



European Aviation Safety Agency  
**Comment-Response Document 2016-09(B)**

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Appendix 2  
to Opinion No 03/2018

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

**Table of contents**

|   |     |
|---|-----|
| 1. Summary of the outcome of the consultation | 2   |
| 2. Individual comments and responses          | 3   |
| 3. Attachments                                | 672 |



**1. Summary of the outcome of the consultation**

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



## 2. Individual comments and responses

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

- (a) **Accepted** — EASA agrees with the comment and any proposed amendment is wholly transferred to the revised text.
- (b) **Partially accepted** — EASA either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.
- (c) **Noted** — EASA acknowledges the comment but no change to the existing text is considered necessary.
- (d) **Not accepted** — The comment or proposed amendment is not shared by EASA.

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

### CRD table of comments, responses and resulting text

#### (General Comments)

comment 220

comment by: *ATC the Netherlands*



|  |   |   |
|--|---|---|
| <p>The structure of part ATS is very complex. And the relationships between the AMC's and GM's are not clear.</p> <p>For example: ATS.TR.210(a)(3) describes the purpose of clearances and instructions. This IR is elaborated through 21 AMC's and 26 GM's, mostly transposed from doc 4444 chapters 4, 6 and 7.</p> <p>This makes the ATS legislation much less accessible than the doc 4444 procedures</p> <p>Furthermore, the use of one AMC is most of times not enough to fulfil the IR. Several AMC's and GM's must be fulfilled at the same time to meet the related IR.</p> | <p>Problematic application</p> <p>It is hard to define which rules are appropriate in which situation. Using doc 4444, this was less of an issue.</p> <p>Making mistakes in references is hard to avoid in the current proposed rule-structure.</p> | <p>Make IR's less generic. This way a structure can be build which can be understand by the whole aviation community.</p> <p>Split up IR's, so less AMC's and GM's are applicable for a single IR.</p> <p>In case an IR has several AMC's and GM's, provide this IR with a separate number (e.g. ATS.TR.210 instead of ATS.TR.210(a)(3)).</p> |
|--|---|---|

response

Accepted

Following the NPA consultation, with the Opinion the overall structure of Part-ATS and of the individual Implementing Rules was revised to improve clarity and readability, as well as to facilitate its implementation, in particular concerning the association between binding and flexible requirements.

In addition, following the adoption of the Implementing Rule and the publication of the associated ED Decision, it is the intention of EASA to issue a document 'Easy Access rules' for Part-ATS which will include all the relevant EU provisions organised in a more user-friendly fashion.

comment

221

comment by: ATC the Netherlands



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|--|---|--|
| <p>There are a number of duplications of IR's between SERA and part-ATS. For some major IR's, this cannot be avoided but for the majority this is not the case.</p> <p>As SERA IR's are applicable for multiple actors, including ATS providers, duplication of these IR's is not necessary.</p> <p>Duplication of IR's contradicts to the basis of EU regulation which targets that an IR is only published once.</p> | <p>Inconsistent approach legislation.</p> <p>Difficult to maintain IR's which are included in both SERA and part-ATS.</p> | <p>Limit overlap ATS and SERA for just only some generic rules, which function as basis for the other ATS legislation.</p> |
|--|---|--|

response

Not accepted

Duplication has been proposed only when EASA, with the agreement of RMG.0464, considered that in this way the readability of Part-ATS would be improved, as explained in NPA 2016-09(A) Section 2.5.

comment

222

comment by: ATC the Netherlands

|   |   |  |
|---|---|--|
| <p>All Recitals, Articles, ATS.OR and ATS.TR needs to be reviewed for consistency with the existing Annex IV.</p> | <p>Inconsistency with the remainder of Annex IV. "ATS" should be in full and, where it appears at the beginning of a paragraph it is "An" and where it appears in the main body of the text it is "the" and "provider" is singular.</p> | <p>Review and amend Recitals, Articles, ATS.OR and ATS.TR as required.</p> |
|---|---|--|

response

Accepted

A thorough review of the proposed ATS requirements has been undertaken in order to ensure that the terminology used in the provisions published with the Opinion is fully consistent with the requirements in Regulation (EU) 2017/373.

comment

223

comment by: ATC the Netherlands

|  |  |   |
|--|--|---|
| <p>Not all AMC contain "should" which is the way in which an AMC requirement is expressed.</p> | <p>Some AMC have no definitive requirement (should) and could be interpreted as GM</p> | <p>Ensure that all AMC has (at least) a "should" requirement or demote the text from AMC to GM.</p> |
|--|--|---|

response Not accepted

The term ‘should’ is used either in AMC or in GM in accordance with the EASA drafting convention. It is the designation of a provision as AMC or GM, and not simply the use of the term ‘should’ which establishes its intent.

See also the response to comment #147 in CRD 2016-09(A).

comment

225

comment by: *ATC the Netherlands*

Differences between OR’s and TR’s are not clear. It is stated that an OR is targeting the ATS provider while the TR is targeting the ATS unit.

Inconsistent approach legislation

Consider to merge OR’s and TR’s or reconsider current division.

However the following TR’s are targeting the ATS providers as well: TR.100, TR.105, TR.110, TR.120, TR.155 and TR.160

For instance TR.120 and OR.115 should be combined according to the original ICAO annex 11 text.

response Partially accepted

A thorough review of the proposed ATS requirements has been undertaken in order to ensure that the allocation of provisions to organisational and technical requirements, as well as the associated terminology in the provisions published with the Opinion, is fully consistent with the requirements in Regulation (EU) 2017/373.

