to specify what is meant by "operational interface" or "interface"</p>	
response	<i>Accepted</i>	
	<p>Considering the comment, the provision in question is amended to better specify that the interfaces should be in a formal manner (e.g. part of the procedure and coordinated with</p>	

the partner).

comment

31

comment by: *EUROCONTROL*

DAT.OR.100 Aeronautical data and information (a) - Page 26

The EUROCONTROL Agency shares the view that the function of Aeronautical data source provider needs to be formally defined since 'GM1 DAT.OR.105 (a)(1) Technical and operational competence and capability' provides only an attempt to describe possible providers.

response

Noted

The Agency takes note of the comment.

comment

32

comment by: *EUROCONTROL*

DAT.OR.200 Reporting requirements (a)(2) - Page 28

The EUROCONTROL Agency shares the view that, in this context, the exact meaning of 'competent authority' should be either defined or clarified. Is it supposed to be the CAA/NSA, the MoT or EASA? Most probably it is the thirdly mentioned possibility. However, it would generate greater benefit to safety if reporting was also extended to NSA. In this case, NSA should be informed directly, not only through EASA, about any existing deviation.

response

Accepted

It should be noted that the competent authority has already been introduced as stipulated per Article 3 of Regulation (EU) No 1035/2011 — now to be amended as proposed in Opinion No 03/2014 (transposed in Article 4 of the draft Commission Regulation). It is important to remember that the NPA is proposing an amendment to the draft Commission Regulation (EU) No.../... of XXX laying down technical requirements and administrative procedures related to service providers and the oversight thereof pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 482/2008, Commission Implementing Regulations (EU) Nos 1034/2011 and 1035/2011 and amending Commission Regulation (EU) No 677/2011 (Annex to EASA Opinion No 03/2014). Furthermore, to clarify who the competent authority is for the DAT providers, GM associated with 'Data services provider' is proposed specifying that the services provided by the DAT provider that processes aeronautical data and provides an aeronautical database for use by airspace users are considered to be pan-European services. Therefore, the competent authority for certification and oversight of DAT providers should be the Agency in accordance with



Article 4(1)(d) of the said draft Regulation.

The Agency does share the view of the commentator that the deviations should be reported to the DAT provider's competent authority.

comment 33

comment by: EUROCONTROL

DAT.TR.105 Required interfaces - Page 29

The EUROCONTROL Agency makes two comments:

1/ The required interface with the 'competent authority' seems missing. Without such an interface, how would requirements within the following 'DAT.OR.200 Reporting requirements' be met ?

Re. "(2) report to the competent authority the deviations which could lead to an unsafe condition identified according to subparagraph (1). Such reports shall be made in a form and manner acceptable to the competent authority"?

2/ The interface with other (non-authoritative) sources is also missing, in particular when data is not made available formally by the authoritative source(s).

response *Partially accepted*

1. It should be noted that these 'required interfaces' are part of the technical requirements for the 'daily business' of the DAT providers, i.e. the provision of data services, while the reporting requirements are part of the organisational ones (DAT.OR.200). The structure and the allocation of the requirements, organisational and technical, are set up in a similar way among the Annexes dealing with the specific requirements for the provision of the different services. Furthermore, the formality on the way the reports referred to in DAT.OR.200(a)(2) should be submitted is already regulated, i.e. 'in a form and manner acceptable to the competent authority'.

2. As regards the interface with other (non-authoritative) sources, the Agency considers that this issue is already covered by DAT.TR.105(a) as the aeronautical data source is not specified and it could be either authoritative or non-authoritative.

comment 34

comment by: EUROCONTROL

CAT.IDE.H.355 Management of aeronautical databases - Page 30

Since these requirements concern helicopter operations, the EUROCONTROL Agency believes that the term 'aircraft system' should be changed, e.g. into rotorcraft.

response *Not accepted*



The term 'aircraft' is used in the broader sense (as in the context of the Air Operations Regulation) throughout all its Annexes.

comment 36

comment by: ROMATSA

DAT.OR.110 – When it comes to continued validity, a reference to ATM/ANS.OR.A.025 is made in terms of requirements for keeping the certificate for the provision of DAT but the above mentioned requirement refers to flight information service providers which, in our view, do not have the same responsibilities as the DAT providers.

response *Noted*

It should be noted that the reference to ATM/ANS.OR.A.025 is made based on the resulting text presented in CRD 2013-08 and Opinion No 03/2014 on 'Requirements for service providers and the oversight thereof'; not on the basis of the NPA 2013-08 proposed draft Regulation text.

However, based on the NPA 2014-20 consultation, the provision is removed.

comment 39

comment by: ENAIRE

"In specific cases, if aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself":

[If the DAT is originating data, what requirements apply? EU 73/2010? Does this data need to be clearly differentiated?](#)

response *Noted*

Article 2(2) of Regulation (EU) No 73/2010 lists the public or private entities to which said Regulation shall apply. In case a DAT provider is providing any of the services listed therein, it should apply to it as well. However, it should be noted that the same Regulation applies up to the moment when the aeronautical data and/or aeronautical information is (are) made available by the AIS provider to the next intended user. Taking into consideration the above, within the context of the commented draft rule (proposed through NPA 2014-20), Regulation (EU) No 73/2010 is not binding for DAT providers.

Considering the comment and in order to ensure that the customers are informed when using a non-authoritative source for the data release, the commented AMC is amended and now it states '[...] If a non-authoritative source is used for the data release, the DAT provider should issue a statement at its discretion.'



comment

91

comment by: Boeing

Page: 26

Paragraph: **DAT.OR.100 Aeronautical data and information**
(a)

The proposed text states:

“(a) The DAT provider shall receive, assemble, translate, select, format, distribute and/or integrate aeronautical information for use in aeronautical databases on certified aircraft systems that is released by authoritative source.

In specific cases, if aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself.”

REQUESTED CHANGE: We request the following actions pertaining to this text:

1. Clarify if data originated by the DAT provider itself are required to be verified by the DAT provider and/or classified as tailored data.
2. Add a definition for “certified aircraft system” in Annex I and clarify whether mobile devices and applications are in the scope of that definition.
3. Clarify if navigational aids pre-composed based on aeronautical database content fall into the scope of this regulation.

JUSTIFICATION: Our requested changes will help avoid multiple/contradictory interpretations of the proposed text.

response

Partially accepted

1. Based on the NPA 2014-20 consultation, DAT.OR.100 is amended with the aim of clarifying that any data flow coming through a formal State publication (e.g. State AIP) is considered an authoritative source and the validation requirements presumably would be met with the published data set. In addition, ‘In specific cases, if aeronautical data is not provided in the aeronautical information publication (AIP) or by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself. In this context, the DAT provider shall validate that aeronautical data’.

Furthermore, GM1 DAT.OR.100(b) (former GM1 DAT.OR.100) clarifies that the origination and provision of tailored data by an aircraft operator or on its behalf for the purpose of air operation is not part of the DAT provider’s scope of activities and this Regulation does not cover its oversight.

2. Considering the comment, a definition of ‘certified aircraft application’ is included in Annex I.

3. For consistency and to better clarify the scope of the commented rule, a new GM is proposed as regards aeronautical data in the context of the proposed rule.



comment 92

comment by: Boeing

Page: 26

Paragraph: **DAT.OR.105 Technical and operational competence and capability (b)****The proposed text states:**

“(b) For release of databases, the accountable manager shall nominate attesting staff identified in DAT.TR.100(c) and allocate its responsibilities in an independent manner to attest that data and processes qualify for Statements of Conformity. The ultimate responsibility for the databases release statements signed by the attesting staff remains with the accountable manager of the DAT provider.”

REQUESTED CHANGE: We request that EASA specify the role and responsibilities of the accountable manager -- e.g., is this term applicable to only one position in the organization or to multiple positions involved in DAT provision?

JUSTIFICATION: Our request stems from currently known differences in interpretation of requirement A.145 (c) (1) from *EASA Conditions for the Issuance of Letters of Acceptance for Navigation Database Suppliers by the Agency*.

response Noted

As explained in the Explanatory Note to NPA 2014-20, with the forthcoming adoption of the draft Regulation on ‘Requirements for service providers and the oversight thereof’, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers) will be subject to general common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (from IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data to airspace users for the purpose of air navigation (Part-DAT). NPA 2014-20 is proposing the ‘missing’ Part-DAT.

It should be noted that general common requirements laid down in Annex III (Part-ATM/ANS.OR) of the above-mentioned draft Regulation addresses the roles and responsibilities of the accountable manager in ATM/ANS.OR.B.020 and the associated AMC/GM illustrate means to establish compliance with the requirements.

comment 93

comment by: Boeing

Page: 27

Paragraph: **DAT.OR.110 Continued validity (a)****The proposed text states:**

“In addition to the requirements laid down in ATM/ANS.OR.A.025, the certificate for the



response	<p><i>provision of DAT shall remain valid unless:</i></p> <p><i>(a) there is evidence that the DAT provider cannot maintain satisfactory control of reception, assembly, translation, selection, formatting, distribution and/or integration of information that is released by aeronautical data source providers or originates from the DAT provider itself into aeronautical databases for aircraft systems; ...”</i></p> <p>REQUESTED CHANGE: We request that EASA define “satisfactory control” and evidence of such. Specifically, does it mean conformity with this regulation, or other factors are included? How and by whom is this evidence determined?</p> <p>JUSTIFICATION: Lack of definition could lead to multiple / contradictory interpretations.</p> <p><i>Noted</i></p> <p>Considering the NPA 2014-20 consultation, the provision is removed.</p>
comment	<p>94 comment by: Boeing</p> <p>Page: 27 Paragraph: DAT.OR.115 Management system (b)</p> <p>The proposed text states: “In addition to ATM/ANS.OR.B.005, the DAT provider, as applicable for the type of DAT provision, shall establish and maintain a management system that includes control procedures for: ... (b) verification that incoming data has been produced in accordance with the applicable standards; ...”</p> <p>REQUESTED CHANGE: We request EASA clarify if this requirement is also applicable for data not coming from an authoritative source.</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>The provision covers all incoming data, either coming from an authoritative source or not.</p> <p>In case of a non-authoritative source, as stipulated in DAT.OR.100 ‘[...] that aeronautical data may be originated and/or validated by the DAT provider itself.’ and a control procedure for verification of this date should be established as well.</p>

comment	<p data-bbox="352 210 387 237">95</p> <p data-bbox="1187 210 1437 237" style="text-align: right;">comment by: <i>Boeing</i></p> <p data-bbox="352 297 916 398">Page: 27 Paragraph: DAT.OR.115 Management system (h)</p> <p data-bbox="352 443 671 470">The proposed text states:</p> <p data-bbox="352 477 1449 577"><i>“In addition to ATM/ANS.OR.B.005, the DAT provider, as applicable for the type of DAT provision, shall establish and maintain a management system that includes control procedures for:</i></p> <p data-bbox="352 595 751 685">... (h) <i>non-conforming item control</i> ...”</p> <p data-bbox="352 725 1449 792">REQUESTED CHANGE: We request that EASA add a definition for “<i>non-conforming item</i>” in Annex I.</p> <p data-bbox="352 833 1417 860">JUSTIFICATION: Lack of definition could lead to multiple / contradictory interpretations.</p>
response	<p data-bbox="352 896 571 922"><i>Partially accepted</i></p> <p data-bbox="352 981 1449 1048">Considering the comment, the provision is amended and ‘non-conforming item control’ is replaced by ‘errors/deficiencies handling’.</p>
comment	<p data-bbox="352 1173 387 1200">96</p> <p data-bbox="1187 1173 1437 1200" style="text-align: right;">comment by: <i>Boeing</i></p> <p data-bbox="352 1261 855 1361">Page: 27 Paragraph: DAT.OR.120 Record keeping (b)</p> <p data-bbox="352 1406 671 1433">The proposed text states:</p> <p data-bbox="352 1440 1449 1507"><i>“In addition to the records required in ATM/ANS.OR.B.030, the DAT provider shall include in its system of record keeping:</i></p> <p data-bbox="352 1525 879 1581">... (b) <i>the elements indicated in DAT.OR.115.”</i></p> <p data-bbox="352 1621 1449 1688">REQUESTED CHANGE: We request that EASA consider specifically stating which elements in DAT.OR.115 would require records.</p> <p data-bbox="352 1729 1449 1796">JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>
response	<p data-bbox="352 1825 432 1852"><i>Noted</i></p> <p data-bbox="352 1910 836 1937">The Agency takes note of the comment.</p> <p data-bbox="352 1966 1449 1993">It is important to be noted that ATM/ANS.OR.B.030 (applicable to all service providers,</p>



including DAT providers) requires that ‘a service provider shall establish a system of record-keeping that allows adequate storage and reliable traceability of all its activities, covering in particular all the elements indicated in ATM/ANS.OR.B.005 (i.e. management system)’.

As DAT.OR.115 (now renumbered to DAT.OR.110) sets up the additional management system elements, it should be considered necessary these elements to be covered by the system of record-keeping as well, namely all elements listed in DAT.OR.115.

comment 97

comment by: Boeing

Page: 28

Paragraph: **DAT.OR.200 Reporting requirements**

(a) (2)

The proposed text states:*“The DAT provider shall demonstrate that:**(a) with regard to all the necessary data, it:*

...

*(2) report to the competent authority the deviations which could lead to an unsafe condition identified according to subparagraph (1). Such reports shall be made in a form and manner acceptable to the competent authority; ...”***REQUESTED CHANGE:** We request that EASA specify what exactly is the *“form and manner acceptable to the competent authority.”***JUSTIFICATION:** The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response Noted

A GM associated with DAT.OR.200 illustrates that ‘in form and manner acceptable to the competent authority’ would mean ‘using the occurrence reporting form’.

comment 98

comment by: Boeing

Page: 28

Paragraph: **DAT.OR.200 Reporting requirements**

(a) (3)

The proposed text states:*“The DAT provider shall demonstrate that:**(a) with regard to all the necessary data, it:*

...

(3) where the certified DAT provider is acting as a supplier to another DAT provider, report

also to that other organisation all cases where it has released aeronautical databases to that organisation and subsequently identified them as having possible errors; ...”

REQUESTED CHANGE: We request that EASA clarify if this requirement is applicable to internal suppliers within the same organizations, e.g., different legal entities of the same organization.

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response *Noted*

Different solutions may vary substantially. It depends on the organisational set-up and the procedures of the DAT providers.

comment 99

comment by: Boeing

Page: 28

Paragraph: **DAT.TR.100 Working methods and operating procedures**
(a) (2)

The proposed text states:

*“The DAT provider shall demonstrate that:
(a) with regard to all the necessary data, it:*

...

(2) shall use data from an authoritative source(s) and if required other aeronautical data verified by the DAT provider itself and/or other DAT provider(s); ...”

REQUESTED CHANGE: We request that EASA clarify if Airspace Design organizations will be considered “*authoritative sources*” and, therefore, excluded from the requirement for verification of data received from such organizations.

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response *Noted*

It should be noted that the definition of ‘authoritative source’ is introduced in Annex I. As long as an airspace design organisation is a State authority or an organisation formally recognised by the State to originate or publish data which meets data quality requirements as specified by the State, that airspace design organisation could be an authoritative source. In case though it is not one of the listed organisations, the validation requirements for the DAT providers should apply.



comment	<p>100</p> <p>Page: 29 Paragraph: DAT.TR.100 Working methods and operating procedures (b) (2)\</p> <p>The proposed text states: <i>“The DAT provider shall demonstrate that: ... (b) with regard to management and staff: ... (2) a person or group of persons has (have) been nominated by the DAT provider to ensure that the organisation is in compliance with the requirements, and is (are) identified, together with the extent of their authority. Such person(s) shall act under the direct authority of the accountable manager referred to in subpara-graph (1). The person(s) nominated shall be able to demonstrate the appropriate knowledge, background and experience to discharge their responsibilities;”</i></p> <p>REQUESTED CHANGE: We request that EASA clarify whether this should be interpreted as an independent oversight function (e.g., Quality Management Representative, Quality Services), operational / performance management (e.g., technical specialists), or the Attesting Staff function.</p> <p>JUSTIFICATION: Depending on the clarification, a different resource impact may be identified. The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>	comment by: Boeing
response	<p><i>Noted</i></p> <p>Considering the comments received in reference to DAT.TR.100(b) and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on ‘Requirements for service providers and the oversight thereof’, addressed to the Commission through Opinion No 03/2014, the Agency acknowledges the similarities between ATM/ANS.OR.005(a)(6) and (c) and ATM/ANS.OR.B.020. Therefore, the provision is removed.</p>	
comment	<p>141</p> <p>Annex VII, Section 1, DAT.OR.115, (b): How shall DAT providers make sure that incoming data has been produced in accordance with (all) applicable standards, especially when talking about authoritative sources?</p> <p>Note: To LSYFN understanding, it is not possible to check all authoritative sources (worldwide) in accordance with (all) applicable standards. - The true meaning of the sentence may not be clear.</p>	comment by: Lufthansa Systems FlightNav



response

Noted

DAT.OR.100 stipulates that the DAT provider shall receive, assemble, translate, select, format, distribute and/or integrate aeronautical data and information that is released by an authoritative source for use in aeronautical databases on certified aircraft systems application/equipment. In specific cases, if aeronautical data is not provided in the AIPs or by an authoritative source or does not meet the applicable DQR, that data may be originated and/or validated by the DAT provider itself. In the case of a non-authoritative source, a GM to AMC1 DAT.TR.100(a)(2) is proposed to further clarify the subject by stating that when verifying a non-authoritative source, the DAT provider should proceed by using either additional information sources to validate this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations.

Considering the above, the authoritative source could be used without any verification and validation process.

comment

142

comment by: *Lufthansa Systems FlightNav*

Subpart B, section 1, DAT.TR.105, (c):

What is meant with the required interface to aircraft operators, "as applicable"?
Does this imply any requirement beyond the proper setup of a DQR?
If yes, could this be clearly defined (or could examples be given) in Subpart B?

Note: The current wording may be subject to misinterpretation.

response

Noted

The purpose of 'as applicable' is to exclude Type 1 DAT provider from the applicability of this requirement as it does not have a direct interface with the aircraft operator as explained in Figure 3 'Illustration of the interfaces of the regulated parties' (please refer to Section 2.3. of NPA 2014-20).

Furthermore, it should be noted that means to establish compliance with this requirement is provided in AMC1 DAT.TR.105(c).

comment

159

comment by: *NATS National Air Traffic Services Limited***DAT.OR.100 (a)**

Given the definition of "aeronautical information" and "aeronautical data", the latter would appear more appropriate here (use of assembly and formatting).



	<p>The latter part of the first sentence would read better as “...released by an authoritative source.” tional what is the rationale for this approach as opposed to that for ANSP? If unintentional DAT providers could be added to the existing AMC ATM/ANS.OR.B.005(a) for ANSP as the wording is almost identical.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency takes due consideration of the proposals.</p> <p>As regards DAT.OR.100, the comment is accepted and the provision is amended.</p> <p>As regards AMC associated with the management system of the DAT providers, considering the NPA 2014-20 consultation, the provisions are amended. Furthermore, the subject AMCs refer to different standards as means of compliance by the DAT providers, therefore, the Agency has decided to keep the different AMCs.</p>
comment	<p>160 comment by: NATS National Air Traffic Services Limited</p> <p>DAT.OR.105 (a)(1)</p> <p>Is the “information” here the same aeronautical information as in DAT.OR.200 (a)? If so add “aeronautical”, if not what is this information?</p> <p>Should “electronic databases” be “aeronautical database” as the former is undefined whereas the latter is defined and that term is used elsewhere.</p> <p>Having a second “shall” makes the readability difficult. It is assumed that the first shall applies to Type 1 and Type 2 whereas the second should only applies to Type 2.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision is amended.</p> <p>The first ‘shall’ applies to all DAT providers, while the second one only to Type 2 DAT providers. A similar regulatory approach was taken in other cases as well (e.g. ATM/ANS.OR.A.010(a)(4)).</p>
comment	<p>161 comment by: NATS National Air Traffic Services Limited</p> <p>DAT.OR.105 (b)</p> <p>The second sentence is a statement and might be better as GM a there is no “shall”.</p>



response *Partially accepted*

Considering the comment, said sentence is amended as follows:

'The ultimate responsibility [...] shall remains with the accountable manager [...].

comment 162

comment by: *NATS National Air Traffic Services Limited*

DAT.OR.115

In the absence of any specific AMC/GM how is the applicability for the type of DAT provision determined with regard to establishing and maintain a management system?

Given the earlier comments on the two AMC proposed for ATM/ANS.OR.005 does this mean that this IR is in addition to the AMC or does satisfying the AMC also mean that this IR is met (this IR is called Management System as well)?

Please note that the numbering after (i) is incorrect.

response *Noted*

It is important to be noted that DAT.OR.115 addresses the additional specific DAT providers requirements as regards management system. AMC1 ATM/ANS.OR.B.005(a) should also cover the elements listed in DAT.OR.115 (now renumbered to DAT.OR.110). Considering the comment, the numbering of the associated AMCs is amended.

comment 163

comment by: *NATS National Air Traffic Services Limited*

DAT.OR.120 Records Keeping

No records are required by ATM/ANS.OR.B.030 rather it is about requirements for record keeping.

As ATM/ANS.OR.B.030 refers to ATM/ANS.OR.B.005 (with regard to covering in particular certain records) how does this relate to the AMC for DAT provider whereby the two proposed AMC are means of satisfying ATM/ANS.OR.B.005?

In (a) what is meant by "records completion and retention"? What records and what retention?

response *Partially accepted*

Considering the comment, the provision is amended aiming to avoid overlaps with the requirements laid down in ATM/ANS.OR.B.030.



If the comment is well understood, AMC1 ATM/ANS.OR.B.030 will apply to DAT providers as well, and DAT.OR.120 (now renumbered to DAT.OR.115) in a similar way refers to DAT.OR.115 (now renumbered to DAT.OR.110) as regards the additional management system requirements.

comment

164

comment by: NATS National Air Traffic Services Limited

DAT.OR.200 (b)

The reference to ATM/ANS.OR.B.015 is “contracted activities”; perhaps ATM/ANS.OR.B.005 is meant?

response

Accepted

Considering the comment, the reference is corrected.

comment

165

comment by: NATS National Air Traffic Services Limited

DAT.TR.100(b)(1)

The reference to ATM/ANS.OR.b.025 is “facilities requirements”; perhaps ATM/ANS.OR.020(a) is meant?

Rather than use the term “organisation” which is generic would it be better to use “DAT provider”?

response

Noted

Considering the comments received in reference to DAT.TR.100(b) and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on ‘Requirements for service providers and the oversight thereof’ addressed to the Commission through Opinion No 03/2014, the Agency acknowledges the similarities between ATM/ANS.OR.005(a)(b) and (c) and ATM/ANS.OR.B.020. Therefore, the provision is removed.

comment

166

comment by: NATS National Air Traffic Services Limited

DAT.TR.100(b)(2)

	<p>“DAT providers” in the first sentence is not necessary as it is in the lead in text at the beginning of the IR.</p> <p>In the last sentence to whom should the person(s) nominated demonstrate the appropriate knowledge, etc. and against what criteria?</p>
response	<p><i>Noted</i></p> <p>Considering the comments received in reference to DAT.TR.100(b) and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on “Requirements for service providers and the oversight thereof” addressed to the Commission through Opinion No 03/2014, the Agency acknowledges the similarities to ATM/ANS.OR.005(a)(6) and (c) and ATM/ANS.OR.B.020. Therefore, the provision is removed.</p>
comment	<p>167 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>DAT.TR.100(c)</p> <p>"DAT providers" in the first sentence is not necessary as it is in the lead in text at the beginning of the IR.</p> <p>Are these statements statements of compliance or are they different statements? If the former then please put in full, if not what are these statements?</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision is amended.</p> <p>It should be noted that DAT.OR.105(b) refers to ‘issue a Statement of Conformity’.</p>
comment	<p>195 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.100(a), ¶12, 3rd line</p> <p>Suggest changing to “... be originated or validated by the DAT provider itself.” The aeronautical data could still be obtained from a non-authoritative source and does not necessarily need to be originated by the DAT provider.</p>
response	<p><i>Partially accepted</i></p>



Considering the comment, the provision is amended accordingly.

comment

196

comment by: *Garmin International*

3.1, Annex VII, DAT.OR.100(b), 1st line

Suggest changing to “When so requested, the DAT provider shall **may** process tailored data...” Term “shall” implies an obligation, and a DAT provider is never *obligated* to supply any particular data simply by virtue of being a DAT provider.

response

Accepted

Considering the comment, the provision is amended accordingly.

comment

197

comment by: *Garmin International*

3.1, Annex VII, DAT.OR.105(b)

Suggest removing DAT.OR.105(b). FAA AC 20-153A does not require aeronautical data to have independent personnel (or any personnel) attest to the data and processes having qualified with Statements of Conformity. Additionally, there is no evidence of safety issues attributable to US database suppliers issued LOAs under AC 20-153A due to the lack of such a requirement. Inclusion of this requirement is a significant difference with AC 20-153A and makes the EASA requirements un-harmonized. Audits of ED-76(A) compliance will prove existence of organizational processes and procedures that are documented and adhered to during the processing of aeronautical data. There is no reason to believe that an accepted/certified organization will stray from these procedures.

response

Not accepted

Today’s Agency’s Conditions for the Issuance of a Letter of Acceptance for Navigation Database Suppliers set up the minimum requirements for personnel responsible for the compliance monitoring and for the attesting staff.

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

Contrary to the proposal to remove the provisions, the Agency was invited by other commentators to develop further GMs and standards for the training of attesting staff taking into consideration the need for global alignment.

