



EASA WORKSHOP ON CONFORMITY ASSESSMENT - WORKING TOGETHER

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SPECIFICITY OF MILITARY INVOLVEMENT IN CONFORMITY ASSESSMENT FRAMEWORK AND INTEROPERABILITY

General principle – in accordance with Article 2.3 of EASA Basic Regulation - **the Military is out of scope, but:**



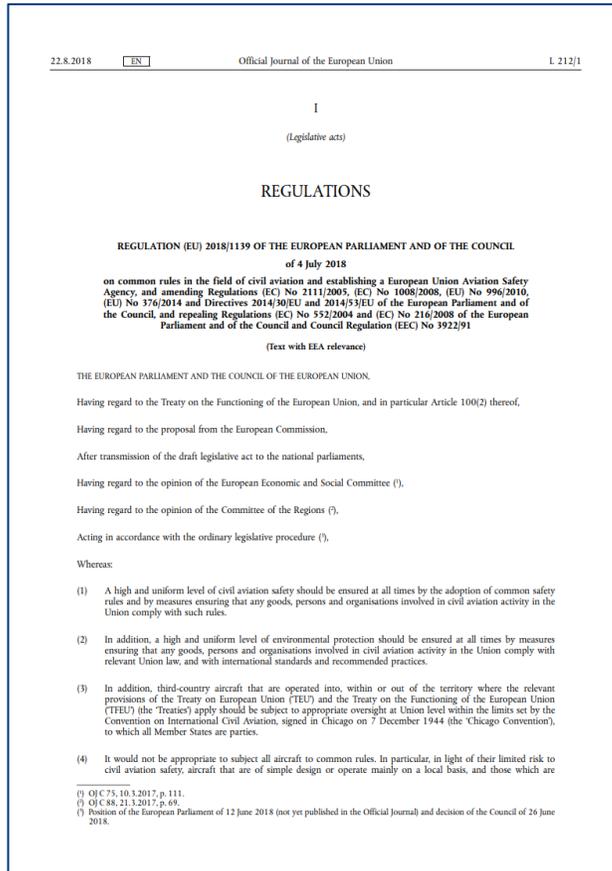
5. Without prejudice to national security and defence requirements, and Article 7(5) of Regulation (EC) No 550/2004 of the European Parliament and of the Council ⁽¹⁾, Member States shall ensure that:

- (a) the facilities referred to in point (b) of the first subparagraph of paragraph 3 of this Article that are open to public use; and
- (b) the ATM/ANS referred to in point (c) of the first subparagraph of paragraph 3 of this Article that are provided to air traffic to which Regulation (EC) No 549/2004 applies,

offer a level of safety and interoperability with civil systems that is as effective as that resulting from the application of the essential requirements set out in Annexes VII and VIII to this Regulation.

Current situation with Regulation (EC) No 552/2004:

- The military is using civil conformity assessment methodology as a **reference** to ensure a level of safety and interoperability with civil systems.
- IOP implementing rules (on SPI, Data Link, VCS...) complement the Essential Requirements of EASA BR with additional elements, including for **military Airspace Users and ANSPs**.



MILITARY OBJECTIVE WITH REGARD TO RMT.0161 SUB-TASK 1

Make sure that the new conformity assessment framework will not have any adverse impact on national and collective defence capability and, if relevant, incorporate the security and defence dimension at a level that will ensure that Military Aviation will continue to provide and further improve, effective security and defence in Europe.

MILITARY ASSESSMENT OF NPA 2022-09 (RMT.0161 SUB-TASK 1)



European Union Aviation Safety Agency

Notice of Proposed Amendment 2022-09

in accordance with Article 6(3) of MB Decision No 1-2022

Establishment of a regulatory framework on the conformity assessment of ATM/ANS systems and ATM/ANS constituents (ATM/ANS equipment)

RMT.0161 — SUBTASK 1

MILITARY ASSESSMENT: LIMITED IMPACT, WITH A FOCUS ON:

- in a shared airspace, especially with cross servicing of military and civil aviation, and with a common need for interoperability and a common interest in aviation safety, there might be a need to reassess internal processes and national civil-military coordination agreements and to be ready to update those when regulations will be in force with final text



MILITARY OBJECTIVE WITH REGARD TO RMT.0161 SUB-TASK 2

Make sure that the “military safeguards” under SES Framework will be appropriately transposed in the new regulatory proposals from EASA on the recast of interoperability implementing rules (sub-task 2 of RMT.0161)

MAIN COMMENTS ON NPA 2022-107 (RMT.0161 SUB-TASK 2) FROM A MILITARY PERSPECTIVE:

Draft AUR Regulation:

- **Scope:** need to clarify the applicability on State aircrafts notably to confirm of the non-applicability of the proposed AUR Regulation on non-EU State Aircraft.
- **Recital 2:** it might be a duplication of the Opt-in possibility already provided for in EASA BR
- **Definition of State Aircraft:** EASA BR definition of State Aircraft is focused on the type of mission carried out by the aircraft, and it is not linked to a specific aircraft. How can this be reconciled with exemptions mechanisms (ref. Article 4) linked to the registry of specific aircraft?
- **Article 4 related to State Aircraft exemptions** might be simplified and harmonised (DLS, SPI, etc) instead of using "copy and paste" option from the current regulations
- **Annual communication to EC of non-equipped State Aircraft:** this requirement for such an annual information does not seem relevant (situation of non-equipped State aircraft on ground of technical or budgetary constraints or withdrawal from operational service remains stable).
- **Aircraft equipage requirements with secondary surveillance radar transponders** might be clarified as they remain very generic in AUR Regulation. Certification basis used for State Aircraft? Legal order between AUR and CS-ACNS provisions?
- **No provisions for State Aircraft in relation to Data Link** (where before, forward fit possibility for Transport Type State Aircraft).

+ minor other change requests for clarity.



Stronger together