As an outcome of the NPA 2014-20 consultation, the Agency believes that the proposed regulatory approach on the current attesting staff should remain as is as it provides acknowledgment of this position and clear allocation of responsibilities.



comment	<p>198 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.110(a)</p> <p>Suggest striking DAT.OR.110(a) entirely because requirements of ATM/ANS.OR.A.025 are adequate. The phrase “cannot maintain satisfactory control of...” is too vague and subjective and thus leaves the entire provision subject to too much interpretation by the competent authority; the authority could point to this statement to invalidate a certificate for just about anything, which is unreasonable.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision is removed.</p>
comment	<p>199 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.110(b)</p> <p>Suggest changing to “the DAT provider no longer meets the conditions of DAT.TR.105 (a) and (b). Garmin suggests removing DAT.TR.105(c) in a separate comment.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment and after further evaluation of the provision in question, the specific requirements for DAT providers on continued validity are removed.</p>
comment	<p>200 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.115(h)</p> <p>Suggest clarification of item (h). It is unclear to the reader what a “non-conforming item” is, and consequently, what it is that EASA is proposing needs control. If a non-conforming item is a database that is produced by an accepted/certificated organization, but was never intended to meet the standards of ED-76(A), then suggest that item (h) be removed because such a non-conforming item really can’t have a requirement placed upon it, by its nature. Alternatively, if a non-conforming item is, for example, a database that is intended to meet the standards of ED-76(A), but failed to do so due to an error or mistake, such error handling requirements are already taken into account in ED-76(A), section 2.3.4 and need not be duplicated. Removal of item (h) or reference to ED-76(A)’s error reporting requirements would be ideal.</p>
response	<p><i>Partially accepted</i></p>

Considering the comment, the provision is amended and 'non-conforming item control' is replaced by 'errors/deficiencies handling'.

comment

201

comment by: *Garmin International*

3.1, Annex VII, DAT.OR.115, 2nd (c)

Suggest removing DAT.OR.115, 2nd (c). The referenced Statement of Conformity would be a recurring document that adds no value toward safety of data processing.

FAA AC 20-153A does not require such a Statement of Conformity. Instead, the Statement of Conformity takes the form of a one-time, static statement included in the Type 2 LOA letter issued by the FAA. Additionally, there is no evidence of safety issues attributable to US database suppliers not generating a Statement of Conformity every 28 days. Inclusion of this requirement is a significant difference with AC 20-153A and makes the EASA requirements un-harmonized. See also Garmin's comment on DAT.OR.105(b).

response

Not accepted

This issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The database identification is considered as an essential part of the aeronautical database as there is a necessity for traceability to identify what package has been delivered and also tracked back. This information is also important for the aircraft operators. Moreover, the link between a given database and the statement of conformity would serve as a means of ensuring the data integrity.

Furthermore, as explained in Section 2.5.6. of the Explanatory Note to NPA 2014-20 and reconfirmed by one of the European DAT providers during said thematic meeting, 'the statement of conformity' is already provided in the frame of the current LoA Approval process for navigation database deliverables. Consequently, no change to the current processes in place would be expected in this context, just potentially an update of the template in order to match with the one proposed. Taking into account the above, the comment is not accepted.

comment

202

comment by: *Garmin International*

3.1, Annex VII, DAT.OR.115(j)

Suggest removing item (j). The end-use functional link is outside the scope of ED-76(A). Data loading and use both take place downstream from the cut-off of ED-76(A)'s scope, which is in between Application Integration and End-Use. The end-user has no requirements levied upon them by ED-76(A), therefore it would be a waste of resources to have the application integrator formalize distribution when the subsequent act of receiving the data bears no requirements. Further, databases are verified within airborne



	<p>systems to have not been altered since their release, so the distribution mechanisms are not a safety concern.</p>
response	<p><i>Not accepted</i></p> <p>The point mentioned by the commentator is correct as, indeed, the end-use functional link is outside the scope of ED-76/RTCA DO-200A. However, it should be noted that this NPA proposes regulatory measures to address the whole data chain. One of the requirements for the organisations that translate, format and/or integrate information that originates from the States aeronautical information services (e.g. AIP) into electronic databases for airborne navigation systems set up in Opinion No 01/2005 is precisely the commented one. The Agency considers it essential as it addresses the traceability to the end-user (product, database, etc.).</p>
comment	<p>203 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.200(a) (1), (3), (4)</p> <p>Suggest removing items (1), (3), and (4) under (a). ED-76(A), Section 2.3.4 already covers the concept of error reporting to suppliers and users. There is no need to duplicate the requirement in Part-DAT.</p>
response	<p><i>Not accepted</i></p> <p>The Agency duly takes note of the comments that some of the provisions proposed through NPA 2014-20 are contained already in ED-76/RTCA DO-200A and there is no need for these requirements in Part-DAT.</p> <p>However, it is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.</p> <p>It needs to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules and are used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs.</p> <p>Bearing that in mind, the Agency considers that these requirements at high level (i.e. IR) should remain as proposed while EUROCAE ED-76/RTCA DO-200A will serve as a means of compliance with this rule.</p>

comment	<p>204 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.OR.200(b)</p> <p>Suggest removing item (b). ED-76(A), Section 2.3.4 item 2 already covers the concept of creating an error reporting and tracking system. There is no need to duplicate the requirement in Part-DAT.</p>
response	<p><i>Not accepted</i></p> <p>The Agency duly takes note of the comments that some of the provisions proposed through NPA 2014-20 are contained already in ED-76/RTCA DO-200A and there is no need for these requirements in Part-DAT.</p> <p>However, it is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.</p> <p>It needs to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules and are used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs.</p> <p>Bearing that in mind, the Agency considers that these requirements at high level (i.e. IR) should remain as proposed while EUROCAE ED-76/RTCA DO-200A will serve as a means of compliance with this rule.</p>
comment	<p>205 comment by: <i>Garmin International</i></p> <p>3.1, Annex VII, DAT.TR general comment</p> <p>Considering the existence of ED-76(A), which already contains technical standards for the processing of aeronautical data, why is it necessary to list specific requirements for Part-DAT.TR? Referencing ED-76(A), sections 2.3, 2.4, and 2.5, where applicable, would adequately cover the themes of the items currently in DAT.TR and avoid duplication of requirements.</p>
response	<p><i>Noted</i></p>



It is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.

It needs to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules and are used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs.

Bearing that in mind, the Agency considers that these requirements at high level (i.e. IR) should remain as proposed while EUROCAE ED-76/RTCA DO-200A will serve as a means of compliance with this rule.

comment

206

comment by: *Garmin International*

3.1, Annex VII, DAT.TR.100(a)

If Garmin's general comment on DAT.TR is not adopted, suggest removing items (1), (2), and (3) for the same reasons of avoid overlap and/or duplication with requirements already set in ED-76(A).

response

Not accepted

The Agency duly takes note of the comments that some of the provisions proposed through NPA 2014-20 are contained already in ED-76/RTCA DO-200A and there is no need for these requirements in Part-DAT.

However, it is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.

It needs to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules and are used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs.



Bearing that in mind, the Agency considers that these requirements at high level (i.e. IR) should remain as proposed while EUROCAE ED-76/RTCA DO-200A will serve as a means of compliance with this rule.

comment

207

comment by: *Garmin International*

3.1, Annex VII, DAT.TR.100(b), (c)

If Garmin's general comment on DAT.TR is not adopted, suggest removing items (b) and (c). ED-76(A), section 2.5 already calls for a quality management system to be in place within the complying organization. Standards for oversight (reviews and approvals) are already set and should not be duplicated in Part-DAT. Additionally, as mentioned in comment to DAT.OR.105(b), there is no evidence that the FAA-issued LOAs based on AC 20-153A, which does not include the requirement for accountable management/attesting staff, has resulted in a decrease in safety in aeronautical data processing.

response

Partially accepted

As regards DAT.TR.100(b), considering the comments and after further evaluation by the Agency of any possible overlaps with respect to the requirements already set up in Part-ATM/ANS.OR (Annex III) on common requirements for the service providers of the draft Regulation on 'Requirements for service providers and the oversight thereof', addressed to the Commission through Opinion No 03/2014, the Agency acknowledges the similarities to ATM/ANS.OR.005(a)(6) and (c) and ATM/ANS.OR.B.020. Therefore, the provision is removed.

As regards DAT.TR.100(c), the Agency duly takes note of the comments that some of the provisions proposed with NPA 2014-20 are contained already in ED-76/RTCA DO-200A and there is no need for duplication.

However, it is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Certification Specifications (CSs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.

It needs to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules and is used to support the interpretation of Regulation (EC) No 216/2008, its Implementing Rules and AMCs.

Bearing that in mind, the Agency considers that these requirements at high level (i.e. IR) should remain as proposed while EUROCAE ED-76/RTCA DO-200A will serve as a means of



compliance with this rule.

comment

208

comment by: *Garmin International*

3.1, Annex VII, DAT.TR.105(c)

Suggest removing item (c) to align with the scope of ED-76(A) which ends after the application integration functional link. There is no reason for DAT providers to have a formal, approved/certificated method of interface with operators, particularly in the general aviation market where the sheer number of interfaces required between the provider and all of its customer operators would range in the tens of thousands, which would be unmanageable. Most of these operators do not hold specific operational approvals and would be unaccustomed to such interfaces.

response

Noted

Today's Agency's Conditions for the Issuance of a Letter of Acceptance for Navigation Database Suppliers establish the procedure for the issuance of LoA for organisations that translate, format and/or integrate information that originates from the States aeronautical information services (e.g. AIP) into electronic databases for airborne navigation systems. Said Conditions also set up requirements for these organisations. One of these requirements is about the interfaces with the aircraft operators. It should be noted that it applies only to Type 2 DAT providers. This aspect is considered very important by the Agency as a feedback loop facilitating the continuous improvements as regards the services provided is expected.

comment

209

comment by: *Garmin International*

3.1, All proposed amendments to EU No 965-2012 regarding data currency

AMC1 CAT.IDE.A.355(b)

AMC1 CAT.IDE.H.355(b)

AMC1 NCC.IDE.A.260(b)

AMC1 NCC.IDE.H.260(b)

AMC1 NCO.IDE.A.205(b)

AMC1 NCO.IDE.H.205(b)

AMC1 SPO.IDE.A.230(c)

AMC1 SPO.IDE.H.230(c)

Suggest changing each instance of the item that reads "The operator shall ensure the timely distribution and insertion of ~~current and~~ unaltered aeronautical databases to all aircraft that require it." The concept of "currency" doesn't always apply to every database. See also Garmin's Annex I, bb. comment, suggestion 2. The existing phrase "timely distribution and insertion" covers the effectivity concern adequately.



response *Not accepted*

The quoted text is found in the rule itself and not in the AMCs. GM2 CAT.IDE.H.355 (on TIMELY DISTRIBUTION) explains that when no validity period is defined for the database, the operator will establish a procedure for the update and distribution of the database.

comment 258

comment by: *Brad Miller, FAA AIR-131*

DAT.OR.100(a), 2nd para where it reads:

In specific cases, if aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself.

Propose inserting new requirement at end of paragraph (a): "Origination of data shall be validated and distinguished from data released by an authoritative source." See GM1 DAT.TR.100

response *Partially accepted*

Considering the comment, the subject provision is amended and the validation of data coming from a non-authoritative source is addressed.

comment 259

comment by: *Brad Miller, FAA AIR-131*

<p>DAT.TR.100 para (a)(1) pg 28</p>	<p>Change (1) to read: "shall establish data quality requirements that are agreed upon with other DAT providers (in the aeronautical data chain) and in the case of type 2 DAT provider agreed upon with the design approval holder. Evidence should show establishment of that agreement and change control processes for the DQRs.</p>	<p>Really what is necessary is agreement to the DQRs.</p>
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response *Accepted*

Considering the comment, DAT.TR.100(a)(1) and DAT.OR.115 (now DAT.OR.100) are amended to address the issue raised by the commentator.



comment	<p>260 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.100(a)(4):</p> <p>Tailored data is out of scope and this is not harmonized with FAA.</p> <p>Please delete.</p>
response	<p><i>Not accepted</i></p> <p>During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.</p> <p>Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.</p>
comment	<p>261 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.105(a)(1), change 2nd part of sentence to read:</p> <p>"...DAT provider Type 2 shall ensure DQRs are compatible with intended use of the approved equipment through an appropriate arrangement..."</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision is amended accordingly.</p>
comment	<p>262 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.200(a)(1) change to read:</p>

	<p>"report to the customer in a timely fashion..."</p> <p>At end of sentence, do we really mean "possible"? Please delete.</p>
response	<p><i>Partially accepted</i></p> <p>As regards 'report to the customer in a timely fashion [...]', the issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject and the proposal was not well received.</p> <p>As regards the deletion of 'possible', the Agency accepts the comment.</p>
comment	<p>263 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.200(a)(2):</p> <p>Criteria for unsafe conditions does not seem to be specified. What this seems to say is that the DAT provider should copy the competent authority on all communications to their customers. Do we need to define what is an unsafe condition at this point?</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment and will further consider an introduction of a possible GM to illustrate the meaning of 'unsafe condition'.</p>
comment	<p>265 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.200(a)(2) change to read:</p> <p>"report to the competent authority in a timely fashion..."</p>
response	<p><i>Not accepted</i></p> <p>The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject and the proposal was not well received.</p>
comment	<p>266 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>DAT.OR.200(a)(3) change to read:</p> <p>"..., report also in a timely fashion..."</p> <p>At end of sentence delete "possible"</p>



response *Partially accepted*

As regards 'report to the customer in a timely fashion [...]', the issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject and the proposal was not well received.

As regards the deletion of 'possible', the Agency accepts the comment.

comment 267 comment by: *Brad Miller, FAA AIR-131*

DAT.OR.200(a)(4) change to read:

"report to the aeronautical data source provider, in a timely fashion, ..."

response *Not accepted*

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject and the proposal was not well received.

comment 268 comment by: *Brad Miller, FAA AIR-131*

DAT.OR.200(b):

Add sentence at the end stating, " The system shall include a timeliness requirement, usually less than 24 hours, to initially report unsafe conditions."

Delete last sentence. Have no idea what this means.

Additionally, isn't this already a part of the QMS?

response *Not accepted*

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed on the subject. Considering the outcome of the discussion, the proposal is not accepted.

comment 269 comment by: *Brad Miller, FAA AIR-131*

DAT.TR.100 para (a)(2) pg 28:

Change "verified" to "verified and validated"



response *Accepted*

comment 270

comment by: *Brad Miller, FAA AIR-131*

DAT.TR.100 para (a)(4) pg 28:

Tailored data is out of scope and this is not harmonized with FAA.

Please delete.

response *Not accepted*

During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.

Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.

comment 271

comment by: *Brad Miller, FAA AIR-131*

CAT.IDE.A.355(b) pg 29:

Should read "The operator shall ensure **completeness and** the timely distribution..."

response *Not accepted*

In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and **unaltered** aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.



comment	<p>274 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>CAT.IDE.H.355(b) pg 30:</p> <p>Should read "The operator shall ensure completeness and the timely distribution..."</p>
response	<p><i>Not accepted</i></p> <p>In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.</p>
comment	<p>276 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>NCC.IDE.A.260(b) pg 30:</p> <p>Should read "The operator shall ensure completeness and the timely distribution..."</p>
response	<p><i>Not accepted</i></p> <p>In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.</p>
comment	<p>277 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>NCC.IDE.H.260(b) pg 31:</p> <p>Should read "The operator shall ensure completeness and the timely distribution..."</p>
response	<p><i>Not accepted</i></p> <p>In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.</p>
comment	<p>278 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>NCO.IDE.A.205(b) pg 31:</p> <p>Should read "The operator shall ensure completeness and the timely distribution..."</p>



response	<i>Not accepted</i>	
	In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.	
comment	279	comment by: <i>Brad Miller, FAA AIR-131</i>
	NCO.IDE.H.205(b) pg 31: Should read "The operator shall ensure completeness and the timely distribution..."	
response	<i>Not accepted</i>	
	In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.	
comment	281	comment by: <i>Brad Miller, FAA AIR-131</i>
	SPO.IDE.A.230(c) pg 32: Should read "The operator shall ensure completeness and the timely distribution..."	
response	<i>Not accepted</i>	
	In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.	
comment	282	comment by: <i>Brad Miller, FAA AIR-131</i>
	SPO.IDE.A.230(c) pg 32: Should read "The operator shall ensure completeness and the timely distribution..."	
response	<i>Not accepted</i>	
	In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases', the term	



'unaltered' is intended to include the completeness of the data.

comment 283 comment by: *Brad Miller, FAA AIR-131*

SPO.IDE.H.230(c) pg 32:

Should read "The operator shall ensure **completeness and** the timely distribution..."

response *Not accepted*

In the current wording of CAT.IDE.A.355(b) 'The operator shall ensure the timely distribution and insertion of current and **unaltered** aeronautical databases', the term 'unaltered' is intended to include the completeness of the data.

comment 302 comment by: *Navtech*

Regarding "may be originated by the DAT provider", further clarification is required regarding how to define origination as also listed above.

response *Noted*

DAT.OR.100 stipulates that the DAT provider shall receive, assemble, translate, select, format, distribute and/or integrate aeronautical data and information that is released by an authoritative source for use in aeronautical databases on certified aircraft systems application/equipment. In specific cases, if aeronautical data is not provided in the AIPs or by an authoritative source or does not meet the applicable DQR, that data may be originated and/or validated by the DAT provider itself. In case of a non-authoritative source, a GM to AMC1 DAT.TR.100(a)(2) is proposed to further clarify the subject by stating that when verifying a non-authoritative source, the DAT provider should proceed by using either additional information sources to validate this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations.

Moreover, considering the comments received on this specific subject, a new GM to AMC1 DAT.OR.100(a) and to DAT.TR.100(a)(2) has been introduced to clarify that:

'The first known DAT provider that uses data coming from (an)other (non-authoritative) source(s) in the aeronautical data chain, accepts the responsibility of the data originator (i.e. ensuring that the data meets the data quality requirements).'

comment 303 comment by: *Navtech*



	<p>please define “independent manner”.</p> <p>Additionally, a clear definition of the term “accountable manager”, the required qualifications and roles and responsibilities is requested.</p>
response	<p><i>Partially accepted</i></p> <p>As explained in the Explanatory Note to NPA 2014-20 with the forthcoming adoption of the draft Regulation on ‘Requirements for service providers and the oversight thereof’, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers) will be subject to general common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (from IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data to airspace users for the purpose of air navigation (Part-DAT). NPA 2014-20 is proposing the ‘missing’ Part-DAT.</p> <p>It should be noted that general common requirements laid down in Annex III (Part-ATM/ANS.OR) of said draft Regulation addresses the roles and responsibilities of the accountable manager in ATM/ANS.OR.B.020 and the associated AMC/GM illustrate the means to establish compliance with the requirements.</p>
comment	<p>304 comment by: <i>Navtech</i></p> <p>Regarding DAT.OR.110 a) Clarify “evidence” which whom and who is to determine on what basis or evidence then the satisfactory control. Suppose the accredited auditing body but it is not stated here.</p>
response	<p><i>Noted</i></p> <p>Based on the NPA 2014-20 consultation, the provision is removed.</p>
comment	<p>305 comment by: <i>Navtech</i></p> <p>Please define “continuous update”. As the industry moves electronic, this may become an important issue and there should be some specific timeframes attached, which we would like to have some feedback on.</p>
response	<p><i>Noted</i></p> <p>This issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p> <p>Considering the comments received during the NPA 2014-20 consultation, the term</p>

'continuous update' is replaced by 'timely update of the data used'.

comment

306

comment by: *Navtech*

Regarding DAT.OR.120 - will retention period be defined

response

Noted

Taking due consideration of the NPA 2014-20 consultation, the provision is removed.

comment

307

comment by: *Navtech*

Clarification of what is acceptable method for reporting to the competent authority.

Additionally, this statement does not provide clarity on whether or not these deviations are those made by the DAT providers or by the source. The Navtech preference would be that the DAT provider is required to inform the source of their errors and it should be the obligation of the sourced to report their errors back to the authority. Thereby the DAT provider is obligated only for their portion of the chain.

response

Noted

A GM associated with DAT.OR.200 clarifies that 'in form and manner acceptable to the competent authority' would mean 'using the occurrence reporting form'.

As regards the second part of the comment, it should be noted that it is linked to paragraph (1), i.e. when the DAT provider has released the aeronautical database. The Agency agrees with the commentator that the DAT provider is responsible only for its segment of the chain, therefore, when the database is not released, then only DAT.OR.200(a)(4) applies.

comment

308

comment by: *Navtech*

requires clear definition of the scope of aeronautical database as mentioned above.

response

Accepted

Considering the comment, the draft rule is amended aiming at a clearer definition of the scope.



comment	<p>325</p> <p>DAT.OR.110 "evidence": How does it bring? How does it monitor? Who does?</p>	comment by: <i>THALES AVIONICS</i>
response	<p><i>Noted</i></p> <p>Based on the NPA 2014-20 consultation and after further evaluation of the provision in question, the specific requirements for DAT providers on continued validity are removed.</p>	
comment	<p>326</p> <p>DAT.OR.115 ATM/ANS.OR.B.005 refers to functional system of service provided. It is necessary to define the content and the perimeter of the functional system for a DAT providing service.</p>	comment by: <i>THALES AVIONICS</i>
response	<p><i>Noted</i></p> <p>As already explained in Section 2.1. of the Explanatory Note to NPA 2014-20 with the forthcoming adoption of the draft Regulation on ‘Requirements for service providers and the oversight thereof’, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers) will be subject to common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (from IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data services and NPA 2014-20 is proposing an amendment to said Annex VII (Part-DAT).</p> <p>It should be noted that the mentioned common requirements (Annex III, Part-ATM/ANS.OR) of the draft Regulation on ‘Requirements for service providers and the oversight thereof’ resulted as an outcome from the consultation of NPA 2013-08 and NPA 2014-13 and it includes specific Subpart C on specific organisational requirements for the service providers other than ATS providers that sets requirements for the assessment and assurance of the changes to functional systems by service providers other than ATS providers.</p> <p>The issue raised by the commentator is already addressed said SubpartC and associated AMC/GM.</p> <p>For more detail please refer to Agency’s Opinion No 03/2014 (Section 2.5.5.3.).</p>	
comment	327	comment by: <i>THALES AVIONICS</i>



	<p>DAT.TR.100 (2) <u>Proposed text</u> (...) (2) shall use data from an authoritative source(s) and if required other aeronautical data verified validated by the DAT provider itself and/or other DAT provider(s); (...) <u>Justification</u> Non-authoritative data should be validated, not verified only.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended.</p>
comment	<p>335 comment by: <i>Honeywell</i></p> <p>DAT.OR.105 (a) (3) - Are there any boundaries regarding how much or what type of assistance a DAT provider is required to provide to the equipment design approval holder?</p>
response	<p><i>Noted</i></p> <p>The provision is kept open as the assistance to the equipment design approval holder is on a case-by-case basis related to the aeronautical databases that have been produced.</p>
comment	<p>336 comment by: <i>Honeywell</i></p> <p>DAT.OR.115 (b) - What form of verification is acceptable? Does receiving data from an authoritative source or a certificated DAT provider satisfy this requirement?</p>
response	<p><i>Noted</i></p> <p>The aspects raised by the commentator are left to the discretion of the DAT provider.</p> <p>Moreover, it should be noted that DAT.OR.100 stipulates that the DAT provider shall receive, assemble, translate, select, format, distribute and/or integrate aeronautical data and information that is released by an authoritative source for use in aeronautical databases on certified aircraft application/equipment. In specific cases, if aeronautical data is not provided in the AIPs or by an authoritative source or does not meet the applicable DQR, that data may be originated and/or validated by the DAT provider itself. In the case of a non-authoritative source, a GM to AMC1 DAT.TR.100(a)(2) is proposed to further clarify the subject by stating that when verifying a non-authoritative source, the DAT provider should proceed by using either additional information sources to validate this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations.</p>

Considering the above, it means that the authoritative source could be used without any verification and validation process.

comment	337	comment by: <i>Honeywell</i>
	DAT.OR.20(a)(4) - Suggest deleting the "to the aeronautical source" since this is covered by the first half the requirement as "report to the aeronautical data source provider"	
response	<i>Partially accepted</i>	
	Considering the comment, the provision is amended.	

comment	338	comment by: <i>Honeywell</i>
	DAT.OR.20(b) - This requirement requires the DAT provider to have a system that enables the collection and assessment activities, but it is unclear if there is a mandate to actually perform the assessment on the data, when the assessment should be done, and how often.	
response	<i>Noted</i>	
	The aspects raised by the commentator are left to the discretion of the DAT provider and should be specified in its procedure(s). It is important to be noted that the assessment of the report aims to identify adverse trends or to address deficiencies.	

comment	339	comment by: <i>Honeywell</i>
	DAT.OR.200 (a)(1) - The requirement to report "possible" deficiencies is too ambiguous and may be too onerous for DAT providers. How credible do the possible deficiencies need to be before reporting? How much time is allowed before a report must be made?	
response	<i>Partially accepted</i>	
	Considering the comment, 'possible' is removed.	
	The timeframe for the reporting should be specified in the procedure(s) of the DAT providers.	

comment	353	comment by: <i>THALES AVIONICS</i>
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response	<p>CAT.IDE.A.355 It is understood that in compliance with Article 8b of Basic regulation, DAT provider will be required to hold a certificate for aeronautical data as defined in GM2 DAT.OR.100, in this case, it should be logic for operators to be required to use these data from certified DAT provider only. Same remark also applicable for requirements CAT.IDE.H.355, NCC.IDE.A.260, NCC.IDE.H.A.260, NCO.IDE.A.260, NCO.IDE.H.260, SPO.IDE.A.230, SPO.IDE.H.230</p> <p><i>Noted</i></p> <p>The Agency does agree with the statement by the commentator.</p> <p>This is the intent of the rule as further detailed in AMC1 CAT.IDE.A.355 and GM1 CAT.IDE.A.355.</p>
comment	<p>410 comment by: HANSA</p> <p>DAT.OR.100 <i>In specific cases, if aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself.</i> Clarification is needed for which “specific cases” this will apply as well as how the quality of data will be ensured in these cases. Probably a kind of AMC , that the DAT provider has to be compliant with, must be in place covering those particular cases.</p>
response	<p><i>Noted</i></p> <p>Based on the NPA 2014-20 consultation, DAT.OR.100 is amended with the aim of clarifying that any data flow coming through a formal State publication (e.g. State AIP) is considered to come from an authoritative source and the validation requirements would presumably be met with the published data set.</p> <p>Only in specific cases (e.g. aeronautical data is not provided in the aeronautical information publication (AIP), aeronautical data is not provided by an authoritative source or aeronautical data does not meet the applicable data quality requirements) ‘aeronautical data may be originated and/or validated by the DAT provider itself.’. This means that the DAT provider should originate and validate data or only validate data coming from a non-authoritative source. This should be ensured through the validation process set up by the DAT provider.</p> <p>So far, the Agency considers that proposing an AMC on the issue would require further evaluation, therefore, the commentator is invited to consider putting forward a more detailed proposal. However, the Agency takes note of the comment and will nevertheless evaluate the issue during the finalisation of the AMC/GM.</p>



3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Proposed amendments to Annex VII to Regulation (EU) No 965/2012 — Part-NCO

p. 31

comment

235

comment by: *Julian Scarfe, PPL/IR Europe*

The concept of "the purpose of primary navigation" is not defined in the regulation, and historically has created uncertainty and confusion for NCO when used in a certification context. The safety objective of the rule is adequately covered by the phrase "adequate for the intended use of the data". The words "for the purpose of primary navigation" describe "the intended use of the data" and are therefore redundant.

The issue is not whether the data is used "for primary navigation", whatever that means, but whether it is necessary for that data to be accurate and reliable for the purpose of total system safety (see general comment #234 for justification). Thus we would like to see a consistent high level IR across NCC/NCO/SPO that:

"The operator shall only use aeronautical databases meeting standards of integrity that are adequate for the intended use of the data."

You should then specify in AMC/GM for NCO (and NCC/SPO) that

AMC1 NCO.IDE.A/H.205 Management of aeronautical databases

AERONAUTICAL DATABASES

When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application to meet the requirements of a Performance Based Navigation specification, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent. When the operator is using an aeronautical database in other circumstances, certification of the database provider is not required.

Additionally:

NCO.IDE.A/H.205 Management of aeronautical databases

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

is not appropriate for NCO as "distribution and insertion" is an organisational requirement. The currency of the database should be dealt with in NCO.GEN.105 on pre-flight responsibilities of the PIC, as proposed in NPA 2013-25.

response

Partially accepted

The wording of the Implementing Rules will be harmonised and the differences between different types of operations will be explained at AMC level.

The attribution of certain responsibilities to the pilot-in-command in the NCO context is correct. However, for an increased readability and understanding of the regulatory text on



management of aeronautical databases, it is preferable to keep the provision in the Subpart on NCO.IDE rather than in the one on NCO.GEN.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Proposed amendments to Annex XX to Regulation (EU) No 965/2012 — Part-SPO p. 31-32

comment 16 comment by: BCAA

The title 'Proposed amendments to Annex XX to Regulation (EU) No 965/2012 - Part-SPO' gives the impression that this annex does not yet exist. But this is not true. There is already EC Regulation 379/2014 Annex VIII Part-SPO available dealing with the topic and to which these two requirements SPO.IDE.A.230 and SPO.IDE.H.230 can be easily added.

response *Accepted*

Considering the comment, it is corrected.

comment 340 comment by: Honeywell

SPO.IDE.A.230(b) - This requirement seems to state that only databases used for primary navigation are acceptable for other-than-complex motor-powered aircraft (i.e., aeronautical databases not used for primary navigation are not allowed in this type of aircraft). This doesn't seem to be consistent with the intent of the NPA.

response *Accepted*

Considering the comment, it is corrected.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) p. 33

comment 22 comment by: Stephane DUBET

GM1 hh refers to "aeronautical databases for use by airspace users". There is thus no limitation to the type of database and it could well be ATM data or data for EFBs. It is suggested to clarify this provision in order to limit the scope, as stated elsewhere, to aeronautical data used in certified airborne systems



response

Accepted

Considering the comment, the provision is amended accordingly.

comment

84

comment by: *IFAIMA*

We suggest to change this provision in order to limit the scope, to aeronautical data used in certified airborne systems.

response

Accepted

Considering the comment, the provision is amended accordingly.

comment

187

comment by: *APTICA*

We suggest to change this provision in order to limit the scope, to aeronautical data used in certified airborne systems.

response

Accepted

Considering the comment, the provision is amended accordingly.

comment

416

comment by: *European Transport Workers Federation - ETF*

We suggest to change this provision in order to limit the scope, to aeronautical data used in certified airborne systems.

response

Accepted

Considering the comment, the provision is amended accordingly.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Proposed amendments to AMC/GM to Annex I — Definitions of terms used in Annexes II to XIII to draft Regulation (EU) No .../... on ‘Requirements for service providers and the oversight thereof’

p. 33



comment

70

comment by: EUROCONTROL

**GM1 hh ‘Data Services Provider (DAT provider)’ - Page 33
SERVICES**

The EUROCONTROL Agency raises a point through a question: could a DAT service provided by a non-EU DAT provider (e.g. Russia), but used by EU airspace users, be considered as a pan-European service?

Typo: ‘...is considered to be a pan-European services’ to be replaced by ‘...is considered to be a pan-European service’.

response

Noted

In case of a non-EU DAT provider providing services to EU airspace users, this DAT provider is not considered a pan-European service provider, but a ‘service provider in the airspace of the territory to which the Treaty applies and having its principle place of operation or, if any, its registered office located outside the territory subject to the provisions of the Treaty’. In such situation, Article 4(1)(c) of the proposed rule on ‘Requirements for service providers and the oversight thereof’ (proposed through Opinion No 03/2014) will apply, and the Agency will again be the competent authority.

As regards the comment on the typo, it is duly considered.

comment

101

comment by: Boeing

Page: 33

Paragraph: **3.2 GM1 hh “Data Services Provider (DAT provider)” [SERVICES]****The proposed text states:**

“The service provided by the DAT provider that processes aeronautical data and provides an aeronautical database for use by airspace users is considered to be a pan-European service.”

REQUESTED CHANGE: We request that EASA clarify what a “pan-European service” means in this context - e.g., are there any further implications resulting from this consideration?

JUSTIFICATION: Lack of definition could lead to multiple / contradictory interpretations.

response

Noted

As explained in the Explanatory Note to NPA 2014-20, the commented proposed rule will amend the forthcoming Regulation on ‘Requirements for service providers and the oversight thereof’, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on ‘Requirements for service



providers and the oversight thereof' contains Annex I with contains definitions of terms used in Annexes II–XII to that Regulation. This Annex I includes the definition of 'Pan-European services'. It should be noted that the competent authority for the organisation and provision of pan-European services is the Agency in accordance with Article 4(1)(d) of the draft Regulation.

comment 210 comment by: *Garmin International*

3.2, AMC/GM to Annex I, GM1 hh

Correct final word in proposed text from "services" to "service."

response *Partially accepted*

Based on the NPA 2014-20 consultation and considering the comment, the provision is amended.

comment 238 comment by: *THALES AVIONICS*

We do not understand the need to explain that it would be a "pan-European services" : what does this convey ?

Need to clarify the intent of this guidance materail with regard to pan-european services .

response *Noted*

As explained in the Explanatory Note to NPA 2014-20, the proposed rule will amend the forthcoming Regulation on 'Requirements for service providers and the oversight thereof, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on 'Requirements for service providers and the oversight thereof' contains Annex I with definitions used in Annexes II to XII to that Regulation. This Annex I includes the definition of 'Pan-European services'. It should be noted that the competent authority for the organisation and provision of pan-European services is the Agency in accordance with Article 4(1)(d) of this Regulation.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Proposed amendments to AMC/GM to Part-ATM/ANS.AR to draft Regulation (EU) No .../... on 'Requirements for service providers and the oversight thereof'

p. 33



comment	<p data-bbox="351 201 399 235">102</p> <p data-bbox="1181 201 1436 235" style="text-align: right;">comment by: <i>Boeing</i></p> <p data-bbox="351 291 462 324">Page: 33</p> <p data-bbox="351 324 1436 392">Paragraph: AMC1 ATM/ANS.AR.C.050 Findings, corrective actions, and enforcement measures — DAT provider</p> <p data-bbox="351 436 670 470"><u>The proposed text states:</u></p> <p data-bbox="351 470 1308 504"><i>“CORRECTIVE ACTION AND CORRECTIVE ACTION IMPLEMENTATION PERIOD ...”</i></p> <p data-bbox="351 537 1436 716"><u>REQUESTED CHANGE:</u> We request that EASA consider further defining the oversight requirements. After this regulation is released, a training class / seminar offering for DAT providers and competent authority auditors should be considered to ensure an alignment in interpretation of requirements. ISO 19011 could be considered as a related standard for oversight activities.</p> <p data-bbox="351 750 1436 817"><u>JUSTIFICATION:</u> Further definition of requirements and reference to ISO 19011 would support a standard alignment in interpretation of requirements.</p>
response	<p data-bbox="351 851 430 884"><i>Noted</i></p> <p data-bbox="351 940 1436 1176">As explained in the Explanatory Note to NPA 2014-20, the proposed rule will amend the forthcoming Regulation on ‘Requirements for service providers and the oversight thereof, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on ‘Requirements for service providers and the oversight thereof’ contains Annex II which address the applicable requirements for the competent authorities.</p> <p data-bbox="351 1198 1436 1355">Furthermore, the Agency is planning to organise an additional thematic meeting to focus the discussion with the stakeholders on the proposed AMC/GM once the commented draft Commission Regulation (Part-DAT) is ‘stabilised’ as a result of the Comitology process.</p> <p data-bbox="351 1377 1436 1579">Moreover, thereafter in order to assist stakeholders in preparing for the future implementation, the Agency also would consider organising a workshop focussing on the new requirements and aiming to familiarise the existing LoA holders with the use of Acceptable Means of Compliance and Guidance Material, being established by the Agency.</p>
comment	<p data-bbox="351 1691 399 1724">143</p> <p data-bbox="925 1691 1436 1724" style="text-align: right;">comment by: <i>Lufthansa Systems FlightNav</i></p> <p data-bbox="351 1780 782 1814">3.2., AMC1 ATM/ANS.AR.C.050, (b):</p> <p data-bbox="351 1848 1133 1881">Is the extension of the 3-month period limited to any timeframe?</p> <p data-bbox="351 1915 1436 1993">Note: A possible "indefinite" extension of a finding's closure may result in unresolved findings.</p>

response

Noted

The Agency takes note of the comment.

There is no limitation in the extension of the 3-month period; it is subject to the nature of the finding.

comment

168

comment by: *NATS National Air Traffic Services Limited***AMC1 ATM/ANS.AR.C.050**

It appears to be an EASA convention that where an AMC is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc. Thus this AMC would read "CORRECTIVE ACTION AND CORRECTIVE ACTION IMPLEMENTATION PERIOD – DAT PROVIDERS".

It would be helpful if a more specific reference could be given for the AMC as it currently appears that this AMC satisfies some of the IR but not all of it.

response

Accepted

Considering the comment, the title and the heading are amended.

comment

169

comment by: *NATS National Air Traffic Services Limited***AMC1 ATM/ANS.AR.C.050(a)**

There is no "should" in this AMC and it can therefore be considered to be guidance.

response

Not accepted

It should be noted that 'depending on the nature of the finding', the competent authority may extend the initial 21-working-day period for demonstration of corrective action by the DAT provider. Therefore, the term 'may' would be considered more appropriate.

comment

239

comment by: *THALES AVIONICS***(b) Level 2 findings**Proposed text

.... nature of the finding but should not, in any case, exceed 6 months. At the end of this period and subject to the nature of the finding, the competent authority may extend the 6-month period subject ...



	<p><u>Justification</u> maximum period of 3 months would be challenging in many cases, and would be primarily dependent of the type of aeronautical data and of the criticality of the application that uses them. A maximum of 6 months seems more appropriate.</p>
response	<p><i>Not accepted</i></p> <p>As explained in the Explanatory Note to NPA 2014-20, the commented proposed rule will amend the forthcoming Regulation on 'Requirements for service providers and the oversight thereof, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on 'Requirements for service providers and the oversight thereof' contains Annex II dedicated to the requirements for the competent authorities. This Annex includes the provision on 'Findings, corrective actions and enforcement measures' (ATM/ANS.AR.C.050) where the different levels of findings, Level1 and Level 2, are defined as well as their handling. The timeframe proposed is similar to the one already used in other aviation domains.</p> <p>However, the Agency is planning to organise an additional thematic meeting to focus the discussion with the stakeholders on the proposed AMC/GM once the commented draft Commission Regulation (Part-DAT) is 'stabilised' as a result of the Comitology process. Therefore, the Agency takes note of the comment at this stage and will consider addressing the proposal during said thematic meeting.</p>
comment	<p>289 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>AMC1 ATM/ANS.AR.C.050(a and b) pg 33:</p> <p>Provide a reference to where Level 1 and 2 findings are defined. Also, what is the basis for the stated time windows?</p> <p>Propose adding a note that report requirements are addresses elsewhere and provide proper reference (DAT.OT.200)</p>
response	<p><i>Accepted</i></p> <p>As explained in the Explanatory Note to NPA 2014-20, the proposed rule will amend the forthcoming Regulation on 'Requirements for service providers and the oversight thereof', proposed initially by NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on 'Requirements for service providers and the oversight thereof' contains Annex II dedicated to the requirements for the competent authorities. This Annex includes the provision on 'Findings, corrective actions and enforcement measures' (ATM/ANS.AR.C.050) where the different levels of findings, Level 1 and Level 2, are defined as well as their handling. The timeframe proposed is similar to the one already used in other aviation domains.</p> <p>As regards the correction of the GM reference to DAT.OR.200, considering the comment,</p>

it is amended.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Proposed amendments to AMC/GM to Part-ATM/ANS.OR to draft Regulation (EU) No .../... on ‘Requirements for service providers and the oversight thereof’

p. 33-43

comment 17

comment by: *BCAA*

AMC1 DAT.OR.100 (c) : this sentence is very unclear. The scope of the document is the post-publication part, so the part up to the end-user and thus the airborne part. This is also mentioned in the definition of Data Service Provider type 1 and type 2. Here, suddenly 'the scope should NOT address airborne system databases'.
A rewording to be more clear of what is yes or no the scope and what is the acceptable means of compliance then, would be very much appreciated.

response *Partially accepted*

Considering the comment, paragraph (c) is amended.

However, it is important to note that this AMC is associated with DAT.OR.100, and paragraph (c) should be read in conjunction with (a) and (b).

comment 23

comment by: *Stephane DUBET*

In GM1 ATM/ANS.OR.A.035 and some other sections, reference is made to EUROCAE ED76 / RTCA DO200A (...) whereas in AMC2 DAT.OR.105(a)(2) and other sections, reference is made to EUROCAE ED76 / RTCA DO200A (...) or subsequent revisions.

It is suggested to consistently use the reference to ED76 / DO200A or subsequent revisions.

response *Accepted*

comment 40

comment by: *ENAIRE*

“AMC1 DAT.TR.100(a)(2) Working methods and operating procedures

DATA SOURCE

The DAT provider should use data coming from authoritative source(s). If such data is not formally made available but is required by end users, the DAT provider may use data from



	<p>other (non-authoritative) sources provided these have been validated to conform with relevant standards and data quality requirements. If a non-authoritative source is used for the data release, the DAT provider may issue a statement at its discretion”:</p> <p>If the DAT is originating data, what requirements apply? EU 73/2010? Does this data need to be clearly differentiated? From our point of view “conform with relevant standards and data quality requirements” is too vague... what are those standards? EU 73/2010?</p> <p>In the sentence “the DAT provider may issue a statement at its discretion” we think this should be mandatory (“shall” instead of “may”).</p>
response	<p><i>Partially accepted</i></p> <p>Article 2(2) of Regulation (EU) No 73/2010 lists the public or private entities to which said Regulation shall apply. In case a DAT provider is providing any of the services listed therein, it should apply to it as well. However, it should be noted that the same Regulation applies up to the moment when the aeronautical data and/or aeronautical information is (are) made available by the AIS provider to the next intended user. Taking into consideration the above, within the context of the commented draft rule (proposed through NPA 2014-20), Regulation (EU) No 73/2010 does not apply to DAT providers.</p> <p>Considering the comment and to ensure that the customers are informed when using a non-authoritative source for the data release, the AMC is amended and now it states ‘[...] If a non-authoritative source is used for the data release, the DAT provider should issue a statement at its discretion’.</p>
comment	<p>41 comment by: <i>ENAIRE</i></p> <p>“Aeronautical data source providers should be considered at least, but are not limited to: (a) organisations providing authoritative data for the purpose of air navigation (e.g. AIS providers); (b) the DAT provider itself or another DAT provider; (c) the aircraft operator(s) for tailored data; and (d) the aerodrome operator(s), in case the information is not provided in the AIPs”:</p> <p>All this issue of non authoritative data sources and how to guarantee the required level of data quality is not clear to us, and does not seem to follow the same principles required by EU 73/2010. Example: An AIS provider decides not to publish certain aerodrome data due to its lack of guarantees in meeting the required DQR following 73/2010 Regulation. Does a DAT provider have less strong requirements and it is allowed to take raw data from the aerodrome operator and use it within its databases?</p>
response	<p><i>Noted</i></p>

The Agency takes note of the comment.

It is important to be noted that the issue raised by the commentator has been addressed in NPA 2014-20 and now presented in AMC1 DAT.OR.100(a) on 'Aeronautical data and information' and AMC1 DAT.TR.100(a)(2) on 'Working methods and operating procedures as regards data source'.

Moreover, for further clarifications, a new GM is introduced to the said AMCs stating that the first known DAT provider that uses data coming from (an)other (non-authoritative) source(s) in the aeronautical data chain, accepts the responsibility of the data originator (i.e. ensuring that the data meets the data quality requirements).

comment	47	comment by: <i>Swedish Transport Agency</i>
	<p>AMC1 DAT.OR.100 Aeronautical data and information</p> <p>Both (EU) 73/2010 and ICAO Annex 15 use the vocabulary "aeronautical data and aeronautical information" instead of aeronautical information/data" as aeronautical information is a result from the assembly, analysis and formatting of aeronautical data according to Article 3.2 (EU) 73/2010 and Annex 15 Chapter 1.1. Change to Aeronautical data and aeronautical information</p>	
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the text is changed to 'aeronautical data and information'.</p>	

comment	50	comment by: <i>ENAIRE</i>
	<p>"To support data integrity, the DAT provider may use digital data sets as a preferred means of data exchange":</p> <p>No specific requirements are defined for the dataset? Digital data set are not required? Only recommended? Seems vague compared to 73/2010 requirements for datasets, the level of data integrity and interoperability achieved by AISPs seems not to be maintained.</p>	
response	<p><i>Noted</i></p> <p>As regards GM1 DAT.TR.100(a)(2), it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be employed by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their</p>	



processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.

Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.

comment

51

comment by: ENAIRE

"The DAT provider should demonstrate that a robust and effective interface with aircraft operators is in place, as applicable, to confirm that operators' requests are clearly defined and subject to review":

The wording effective and robust do not seem appropriate for a Regulatory framework, how can this be demonstrated? What is exactly the requirement?

response

Partially accepted

Considering the comment, the provision is amended and 'robust and effective' is replaced by 'formal' (e.g. part of the procedure and coordinated with the contra partner).

comment

67

comment by: ENAIRE

a) The fact that the only source of requirements for DAT providers be EUROCAE ED-76-RTCA/DO-200A (henceforth "ED-76") is questioned for the following reasons:

1. As stated in ED-76 (figure 1-3), this standard applies only to aeronautical data preparation and transmission. However, current navigation data providers (especially those holding a type 1 LoA) carry out changes in AIS-supplied data items which could be considered as data origination. For example, Enaire has detected that explanatory notes, not contained in AIS publications, have been added to data suppliers' aeronautical charts.

2. As mentioned by EASA ToR RMT.0593 & RMT.0594 (section 5), "the interoperability objectives of aeronautical information in the aeronautical data chain from post-publication by the Aeronautical Information Service (AIS) to the end user" shall be maintained.

Since AIS providers in the EU are required to comply with Commission Regulation (EU) 73/2010, the probability that they must comply with the requirements of Eurocontrol's Specifications: DAL (Data Assurance Levels), DQR (Data Quality Requirements) and DO (Origination of Aeronautical Data), or equivalent local regulations, is high. These specifications are more detailed and recent than ED-76. In addition, ED-76 has been taken into account during their production process.



response

It seems doubtful that all DAL, DQR and/or DO data requirements can be maintained by AIS-supplied data items after publication, if DAT providers are only required to comply with ED-76 requirements.

In conclusion, it is proposed that Eurocontrol's DAL, DQR and DO specifications be considered as a source for DAT provider requirements.

Noted

The Agency takes note of the comment.

It should be noted that the proposed regulatory approach comprising requirements at IR level and AMC/GM that illustrate how to comply with the IR requirements goes beyond the scope of EUROCAE ED-76/RTCA DO-200A as the purpose is to address the whole data chain. Furthermore, it is important to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency that serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. In addition to that, other AMCs refer to ISO 9001 and EN 9100 when compliance with management systems requirements is required to be shown. In addition, in other cases, the Agency has developed AMC and GM to support the stakeholders in the implementation of the rules.

Bearing these facts in mind, the Agency is inclined not to agree with the statement of the commentator.

As regards points 1 and 2, the scope of activities of the DAT providers are outlined in DAT.OR.100 and address the issues raised in the comment.

Furthermore, the Agency considered that compliance with the above-mentioned specifications would require further evaluation and a thorough impact assessment. Therefore, at this stage the Agency takes note of the comment and will further consider the issue based on future implementation feedback.

comment

68

comment by: ENAIRE

a) The fact that the only source of requirements for DAT providers be EUROCAE ED-76-RTCA/DO-200A (henceforth "ED-76") is questioned for the following reasons:

1. As stated in ED-76 (figure 1-3), this standard applies only to aeronautical data preparation and transmission. However, current navigation data providers (especially those holding a type 1 LoA) carry out changes in AIS-supplied data items which could be considered as data origination. For example, Enaire has detected that explanatory notes, not contained in AIS publications, have been added to data suppliers' aeronautical charts.

2. As mentioned by EASA ToR RMT.0593 & RMT.0594 (section 5), "the interoperability objectives of aeronautical information in the aeronautical data chain from post-publication by the Aeronautical Information Service (AIS) to the end user" shall be maintained.



Since AIS providers in the EU are required to comply with Commission Regulation (EU) 73/2010, the probability that they must comply with the requirements of Eurocontrol's Specifications: DAL (Data Assurance Levels), DQR (Data Quality Requirements) and DO (Origination of Aeronautical Data), or equivalent local regulations, is high. These specifications are more detailed and recent than ED-76. In addition, ED-76 has been taken into account during their production process.

It seems doubtful that all DAL, DQR and/or DO data requirements can be maintained by AIS-supplied data items after publication, if DAT providers are only required to comply with ED-76 requirements.

In conclusion, it is proposed that Eurocontrol's DAL, DQR and DO specifications be considered as a source for DAT provider requirements.

response

Noted

The Agency takes note of the comment.

It should be noted that the proposed regulatory approach comprising requirements at IR level and AMC/GM that illustrate how to comply with the IR requirements goes beyond the scope of EUROCAE ED-76/RTCA DO-200A as the purpose is to address the whole data chain. Furthermore, it is important to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency that serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. In addition to that, other AMCs refer to ISO 9001 and EN 9100 when compliance with management systems requirements is required to be shown. In addition, in other cases, the Agency has developed AMC and GM to support the stakeholders in the implementation of the rules.

Bearing these facts in mind, the Agency is inclined not to agree with the statement of the commentator.

As regards points 1 and 2, the scope of activities of the DAT providers are outlined in DAT.OR.100 and address the issues raised in the comment.

Furthermore, the Agency considered that compliance with the above-mentioned specifications would require further evaluation and a thorough impact assessment. Therefore, at this stage the Agency takes note of the comment and will further consider the issue based on future implementation feedback.

comment

69

comment by: *ENAIRE*

a) The fact that the only source of requirements for DAT providers be EUROCAE ED-76-RTCA/DO-200A (henceforth "ED-76") is questioned for the following reasons:

1. As stated in ED-76 (figure 1-3), this standard applies only to aeronautical data preparation and transmission. However, current navigation data providers (especially



those holding a type 1 LoA) carry out changes in AIS-supplied data items which could be considered as data origination. For example, Enaire has detected that explanatory notes, not contained in AIS publications, have been added to data suppliers' aeronautical charts.

2. As mentioned by EASA ToR RMT.0593 & RMT.0594 (section 5), "the interoperability objectives of aeronautical information in the aeronautical data chain from post-publication by the Aeronautical Information Service (AIS) to the end user" shall be maintained.

Since AIS providers in the EU are required to comply with Commission Regulation (EU) 73/2010, the probability that they must comply with the requirements of Eurocontrol's Specifications: DAL (Data Assurance Levels), DQR (Data Quality Requirements) and DO (Origination of Aeronautical Data), or equivalent local regulations, is high. These specifications are more detailed and recent than ED-76. In addition, ED-76 has been taken into account during their production process.

It seems doubtful that all DAL, DQR and/or DO data requirements can be maintained by AIS-supplied data items after publication, if DAT providers are only required to comply with ED-76 requirements.

In conclusion, it is proposed that Eurocontrol's DAL, DQR and DO specifications be considered as a source for DAT provider requirements.

response

Noted

The Agency takes note of the comment.

It should be noted that the proposed regulatory approach comprising requirements at IR level and AMC/GM that illustrate how to comply with the IR requirements goes beyond the scope of EUROCAE ED-76/RTCA DO-200A as the purpose is to address the whole data chain. Furthermore, it is important to be considered that the references to EUROCAE ED-76/RTCA DO-200A are at the level of AMC, meaning non-binding standard(s) adopted by the Agency that serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance. In addition to that other AMCs refer to ISO 9001 and EN 9100 when it is required to be shown compliance with management systems requirements. Also, in other cases the Agency has developed AMC and GM to support the stakeholders in the implementation of the rules.

Bearing these facts in mind, the Agency tends not to agree with the statement of the commentator.

As regards point 1 and 2, the scope of activities of the DAT providers are outlined in DAT.OR.100 and address the issues raised in the comment.

Furthermore, the Agency considered that compliance with mentioned specifications would require further evaluation and a thorough impact assessment. Therefore, at this stage the Agency takes note of the comment and will further consider the issue based on future implementation feedback.



comment	71 comment by: EUROCONTROL
	<p>AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 2 - Page 37</p>
	<p>The EUROCONTROL Agency is unsure about EN ISO 9100. Searching for EN ISO 9100, it could only find EN 9100 and ISO 9001. Is EN ISO 9100 a new ISO standard?</p>
	<p>http://fr.wikipedia.org/wiki/EN_9100</p>
response	<p><i>Noted</i></p>
	<p>The Agency takes note of the comment.</p>
	<p>It should read 'EN 9100'.</p>

comment	73 comment by: EUROCONTROL
	<p>GM1 DAT.OR.105 (a)(1) Technical and operational competence and capability – Page 38</p>
	<p>The EUROCONTROL Agency makes a suggestion (1/) and asks for a clarification (2/):</p>
	<p>1/ The element "at least, but are not limited to:" allows for many other sources including e.g. private persons. The final version of the material should therefore describe more clearly who can be considered as an Aeronautical data source provider.</p>
	<p>2/ Item (d) - In accordance with ICAO the AD information should be disseminated through the AIP. For what kind of information could this not be in this case?</p>
response	<p><i>Not accepted</i></p>
	<p>It is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Guidance Material (GMs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs and GMs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and the GMs help to illustrate the meaning of a requirement and is used to support the interpretation of the IR and/or AMC. Therefore, the Agency does not consider that the list of examples should be exhaustive.</p>
	<p>The Agency agrees that in accordance with ICAO the aerodrome information should be disseminated through the AIP. However, during the rule development, members of the Rulemaking Group advised the Agency to keep this issue open. Furthermore, through Regulation (EU) No 139/2014, the aerodrome operators are also required to meet data quality requirements (ADR.OPS.A.010) when having formal arrangements with</p>

organisations with which they exchange aeronautical data and/or aeronautical information.

comment 74

comment by: EUROCONTROL

AMC1 DAT.TR.100(a)(2) Working methods and operating procedures – Page 40

The EUROCONTROL Agency raises a point by putting the following question: in the case when a DAT provider uses data from another (non-authoritative) source, what should be the procedures for this DAT provider to prove that such data has not formally been made available by the authoritative source(s)?

Example to illustrate the point: currently States (authoritative sources) provide terrain dataset for Area 1 (ICAO requirement); however DAT providers prefer to use globally provided terrain data from a non-authoritative source i.e. SRTM (Shuttle Radar Topography Mission).

response *Noted*

The subject is addressed through DAT.OR.100(a) and DAT.TR.100(a)(2) and their associated AMCs and GMs. Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the issue. The outcome of the discussion clearly indicated the DAT providers wish to use a non-authoritative source when the data is not provided in the aeronautical information publication (AIP) or by an authoritative source or does not meet the applicable data quality requirements. Moreover, a new GM is introduced to clarify that the first known DAT provider that uses data coming from (an)other (non-authoritative) source(s) in the aeronautical data chain, accepts the responsibility of the data originator (i.e. ensuring that the data meets the data quality requirements).

comment 76

comment by: EUROCONTROL

GM1 DAT.TR.100(a)(2) Working methods and operating procedures – Page 41

Although the Explanatory Note (section 2.3 on page 13) states " ... a GM is developed to promote the DAT provider to use digital data sets as a preferred means of data exchange to support data integrity", the EUROCONTROL Agency finds that the GM is weak, viz. optional in ensuring the use of data sets as preferred means.

Knowing that, today, DAT providers prefer using paper AIP instead of data sets provided by States, the use of data sets should therefore be enforced by changing 'may' into 'should' and adding the condition 'where data sets are provided by the authoritative source(s)'.



	<p>In addition this GM creates a great misbalance between EU Regulation 73/2010 requiring States to provide digital datasets and this NPA that makes its use optional.</p>
response	<p><i>Noted</i></p> <p>It is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be applied by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.</p> <p>Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.</p>
comment	<p>77 comment by: EUROCONTROL</p>
	<p>GM1 DAT.TR.100 to AMC1 DAT.TR.100(a)(2) Working methods and operating procedures - Page 41</p> <p>The EUROCONTROL Agency recommends that in the case when the authoritative source data is made formally available, the conditions under which the use of non-authoritative source data may be allowed are clearly stated (e.g. SRTM terrain data vs State provided terrain dataset).</p>
response	<p><i>Accepted</i></p> <p>It is important to be noted that the issue raised by the commentator is addressed at the IR level. Based on the NPA 2014-20 consultation, DAT.OR.100 is amended with the aim of clarifying that only 'In specific cases, if aeronautical data is not provided in the aeronautical information publication (AIP) or by an authoritative source or does not meet the applicable data quality requirements, that aeronautical data may be originated by the DAT provider itself. [...]'.</p>
comment	<p>79 comment by: EUROCONTROL</p>
	<p>AMC1 DAT.TR.105(a) Required interfaces – Page 42 INTERFACE WITH THE AERONAUTICAL DATA SOURCE AND/OR OTHER DAT PROVIDERS</p> <p>Depending on the clarification that will be brought to the 'competent authority' identity,</p>

	the EUROCONTROL Agency suggests that Section (a) could still be enhanced by involving also the aeronautical data source providers' supervising authority.
response	<p><i>Partially accepted</i></p> <p>If the service providers are aeronautical data source providers, then these service providers' competent authorities are covered by the Regulation in question. In case of aeronautical data source providers other than service providers falling within the scope of the rule, then these other authorities would be out of the scope of this Regulation.</p>

comment	<p>85 comment by: <i>Swedish Transport Agency</i></p> <p>GM1 DAT.TR.100(a)(2) Text should be changed to "To support data integrity, the DAT provider SHOULD use digital data sets as a preferred means of data change."</p>
response	<p><i>Not accepted</i></p> <p>it is important to be noted that in the European Union, through Regulation (EU) No 73/2010, a direct electronic connection and specific data exchange format are required to be applied by the regulated parties within the scope of said rule. However, it should be pointed out that this is not a worldwide requirement (e.g. it is not required by ICAO Annex 15) and as the DAT providers obtain aeronautical data and information from all over the world, they would need to be able to design their processes in a more open and flexible way. Therefore, the Agency believes that the proposed regulatory measure will encourage the industry to make use of the digital interface in longer term business decision.</p> <p>Furthermore, the Agency considers that imposing this requirement by elevating it at AMC or IR level would require further evaluation and a more thorough cost impact. Therefore, at this stage the Agency takes note and will further consider the comment.</p>

comment	<p>86 comment by: <i>Swedish Transport Agency</i></p> <p>AMC1 DAT.TR.100(c)(2) p.4). "If appropriate" is not OK. There should be requirements for continuation training, e.g every 5th year.</p>
response	<p><i>Noted</i></p> <p>The Agency takes due consideration of the comment.</p> <p>The Agency sees the rationale behind the comment and, therefore, tabled this issue at the review meeting organised, which provided the Agency with valuable advice on how to</p>



proceed. The development of measures by EASA on training and competence scheme for attesting staff would necessitate more detailed understanding. The Agency could plan a separate rulemaking activity, depending on the support and prioritisation of stakeholders. Therefore, in case of a new rulemaking task, the issue will be further considered.

comment 88

comment by: Swedish Transport Agency

GM1 DAT.OR.100 Aeronautical data and information

GENERAL

The origination and provision of tailored data by aircraft operators or on their behalf for the purpose of air operation is not part of the scope.

The use of tailored data is related and limited to the operational purposes of the aircraft operator that requested the insertion of the tailored data.

Tailored data should be a part of the scope, especially when put in the FMS.

Minimum requirement is that this type of the data should be subject to the management system, quality control and – archiving of the data for traceability purposes.

response Accepted

The Agency does agree with the view expressed by the commentator.

It is important to be noted that GM1 DAT.OR.100 (now GM1 DAT.OR.100(b)) is associated with DAT.OR.100(b) which requires the DAT provider to process tailored data provided by the aircraft operator or originating from other DAT providers for use by that aircraft operator, when so requested.

The Agency believes that the above-mentioned GM meets the commentator's expectation.

comment 103

comment by: Boeing

Page: 34

Paragraph: **AMC1 ATM/ANS.OR.A.005 Application for service provider certificate — DAT provider**

(a) (2)

The proposed text states:

“(a) The DAT provider should submit to the competent authority an exposition providing the following information:

...

(2) The title(s), name(s) and appropriate knowledge, background, and experience of managers to be notified to the competent authority in accordance with DAT.TR.100 (b). ...”



response	<p>REQUESTED CHANGE: We request that EASA specify what would be considered “appropriate knowledge, background, and experience.”</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p> <p><i>Noted</i></p> <p>It should be noted that based on the NPA 2014-20 consultation feedback the commented provision is revised and now it reads:</p> <p>‘The title(s), name(s) and appropriate knowledge, background and experience of managers to be notified to the competent authority in accordance with ATM/ANS.OR.B.020’.</p> <p>It is up to the DAT provider to establish the criteria for ‘appropriate knowledge, background and experience of managers’ with the aim of ensuring that personnel are trained and competent to perform their duties. However, if the commentator considers that further AMC/GM would be required on the subject, it is invited to put forward a more detailed rulemaking proposal on the issue and the Agency would take appropriate action.</p>
comment	<p>104 comment by: Boeing</p> <p>Page: 34 Paragraph: AMC1 ATM/ANS.OR.A.005 Application for service provider certificate — DAT provider (a) (4)</p> <p>The proposed text states: “(a) The DAT provider should submit to the competent authority an exposition providing the following information: ... (4) An organisational chart showing lines of responsibility and accountabilities of the managers as required by DAT.TR.100 (1) and (2). ...”</p> <p>REQUESTED CHANGE: We request that EASA consider providing guidelines for the level of details (e.g., position names only vs. position and actual employees names; or global vs. local organization perspective) expected for an organizational chart required.</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the removal of DAT.TR.100(b), the provision is amended as follows:</p> <p>‘(4) An organisational chart showing lines of responsibility and accountability throughout the DAT provider, including a direct accountability of the accountable manager as</p>



required by ATM/ANS.OR.B.005(a)(1).’

The Agency has the view that with the new wording the provision is clear enough.

comment 105

comment by: Boeing

Page: 34

Paragraph: **AMC1 ATM/ANS.OR.A.005 Application for service provider certificate — DAT provider**
(a) (10)

The proposed text states:

“(a) The DAT provider should submit to the competent authority an exposition providing the following information:

...

(10) The amendment procedure for the exposition. ...”

REQUESTED CHANGE: We request EASA clarify if the required procedure will be related to exposition only, or if a management system procedure for control of documents is sufficient to meet this requirement.

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response Noted

The Agency takes note of the comment.

The procedure could be a separate one or part of another one, but elements on notification and prior approval by the competent authority should be reflected therein.

comment 106

comment by: Boeing

Page: 35

Paragraph: **GM1 ATM/ANS.OR.005 Application for service provider certificate — DAT provider**

The proposed text states:

“The exposition could have the following table of contents:

...

“Appendix 1 -- List of relevant personnel”

REQUESTED CHANGE: We request that EASA clarify the level of information expected in Appendix 1, with reference to the organizational chart and the general description of manpower resources.



response	<p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p> <p><i>Noted</i></p> <p>It should be noted that the commented GM became a GM to AMC1 ATM/ANS.OR.B.005(a). In its nature, a GM is a non-binding material developed by the Agency that helps to illustrate the meaning of a requirement and is used to support the interpretation of the AMC. Therefore, the regulated organisations are not forced to use it, only if they wish so.</p> <p>The list of relevant personnel should address the personnel required by ATM/ANS.OR.B.020.</p> <p>An organisational chart should show lines of responsibility and accountability throughout the DAT provider, including a direct accountability of the accountable manager as required by ATM/ANS.OR.B.005(a)(1). It should be noted that this provision is revised in order to enhance clarity.</p> <p>The description of the manpower resources should be in a simple and generic manner.</p> <p>The Agency believes that if the DAT providers continue to develop their exposition the way they presently do it (in accordance with Opinion No 01/2005), they would comply with the proposed rule as well.</p>
comment	<p>107 comment by: Boeing</p> <p>Page: 35 Paragraph: GM1 ATM/ANS.OR.A.035 Demonstration of compliance — DAT provider (a) and (b)</p> <p>The proposed text states: Paragraphs (a) and (b) reference “EUROCAE ED-76/RTCA DO-200A.”</p> <p>REQUESTED CHANGE: We request that EASA replace that text with either “EUROCAE ED-76A/RTCA DO-200B” or “EUROCAE ED-76/RTCA DO-200A Standards for Processing Aeronautical Data, dated October 1998 or subsequent revisions.”</p> <p>JUSTIFICATION: EUROCAE/RTCA have been working to amend the document in order to make it fit for the new technological requirements and the new European regulatory framework (originally ADQ-2, now NPA 2014-20). The work is still ongoing, and the EUROCAE/RTCA document has not been renamed; however, we still suggest that proposed changes to the EUROCAE/RTCA document be taken into account. Further, would the currently proposed text mean that an organization can still be audited against EUROCAE ED-76/RTCA DO-200A, with lower requirements, when the new EUROCAE ED-76A/RTCA DO-200B, with the higher requirements, is in existence?</p>
response	<p><i>Accepted</i></p>



Considering the comment, the provisions are amended accordingly.

As regards EUROCAE ED-76/RTCA DO-200A and the applicability of the next revision, the AMC intentionally refer throughout the rule to that version or subsequent revisions to allow both versions to be used at the same time. Flexibility is, thus, provided to DAT providers to choose which version of the standard to use as a means of compliance.

comment 108

comment by: Boeing

Page: 35

Paragraph: **GM1 ATM/ANS.OR.A.035 Demonstration of compliance — DAT provider (b) (1) (i)**

The proposed text states:

“(b) In addition to the applicable requirements, the audit should assess the standards and processes applied by the applicant to determine the characteristics of the delivered database. The following paragraphs identify specific areas that should be audited against EUROCAE ED-76/RTCA DO-200A:

(1) plans and procedures, including:

(i) concession procedures (i.e. those procedures that control and agree data alteration); ...”

REQUESTED CHANGE: We request that EASA clarify the term “concession procedures.” The definition in parenthesis is not clear, especially the later part that states “agree data alteration.” We also request that EASA add a definition for “concession” in Annex 1.

JUSTIFICATION: Lack of definition could lead to multiple / contradictory interpretations.

response *Partially accepted*

Based on the NPA 2014-20 consultation feedback and considering the comment, the provision is amended as follows:

‘[...] alteration procedures (i.e. informing the supplier or data originator of the data alteration and endeavouring to receive concurrence/agreement)’.

comment 109

comment by: Boeing

Page: 35

Paragraph: **GM1 ATM/ANS.OR.A.035 Demonstration of compliance — DAT provider (b) (2)**

The proposed text states:

(b) In addition to the applicable requirements, the audit should assess the standards and



	<p>processes applied by the applicant to determine the characteristics of the delivered database. The following paragraphs identify specific areas that should be audited against EUROCAE ED-76/RTCA DO-200A:</p> <p>...</p> <p>(2) declared standards; ...”</p> <p>REQUESTED CHANGE: We request that EASA clarify “declared standards” in the context of an area required to be audited.</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is revised and now it reads ‘internal standards’.</p>
comment	<p>110 comment by: Boeing</p> <p>Page: 36 Paragraph: AMC1 ATM/ANS.OR.A.055 Findings and corrective actions — DAT provider</p> <p>The proposed text states: “CORRECTIVE ACTION IMPLEMENTATION PERIOD”</p> <p>REQUESTED CHANGE: We request that EASA to clarify if the required period is applicable to corrective action plan preparation, or the implementation of the corrective action.</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.</p>
response	<p><i>Noted</i></p> <p>It should be noted that the period refers to the implementation of the corrective action and the corresponding provision is (b).</p>
comment	<p>111 comment by: Boeing</p> <p>Page: 36 Paragraph: GM2 ATM/ANS.OR.A.065(b) Occurrence reporting — DAT providers (b)</p> <p>The proposed text states: “The DAT provider should notify the competent authority using the occurrence reporting form on: ...</p>



(b) errors/deficiencies with negative impact on safety stemming from a source in a Member State or a FAB; ...”

REQUESTED CHANGE: We request that EASA:

1. specify whether this reporting will be dependent on results and timeliness of DAT provider communication with source provider (e.g., source clarifications) and
2. define “FAB.”

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response

Noted

In reference to point 1, this reporting excludes the example(s) given by the commentator.
In reference to point 2, FAB stands for ‘functional airspace block’.

comment

112

comment by: Boeing

Page: 36

Paragraph: **AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 1 [ISO 9001 CERTIFICATE FOR DAT PROVIDERS]**

The proposed text states:

“An EN ISO 9001 certificate, issued by an appropriately accredited organisation addressing all the elements required in this Subpart should be considered as a sufficient means of compliance for a DAT provider Type 1. In this case, the DAT provider Type 1 should accept the disclosure of the documentation related to the certification to the competent authority upon the latter’s request.”

REQUESTED CHANGE:

1. The way this statement currently reads, an assumption could be made that, if an ISO 9001 certificate is held by the DAT provider, they would not incur audits by EASA. If this is not the intent, then please clarify how the ISO 9001 certificate is “...considered sufficient means of compliance for a DAT provider Type I.”
2. We request that EASA specify what is considered “documentation related to certification.”

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response

Noted

The interpretation of the provision by the commentator is correct. For increased clarity, a new GM is introduced to AMC1 ATM/ANS.OR.B.005(a) stating that ‘elements required by



this Regulation in reference to the management system that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority’.

In reference to the 2nd question, it refers to the ISO 9001/EN 9100 certification documentation.

comment 113

comment by: Boeing

Page: 37

Paragraph: **AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 2 [ISO 9100 CERTIFICATE FOR DAT PROVIDERS]**

The proposed text states:

“An EN ISO 9100 certificate, issued by an appropriately accredited organisation addressing all the elements required in this Subpart should be considered as a sufficient means of compliance for a DAT provider Type 2. In this case, the DAT provider Type 2 should accept the disclosure of the documentation related to the certification to the competent authority upon the latter’s request.

REQUESTED CHANGE: We request that EASA clarify whether the standard referred to was intended to be “EN ISO 9001” or “EN AS 9100.” If the requirement was intended for EN AS 9100, please explain in more detail why different standards are required for Type 1 and Type 2 providers. We also request that EASA consider whether EN ISO 9001 certificate could be considered sufficient means of compliance for Type 2 DAT providers, especially those not having hardware manufacturing in their scope of operations.

JUSTIFICATION: Depending on the clarification, there may be a different resource impact. Further, the way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response *Noted*

As correctly mentioned by the commentator, an ISO 9001 certificate is proposed to be considered a sufficient means of compliance with the management system requirements for Type 1 DAT providers, while for Type 2 DAT providers, the compliance would be shown through EN 9100. During the rule development, it was recognised that the quality management principles are aerospace-based and in-process verification techniques receive greater emphasis in EN 9100, which is favourable to DAT processing. Furthermore, the issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the feedback received during the NPA 2014-20 consultation and for smooth assignment from Type 1 DAT provider to Type 2 DAT provider and vice versa, the AMC for Type 1 DAT providers is amended with ‘ISO 9001/EN 9100’ to allow also EN 9100 standards to be used by Type 1 DAT provider.



comment

114

comment by: Boeing

Page: 37

Paragraph: **AMC1 DAT.OR.100 Aeronautical data and information**
(a) (5)

The proposed text states:

“(a) Data/information in this respect should consist of:

...

(5) other data/information that is validated by the DAT provider for the purpose of provision of its service.”

REQUESTED CHANGE: We request that EASA clarify what “other data/information” means in this context.

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response

Noted

In specific cases (e.g. aeronautical data is not provided in the aeronautical information publication (AIP), aeronautical data is not provided by an authoritative source or aeronautical data does not meet the applicable data quality requirements) ‘aeronautical data may be originated and/or validated by the DAT provider itself.’ as stipulated in DAT.OR.100. This means that the DAT provider should originate and validate data or only validate data coming from a non-authoritative source. AMC1 DAT.OR.100(a)(5) refers to such data validated by the DAT provider.

comment

115

comment by: Boeing

Page: 37

Paragraph: **AMC1 DAT.OR.100 Aeronautical data and information**
(b)

The proposed text states:

“(b) Aeronautical databases should be databases that support the flight operation of the aircraft used on certified aircraft system applications.”

REQUESTED CHANGE: We request that EASA define what “support” means in relation to the flight operation of the aircraft.

JUSTIFICATION: The way the proposed requirement is currently stated could lead to multiple / contradictory interpretations.

response

Partially accepted



This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment, the commented provision is amended and now it reads:

‘Aeronautical databases should be databases, used on certified aircraft application/equipment, that support the flight operation where incorrect data leads to failures having at least minor or higher failure effect.’

comment

116

comment by: Boeing

Page: 38

Paragraph: **GM2 DAT.OR.100 Aeronautical data and information***(a) (2) (vi)***The proposed text states:**

“(a) Aeronautical databases in this context should include databases that support the flight operation of aircraft used on certified aircraft system applications for the purpose of primary communication, navigation and surveillance (CNS) or supplementing primary CNS.

...

(2) The supplementary primary CNS applications include, but are not limited to, systems generating alerts and used for awareness having the following databases:

...

(vi) etc.”

REQUESTED CHANGE: We request that EASA delete “(vi) etc.”

JUSTIFICATION: The use of this word can lead to misinterpretation.

response

Accepted

comment

117

comment by: Boeing

Page: 38

Paragraph: **GM2 DAT.OR.100 Aeronautical data and information***(b) (1)***The proposed text states:**

“(b) Databases for which the DAT provider is not required to be certified in accordance with this Regulation include, but are not limited to:

(1) databases provided and/or used by the operator of the aircraft that are monitored under the operator's responsibility and not loaded into certified aircraft systems applications (e.g. airport moving map, take-off and landing performance used in EFBs); ...”



	<p>REQUESTED CHANGE: We request that EASA clarify and reword this description. The examples mentioned in (b)(1) can be provided by a DAT provider and not monitored under the operator's responsibility.</p> <p>Alternatively, we request that EASA define “<i>monitored under the operator's responsibility</i>” and “<i>certified aircraft systems applications.</i>”</p> <p>JUSTIFICATION: The way the proposed requirement is currently stated could lead to confusion and multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>By definition, the EFB functions are not part of the certified aircraft configuration; however, the same functionality may be part of the certified aircraft configuration where any configuration change needs an approval and the database provider needs to be certified. Databases for the EFB are not necessary to be by certified the DAT provider and the rule does not set the same requirements, but the Agency is not opposed to the use of the same approved DAT supplier for the same database. The reason behind this approach is the missing traceability of the data quality requirements to a certified application having certain intended functions in case of EFB applications.</p> <p>Considering the comment, the definition of ‘certified aircraft application’ is introduced.</p>
comment	<p>118 comment by: Boeing</p> <p>Page: 38 Paragraph: GM2 DAT.OR.100 Aeronautical data and information (b) (3)</p> <p>The proposed text states: “(b) Databases for which the DAT provider is not required to be certified in accordance with this Regulation include, but are not limited to: ... (3) databases used on VFR certified aircraft, except those used for primary navigation.</p> <p>REQUESTED CHANGE: We request that EASA define “<i>primary navigation</i>” in this context.</p> <p>JUSTIFICATION: Lack of definition could lead to multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended and now reads: ‘to meet the airspace usage requirements’ with the aim of increased clarity of the provision.</p>

comment	<p data-bbox="352 210 405 237">119</p> <p data-bbox="1187 210 1449 237" style="text-align: right;">comment by: Boeing</p> <p data-bbox="352 297 461 324">Page: 38</p> <p data-bbox="352 331 1449 434">Paragraph: GM1 DAT.OR.105 (a)(1) Technical and operational competence and capability (b)</p> <p data-bbox="352 477 671 504">The proposed text states:</p> <p data-bbox="352 510 1406 537"><i>Aeronautical data source providers should be considered at least, but are not limited to:</i></p> <p data-bbox="352 555 376 577">...</p> <p data-bbox="352 584 986 611"><i>(b) the DAT provider itself or another DAT provider;"</i></p> <p data-bbox="352 654 1449 714">REQUESTED CHANGE: We request that EASA clarify whether a DAT provider is to be considered an Aeronautical Data Source Provider equal to an AIS provider.</p> <p data-bbox="352 757 1449 784">JUSTIFICATION: Lack of clarification could lead to multiple / contradictory interpretations.</p>
response	<p data-bbox="352 822 432 848"><i>Noted</i></p> <p data-bbox="352 909 1449 1102">In accordance with the proposed GM in question, AIS providers and DAT providers are considered an aeronautical data source provider. The difference lies in that the AIS provider is also considered an authoritative source (i.e. an organisation formally recognised by the State authority to originate or publish data which meets specified data quality requirements as specified by that State).</p>
comment	<p data-bbox="352 1225 405 1252">120</p> <p data-bbox="1187 1225 1449 1252" style="text-align: right;">comment by: Boeing</p> <p data-bbox="352 1312 461 1339">Page: 39</p> <p data-bbox="352 1346 1449 1413">Paragraph: AMC1 DAT.OR.105(a)(2) Technical and operational competence and capability</p> <p data-bbox="352 1456 671 1482">The proposed text states:</p> <p data-bbox="352 1489 1155 1516"><i>"STATEMENT OF CONFORMITY FOR AERONAUTICAL DATABASE" --</i></p> <p data-bbox="352 1559 1394 1585">Specifically, the information to be entered into Statement of Conformity for DAT form.</p> <p data-bbox="352 1628 1449 1731">REQUESTED CHANGE: We request that EASA reconsider the level of detail of requirements for the Statement of Conformity and the expected value added for the DAT providers' customers. In particular, we request that the following be removed:</p> <ol data-bbox="352 1738 596 1841" style="list-style-type: none"> 1. DB identification 2. DB use 3. Deviations <p data-bbox="352 1883 549 1910">JUSTIFICATION:</p> <ol data-bbox="352 1917 1449 2020" style="list-style-type: none"> 1. Regarding DB identification: Depending on the number of DAT provider's customers and number of databases delivered, meeting this requirement would require a large amount of manual work and resources – including time, money, development effort - to



response	<p>automate the process.</p> <p>2. Regarding DB use: This information may not be known to a DAT provider.</p> <p>3. Regarding Deviations: It is unclear whether this requirement applies to process deviations or modified data; customers are already made aware of bot</p> <p><i>Noted</i></p> <p>As regards database identification, the issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The database identification is considered an essential part of the statement of conformity for aeronautical database as there is a necessity for traceability to identify what package has been delivered and also tracked back.</p> <p>Therefore, the DAT providers are required to use a numbering system based on their preference.</p> <p>In reference to the database use, this field will be used by a Type 1 DAT provider as not applicable.</p> <p>In reference to deviations, the DAT provider is required to list the deviations (from a requirement) or make reference where the deviation information can be found. Today, it is a common praxis to publish the identified deficiencies in the database at a dedicated place on the internet. A reference to that location is expected as a minimum.</p>
comment	<p>121 comment by: Boeing</p> <p>Page: 40 Paragraph: AMC1 DAT.TR.100(a)(1) Working methods and operating procedures — DAT provider Type 2 [COMPATIBILITY WITH DOCUMENTED DATA QUALITY REQUIREMENTS]</p> <p><u>The proposed text states:</u> <i>“The DAT Provider Type 2 should perform tests to ensure that the database works as intended with the application by performing sampling checks on individual data sets (e.g. in a simulation/test bench environment).”</i></p> <p><u>REQUESTED CHANGE:</u> We request that EASA consider whether Type 2 DAT providers not having hardware manufacturing in their scope of operations should be excluded from the requirement to conduct tests.</p> <p><u>JUSTIFICATION:</u> In such cases, it is not the DAT provider who has access to simulation/test bench environment, but the manufacturer of the certified equipment.</p>
response	<p><i>Partially accepted</i></p> <p>The Type 2 DAT provider processes aeronautical data and provides an aeronautical</p>



database for use on certified aircraft application/equipment. This aeronautical database should meet the data quality requirements for which compatibility with those application/equipment has been determined. The commented AMC requires the Type 2 DAT Provider to perform tests to ensure that the database works as intended with the application by performing sampling checks on individual data sets (e.g. in a simulation/test bench environment). In its nature, an AMC is a non-binding standard adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules (in this case DAT.TR.100(a)(1)). Furthermore, it should be noted that ATM/ANS.OR.A.020 on means of compliance applies to DAT providers as well. In said provision, flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the IRs is met.

comment

122

comment by: Boeing

Page: 41

Paragraph: **GM1 DAT.TR.100 to AMC1 DAT.TR.100(a)(2) Working methods and operating procedures [NON-AUTHORITATIVE SOURCE]**

The proposed text states:

"... When validating a non-authoritative source, the DAT provider should process by using either additional information sources to verify this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations."

REQUESTED CHANGE: We request that EASA specify requirements for validation of a non-authoritative source.

JUSTIFICATION: Lack of specific requirements may put compliance at risk due to possible multiple / contradictory interpretations.

response

Noted

The Agency sees the rationale behind the comment and, therefore, tabled this issue at the review meeting organised, which provided the Agency with further valuable advice on how to proceed. It is considered that developing measures by EASA on validation of a non-authoritative source would necessitate more time. The Agency could plan a separate rulemaking activity, depending on the support and prioritisation of stakeholders. Therefore, the commentator is kindly invited also to consider whether a more detailed rulemaking proposal on the issue would be possible and the Agency would take appropriate action to initiate such a task.



comment 123

comment by: Boeing

Page: 41

Paragraph: **AMC1 DAT.TR.100(c)(1) Working methods and operating procedures [ATTESTING STAFF]**

(a)

The proposed text states:*“(a) To qualify as attesting staff, appropriate knowledge, background, experience and specific training or testing established by the DAT provider should be required.”***REQUESTED CHANGE:** We request that EASA:

1. define requirements for appropriate knowledge, background, experience, and specific training or testing for Attesting Staff.
2. specify whether Attesting Staff is more appropriately nominated from technical-level employees or management-level employees.

JUSTIFICATION: Lack of specific requirements may put compliance at risk due to possible multiple / contradictory interpretations.response *Noted*

The Agency sees the rationale of the comment and, therefore, tabled this issue at the review meeting organised, which provided the Agency with further valuable advice on how to proceed. The development of measures by EASA on training and competence scheme for attesting staff would necessitate more detailed understanding. The Agency could plan a separate rulemaking activity, depending on the support and prioritisation of stakeholders. Therefore, the commentator is also kindly invited to consider whether a more detailed rulemaking proposal on the issue would be possible and the Agency would take appropriate action to initiate such a task.

As regards the 2nd request, it is at the DAT provider's discretion, on the basis of respecting the applicable requirements.

comment 124

comment by: Boeing

Page: 41

Paragraph: **AMC1 DAT.TR.100(c)(1) Working methods and operating procedures [ATTESTING STAFF]**

(b)

The proposed text states:*“(b) Training should be provided to develop a satisfactory level of knowledge of organisational procedures, processes and products, aviation legislation, and associated implementing rules, AMC and GM, relevant to the particular role.”*

response

REQUESTED CHANGE: We request that EASA take into consideration the need for global alignment (e.g., coordination with U.S. and other authorities) with regard to training requirements.

JUSTIFICATION: Alignment and coordination would better support compliance by global organizations.

Noted

The Agency takes note of the comment and will take due consideration of the proposal.

comment

125

comment by: *Boeing*

Page: 41

Paragraph: **AMC1 DAT.TR.100(c)(2) Working methods and operating procedures [RECORD OF ATTESTING STAFF]**
(a) (2) (4)

The proposed text states:

“(a) The following is the minimum information that should be recorded by the DAT provider in respect of each attesting staff member:

...

(2) general training and standard attained;

(3) specific training and standard attained;

(4) continuation training, if appropriate; ...”

REQUESTED CHANGE: We request that EASA consider developing guidelines or standard requirements for Attesting Staff training, similar to what is currently in Regulation 2042/2003 or EASA Part-66 - Certifying Staff.

JUSTIFICATION: Lack of specific requirements may put compliance at risk due to possible multiple / contradictory interpretations.

response

Noted

The Agency sees the rationale behind the comment and, therefore, tabled this issue at the review meeting organised, which provided the Agency with further valuable advice on how to proceed. The development of measures by EASA on training and competence scheme for attesting staff would necessitate more detailed understanding. The Agency could plan a separate rulemaking activity, depending on the support and prioritisation of stakeholders. Therefore, the commentator is also kindly invited to consider whether a more detailed rulemaking proposal on the issue would be possible and the Agency would take appropriate action to initiate such a task.



comment

126

comment by: Boeing

Page: 42

Paragraph: **AMC1 DAT.TR.100(c)(2) Working methods and operating procedures [RECORD OF ATTESTING STAFF]**
(c)

The proposed text states:

“(c) The DAT provider should ensure that the number of persons authorised to access the system is limited and an appropriate access control mechanism is in place.”

REQUESTED CHANGE: We request that EASA specify the “system” in this context.

JUSTIFICATION: Lack of specific explanation could lead to multiple / contradictory interpretations.

response

Accepted

It refers to the personal data recording system. Such system is not necessarily an electronic one. Considering the comment, the provision is amended.

comment

127

comment by: Boeing

Page: 42

Paragraph: **AMC1 DAT.TR.105(a) Required interfaces [INTERFACE WITH THE AERONAUTICAL DATA SOURCE AND/OR OTHER DAT PROVIDERS]**
(b)

The proposed text states:

“(b) Where resolution could not be obtained for data that has been called into question, the DAT provider’s procedures for dealing with this situation would be audited. Such audits should confirm that effective controls are in place to ensure that an unsafe product is not released and that such concerns are communicated to customers in accordance with the requirements laid down in DAT.OR.200.”

REQUESTED CHANGE: We request that EASA:

1. clarify the required frequency of these audits - e.g., whether the requirement for auditing is applicable to every occurrence of DAT provider not being able to obtain resolution from source provider, regardless of the root cause.
2. clarify whether these audits are expected to be the DAT provider's internal audits, or external ones.
3. specify who would be a competent party to conduct these audits.

JUSTIFICATION: Lack of specific requirements may put compliance at risk due to possible



response	<p>multiple / contradictory interpretations.</p> <p><i>Noted</i></p> <p>In reference to point 1, the AMC requires the DAT provider's procedures for dealing with this situation to be audited only in cases where resolution could not be obtained. The frequency of the audits depends on the frequency of such situations.</p> <p>In reference to point 2, such audits should be internal ones as such audits should confirm that effective controls are in place to ensure that an unsafe product is not released and that such concerns are communicated to customers in accordance with the requirements laid down in DAT.OR.200.</p> <p>In reference to point 3, it is up to the DAT provider to decide who will perform these audits.</p>
comment	<p>128 comment by: Boeing</p> <p>Page: 42 Paragraph: AMC1 DAT.TR.105(b) Required interfaces [INTERFACE WITH NAVIGATION EQUIPMENT DESIGN APPROVAL HOLDER FOR TYPE 2 DAT PROVISION]</p> <p><u>The proposed text states:</u> <i>"The DAT provider should demonstrate that robust and effective interfaces exist with the equipment design approval holder. ..."</i></p> <p><u>REQUESTED CHANGE:</u> We request that EASA define "robust and effective" in this context.</p> <p><u>JUSTIFICATION:</u> Lack of specific definition could lead to multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended and 'robust and effective' is replaced by 'formal' (e.g. part of the procedure and coordinated with the contra partner).</p>
comment	<p>129 comment by: Boeing</p> <p>Page: 42 Paragraph: AMC1 DAT.TR.105(b) Required interfaces [INTERFACE WITH NAVIGATION EQUIPMENT DESIGN APPROVAL HOLDER FOR TYPE 2 DAT PROVISION]</p> <p><u>The proposed text states:</u> <i>"... In particular, the DAT provider's procedures should ensure that the equipment design approval holder communicates and responds to issues and constraints concerning</i></p>



	<p><i>compatibility/eligibility for installation between their equipment and the databases to the DAT provider.”</i></p> <p>REQUESTED CHANGE: We request that EASA reconsider applicability of DAT providers’ procedures as means to ensure another party’s responsiveness and communication.</p> <p>JUSTIFICATION: Communication and responsiveness depend on all involved parties, their processes, and behaviors.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency agrees with the justification stated by the commentator. However, the purpose of this provision is to ensure that the procedures in question are coordinated with the equipment design approval holder to allow continuation of the services by DAT providers. Considering the comment, the provision is amended to address the point raised by the commentator.</p>
comment	<p>130 comment by: Boeing</p> <p>Page: 43 Paragraph: AMC1 DAT.TR.105(c) Required interfaces [INTERFACE WITH AIRCRAFT OPERATORS]</p> <p>The proposed text states: “The DAT provider should demonstrate that a robust and effective interface with aircraft operators is in place, as applicable, to confirm that operators’ requests are clearly defined and subject to review.”</p> <p>REQUESTED CHANGE: We request that EASA define “robust and effective” in this context.</p> <p>JUSTIFICATION: Lack of specific definition could lead to multiple / contradictory interpretations.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended and ‘robust and effective’ is replaced by ‘formal’ (e.g. part of the procedure and coordinated with the contra partner).</p>
comment	<p>144 comment by: Lufthansa Systems FlightNav</p> <p>3.2., GM1 ATM/ANS.OR.A.035, (b), (1), (ii):</p> <p>The procedures should be reviewed by "a team of specialists" to ensure adequacy. Is there any advice what a "specialist" would be in this context?</p>

response

Noted

Based on the NPA 2014-20 consultation, the provision in question is amended and the term 'specialist' is removed.

comment

145

comment by: *Lufthansa Systems FlightNav*

3.2., Annex VII, Subpart A, Section 1, AMC1 DAT.OR.105(a)(2), Table, Point 6.:

Can a web-link be inserted into this field?

response

Accepted

The Agency takes note of the comment.

A weblink is considered as making reference where the deviation information can be found.

comment

152

comment by: *Lufthansa Systems FlightNav*

3.2., Annex VII, Subpart B, Section 1, AMC1 DAT.TR.105(a), (a):

"... and that timely and effective responses are received and remedial action undertaken."

The last part of the sentence referring to "remedial action undertaken" reads like that a DAT provider has to make sure that not only a response is received, but also remedial action - on authoritative source side! - is undertaken.

If that is the meaning of the sentence: A DAT provider cannot assure nor shall be made responsible for action to be undertaken by any authoritative source.

If the sentence means that remedial action is to be undertaken on DAT provider's side (such as providing information to an authority and/or not using possibly erroneous data), then a rephrasing of the sentence might be useful.

response

Accepted

Considering the comment, the last part of the sentence is removed.

comment

170

comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.A.005



response	<p>It appears to be an EASA convention that where an AMC is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.</p> <p>It would be helpful if a more specific reference could be given for the AMC as it currently appears that this AMC satisfies some of the IR but not all of it.</p> <p>At (a)(4) reference is made to DAT.TR.100 (1) and (2) which are not found.</p> <p><i>Accepted</i></p> <p>Considering the comment, the title and the heading are amended.</p> <p>In reference to (a)(4), considering the removal of DAT.TR.100(b), the provision is amended as follows:</p> <p>‘(4) An organisational chart showing lines of responsibility and accountability throughout the DAT providers, including a direct accountability of the accountable manager as required by ATM/ANS.OR.B.005(a)(1).’</p>
comment	<p>171 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM1 ATM/ANS.OR.005</p> <p>This GM is GM1 ATM/ANS.OR.A.005; It appears to be an EASA convention that where a GM is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.</p> <p>It would be helpful if a more specific reference could be given for the GM as it currently appears that this GM relates to some of the IR but not all of it; it reads as if it is GM to AMC1 ATM/ANS.OR.A.005.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the title and the heading are amended.</p>
comment	<p>172 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>GM2 ATM/ANS.OR.A005</p>



	<p>This GM is GM2 ATM/ANS.OR.A.005 (the full stop between A and 005 is missing).</p> <p>It appears to be an EASA convention that where a GM is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.</p> <p>It would be helpful if a more specific reference could be given for the GM as it currently appears that this GM relates to some of the IR but not all of it; it reads as if it is GM to AMC1 ATM/ANS.OR.A.005.</p> <p>It is a means rather than one means - Correct to say "A means to develop..."</p> <p>Whilst titled QUALITY MANGEMENT SYSTEM the text has nothing to do with QMS (which is not mentioned).</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the title and the heading are amended accordingly.</p>

comment	<p>173 comment by: NATS National Air Traffic Services Limited</p> <p>GM1 ATM/ANS.OR.A.035</p> <p>It appears to be an EASA convention that where a GM is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.</p> <p>It would be helpful if a more specific reference could be given for the GM as it currently appears that this GM relates to some of the IR but not all of it.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the heading is amended.</p> <p>As the provision consists of one paragraph, a more specific reference into the title could not be provided.</p>

comment	<p>174 comment by: NATS National Air Traffic Services Limited</p> <p>GM1 ATM/ANS.OR.A.035(a)</p> <p>This GM refers to application for a certificate which is ATM/ANS.OR.A.005 whereas the IR</p>
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	is, on request, about demonstration of compliance.
response	<p><i>Partially accepted</i></p> <p>The Agency takes note of the comment.</p> <p>Considering the comment, the commented provision is amended to address the issue in a better way.</p> <p>Furthermore, as correctly mentioned by the commentator, the rule refers to 'on request of the competent authority' and the GM aims to illustrate the meaning of the requirement (what would be expected by the DAT providers).</p>
comment	<p>175 comment by: NATS National Air Traffic Services Limited</p>
	<p>GM1 ATM/ANS.OR.A.035(b)</p> <p>What are the audits that are referred to here? There is no mention of audits in the related IR</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision is amended in order to be better associated with the Implementing Rule.</p>
comment	<p>176 comment by: NATS National Air Traffic Services Limited</p>
	<p>AMC1 ATM/ANS.OR.A.040(a)(2)</p> <p>Should this AMC be bespoke to DAT providers? If not then this is a provision that will apply to all service providers and as such should have been proposed in NPA 2013-08 or its CRD as a response to a comment.</p> <p>There are two "should" in this sentence; the latter one is superfluous.</p>
response	<p><i>Noted</i></p> <p>The commented AMC is proposed to apply to all service providers.</p> <p>During the rule development and the transposition of the Agency's Conditions on the Issuance of a Letter of Acceptance for Navigation Database Suppliers, it was identified that a change of the service provider's ownership and/or of the location of its facilities (is) are considered significant, therefore, DAT provider should comply with ATM/ANS.OR.A.040(a)(2).</p>



NPA 2014-20 was open for consultation of all interested parties and could be commented by the ANSPs, as the case is.

Furthermore, the Agency is planning to organise an additional thematic meeting to focus the discussion with the stakeholders on the proposed AMC/GM once the commented draft Commission Regulation (Part-DAT) is 'stabilised' as a result of the Comitology process.

comment

177

comment by: *NATS National Air Traffic Services Limited***AMC1 ATM/ANS.OR.A.055**

It appears to be an EASA convention that where an AMC is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.

It would be helpful if a more specific reference could be given for the AMC as it currently appears that this AMC satisfies some of the IR but not all of it.

The second sentence reads as GM.

response

Accepted

Considering the comment, the title and the heading are amended.

comment

178

comment by: *NATS National Air Traffic Services Limited***GM2 ATM/ANS.OR.A.065(b)**

It appears to be an EASA convention that where a GM is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.

response

Accepted

Considering the comment, the heading is amended.

comment

179

comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.B.005

It appears to be an EASA convention that where an AMC is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.

Is it intended that these two AMC are applicable for all of ATM/ANS.OR.B.005 or should it be to ATM/ANS.OR.B.005(a) as it is for ANSPs?

response *Accepted*

Considering the comment, the heading is amended.

Furthermore, based on the NPA 2014-20 consultation, the AMCs in question are amended resulting in dedicated AMCs applicable only to Type 1 and Type 2 DAT providers.

comment 180

comment by: *NATS National Air Traffic Services Limited*

AMC1 ATM/ANS.OR.B.030

It appears to be an EASA convention that where an AMC is meant for a specific service provider then the qualification is not in the title of the AMC but rather in a heading below the title e.g. AMC1 ATM/ANS.OR.B.005(a); AMC2 ATM/ANS.OR.B.005(a); GM1 ATM/ANS.OR.B.005(a)(2); etc.

response *Accepted*

Considering the comment, the heading is amended.

comment 181

comment by: *NATS National Air Traffic Services Limited*

AMC DAT.OR.115(7)

There appears to be no related IR with the same identification.

response *Accepted*

Considering the comment, the reference is amended. It should read 'AMC1 DAT.OR.115(g)'.



comment 182

comment by: AIRBUS

Comment related to AMC1 ATM/ANS OR B 005- Page 36 &37

PROPOSED COMMENT:

The proposed AMC 1 ATM/ANS.OR.B.005 Management System, which is proposing “ISO” certificate for DAT providers, needs to be removed or amended as proposed

RATIONALE / REASON / JUSTIFICATION

The certificate of conformity with the standard ISO 9001 or 9100 for DAT provider does not ensure adequate demonstration of compliance with **ATM/ANS.OR.B.005 Management system rev. (f)**, quoted below

(f) Within the management system, the service provider shall establish formal interfaces with the relevant service providers and aviation undertakings to:

- (1) ensure that the aviation safety hazards entailed by its activities are identified, and evaluated and the associated risks are managed and mitigated as appropriate; and
- (2) provide its services in accordance with the requirements of this Regulation.

Compliance with ATM/ANS.OR.B.005 (f) needs to be explicitly stated to appropriately cover the safety impact considering:

- The assessment of the effect on aircraft safety of erroneous or lack of data made by the end user (TC holder or aircraft operator)
- A clear defined procedure to formally interface with end user for DAT provider Type 1 and with airworthiness for DAT provider Type 2

response *Noted*

As already explained in Section 2.1. of the Explanatory Note to NPA 2014-20, with the forthcoming adoption of the draft Regulation on ‘Requirements for service providers and the oversight thereof’, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers) will be subject to common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (from IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data services. NPA 2014-20 is proposing an amendment to said Annex VII (Part-DAT).

It should be noted that the mentioned common requirements (Annex III, Part-ATM/ANS.OR) of the draft Regulation on ‘Requirements for service providers and the oversight thereof’ resulted as an outcome of the consultation of NPA 2013-08 and NPA 2014-13 and they include the management system requirements laid down in ATM/ANS.OR.B.005.

Consequently, the DAT providers should also comply with the requirements mentioned in the comment.

For more details, please refer to Agency’s Opinion No 03/2014.



comment	<p data-bbox="352 277 400 300">211</p> <p data-bbox="1018 277 1449 300">comment by: <i>Garmin International</i></p> <p data-bbox="352 365 1070 387">3.2, AMC1 ATM/ANS.OR.A. 005 and GM1 ATM/ANS.OR.005</p> <p data-bbox="352 439 1449 931">ED-76(A) calls for a compliance plan which outlines how compliance with the standard is achieved. If ED-76(A) is to be the baseline standard for aeronautical data processing, why make organizations write an "exposition" document which seems to document much of the same information? Additionally, some of the information called for in this exposition is possibly proprietary and confidential to an organization, such as manpower resources and organizational structure. A competent authority does not need to understand the physical and authoritative makeup of an organization to this low-level degree in order to audit compliance to documented procedures. Garmin believes that there is no safety value added to a data processing organization by disclosing this information. Additionally, AC 20-153A makes several references to a compliance plan, but always does so by citing DO-200A as the origin of the requirement. To maintain harmony with AC 20-153A, Garmin suggests the removal of AMC1 ATM/ANS.OR.A.005 and GM1 ATM/ANS.OR.005, or more simplified references to the ED-76(A) requirement that already exist for a compliance plan.</p>
response	<p data-bbox="352 958 517 981"><i>Not accepted</i></p> <p data-bbox="352 1048 1449 1323">As mentioned by the commentator, the compliance plan outlines how compliance with the standard is achieved. However, it should be noted that EUROCAE ED-76/RTCA DO-200A is a means of compliance with some of the requirements laid down in the rule and as the regulatory framework of the proposal goes beyond said standard, the exposition is necessary to address all elements. Furthermore, it should be noted that a GM is introduced to clarify that a means to develop the exposition may be cross-referring to the procedures of the quality manual.</p>
comment	<p data-bbox="352 1451 400 1473">212</p> <p data-bbox="1018 1451 1449 1473">comment by: <i>Garmin International</i></p> <p data-bbox="352 1536 751 1559">3.2, GM1 ATM/ANS.OR.A.035 (a)</p> <p data-bbox="352 1610 1449 1812">General comment regarding the requirement for the DAT provider to produce at compliance matrix: In the case of ED-76/DO-200A compliance, EASA should provide a blank matrix or point to an existing blank matrix available from the current LOA program. The FAA does this in AC 20-153A in Appendix 3. In the case of ED-76A/DO-200B compliance, the standards themselves will provide a matrix, and it should be completed by the applicant.</p>
response	<p data-bbox="352 1843 432 1865"><i>Noted</i></p> <p data-bbox="352 1933 836 1955">The Agency takes note of the comment.</p>

comment	<p>213 comment by: <i>Garmin International</i></p> <p>3.2, GM1 ATM/ANS.OR.A.035 (b)</p> <p>Suggest removing item (b). What is the need to list specific areas that should be included in the audit? A matrix will already exist in accordance with ATM/ANS.OR.A.035 item (a), and it serves as an audit guide. Providing another list of audit objectives duplicates and confuses the audit process. Additionally, the meaning of sub-item (i) is unclear.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the provision in question is removed.</p>
comment	<p>214 comment by: <i>Garmin International</i></p> <p>3.2, GM2 ATM/ANS.OR.A.065 (b)</p> <p>Request clarification of the terms “affecting safe operations” and “negative impact on safety.” They are both highly subjective and dependent upon the interpretation of the competent authority. In order for a DAT supplier to ensure compliance with these guidelines, they would err on the side of caution and deliver notification to the competent authority after nearly every error/deficiency discovered, which would result in hundreds of notifications each year. Reviewing these notifications would be a burden to the competent authority and overhead for the DAT provider that, in many cases, has no added value to ensuring safety.</p> <p>Suggest refinement of these two terms in order to narrow the scope of what kind of errors prompt reporting to the competent authority. Specific criteria on what is considered to be a “negative impact” or “affect” on safety would be helpful for DAT providers and ultimately result in a decreased oversight burden on competent authorities as well.</p>
response	<p><i>Noted</i></p> <p>It should be noted that the commented provision is a GM (now renumbered to GM1 DAT.OR.200). In its nature, GM is non-binding material developed by the Agency that helps to illustrate the meaning of a requirement and is used to support the interpretation of the IR and/or AMC. Therefore, the regulated organisations are not required to show compliance with a GM.</p> <p>The experience from the voluntary LOA system shows that the terms proposed are used today in the community in the expected way. Furthermore, the initial audit and continuous oversight provides sufficient opportunity to develop a common understanding for the parties. Therefore, the Agency understands the concern, but retains the proposed wording.</p>

comment	<p>215 comment by: <i>Garmin International</i></p> <p>3.2, ATM/ANS.OR.B.005 DAT providers Type 1</p> <p>Suggest making it clearer that ISO certificates are an <i>optional</i> means of showing management system requirements are met. Suggest “An EN ISO 9001 certificate ... should be considered as an sufficient-optional means of compliance for a DAT provider Type 1.”</p>
response	<p><i>Partially accepted</i></p> <p>After due consideration of the stakeholders’ responses to the question posed by the Agency in the Explanatory Note (Section 2.5.5.) regarding management system and the NPA 2014-20 consultation, including the focussed one organised after the NPA consultation closure, the Agency acknowledges the preference for keeping the ISO 9001/EN 9100 certificate as AMC. However, it should be noted that ATM/ANS.OR.A.020 on means of compliance applies to DAT providers as well. In said provision, flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the IRs is met. The proposed procedure is the same with the one already adopted for the fields of aircrew, air operations and aerodromes.</p>

comment	<p>216 comment by: <i>Garmin International</i></p> <p>3.2, ATM/ANS.OR.B.005 DAT providers Type 2</p> <p>Suggest making it clearer that ISO certificates are an <i>optional</i> means of showing management system requirements are met. Suggest “An EN ISO 9100 certificate ... should be considered as an sufficient-optional means of compliance for a DAT provider Type 2.”</p>
response	<p><i>Partially accepted</i></p> <p>After due consideration of the stakeholders’ responses to the question posed by the Agency in the Explanatory Note (Section 2.5.5.) regarding the management system and the NPA 2014-20 consultation, including the focussed one organised after the NPA consultation closure, the Agency acknowledges the preference for keeping the ISO 9001/EN 9100 certificate as AMC. However, it should be noted that ATM/ANS.OR.A.020 on means of compliance applies to DAT providers as well where flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the IRs is met. The proposed procedure is the same with the one already adopted for the</p>



fields of aircrew, air operations and aerodromes.

comment

217

comment by: *Garmin International*

3.2, AMC1 DAT.OR.100(b)

Suggest changing to “Aeronautical databases should be databases that support the flight operation of the aircraft used on ~~en~~-by certified aircraft system applications ~~functions~~ with minor or higher safety effect.”

Some certified systems may have databases that are loaded into them for informational purposes only that have no safety effect, and the intent of this statement seems to be to not include such databases.

response

Partially accepted

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment, the provision is amended.

comment

218

comment by: *Garmin International*

3.2, GM2 DAT.OR.100 (a)(1)(ii)

While there may be some certified systems that allow synthetic vision to be used for primary CNS applications, Garmin’s synthetic vision has an operational limitation that prohibits the use of the synthetic vision system display elements alone for aircraft control without reference to the primary flight instruments or the aircraft standby instruments. Consequently, suggest copying item (ii) “Database for Synthetic Vision systems, etc” from item (1) to item (2) as a supplementary application and including a qualifying phrase such as “if approved for such use” in item (1) sub-item (ii). Also suggest removing the “, etc” at the end of the statement as it is unclear what “etc” refers to.

response

Partially accepted

The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment, the provision is amended.

comment

219

comment by: *Garmin International*

3.2, GM2 DAT.OR.100 (a)(2)

Suggest removing “primary” from phrase the “The supplementary ~~primary~~ CNS



response	applications include, but are not limited to..."	
response	<i>Accepted</i>	
comment	220	comment by: <i>Garmin International</i>
	3.2, GM2 DAT.OR.100 (a)(2) (vi)	
	Suggest removing item (vi). The term "etc." conveys no real meaning and the wording of item (2) already includes the statement "but are not limited to," which conveys the same idea.	
response	<i>Accepted</i>	
comment	221	comment by: <i>Garmin International</i>
	3.2, GM2 DAT.OR.100 (b)(3)	
	Do not understand how this is possible. If a VFR-only aircraft cannot fly IFR, the pilot would not be using an on-board system with a database as primary navigation. Suggest changing to "databases used on VFR certified aircraft, except those used for primary navigation. "	
response	<i>Partially accepted</i>	
	Based on the NPA 2014-20 consultation feedback, the commented provision is amended. Considering the comment, in order to enhance clarity, it now reads:	
	'databases used on VFR certified aircraft, except those used for primary navigation to meet the airspace usage requirements'.	
comment	222	comment by: <i>Garmin International</i>
	3.2, GM2 DAT.OR.100 (b)	
	Suggest adding an item (4) that reads "databases used on applications designated as having no safety effect."	
response	<i>Partially accepted</i>	
	The issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. Considering the comment, the provision is amended.	



comment	<p>223 comment by: <i>Garmin International</i></p> <p>3.2, GM1 DAT.OR.105(a)(1) (c) and (d)</p> <p>Do these two statements imply that aircraft and aerodrome operators would need to comply with parts of Part-DAT since they've been given the label "Aeronautical Data Source Provider"? If so, suggest removing (c) and (d). Most ED-76(A) and Part-DAT requirements seem to be geared toward AIS, Type 1, or Type 2 organizations and airport operators and aircraft operators cannot be expected to be familiar with these standards and regulations. Further, since airport operators and aircraft operators would be considered non-authoritative, the first DAT provider in the chain should be validating and taking responsibility for the data.</p>
response	<p><i>Noted</i></p> <p>It is important to be noted that the commented provision is a GM that helps to illustrate the meaning of a requirement and is used to support the interpretation of the AMC. Considering this, the aircraft operators and aerodrome operators are not DAT providers unless they decide to perform the activities under DAT.OR.100.</p> <p>Furthermore, the Agency shares the view of the commentator stated in the last part of the comment. Considering it, a newly introduced GM1 to AMC1 DAT.OR.100(a) and to AMC1 DAT.TR.100(a)(2) on data source addresses the issue.</p>
comment	<p>224 comment by: <i>Garmin International</i></p> <p>3.2, AMC1 DAT.OR.105(a)(2)</p> <p>FAA AC 20-153A does not require such a Statement of Conformity. Instead, the Statement of Conformity takes the form of a one-time, static statement included in the Type 2 LOA letter issued by the FAA. Additionally, there is no evidence of safety issues attributable to US database suppliers not generating a Statement of Conformity every 28 days. Inclusion of this requirement is a significant difference with AC 20-153A and makes the EASA requirements un-harmonized. Suggest removal of the need for this form.</p>
response	<p><i>Not accepted</i></p> <p>This issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The database identification is considered an essential part of the aeronautical database as there is a necessity for traceability to identify what package has been delivered and also tracked back. This information is also important for the aircraft operators. Moreover, the link between a given database and the statement of conformity would serve as a means of ensuring the data integrity.</p> <p>Furthermore, as explained in the Explanatory Note to NPA 2014-20 (Section 2.5.6.) and</p>

reconfirmed by one of the European DAT providers during said thematic meeting ‘the statement of conformity’ is already provided in the frame of the current LoA Type 2 Approval for navigation database deliverables. Consequently, no change to the current processes in place would be expected in this context, just potentially an update of the template in order to match with the one proposed. Taking into account the mentioned, the comment is not accepted.

comment

225

comment by: *Garmin International*

3.2, AMC2 DAT.OR.105(a)(2)

The content of ED-76A/DO-200B will be significantly different than the prior versions. To possibly imply that an organization can abide by the earlier version and be compliant with Part-DAT, but then suddenly be out of compliance the day the later version becomes effective, is impractical and unreasonable. Suggest adding wording to make it clearer that *any* version of ED-76/DO-200A or later is adequate. Suggest “The processes of producing and updating aeronautical databases should meet the standards specified in EUROCAE ED-76/RTCA DO-200 Standards for Processing Aeronautical Data, dated October 1998 or subsequent revisions, not older than revision ED-76/DO-200A.

response

Partially accepted

Considering the comment, the provision is amended and it now states:

‘EUROCAE ED-76/RTCA DO-200A Standards for Processing Aeronautical Data or subsequent revisions’

in order to provide more flexibility.

comment

226

comment by: *Garmin International*

3.2, GM1 DAT.OR.105(b)

Suggest removal of this section. As discussed in Garmin’s Annex VII, DAT.OR.105(b) comment, the concept of attesting staff adds no value to safety of data processing and should be dropped.

response

Not accepted

Today’s Agency’s Conditions for the Issuance of a Letter of Acceptance for Navigation Database Suppliers set up the minimum requirements for personnel responsible for the compliance monitoring and for the attesting staff.

The issue was thoroughly discussed at the thematic meeting which provided the Agency



with advice on how to proceed with the subject.

Contrary to the proposal to remove the provisions, the Agency was invited by other commentators to develop further GMs and standards for the training of attesting staff taking into consideration the need for global alignment.

As an outcome of the NPA 2014-20 consultation, the Agency believes that the proposed regulatory approach on the current regulatory staff should be retained as it provides acknowledgment of this position and clear allocation of responsibilities.

comment

227

comment by: *Garmin International*

3.2, AMC1, DAT.OR.115(7)

To imply that an organization can abide by an earlier version of ED-76 and be compliant with Part-DAT, but then suddenly be out of compliance the day the later version of ED-76 becomes effective, is impractical and unreasonable. Specifically regarding tool qualification, ED-76A/DO-200B will differ drastically from the prior revisions. A grandfathering concept is necessary in order for reasonable compliance.

response

Accepted

As regards the EUROCAE ED 76/DO 200A and the applicability of the next revision, the AMCs intentionally refer throughout the rule to 'EUROCAE ED-76/RTCA DO-200A Standards for Processing Aeronautical data, dated October 1998, or subsequent reversions' to allow both versions to be used at the same time. Flexibility is, thus, provided to DAT providers to choose which version of the standard to use as a means of compliance.

comment

228

comment by: *Garmin International*

3.2, GM1 DAT.TR.100 to AMC1 DAT.TR.100(a)(2), 2nd paragraph

ED-76(A) does not get as prescriptive as to mandate how validation must take place. There may be cases where neither of these options are available and the DAT provider will have to come up with their own means of validation. Additionally, AC 20-153A does not prescribe particular V&V methods, but instead clarifies when V&V needs to be performed and leaves it up to the DAT supplier to develop and perform the V&V. Suggest removing these paragraphs to avoid creating un-harmonized requirements between Part-DAT and AC 20-153A.

response

Not accepted

It should be noted that the commented provisions are part of a GM. In its nature, GM



is non-binding material developed by the Agency that helps to illustrate the meaning of a requirement and is used to support the interpretation of the AMC. Therefore, the regulated organisations are not forced to use it, only if they wish so.

comment

229

comment by: *Garmin International*

3.2, GM1 DAT.TR.100(c) and AMC1 DAT.TR.100(c)(1) and AMC1 DAT.TR.100(c)(2) and AMC1 DAT.TR.100(c)(3) and GM1 DAT.TR.100(c)(2)

Suggest removal. As discussed in Garmin's Annex VII, DAT.OR.105(b) comment, the concept of attesting staff adds no value to safety of data processing and should be dropped.

Additionally, it should be up to an organization to determine adequate training for employees authorized to perform certain functions in their approved process. Requiring more than the organization finds adequate adds unnecessary, costly overhead and drives up the costs of database production.

response

Not accepted

Today's Agency's Conditions for the Issuance of a Letter of Acceptance for Navigation Database Suppliers set up the minimum requirements for personnel responsible for the compliance monitoring and for the attesting staff.

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

Contrary to the proposal to remove the provisions, the Agency was invited by other commentators to develop further GMs and standards for the training of attesting staff taking into consideration the need for global alignment.

As an outcome of the NPA 2014-20 consultation, the Agency believes that the proposed regulatory approach on the current regulatory staff should be retained as it provides acknowledgment of this position and clear allocation of responsibilities.

comment

230

comment by: *Garmin International*

3.2, AMC1 DAT.TR.105(a)

Item (a) reads like a requirement. Reference should instead be provided to ED-76(A) 2.3.4 which lists requirements regarding error handling.

Suggest "The DAT provider should demonstrate that ~~robust and effective interfaces with aeronautical data source or other DAT providers are implemented.~~ Procedures should



response	<p>be established to communicate instances of erroneous, inconsistent or missing data to such providers and that timely and effective responses are received and remedial action undertaken exist supporting the handling of discovered data errors in cooperation with other suppliers and users, as required by EUROCAE ED-76/RTCA DO-200 Standards for Processing Aeronautical Data, not older than revision ED-76/DO-200A.”</p> <p><i>Not accepted</i></p> <p>This issue was discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject and the proposal was not well received.</p>
comment	<p>231 comment by: <i>Garmin International</i></p> <p>3.2, AMC1 DAT.TR.105(c)</p> <p>Suggest removal. See Garmin’s Annex VII, DAT.TR.105(c) comment discussing the impracticality of formal interface between DAT providers and operators.</p>
response	<p><i>Not accepted</i></p> <p>It should be noted that this AMC aims to illustrate means to establish compliance with the requirement at the IR level (in this case, with DAT.TR.105(c)). Said provision applies only to Type 2 DAT providers as they have a direct interface with the aircraft operator as explained in Figure 3 ‘Illustration of the interfaces of the regulated parties’ (please refer to Section 2.3. of NPA 2014-20). It does not set up a requirement stronger than the one already in the IR.</p>
comment	<p>240 comment by: <i>THALES AVIONICS</i></p> <p>GM1 ATM/ANS.OR.A.035 (a) A template of Compliance Matrix/Check List vs the standard EUROCAE ED-76/RTCA DO-200A would be helpful.</p> <p>GM1 ATM/ANS.OR.A.035 (b) <u>Proposed text</u> (...) (ii) <u>data validation and verification</u> (including the procedures that define the level of checking of the database prior to release). These procedures should be reviewed by a team of specialists to ensure adequacy; (iii) <u>error reporting and handling procedures (including occurrence reporting in case of potential unsafe condition)</u>; (iv) <u>safety reporting procedures (including occurrence reporting)</u>; (...) <u>Justification</u></p>

response	<p>(ii) It is recommended to make the distinction between Verification and Validation. (iii) & (iv) : The terms used should be clarified and/or uniformized: - “Safety reporting procedure”, or “safety-related error reporting procedure”? - Difference between “error” (iii) and “occurrence” (iv)?</p> <p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended.</p>
comment	<p>241 comment by: THALES AVIONICS</p> <p>AMC1 ATM/ANS.OR.A.040(a)(2) <u>Proposed text</u> <i>Requirement ATM/ANS.OR.A.040(a)(2) should be reformulate as follow:</i> (...) <i>(2) a change to the provision of service, the service provider’s management system and/or safety management system, <u>the service provider’s ownership and/or of the location of its facilities</u> that does not affect the functional system, shall be carried out in accordance with point (b).</i> (...) <u>Justification</u> This is not an AMC but a clarification of the related requirement, it should be better to put this precision directly in the associated requirement</p>
response	<p><i>Noted</i></p> <p>It should be noted that the issue has already been addressed in AMC1 ATM/ANS.OR.A.040(a)(2) Changes of the ownership and/or of the location, proposed in NPA 2014-20.</p>
comment	<p>242 comment by: THALES AVIONICS</p> <p>GM2 ATM/ANS.OR.A.065(b) (b) What is the meaning of « FAB » ? Please delete this acronym or provide its definition (c) Erroneous processing is in certified aircraft system, then occurrence reporting is the responsibility of aircraft system design holder and not DAT provider, C) case should then be deleted.</p>
response	<p><i>Partially accepted</i></p> <p>In reference to ‘FAB’, considering the comment, the provision is amended.</p> <p>In reference to the removal of (c) as the Type 2 DAT provider and the approval holder are not necessarily the same organisation in accordance with the principle that each</p>

organisation detecting such deficiency has its own reporting obligation, even if this leads to multiple reporting of the same subject, the Agency considers that the requirement is justified and in line with the general principles.

comment

243

comment by: THALES AVIONICS

AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 1

Incorrect reference, replace EN ISO 9001 by ISO 9001

AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 2

Incorrect reference, replace EN ISO 9100 by EN 9100

response

Accepted

comment

244

comment by: THALES AVIONICS

Annex VII title

Purpose is not limited to Air navigation as targeted aeronautical data could also be used on ground and for other operations than air navigation (example: AMDB, BTV, ROAAS, ...). Other references to air navigation should also be deleted in the rest of the document.

response

Not accepted

It should be noted that 'ATM/ANS' are defined in Article 3 of the consolidated version of Regulation (EC) No 216/2008. According to the said Article, "ATM/ANS' shall mean the traffic management functions as defined in Article 2(10) of Regulation (EC) No 549/2004, air navigation services defined in Article 2(4) of that Regulation, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation." The activities of the DAT providers are under the last part of that definition. With this proposed draft Implementing Rule which has a dual legal basis, the above provisions are reflected accordingly and it is considered inappropriate to remove the references to air navigation.

comment

245

comment by: THALES AVIONICS

AMC1 DAT.OR.100 (a)(1)

What is the meaning of "integrated aeronautical information package (IAIP)"? Is it to say "navigation data" ? Why the wording "integrated" ?

response

Not accepted

'Integrated aeronautical information package' means a package which consists of the



following elements:

- (a) aeronautical information publications (AIP), including amendments;
- (b) supplements to the AIP;
- (c) the NOTAM, as defined in point 17 and pre-flight information bulletins;
- (d) aeronautical information circulars; and
- (e) checklists and lists of valid NOTAMs;

It aims to refer to the products provided by the AIS providers. The term is used by the AIS/AIM community.

comment

246

comment by: *THALES AVIONICS*

AMC1 DAT.OR.100 (c)

It would be preferable to indicate the scope limitation directly in the rule and to reserve the AMC or the GM to the identification of some examples

response

Partially accepted

The Agency does agree with the view expressed by the commentator.

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

However, it is important to be highlighted that at the IR level, the safety objectives and the requirements for the regulated parties are set up, while the AMC/GM are non-binding acts aiming to illustrate the means to establish compliance with the subject requirements or help to illustrate the meaning.

comment

264

comment by: *Brad Miller, FAA AIR-131*

GM2
DAT.OR.100
para (b)
pg 38

Under para (b) insert a new item to indicate that databases approved as part of the equipment approval (for example, under DO-178B/C) would not need to meet this regulation. Propose wording to be:
“databases approved as part of the equipment approval (TC, STC, or TSO) and subject to change control processes for the equipment.

response

Accepted



The Agency agrees that this is an important aspect.
It should be noted that it has already been addressed in AMC1 DAT.OR.100(c).

comment 272

comment by: *Brad Miller, FAA AIR-131*

AMC1
DAT.TR.105(a)
para (b) pg.42

It is not clear why AMC is focusing on auditing, when it would be better to describe expectation for deleting erroneous data (with reporting to operator to satisfy completeness) or establishment of procedures for altering source data with added responsibility of data origination

response *Accepted*

Considering the comment, the issue is addressed by AMC1 DAT.TR.100(a)(2) and the newly introduced GM1 to AMC1 DAT.OR.100(a) and to AMC1 DAT.TR.100(a)(2) on data source.

comment 275

comment by: *Brad Miller, FAA AIR-131*

AMC1
DAT.TR.105(b)
Pg 42

Rather than require “robust and effective interfaces” it is more important that there be agreement with the DQRs (with change control processes) and that procedures be established to communicate issues with the data.

response *Accepted*

The Agency takes due consideration of the comment.
The issue raised by the commentator is addressed through the amendments



to DAT.TR.100(a)(1) and DAT.OR.115 (new DAT.OR.100).

comment 295

comment by: *Brad Miller, FAA AIR-131*

GM1 ATM/ANS.OR.005(6. Production Processes) pg 35:

Tailored data is out of scope and this is not harmonized with FAA. Please delete "...tailored data,..."

response *Not accepted*

During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.

Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.

Moreover, in addition to DAT.OR.100(b) which referring to tailored data clearly states that 'The responsibility of this data and its subsequent update shall remain with the aircraft operator.', GM1 DAT.OR.100(b) has been amended further to clarify the subject.

comment 297

comment by: *Brad Miller, FAA AIR-131*

AMC1 ATM/ANS.OR.A.055 Findings pg 36:

Where is reference for this and how were time windows determined?

response *Noted*

As explained in the Explanatory Note to NPA 2014-20, the commented proposed rule will amend the forthcoming Regulation on 'Requirements for service providers and the



oversight thereof, proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014. Said rule on 'Requirements for service providers and the oversight thereof' contains Annex III with the common requirements applicable to all service providers, including the DAT providers. This Annex includes the provision on 'Findings and corrective actions' (ATM/ANS.OR.A.055). The timeframe proposed is similar to the one already used in other aviation domains.

comment	<p>300</p> <p style="text-align: right;">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>AMC1 ATM/ANS.OR.B.005 pg 36:</p> <p>Recommend 9100 as stated in previous comment.</p>
response	<p><i>Accepted</i></p> <p>The Agency takes due consideration of the comment.</p>

comment	<p>309</p> <p style="text-align: right;">comment by: <i>Navtech</i></p> <p>Will this apply only to DO-200A or also the re-write which will be DO-200B?</p> <p>It would be Navtech's preference to wait on formalizing this regulation until the referenced standards including ED-76 be completed so that the full impact of the changes can be considered within the context of this regulation.</p>
response	<p><i>Accepted</i></p> <p>The AMC intentionally refer throughout the rule to 'ED-76/RTCA DO-200A Standards for Processing Aeronautical data, dated October 1998, or subsequent reversion' to allow both versions to be used at the same time. Flexibility is, thus, provided to DAT providers to choose which version of the standard to use as a means of compliance.</p>

comment	<p>310</p> <p style="text-align: right;">comment by: <i>Navtech</i></p> <p>As mentioned above, it would be Navtech preference that the Member State will have the obligation to report to the authority through a separate regulation and thereby leaving the DAT provider responsible for only their portion of the chain. This must allow for the DAT provider to maintain a positive business relationship with all sources.</p>
response	<p><i>Noted</i></p>



The Agency takes due consideration of the comment and shares the opinion of the commentator. It trusts that the proposed regulatory framework meets the objective set.

comment

311

comment by: *Navtech*

Regarding reference to ISO 9001– Please be specific on ISO 9001 vs AS9100 and versions and the impact of re-writes. And please specific the impact of producing the certificate on the scope of the EASA audit.

response

Accepted

After due consideration of the stakeholders' responses to the question posed by the Agency in the Explanatory Note (Section 2.5.5.) regarding management system and the NPA 2014-20 consultation, including the focussed one organised after the NPA consultation closure, the Agency acknowledges the preference for keeping the ISO 9001 and EN 9100 certificates as AMCs. Considering the feedback received, said AMCs are amended.

Furthermore, considering the last part of the comment requesting clarification, a new GM associated with the AMC on management system is introduced explaining that the elements that are not covered by the certificate issued by an appropriately accredited organisation should be subject to oversight by the competent authority.

comment

312

comment by: *Navtech*

as mentioned about, please clarify the scope and definition of aeronautical database used on certified aircraft

response

Accepted

This issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

Considering the comments, a new definition of 'certified aircraft application' is introduced and the proposed AMC/GM on aeronautical database are amended to enhance clarity.

As regards clarification on the data in the scope of the term 'aeronautical databases used on certified aircraft system', it is important to be noted that GM1 DAT.OR.100 (now GM2 DAT.OR.100) has already addressed the issue, and based on the comments during the NPA 2014-20 consultation, said GM is further improved.



comment	<p>313 comment by: <i>Navtech</i></p> <p>GM2.DAT.OR.100 2) (vi)What is meant by “etc.”? Perhaps remove ambiguity by removing the “etc.” reference</p>
response	<p><i>Accepted</i></p>
comment	<p>314 comment by: <i>Navtech</i></p> <p>GM1.DAT.OR.105 a) 1) d) please clarify if tailored data is within scope. It implies at the top of the previous page that Tailored Data may not be in scope?</p>
response	<p><i>Accepted</i></p> <p>The commented provision intends to illustrate the meaning of the term ‘aeronautical data source provider’, while the scope of the activities of the DAT provider and which parts of the tailored data processing are covered, are already addressed in DAT.OR.100. Furthermore, its associated AMC/GM provide the means to establish compliance with the applicable rules and illustrate the meaning of the requirements, especially GM1 DAT.OR.100(b) that further clarifies the issue raised by the commentator.</p>
comment	<p>315 comment by: <i>Navtech</i></p> <p>This implies a requirement for the exact format of the statement. There is no provision for exceptions in this form.... Please define the exact requirements. It is Navtech’s preference to leave it more open in terms of the database identification and also the list of deviations. It should be allowed that the list of deviations be included via a separate document.</p>
response	<p><i>Noted</i></p> <p>This issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. The database identification is considered an essential part of the statement of conformity for aeronautical database as there is a necessity for traceability for the user to identify what package has been delivered and have evidence that the deliverable falls under the DAT provider oversight. Such evidence is needed to the user of the database. The intention is not to have a dedicated form for each existing part number but to have a listing of all part numbers covered under the release for that cycle (e.g. by using a reference to a detailed list in that field). Said list should be published and traceable from the statement.</p> <p>In reference to the item ‘Deviations’, the DAT provider is required to list the deviations or make reference where the deviation information can be found. Today, it is a common</p>

praxis to publish the identified deficiencies in the database at a dedicated place on the internet. A reference to that location is expected as a minimum.

comment 316 comment by: Navtech

GM1.DAT.OR.105b) please clarify and define “independence” in this context.

response *Accepted*

It is important to be noted that GM is non-binding material that illustrates the meaning of a requirement and is used to support the interpretation of an IR or AMC. The title of the commented GM is ‘independence’ and the meaning is explained in the provision itself.

comment 317 comment by: Navtech

Regarding "have been validated to conform with relevant standards and data quality requirements", as mentioned above, acceptable methods of validation of authoritative source is still not fully defined for DO200B. It is Navtech's preference to wait for these standards to be more mature before this regulation may be fully understand.

response *Noted*

The Agency takes due consideration of the comment. It should be noted that the AMCs refer throughout the rule to ‘ED-76/RTCA DO-200A Standards for Processing Aeronautical data, dated October 1998, or subsequent reversions’ to allow the next version of said standard to be used once it is in place.

comment 318 comment by: Navtech

Please provide further definition of the terms “appropriate knowledge”, “background”, “specific training”.

response *Noted*

It is up to the DAT provider to establish the criteria for ‘appropriate knowledge, background and experience’ with the aim of ensuring that personnel are trained and competent to perform their duties. However, if the commentator considers that further AMC/GM would be required on the subject, it is invited to make a more detailed rulemaking proposal on the issue and the Agency would take appropriate action.



comment	319	comment by: <i>Navtech</i>
	AMC1.DAT.TR.100 (c)(10)(b) Clarification of exactly what legislation and implementing rules applicable here.	
response	<i>Accepted</i>	
	This issue was tabled at the thematic meeting which provided the Agency with advice on how to proceed with the subject.	
	Considering the comment, a GM on 'aviation law' is introduced to clarify the meaning of the requirements.	
comment	320	comment by: <i>Navtech</i>
	AMC1.DAT.TR.100(c)(2)(a)(5) please define "background experience" in this context	
response	<i>Noted</i>	
	It refers to the previous experience of the attesting staff member that should be recorded by the DAT provider.	
comment	321	comment by: <i>Navtech</i>
	Please define "robust" in this context.	
response	<i>Noted</i>	
	Based on the NPA 2014-20 consultation, the term 'robust' is removed.	
comment	322	comment by: <i>THALES AVIONICS</i>
	GM2 DAT.OR.100(a)(1)	
	<u>Comment</u>	
	SVS application should be moved in the supplementary CNS applications part GM2.DAT.OR.100. (2)	
	<u>Justification</u>	
	Primary CNS application should be limited to those actually considered (i.e. navigation data for FMS) in line with Option 1 proposed for this regulation. All other applications concerned by Option 2 should be considered as supplementary CNS applications. Furthermore, primary CNS applications should be limited to the only systems which are mandatory on-board, and not to optional systems, such as Synthetic Vision Systems.	

response

Accepted

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

Considering the comment, the provision is amended.

comment

323

comment by: *THALES AVIONICS***GM2 DAT.OR.100 (a)(2)**Proposed text

(2) The supplementary primary CNS applications include, but are not limited to, systems generating alerts and used for awareness having the following databases:

- (i) Terrain database (TAWS/~~EGPWS~~),
- (ii) Obstacle databases (TAWS),
- (iii) Aerodrome mapping database (AMDB),
- (iv) Runway database (TAWS, ROAAS),
- (v) Database for Synthetic Vision systems,
- (vi) etc.

Justification

EGPWS, BTV and RAAS are proprietary names. Proprietary names should not be mentioned in a regulation.

SVS database is added as proposed in comment #322

response

Partially accepted

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.

Considering the comment, the provision is amended.

comment

324

comment by: *THALES AVIONICS***GM2 DAT.OR.100 (b)**

It would be preferable to indicate the scope limitation directly in the rule and to reserve the AMC and/or the GM to the identification of some examples

response

Partially accepted

The Agency does agree with the view expressed by the commentator.

The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.



However, it is important to be highlighted that at the IR level, the safety objectives and the requirements for the regulated parties are set up, while the AMC/GM are non-binding standards aiming to illustrate the means to establish compliance with the subject requirements or help to illustrate the meaning.

comment 328

comment by: THALES AVIONICS

AMC1 DAT.TR.100(a)(1)

1.Title is not correct: compatibility of database versus DQR is not only dedicated to type 2 but also applicable for type 1. The purpose is not compatibility with DQR but compatibility with application using the data.

2.Sampling checks : need guidance on what is the minimum acceptable ? Guidance should be consistent with DO200A or should be inspired by propositions of current WG44.

response *Partially accepted*

In reference to point 1, considering the comment, the title of the AMC is amended.

In reference to point 2, the Agency takes note of the proposal and will further consider it during the finalisation of the AMC/GM.

comment 341

comment by: Honeywell

ANS.OR.A.005(a)(1) - Is the account manager a C-Level individual in the organization? Is it practical to expect this individual sign the exposition considering that some organizations may provide many, many types of databases and will also want to apply for separate certificates to cover different types of databases?

response *Noted*

In reference to the first question, as explained in the Explanatory Note to NPA 2014-20 with the forthcoming adoption of the draft Regulation on 'Requirements for service providers and the oversight thereof', proposed initially through NPA 2013-08 and addressed to the Commission through Opinion No 03/2014, all service providers (including DAT providers) will be subject to general common requirements (Annex III, Part-ATM/ANS.OR). This Annex is followed by other Annexes (from IV to XIII) that include more specific requirements for the provision of each service, including Annex VII which is reserved for the specific requirements for the provision of data to airspace users for the purpose of air navigation (Part-DAT). NPA 2014-20 is proposing the 'missing' Part-DAT.

It should be noted that these common requirements laid down in Annex III (Part-ATM/ANS.OR) to said draft Regulation address the roles and responsibilities of the accountable manager in ATM/ANS.OR.B.020 and a GM associated therewith helps to support the interpretation of the requirement. The mentioned GM addresses the issue



raised by the commentator.

In reference to the second question, it should be noted that the exposition is a means to show compliance with the applicable requirements and it is not linked to the databases released and distributed by a DAT provider.

comment 342

comment by: *Honeywell*

The title of Annex VII includes the phrase "For the Purpose of Air Navigation", but the annex appears to cover information that doesn't appear to be directly navigation (e.g., TAWS, BTV, etc.) Consider revising the title to be more inclusive.

response *Not accepted*

It should be noted that 'ATM/ANS' are defined in Article 3 of the consolidated version of Regulation (EC) No 216/2008. According to the said Article, "ATM/ANS' shall mean the air traffic management functions as defined in Article 2(10) of Regulation (EC) No 549/2004, air navigation services defined in Article 2(4) of that Regulation, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation." The activities of the DAT providers are under the last part of that definition. Through this proposed draft Implementing Rule which has a dual legal basis, the above provisions are reflected accordingly and it is considered inappropriate to remove the references to air navigation. This is in line with the ICAO principles.

comment 343

comment by: *Honeywell*

DAT.OR.105(a)(2) - The Statement of Conformity may be a significant burden for those larger DAT Service providers that are providing 1000+ databases every 28 days.

response *Not accepted*

The Agency does not see the issue of the statement of conformity as a burden as there are no limits on the databases and their use that could be covered by a single statement of conformity. Moreover, to the Agency's understanding, if the DAT providers continue to issue the subject statement the way they currently do it (in accordance with Opinion No 01/2005), they would comply with the proposed rule as well.

comment 344

comment by: *Honeywell*

DAT.OR.105(a)(2) - Are there any limits to how many databases and equipment may be



response	<p>covered by a single statement of conformity?</p> <p><i>Noted</i></p> <p>There are no limits on the databases and their use that could be covered by a single statement of conformity.</p>
comment	<p>345 comment by: <i>Honeywell</i></p> <p>DAT.OR.105(a)(2) - Can an FAA issued Type 2 LOA be used in place of a Statement of Conformity?</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p> <p>It is important to be noted that a LoA Type 2 issued by the FAA would be equal to a kind of approval issued as the result of certification, i.e. recognition that the organisation complies with the applicable requirements, while the statement of conformity issued by a DAT provider aims to declare conformity that the aeronautical databases the DAT provider has produced are produced in accordance with the subject Regulation and the applicable industry standards. An associated AMC on the statement of conformity is proposed. Considering the mentioned, an FAA issued Type 2 LOA could not be used in place of a statement of conformity.</p>
comment	<p>346 comment by: <i>Honeywell</i></p> <p>DAT.TR.100(a)(1) - Requiring Type 2 DAT suppliers to perform sampling checks via simulation or bench test does not seem consistent with AC 20-153A, ED-76/DO-200A, or the proposals being implemented in ED-76A/DO-200B. Current ED-76/DO-200A only requires validation by application for assurance level 1 data. For some data types and intended applications, it may not be practical to use sampling techniques to validate a reasonable subset of the data to provide the appropriate level of assurance that the data meets the data quality requirements for the intended function. Other methods of validation should be acceptable.</p>
response	<p><i>Accepted</i></p> <p>It is important to be noted that the EASA regulatory framework is promulgated as Implementing Rules (IRs), Acceptable Means of Compliance (AMCs), or Guidance material (GMs). IRs are binding in their entirety and are used to specify high and uniform level of safety and uniform conformity and compliance without variation, while AMCs are non-essential and non-binding. Furthermore, AMCs serve as a means by which the</p>

requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance.

It needs to be considered that the commented provision is an AMC, meaning non-binding standard adopted by the Agency to illustrate means to establish compliance with the rule.

Furthermore, it should be noted that ATM/ANS.OR.A.020 on means of compliance applies to DAT providers as well. In said provision, flexibility is provided and applicants may decide to show compliance with the requirements using other means and may propose an alternative means of compliance to their competent authority based, or not, on those issued by the Agency. These alternative means of compliance must only be used when affected parties are able to demonstrate that the safety objective set out in the IRs is met.

comment

347

comment by: *Honeywell*

DAT.TR.100(a)(1) - Is there any discharge of data validation by a DAT supplier that receives data from the authoritative source or from another DAT supplier that has agreed to provide data in accordance with a set of data quality requirements?

response

Noted

DAT.OR.100 stipulates that the DAT provider shall receive, assemble, translate, select, format, distribute and/or integrate aeronautical data and information that is released by an authoritative source for use in aeronautical databases on certified aircraft systems application/equipment that is released by an authoritative source. In case of a non-authoritative source, a GM to AMC1 DAT.TR.100(a)(2) is proposed to address the subject stating that when verifying a non-authoritative source, the DAT provider should proceed by using either additional information sources to validate this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations. This means that the authoritative source could be used without any verification and validation process.

comment

348

comment by: *Honeywell*

DAT.TR.100(a)(1) - The phrase, "the DAT provider may issue a statement at its discretion." is too loose to be an effective regulation. Either, state that the DAT provide is required to issue a statement, or leave the requirement out of the new rule. Otherwise, the industry implementation could be all over the place.

response

Accepted

Considering the comment, the provision is amended.



comment	350	comment by: <i>THALES AVIONICS</i>
	<p>AMC1 DAT.TR.105(b) "navigation" should be replaced by "aircraft" in the title as database use is not limited to navigation equipments.</p>	
response	<i>Accepted</i>	

comment	363	comment by: <i>Brad Miller, FAA AIR-131</i>
	<p>AMC1 ATM/ANS.OR.B.005 Management system — DAT providers Type 2 Pg 37</p> <p>Last sentence which reads: "In this case, the DAT provider Type 2 should accept the disclosure of the documentation related to the certification to the competent authority upon the latter's request."</p> <p>We don't understand this sentence. FAA does not accept an outside organization issuing Type 2 approvals.</p>	
response	<p><i>Noted</i></p> <p>The Agency fully shares the view of the commentator. Even Regulation (EC) No 216/2008 (Article 13) clearly states that 'Qualified entities shall not issue certificates', when the Agency or the competent authorities allocate specific certification tasks to such entities.</p> <p>The sentence referred to in the comment should be read in conjunction with the previous one. The certification relates to the EN 9100 certification and its documentation.</p>	

comment	364	comment by: <i>Brad Miller, FAA AIR-131</i>
	<p>AMC1 ATM/ANS.OR.B.030 Record keeping — DAT provider Pg 37</p> <p>Where it says: "The DAT provider should keep the records for a period of at least 3 years after the end of the validity period of the database unless otherwise specified by other applicable requirements."</p> <p>FAA typically applies 7 years due to accident investigation experience.</p>	
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment.</p>	



comment

365

comment by: *Brad Miller, FAA AIR-131*

AMC1 DAT.OR.100 Aeronautical data and information
Pg 37

Where it says: "c) The scope should not address airborne system databases that are used by an airborne system and approved as part of the type design of the aircraft or engine. Examples of airborne system databases include engine power settings (take-off, climb, Maximum Continuous Thrust (MCT), Cruise) and aircraft performance data (e.g. take-off distance, V speeds)."

Do we really want to explicitly state that this is not aeronautical data? Some have sought to handle some of these data types using DO-200A path.

response

Noted

The Agency agrees that EUROCAE ED-76/RTCA DO-200 in reference to data scope is wider than the scope of the commented rule.

As discussed in the thematic meeting that provided the Agency with advice on how to proceed with the subject, it was clarified that the Agency considers limiting the applicability of this Regulation to certified aircraft applications/equipment.

comment

367

comment by: *Brad Miller, FAA AIR-131*

GM1 DAT.OR.100 Aeronautical data and information
pg 38

Where it says: "The origination and provision of tailored data by aircraft operators or on their behalf for the purpose of air operation is not part of the scope.

The use of tailored data is related and limited to the operational purposes of the aircraft operator that requested the insertion of the tailored data."

FAA feels this is the only appropriate place to reference tailored data in this regulatory enterprise. Otherwise, we feel there is an endorsement of "tailored data" in association with data assurance and integrity. We feel there should not be any such relationship inferred.

response

Noted

The Agency takes due note of the comment.

Considering the NPA 20014-20 consultation, the commented GM is amended to better address the subject.



comment	<p>368 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 DAT.OR.100 Aeronautical data and information(a)(1)(iv and v) pg 38</p> <p>Where it says: "(iv) Brake to vacate (BTV), (v) Runway awareness and advisory system (RAAS),..."</p> <p>Please delete. These are not a good examples since these are manufacturer specific. Aren't these just AMDB anyway?</p>
response	<p><i>Partially accepted</i></p> <p>The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p> <p>Considering the comment, the provision is amended.</p>
comment	<p>369 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 DAT.OR.100 Aeronautical data and information(b)(2) pg 38</p> <p>Where it says: "(2) databases used for passenger in-flight entertainment (IFE) systems outside of the flight deck; and"</p> <p>suggest "databases not having a safety effect (e.g., passenger in-flight entertainment (IFE) systems, etc.); and"</p>
response	<p><i>Accepted</i></p> <p>The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p> <p>Considering the comment, the provision is amended.</p>
comment	<p>370 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 DAT.OR.100 Aeronautical data and information(b)(3) pg 38</p> <p>Where it says: "(3) databases used on VFR certified aircraft, except those used for primary</p>

<p>response</p>	<p>navigation."</p> <p>Who will this actually exclude? We don't understand intent.</p> <p><i>Noted</i></p> <p>This issue was tabled at the thematic meeting which provided the Agency with further valuable advice on how to proceed. Considering the comment, the provision in question is revised aiming at increased clarity.</p> <p>For specific flight into designated airspace, there are minimum equipment requirements where e.g if GPS is used to fulfil the minimum equipment requirements, then the database used by that GPS needs to be provided by a certified DAT provider.</p>
<p>comment</p>	<p>371 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 DAT.OR.105 (a)(1) Technical and operational competence and capability pg 39</p> <p>Where it says: "(c) the aircraft operator(s) for tailored data; and"</p> <p>Tailored data is out of scope and this is not harmonized with FAA.</p> <p>Please delete.</p>
<p>response</p>	<p><i>Not accepted</i></p> <p>During the rule development, the Agency was made aware of the specific needs as regards tailored data for use by aircraft operators, especially in its processing by the DAT providers. Therefore, the Agency acknowledges the need to allow tailored data provided by aircraft operators to be processed by a DAT provider, on request, for use by that aircraft operator. It would be a subject of process verification and oversight by the competent authority of DAT providers. Through the subject NPA 2014-20, the Agency proposes a regulatory approach by including these activities as part of the aeronautical data and information management. However, nothing prevents the DAT provider from declining such requests and not undertaking such activities.</p> <p>Furthermore, this issue was also thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject. During the discussion, it was clearly indicated that the aircraft operators desired the proposed regulated approach to be retained. Said approach was also well received by the DAT providers.</p> <p>Moreover, in addition to DAT.OR.100(b) which referring to tailored data clearly states that 'The responsibility of this data and its subsequent update shall remain with the aircraft operator.', GM1 DAT.OR.100(b) has been amended further to clarify the subject.</p>

comment	<p data-bbox="352 277 405 300">372</p> <p data-bbox="975 277 1445 300">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p data-bbox="352 365 1187 465">AMC1 DAT.TR.100(a)(2) Working methods and operating procedures DATA SOURCE pg 40</p> <p data-bbox="352 508 1445 678">Where it says: "The DAT provider should use data coming from authoritative source(s). If such data is not formally made available but is required by end users, the DAT provider may use data from other (non-authoritative) sources provided these have been validated to conform with relevant standards and data quality requirements."</p> <p data-bbox="352 721 999 750">Shouldn't this be "verified" where it says "validated?"</p>
response	<p data-bbox="352 784 571 813"><i>Partially accepted</i></p> <p data-bbox="352 871 991 900">Considering the comment, the provision is amended.</p>
comment	<p data-bbox="352 1021 405 1043">374</p> <p data-bbox="975 1021 1445 1050">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p data-bbox="352 1111 1187 1211">AMC1 DAT.TR.100(a)(2) Working methods and operating procedures DATA SOURCE pg 40</p> <p data-bbox="352 1254 1445 1317">Where it says: "If a non-authoritative source is used for the data release, the DAT provider may issue a statement at its discretion."</p> <p data-bbox="352 1359 1445 1422">We feel this needs to be a hard requirement and state "should" or "shall" so as to communicate what data is non-authoritative.</p>
response	<p data-bbox="352 1456 469 1485"><i>Accepted</i></p> <p data-bbox="352 1545 991 1574">Considering the comment, the provision is amended.</p>
comment	<p data-bbox="352 1693 405 1715">375</p> <p data-bbox="975 1693 1445 1722">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p data-bbox="352 1783 1426 1883">GM1 DAT.TR.100 to AMC1 DAT.TR.100(a)(2) Working methods and operating procedures NON-AUTHORITATIVE SOURCE pg 41</p> <p data-bbox="352 1926 1445 2029">Where it says: "When validating a non-authoritative source, the DAT provider should process by using either additional information sources to verify this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has</p>

been tested and confirmed through operations."

We feel it should read: "When **verifying** a non-authoritative source, the DAT provider should process by using either additional information sources to **validate** this data (like satellite imagery, data or manuals from other providers, users, military, etc.), or data which has been tested and confirmed through operations."

response *Accepted*

Considering the comment, the provision is amended accordingly.

comment 376

comment by: *Brad Miller, FAA AIR-131*

GM1 DAT.TR.100(c)(2)
Working methods and operating procedures
RECORD OF ATTESTING STAFF
pg 42

Where it says: "Records of the attesting staff may be stored electronically."

We feel it should read: "Records of the attesting staff should be stored."

response *Noted*

It is important be noted that the commented GM is associated with a provision that requires the DAT provider to maintain records of all attesting staff (please refer to DAT.TR.100(c)(2)). The purpose of this GM is to illustrate the means that could be used for maintaining the records in question.

comment 377

comment by: *Brad Miller, FAA AIR-131*

AMC1 DAT.TR.105(a) Required interfaces
INTERFACE WITH THE AERONAUTICAL DATA SOURCE AND/OR OTHER DAT PROVIDERS
pg 42

Where it says: "(b) Where resolution could not be obtained for data that has been called into question, the DAT provider's procedures for dealing with this situation would be audited. Such audits should confirm that effective controls are in place to ensure that an unsafe product is not released and that such concerns are communicated to customers in accordance with the requirements laid down in DAT.OR.200."

There should already be procedures in place at time of compliance to handle error resolution and feedback. There should be no need for additional audit. Also, even if data is erroneous, it doesn't always mean it is unsafe. What this should address is requirements to resolve and correct data with the state, and the requirement to



response	<p>communicate removal of data which the originator has not concurred or resolved with the data supplier. This should be more clear about alteration requirements, if that is intent.</p> <p><i>Accepted</i></p> <p>Considering the comment, the provision in question is amended accordingly.</p>
comment	<p>403 comment by: THALES AVIONICS</p> <p>AMC1 DAT.OR.100 (b)</p> <p><u>Comment</u></p> <p>This definition is not fully consistent with (a) and the definition given in Annex I. Additionally it should be precised that those data are relevant to external aspects of the certified systems. Refer to the corresponding comment on Annex I</p> <p><u>Justification</u></p> <p>Consistent definition should be provided throughout all this regulation.</p>
response	<p><i>Accepted</i></p> <p>The Agency does agree with the view expressed by the commentator.</p> <p>The issue was thoroughly discussed at the thematic meeting which provided the Agency with advice on how to proceed with the subject.</p> <p>Considering the comment, the provision is amended.</p>
comment	<p>404 comment by: THALES AVIONICS</p> <p>AMC1 DAT.OR.100 (b)</p> <p><u>Proposed text</u></p> <p><i>A non-authoritative source <u>may be an organisation other than those defined in point ee of Annex I, but providing and/or publishing data derived from local data gathering or measuring performed, e.g. by aircraft operators, air crew, DAT providers or other similar operational organisations, or may be generated by the DAT provider itself or by combination, transformation of various sources to provide aeronautical data which conform with relevant standards and data quality requirements as specified from the end users.</u></i></p> <p><u>Justification</u></p> <p>This guidance material is to restricted. . Non authoritative sources may be generated by the DAT provider itself or by combination, transformation of various sources to provide aeronautical data which conform to relevant standards and data quality requirements as specified from the end users.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision is amended.</p>

comment

405

comment by: DGAC France

GM2 specifies :

« (b) Databases for which the DAT provider is not required to be certified in accordance with this Regulation include, but are not limited to:

(1) databases provided and/or used by the operator of the aircraft that are monitored under the operator's responsibility and not loaded into certified aircraft systems applications (e.g. airport moving map, take-off and landing performance used in EFBs) »

Comment :

This part of the GM may have to be reviewed : airport moving map function may be certified or subject to a future ETSO, hence concerned by certified databases

response

Partially accepted

The observation that ETSO-C165a is addressing map functionality is correct. The ETSO authorisation gives credit for the installation of such function into certified aircraft systems. In those cases, a certified database provider is clearly required.

The same functionality may be installed into the EFB. According to the EFB definition, the EFB functions are not part of the certified aircraft configuration. The ETSO authorisation may be used in the operational acceptance of the function but this does not change the status of the EFB functions. They remain outside the approved aircraft configuration and, hence, no certified DAT provider is required for the use of the application inside an EFB.

It is clearly understood by the Agency that the same software package may be part of the certified aircraft configuration where any configuration change needs an approval and the database provider needs to be certified while running the same application even on the installed EFB will not put the same requirement. We are not opposed to using the same approved DAT supplier for the same database but we are also not putting such requirement. The reason behind this approach is the missing traceability of the data quality requirements for a certified application having certain intended functions in case of EFB applications.

Considering the comment, the provision is slightly amended.

comment

413

comment by: HANSA

AMC1 ATM/ANS.OR.A.005 Application for service provider certificate — DAT provider EXPOSITION

(12) A list of those contracted organisations referred to in ATM/ANS.OR.B.015(b).

Probably the reference to ATM/ANS.OR.B.015(b) is not correct as it is not relevant to “contracted organizations”. However the NPA-2013-08 (B) the ATM/ANS.OR.B.15 referred



to “ Management system” of the Provider, the sub-para (e) (ATM/ANS.OR.15(e)) says :

“ (e) Within the management system, the ATM/ANS provider shall establish formal interfaces with the relevant stakeholders to:

(1) identify the aviation safety hazards entailed by its activities, to evaluate them, and to manage the associated risks as appropriate; and

(2) provide its services in accordance with the requirements of this regulation”.

Consequently, may we guess that the ATM/ANS.OR.B.15 (e) instead of ATM/ANS.OR.B.15 (b) has to be mentioned in sub para 12 of **AMC1 ATM/ANS.OR.A.005** ?

response *Noted*

The Agency takes note of the comment.

As a result of NPA 2013-08, Opinion No 03/2014 has been issued (based on CRD 2013-08 which was published as an intermediate step). In said Opinion, ATM/ANS.OR.B.015 relates to ‘Contracted activities’. Therefore, the reference is correct.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Proposed amendments to ED Decision 2014/015/R — Part- p. 43-44 CAT

comment 52

comment by: *ENAIRE*

"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined”:

We suggest "shall" instead of "should".
This same paragraph appears in other pages.

response *Not accepted*

‘Shall’ is used for requirements laid down at Implementing Rules level and ‘should’ for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.



comment	<p>59</p> <p>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent":</p> <p>We suggest "shall" instead of "should".</p>	comment by: ENAIRE
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>	
comment	<p>60</p> <p>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent":</p> <p>We suggest "shall" instead of "should".</p>	comment by: ENAIRE
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>	
comment	<p>131</p> <p>Page: 43 Paragraph: AMC1 CAT.IDE.A.355 Management of aeronautical databases [ELECTRONIC NAVIGATION DATA PRODUCTS AND AERONAUTICAL DATABASES]</p> <p><u>The proposed text states:</u> <i>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or</i></p>	comment by: Boeing

equivalent.”

REQUESTED CHANGE:

1. We request that EASA define “*supports an airborne navigation application*” in this context.
2. We also request that EASA clarify whether data provided by DAT providers are required to be certified as a part of the application.
3. The way the proposed requirement is currently stated, a DAT provider has to meet requirements for Type 2 DAT providers in case of delivering minimum one set of data (e.g., obstacle data) to a system that supports an airborne navigation application as the primary means of navigation. We request that EASA reconsider this requirement, taking into consideration DAT providers having no certified equipment manufacturing and no system configuration/maintenance in their scope of operations.

JUSTIFICATION: Lack of specific definition could lead to multiple / contradictory interpretations. Lack of specific requirements may put compliance at risk due to possible multiple / contradictory interpretations.

response

Noted

1. Considering the comment, the provision in question is amended to enhance clarity.
2. The data provided by DAT provider should not be part of the certified aircraft application.
3. The Agency takes note of the comment. As mentioned above, the DAT provider is not entitled to provide certified aircraft parts. Instead, it provides the database for the operational use which is not part of the certified aircraft application/equipment. Therefore, the DAT provider oversight is considered necessary to ensure the adequacy of the aeronautical database.

comment

132

comment by: Boeing

Page: 44

Paragraph: **GM3 CAT.IDE.A.355 Management of aeronautical databases [STANDARDS FOR AERONAUTICAL DATABASES AND DAT PROVIDERS]**

(b)

The proposed text states:

“(b) Equivalent to a certified ‘Type 2 DAT provider’ is defined in any Aviation Safety Agreement between the European Union and a third country, including any Technical Implementation Procedures, or a Working Arrangement between EASA and the competent authority of a third country.”

REQUESTED CHANGE: We request that EASA:

1. specify the process for developing Aviation Safety Agreements /Working Agreements



	<p>and the schedule for their implementation.</p> <p>2. clarify whether Aviation Safety Agreements would have to be implemented in light of current Letter of Acceptance Type 2 holders being defined as equivalent to DAT Type 2.</p> <p>JUSTIFICATION: Alignment and coordination would support appropriate compliance by global organizations.</p>
response	<p><i>Noted</i></p> <p>The process for developing such agreements is defined at a general level in the framework of international cooperation and cannot be addressed in the Regulation for Air Operations.</p> <p>Generally speaking, GM3 CAT.IDE.A.355 is providing information on the working arrangements; however, a more precise reference on where such arrangements between the Agency and the competent authorities of third countries may be found will be added.</p>
comment	<p>349 comment by: <i>Honeywell</i></p>
	<p>CAT.IDE.A.355(b) - Will an FAA issued Type 2 LOA be considered equivalent to a "certified Type 2 DAT provider" under the new regulations? If not, will the FAA LOA holder need to apply for certification within the 36 month transitional period? What happens if one or more of the FAA LOA holders chooses not to request certification? How will operators be affected if they cannot receive certified databases for their aircraft?</p>
response	<p><i>Noted</i></p> <p>The equivalence between FAA Type 2 LOA and the certification of DAT providers according to the new regulation will be stated in the relevant attachment to the Aviation Safety Agreement between the EU and the USA. Furthermore, during the transition period, the Agency and FAA are going to revise the Technical Implementation Procedures for airworthiness and environmental certification between the FAA of the USA and EASA of the EU.</p> <p>Generally speaking, GM3 CAT.IDE.A.355 is already providing this information; however, a more precise reference on where the working arrangements between EASA and the competent authorities of third countries may be found will be further considered.</p>
comment	<p>351 comment by: <i>THALES AVIONICS</i></p>
	<p>AMC1 CAT.IDE.A.355</p> <p>If certificate is mandatory for DAT providers, it is not logic for operational requirements to propose use by operators of data from type 2 certified DAT provider only as acceptable means of compliance, it should be a requirement towards operators to avoid unbalanced</p>

response	<p>situation. Futhermore, this AMC introduce type 2 certified DAT provider only for primary means of navigation while DAT providers certification should also cover supplementary primary CNS application as defined in GM2 DAT.OR.100 => Different data scope between operators and DAT providers point of view</p> <p>Same remark also applicable for requirements CAT.IDE.H.355, NCC.IDE.A.260, NCC.IDE.H.A.260, NCO.IDE.A.260, NCO.IDE.H.260, SPO.IDE.A.230, SPO.IDE.H.230</p> <p><i>Noted</i></p> <p>The Implementing Rule is kept very general in this respect as it only requires that the aeronautical databases in use meet standards of integrity adequate for their intended use. It is then clarified at the level of AMC/GM and in Part DAT, in which cases the use of certified providers ensures the integrity and, therefore, that the use of certified providers ensures compliance with the intent of the rule. In this regard, AMC1 should be read together with paragraph (1) of GM2 DAT.OR.100.</p>
comment	<p>354 comment by: THALES AVIONICS</p> <p>GM1 CAT.IDE.A.355 <u>Proposed text</u> (...) <i>c)The certification of a Type 2 DAT provider in accordance with Regulation (EU) No .../... states compliance of processes used to produce and distribute database and ensures data integrity and compatilby with the intended application</i> (...) <u>Justification</u> Integrity requirement only applies to data, not to the process.</p> <p>Same remark also applicable for requirements CAT.IDE.H.355, NCC.IDE.A.260, NCC.IDE.H.A.260, NCO.IDE.A.260, NCO.IDE.H.260, SPO.IDE.A.230, SPO.IDE.H.230</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the provision in question is revised.</p>
comment	<p>379 comment by: Brad Miller, FAA AIR-131</p> <p>GM1 CAT.IDE.A.355 Management of aeronautical databases pg 43</p> <p>Where it says: "(b) The intended use of the data referred to in CAT.IDE.A.355 (a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is</p>

	<p>required."</p> <p>Does this mean RNP AR? Where does this fit in?</p>
response	<p><i>Accepted</i></p> <p>The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.</p> <p>It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.</p>
comment	<p>380 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 CAT.IDE.H.355 Management of aeronautical databases AERONAUTICAL DATABASE APPLICATIONS pg 44</p> <p>Where it says: "(b) The intended use of the data referred to in CAT.IDE.H.355(a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."</p> <p>Does this mean RNP AR? Where does this fit in?</p>
response	<p><i>Accepted</i></p> <p>The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.</p> <p>It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.</p>
comment	<p>381 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM2 CAT.IDE.A.355 Management of aeronautical databases TIMELY DISTRIBUTION pg44</p>



response	<p>Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."</p> <p>Change "...operations manual..." to "...operations or maintenance manual..."</p> <p><i>Noted</i></p> <p>Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.</p>
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comment	<p>382 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM2 CAT.IDE.H.355 Management of aeronautical databases TIMELY DISTRIBUTION pg44</p> <p>Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."</p> <p>Change "...operations manual..." to "...operations or maintenance manual..."</p>
response	<p><i>Noted</i></p> <p>Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.</p>

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Resulting text of proposed amendments to ED Decision p. 45-46 2013/021/R — Part-NCC

comment	<p>53 comment by: <i>ENAIRE</i></p> <p>"The operator should distribute current and unaltered aeronautical databases to all</p>
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	<p>aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined”:</p> <p>We suggest "shall" instead of "should".</p>
response	<p><i>Not accepted</i></p> <p>‘Shall’ is used for requirements laid down in Implementing Rules and ‘should’ for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>
comment	<p>54 comment by: ENAIRE</p> <p>"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined”:</p> <p>We suggest "shall" instead of "should".</p>
response	<p><i>Not accepted</i></p> <p>‘Shall’ is used for requirements laid down in Implementing Rules and ‘should’ for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>
comment	<p>61 comment by: ENAIRE</p> <p>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent”:</p> <p>We suggest "shall" instead of "should".</p>
response	<p><i>Not accepted</i></p> <p>‘Shall’ is used for requirements laid down in Implementing Rules and ‘should’ for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as</p>

such an AMC cannot impose anything different from the rule with which is it associated.

comment

383

comment by: *Brad Miller, FAA AIR-131*

GM1 NCC.IDE.A.260 Management of aeronautical databases
CERTIFICATES AND STANDARDS FOR ELECTRONIC NAVIGATION DATA PRODUCTS AND
AERONAUTICAL DATABASE APPLICATIONS
pg 45

Where it says: "The intended use of the data referred to in NCC.IDE.A.260(a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."

Does this mean RNP AR? Where does this fit in?

response

Accepted

The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.

It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.

comment

384

comment by: *Brad Miller, FAA AIR-131*

GM2 NCC.IDE.A.260 Management of aeronautical databases
TIMELY DISTRIBUTION
pg 45

Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."

Change "...operations manual..." to "...operations or maintenance manual..."

response

Noted

Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the



maintenance manual as long as it is referred to in the OM.

comment

385

comment by: *Brad Miller, FAA AIR-131*

GM1 NCC.IDE.H.260 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS
pg 46

Where it says: "(b) The intended use of the data referred to in NCC.IDE.H.260 (a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."

Does this mean RNP AR? Where does this fit in?

response

Accepted

The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.

It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.

comment

386

comment by: *Brad Miller, FAA AIR-131*

GM2 NCC.IDE.H.260 Management of aeronautical databases
TIMELY DISTRIBUTION
pg 46

Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."

Change "...operations manual..." to "...operations or maintenance manual..."

response

Noted

Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the



maintenance manual as long as it is referred to in the OM.

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Resulting text of proposed amendments to ED Decision p. 47-48 2014/016/R — Part-NCO

comment 55

comment by: *ENAIRE*

"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined":

We suggest "shall" instead of "should".

response *Not accepted*

'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.

comment 56

comment by: *ENAIRE*

"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined":

We suggest "shall" instead of "should".

response *Not accepted*

'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.



comment	<p>62 comment by: ENAIRE</p> <p>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent": We suggest "shall" instead of "should".</p>
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>
comment	<p>236 comment by: Julian Scarfe, PPL/IR Europe</p> <p>See comment #235 for justification and relationship with the implementing rule. The requirement for a certified database should be limited to when PBN is required.</p> <p>AMC1 NCO.IDE.A/H.205 Management of aeronautical databases AERONAUTICAL DATABASES</p> <p>When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application to meet the requirements of a Performance Based Navigation specification, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent. When the operator is using an aeronautical database in other circumstances, certification of the database provider is not required.</p> <p>The Agency should consider corresponding changes for Part-SPO/NCC</p>
response	<p><i>Partially accepted</i></p> <p>The wording of the Implementing Rules will be harmonised and the differences between different type of operations will be explained at AMC level.</p>
comment	<p>387 comment by: Brad Miller, FAA AIR-131</p> <p>GM1 NCO.IDE.A.205 Management of aeronautical databases AERONAUTICAL DATABASE APPLICATIONS pg 47</p>



	<p>Where it says: "(a) The intended use of the data referred to in NCO.IDE.A.205(a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."</p> <p>Does this mean RNP AR? Where does this fit in?</p>
response	<p><i>Accepted</i></p> <p>The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.</p> <p>It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.</p>
comment	<p>388 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM2 NCO.IDE.A.205 Management of aeronautical databases TIMELY DISTRIBUTION pg 47</p> <p>Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."</p> <p>Change "...operations manual..." to "...operations or maintenance manual..."</p>
response	<p><i>Noted</i></p> <p>Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.</p>
comment	<p>389 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM1 NCO.IDE.H.205 Management of aeronautical databases AERONAUTICAL DATABASE APPLICATIONS pg 47</p>



	<p>Where it says: "(a) The intended use of the data referred to in NCO.IDE.A.205(a) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."</p> <p>Does this mean RNP AR? Where does this fit in?</p>
response	<p><i>Accepted</i></p> <p>The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.</p> <p>It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.</p>
comment	<p>390 comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM2 NCO.IDE.H.205 Management of aeronautical databases TIMELY DISTRIBUTION pg 48</p> <p>Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."</p> <p>Change "...operations manual..." to "...operations or maintenance manual..."</p>
response	<p><i>Noted</i></p> <p>Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.</p>

3. Proposed amendments — 3.2. Draft Acceptable Means of Compliance and Guidance Material (Draft EASA Decision) — Resulting text of proposed amendments to ED Decision 2014/018/R — Part-SPO p. 48-49



comment	57	comment by: ENAIRE
	<p>"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined":</p> <p>We suggest "shall" instead of "should".</p>	
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>	

comment	58	comment by: ENAIRE
	<p>"The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined":</p> <p>We suggest "shall" instead of "should".</p>	
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.</p>	

comment	63	comment by: ENAIRE
	<p>"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent":</p> <p>We suggest "shall" instead of "should".</p>	
response	<p><i>Not accepted</i></p> <p>'Shall' is used for requirements laid down in Implementing Rules and 'should' for the</p>	



measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.

comment 64

comment by: ENAIRE

"When the operator of an aircraft uses an aeronautical database that supports an airborne navigation application as a primary means of navigation, the database provider should be a Type 2 DAT provider certified in accordance with Regulation (EU) No .../..., or equivalent":

We suggest "shall" instead of "should".

response *Not accepted*

'Shall' is used for requirements laid down in Implementing Rules and 'should' for the measures contained in AMCs. Furthermore, it should be noted that AMCs are non-essential and non-binding. AMCs serve as a means by which the requirements contained in the IRs can be met, offering, thus, the benefit of presumption of compliance and as such an AMC cannot impose anything different from the rule with which is it associated.

comment 391

comment by: Brad Miller, FAA AIR-131

GM1 SPO.IDE.A.230 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS
pg 48

Where it says: "(b) The intended use of the data referred to in SPO.IDE.A.230(a) and SPO.IDE.A.230(b) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."

Does this mean RNP AR? Where does this fit in?

response *Accepted*

The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.

It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.



comment

392

comment by: *Brad Miller, FAA AIR-131*

GM2 SPO.IDE.A.230 Management of aeronautical databases
TIMELY DISTRIBUTION
pg 48

Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."

Change "...operations manual..." to "...operations or maintenance manual..."

response

Noted

Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.

comment

393

comment by: *Brad Miller, FAA AIR-131*

GM1 SPO.IDE.H.230 Management of aeronautical databases
AERONAUTICAL DATABASE APPLICATIONS
pg 49

Where it says: "(b) The intended use of the data referred to in SPO.IDE.H.230(a) and SPO.IDE.H.230(b) includes operations for which a specific approval in accordance with Annex V (Part-SPA) is required."

Does this mean RNP AR? Where does this fit in?

response

Accepted

The provision was kept very general to accommodate possible future SPA-specific requirements for data integrity used for purposes other than navigation. Currently, the integrity of the data used in SPA-approved operations (such as but not limited to RNP AR) is already addressed by the definition provided in GM1 DAT.OR.100 where such data is already identified as used on aircraft systems applications used for primary navigation.

It is then acknowledged that additional requirements may be set up in the future directly in Part-SPA by means of appropriate references to Part-DAT and, therefore, paragraph (b) of GM1 CAT.IDE.A.355 is deleted.



comment	<p>394</p> <p style="text-align: right;">comment by: <i>Brad Miller, FAA AIR-131</i></p> <p>GM2 SPO.IDE.H.230 Management of aeronautical databases TIMELY DISTRIBUTION pg 49</p> <p>Where it says: "The operator should distribute current and unaltered aeronautical databases to all aircraft requiring it in accordance with the validity period of the databases or in accordance with a procedure established in the operations manual if no validity period is defined."</p> <p>Change "...operations manual..." to "...operations or maintenance manual..."</p>
response	<p><i>Noted</i></p> <p>Operators' procedures to comply with an Implementing Rule have to be established in the Operations Manual (OM). This does not mean that the procedure itself has to be contained in the OM. It may be in another appropriate document such as the maintenance manual as long as it is referred to in the OM.</p>

4. Regulatory Impact Assessment (RIA) — 4.1. Issues to be addressed — 4.1.1. Legislative background p. 50-52

comment	<p>48</p> <p style="text-align: right;">comment by: <i>Swedish Transport Agency</i></p> <p>RIA <i>4.1.1 Legislative background ICAO Annex 15</i> ICAO Annex 15 defines how an AIS provider shall receive and/or originate, collate or assemble, edit, format, publish/store and distribute specified aeronautical information/data. It specifies the State's obligations and requirements for data published into the Aeronautical Information Publications</p> <p>Amendment 37 to ICAO Annex 15 has deleted originate from aeronautical information services (AIS), please use the revised text when referring to ICAO Annex 15. An aeronautical information service shall receive, collate or assemble, edit, format, publish/store and distribute aeronautical data and aeronautical information</p> <p>Both (EU) 73/2010 and ICAO Annex 15 use the vocabulary "aeronautical data and aeronautical information" instead of aeronautical information/data" as aeronautical information is a result from the assembly, analysis and formatting of aeronautical data according to Article 3.2 (EU) 73/2010 and Annex 15 Chapter 1.1. Change aeronautical information/data to aeronautical data and aeronautical information</p>
response	<p><i>Accepted</i></p>



4. Regulatory Impact Assessment (RIA) — 4.1. Issues to be addressed — 4.1.2. Description of the issues p. 53-54

comment	232	comment by: <i>Garmin International</i>
	4.1.2, Example, 1 st dash	
	Correct “audited” to “audit.”	
response	<i>Accepted</i>	

comment	395	comment by: <i>Brad Miller, FAA AIR-131</i>
	4.1.2. Description of the issues	
	Multiple oversight for DAT providers	
	pg 54	
	Where it says: "The current definition of ‘Navigation database’ does not address adequately the different types of electronic databases intended for on-board aircraft operational use and supporting the navigation domain, including the corresponding awareness functionality."	
	In what way is this definition of navigation database inadequate? What we should be saying is that the current scope being limited to navigation data is inadequate, and that addressing other types of aeronautical data is the intent.	
response	<i>Accepted</i>	

4. Regulatory Impact Assessment (RIA) — 4.3. Policy options p. 57

comment	87	comment by: <i>Swedish Transport Agency</i>
	<i>Comment on the different policy options</i>	
	<i>0 Do nothing Leave the Basic Regulation not implemented and maintain the current double regulatory framework (i.e. SES and EASA)...</i>	
	<i>1 ‘Pure transposition of the current LoA concept...</i>	
	<i>2Option 1 plus the extension of the scope..</i>	



Sweden is in favour of option 2, the extended scope. This due to the fact that the data derived for the onboard system most likely is stored in a database for all types of aeronautical data (e.g for charting etc). It reduces the possibility of discrepancy of data in different navigation products. Another reason is the harmonisation with FAA requirements. It has to be considered that these types of products have a global market, not only European. So if the DAT provider would like to act in e.g. US, it has to be compliant anyway.

response *Accepted*

The Agency takes due consideration of the comment.

4. Regulatory Impact Assessment (RIA) — 4.4. Analysis of impacts — 4.4.1. Safety impact

p. 58

comment 82

comment by: *EUROCONTROL*

4.4.1. Safety impact – Page 58

The EUROCONTROL Agency believes that the safety impact will be more significant than that currently considered in Policy option No. 2 in the case when DAT providers apply the requirements of DAT.OR.200 Reporting requirements 2) and 4).

Any such report will lead to the improvement of data provided by the Aeronautical Data Providers and finally to the improvement of safety.

Again, it is considered important here is to include the National Supervising Authority under 'competent authority'.

response *Noted*

The Agency takes note of the comment.

As regards the proposal the National Supervisory Authority to be included under 'competent authority', it should be noted that it has already been introduced as stipulated per Article 3 of Regulation (EU) No 1035/2011 and now to be amended as proposed in Opinion No 03/2014 (transposed in Article 4 of the draft Commission Regulation). It is important to remember that the commented NPA is proposing an amendment to the draft Commission Regulation (EU) No.../... of XXX laying down technical requirements and administrative procedures related to service providers and the oversight thereof pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 482/2008, Commission Implementing Regulations (EU) Nos 1034/2011 and 1035/2011 and amending Commission Regulation (EU) No 677/2011 (Annex to EASA Opinion No 03/2014). Furthermore, to clarify who the competent authority is for the DAT providers, a GM associated with 'Data services



provider' is proposed specifying that the services provided by the DAT provider that processes aeronautical data and provides an aeronautical database for use by airspace users are considered to be pan-European services. Therefore, the competent authority for certification and oversight of DAT providers should be the Agency in accordance with Article 4(1)(d) of the said draft Regulation.

4. Regulatory Impact Assessment (RIA) — 4.4. Analysis of impacts — 4.4.4. Economic impact p. 58-61

comment 83

comment by: EUROCONTROL

4.4.4. Economic impact – Page 60

The EUROCONTROL Agency finds that Option 2 is optimistic regarding the volume of workload required by the competent authorities (incl. NSAs) and DAT providers in respect of reporting requirements of DAT.OR.200 for deviations.

response *Noted*

The Agency takes note of the comment.

However, the comment is not detailed enough to be considered in further analyses.

comment 133

comment by: Boeing

Page: 59

Paragraph: **4.4.4. Economic impact**

Option 1 — 'Pure transposition of the current LoA concept' into the certification scheme and regulating only the navigation databases used in the context of flight operation

The proposed text states:

"Total estimated workload increase per type of stakeholder (in addition to Option 0) :

- *DAT providers already under oversight = 0 hours*
- *New DAT providers applications:*
 - *DAT providers Type 1 = 500 to 1 000 hours*
 - *DAT providers Type 2 = 1 000 to 4 500 hours*
 - *Total = 1 500 to 5 500 hours"*

REQUESTED CHANGE: We request that EASA reconsider the estimates.

JUSTIFICATION: Estimates depend on multiple factors - e.g., requirements for additional certification (DAT Type 2) causes certain impact to resources, including financial impact. The estimate displayed in the NPA should account for these factors.



response

Noted

The Agency duly notes the comment.

It should be noted that the data reflects the experience from the current LoA system and the changes that some entities have already introduced in the past.

However, the comment is not detailed enough to be considered in further analyses.

comment

134

comment by: *Boeing*

Page: 61

Paragraph: **Table 4: Total additional workload per type of stakeholder with Option 2**

The proposed text states:

REQUESTED CHANGE: We request that EASA reconsider the estimates used in this table.

JUSTIFICATION: We question the accuracy of the estimates. For example, extending the scope means, e.g., more / more robust documentation to maintain, more robust audit planning, etc. Thus the same workload in following years is questionable.

response

Noted

The Agency duly notes the comment.

It should be noted that the data reflects the experience from the current LoA system and the changes that some entities have already introduced in the past.

However, the comment is not detailed enough to be considered in further analyses.

4. Regulatory Impact Assessment (RIA) — 4.4. Analysis of impacts — 4.4.4. Economic impact — QUESTION/COMMENT: Stakeholders are invited to comment on the following estimated impacts.

p. 61

comment

49

comment by: *Swedish Transport Agency*

1 As the figures are additional to option 0 it seems a high increase of workload, maybe too high. Much of the work must be done already with “option one”. The only way to judge is to have a more detailed specification of what kind of extra workload the DAT providers are expecting with option 2.

2 The benefit would be to reduce the number of audits , both for the airlines and data



	<p>providers. However – it is hard to estimate the reduced workload as it is depending on the number of clients (Airlines) the DAT provider has</p>
<p>response</p>	<p><i>Noted</i></p> <p>The Agency duly notes the comment.</p> <p>It should be noted that the data reflects the experience from the current LoA system and the changes that some entities have already introduced in the past.</p> <p>Furthermore, the comment is not detailed enough to be considered in further analyses.</p>
<p>comment</p>	<p>138 comment by: <i>Icelandic Transport Authority</i></p> <p>Option 2 is best in line with the objectives of the NPA regarding cost efficiency and to avoid double oversight</p> <ul style="list-style-type: none"> - Yes - Yes
<p>response</p>	<p><i>Accepted</i></p> <p>The Agency takes note of the comment.</p>
<p>comment</p>	<p>358 comment by: <i>THALES AVIONICS</i></p> <p>Estimation of 500 hours in average per year to maintain LOA agreement for navigation database seems not realistic: it represents approximately 1/3 of one employee’s workload for a year, LOA maintain activities involve all LOA organization : Production, Quality, Supply chain & Customer support. So if the estimated workload is dispatched to the LOA organization, each team would have a workload budget approximately equal to 10% of one employee’s workload for a year. Knowing that several people are involved in each team, the average budget for each LOA member would be less that 5% for a year that seems not realistic.</p> <p>Furthermore, the assumption that there is no additional workload for already overseen DAT providers to maintain EASA certification in case of Option 2 is not realist, the extension of data scope to aeronautical databases will necessary generate additional workload to maintain the certificate.</p> <p>For DAT providers, benefit is evident as agency certification will lead to reduce significantly operator audits and monitoring nevertheless this benefit is difficult to be quantified.</p> <p>In conclusion, as economic aspect is the key point of the analysis impact, it could be fruitful to organize a specific meeting to refine workload impacts and benefits estimations.</p>
<p>response</p>	<p><i>Noted</i></p>



The Agency duly notes the comment.

The Agency considers that the effort to maintain process description and audit oversight is independent of the number of databases produced per cycle. Therefore, the strong relationship between the number of workers and the oversight activities as suggested by the commentator could not be accepted by the Agency.

Furthermore, it should be noted that under the subsection on Option 2 in Section 4.4.4. of the RIA to NPA 2014-20, it is stated that with the extension of Option 1 (i.e. implementation of Option 2) to the field of aeronautical databases, the current LoA holders will need to undergo a new certification process. During the first year of implementation of Option 2, an additional 250 hours would be expected for DAT providers already under EASA oversight. Moreover, the data reflects the experience from the current LoA system and the changes that some entities have already introduced in the past.

comment 373

comment by: CAA-N

- CAA-N: We have no reason to believe that the estimated impacts and costs are inadequate

- CAA-N: The benefits for the DAT providers are obvious. For the Airlines the benefits is expected to depend on their QMS and SMS, related to relevant regulatory requirements (EU-OPS). Some Airlines will define extra standards, e.g. IOSA approvals. The total benefits of this NPA for Airlines could depend on such elements.

response *Noted*

The Agency takes note of the comment.

As correctly mentioned by the commentator, since JAR-OPS 1.035 on Quality system, an audit of each supplier, including navigation database one, was required. Therefore, the Agency does not believe that there would be an substantial change. With the proposed draft rule, said audit would be not required anymore.

4. Regulatory Impact Assessment (RIA) — 4.4. Analysis of impacts — 4.4.6. Impact on 'Better Regulation' and harmonisation

p. 62-63

comment 233

comment by: *Garmin International*

4.4.6, Option 0, Note



	<p>General comment: Disagree that “all DAT providers” in the US are certified. Also disagree that the “free of charge” certification process is an incentive to get certified as obtaining a LOA is a significant cost to a DAT provider.</p>
<p>response</p>	<p><i>Noted</i></p> <p>The Agency agrees that not ‘all DAT providers’ in the USA are certified, but the majority of them are holders of LoA either Type 1 or Type 2.</p> <p>In reference to the ‘free of charge’ LoA process, the Agency has stated that no ‘fees and charges’ are required for obtaining a LoA.</p>

<p>comment</p>	<p>359 comment by: THALES AVIONICS</p> <p>Mandatory certification scheme that could be imposed to EASA members states in option 1 & 2 could lead to an unbalance situation with US industry if FAA maintains its LOA certification on a voluntary basis. Harmonization of FAA and EASA rules on that topic is mandatory to avoid such a situation.</p>
<p>response</p>	<p><i>Noted</i></p> <p>The Agency takes due consideration of the comment.</p> <p>The subject will be addressed during the revision of Technical Implementation Procedures for airworthiness and environmental certification between the FAA of the USA and EASA of the EU.</p>

5. References	p. 64-65
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<p>comment</p>	<p>66 comment by: ENAIRE</p> <p>The status and applicability of Commission Regulation (EU) 73/2010 to DAT providers should be clarified. EASA ToR RMT.0593 & RMT.0594 (section 5) states that: <i>[...]the implementing measures concerning requirements and operational procedures for the provision of data for airspace users for the purpose of air navigation shall complement or amend Commission Regulation (EU) No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky.[...]</i> If a possibility exists for these rulemaking tasks to amend Commission Regulation (EU) 73/2010 – should it be considered as an “affected regulation” or even as a “reference”? No mention to it is made in the NPA’s section 5.</p>
<p>response</p>	<p><i>Noted</i></p>



Article 2(2) of Regulation (EU) No 73/2010 lists the public or private entities to which said Regulation shall apply. In case a DAT provider is providing any of the services listed therein, the Regulation should apply to it as well. Furthermore, it should be noted that the same Regulation applies up to the moment when the aeronautical data and/or aeronautical information is (are) made available by the AIS provider to the next intended user regardless of the means of distribution (either physical or automatic distribution) as stipulated by Article 2(3) of that Regulation.

Furthermore, it is important to be noted that the commented rule (Part-DAT) regulates the DAT providers that receive, assemble, translate, select, format, distribute and/or integrate aeronautical information for use in aeronautical databases on certified aircraft systems application/equipment that is released by an authoritative source or may be originated by the DAT provider itself, i.e. it is the next segment in the aeronautical data chain, from post-publication by AIS providers to the end-user.

Furthermore, in order to ensure seamless data supply chain, close coordination was established on activities related to RMT.0477 & RMT.0478 (Technical requirements and operating procedures for aeronautical information services (AIS) and aeronautical information management (AIM)), as appropriate. During the drafting phase of the NPA resulting as an outcome of said RMTs, a thorough assessment of Regulation (EU) No 73/2010 will be performed in order to determine the best approach for regulating to ensure consistency with the existing provisions.

comment

396

comment by: *Brad Miller, FAA AIR-131*

5.3. Reference documents
pg 65

Where it says: "FAA AC 20-DB — Acceptance of Data Processes and Associated Navigation Databases"

Should say "AC 20-153A - Acceptance of Aeronautical Data Processes and Associated Databases"

response

Accepted