Regulation (EU) 2017/373 follows the structure of the Implementing Rules of the EASA Basic Regulation in other aviation domains. This Regulation contains a dedicated Annex, named ‘Part-ATM/ANS.OR’ (Annex III), including general requirements applicable to **all** air navigation service providers. Specific requirements for each of the air navigation services are included in the various Annexes (from Annex IV to Annex XII). This proposal will introduce specific requirements for the provision of ATS, amending and complementing those already existing in Annex IV (Part-ATS). These requirements consist of organisational (ATS.OR) and technical (ATS.TR) requirements, which respectively address the organisational framework that enables the provisions of ATS, and the technical (procedural and operational) aspects that the provider shall fulfil.

comment

398

comment by: *Slawomir BALAZY*

- General issue is transposing IR into several different positions e.g SERA and PART ATS (IR, AMC, GM) what makes document very complex add probably difficult to

implement.

- PANS ATM and ANNEX 11 SARPs are sometimes written in different wording what affects their new interpretation.
- Flight Information Service is described as two different services En-route FIS and Aerodrome FIS what can cause distinction in training and certification procedures in particular countries for FIS and AFIS. It is crucial to define FIS as one service specifying distinction between en-route and aerodrome FIS only to the area of responsibility and possibility for competent authority to approve limited working hours of aerodrome FIS.
- Precise scope of FIS responsibilities should be analyzed and reviewed.
- Surveillance procedures to FIS should also be reviewed. (e.g. Identification methods, vectoring, dedicated only to ATC).
- Alerting service in uncontrolled airspace in of lack of communications occurrences should also be analyzed and strictly specified to avoid unnecessary INCERFAs announcements, workload of RCC and costs for GA pilots.

response

Noted

The rationale behind the approach taken (transposition of ICAO provisions into the EU legislation) is explained in Section 2.4 of NPA.2016-09(A). The interrelation between Part-ATS and the SERA Regulation was explained in Section 2.5 of NPA.2016-09(A).

The proposed provisions on flight information service (FIS) do not introduce the notion of two separate services – one for the en-route, one for the aerodrome context. The intent of EASA was to explicitly recognise the existence of FIS provided at aerodromes (AFIS) within the same scope of FIS as established by ICAO Annex 11 and PANS-ATM. It shall be noted that AFIS has its specificities compared to FIS in the en-route context in terms of information to be provided, arrangements for the AFIS units (e.g. communication capabilities) and of necessary coordination (e.g. with the aerodrome operators).

The scope of responsibilities of FIS proposed with the Opinion reflects the subject matter ICAO provisions, which were already transposed under the SERA Regulation. The analysis of the available differences notified by the EASA Member States against the relevant ICAO Standards did not evidence any significant deviation.

The use of surveillance information for the provision of FIS is widely implemented within the EU. The proposal includes the possibility to use ATS surveillance systems in the provision of FIS, as the identification methods are consistent with the specificity of such service (e.g. vectoring methods for identification is not applicable when identifying for the purposes of FIS provision).

The provision of alerting service is based on the available information on the traffic known to ATS units, in accordance with proposed provisions in Subpart B Section 4.



|          |   |
|----------|---|
| comment  | <p data-bbox="359 235 406 280">564</p> <p data-bbox="1212 235 1498 280" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="359 291 1498 582">Given the increasing amount of aviation-related EU regulatory material that is either derived from ICAO through transposition or created by EASA, an EASA-maintained lexicon of common terms – essentially a compendium of all definitions and abbreviations that appear in regulatory material ‘parented’ by the EASA Basic Regulation is considered necessary. Incorporation of terms used in material ‘parented’ by the Single European Sky should also be incorporated. Such a lexicon can be hosted on the EASA and Eurocontrol websites and amended as terms are introduced, amended or withdrawn. As such it would be the EASA equivalent of ICAO Doc 9713 — International Civil Aviation Vocabulary.</p> <p data-bbox="359 616 518 649"><b>Justification:</b></p> <p data-bbox="359 649 1498 761">Such a lexicon would ensure consistency of understanding and application of the terms and abbreviations used within aviation-related EU regulatory material by the EU, its agencies, Member States and industry alike.</p> <p data-bbox="359 795 550 828"><b>Proposed Text:</b></p> <p data-bbox="359 828 1498 907">A compendium of all definitions that appear in regulatory material ‘parented’ by the EASA Basic Regulation (as amended).</p>  |
| response | <p data-bbox="359 918 438 952">Noted</p> <p data-bbox="359 974 1498 1097">Your comment is received positively by EASA and such a need to develop a lexicon for definitions and abbreviations used in the Implementing Rules of the EASA Basic Regulation is recognised.</p> <p data-bbox="359 1120 1498 1198">The possibility for allocating the necessary resources for fulfilling this task is being considered by EASA.</p>  |
| comment  | <p data-bbox="359 1265 406 1310">565</p> <p data-bbox="1212 1265 1498 1310" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="359 1332 1498 1411">General comment Reference Regulation 2016/1377 (and replacement text adopted by Single Sky Committee)</p> <p data-bbox="359 1444 1498 1512"><b>Paragraph No: Annex I(2), Annex I(57), <u>ATM/ANS.OR.A.010 ‘Application for a limited certificate’</u>,</b></p> <p data-bbox="359 1545 494 1579"><b>Comment:</b></p> <p data-bbox="359 1579 1498 1736">Regulation 2016/1377 (and successor replacement text adopted by Single Sky Committee in December 2016) defines ‘aerial work’ as meaning ‘an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc’.</p> <p data-bbox="359 1758 1498 1948">The use of the term ‘aerial work’ within the ATM Common Requirements Regulation does not appear to align with the use of the term ‘Specialised operation’ (any operation other than commercial air transport where the aircraft is used for specialised activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement) in the Ops Regulation (EU) No 965/2012 (as amended) e.g. SPO.GEN.005.</p> <p data-bbox="359 1971 1498 2054">The UK CAA seeks clarification and to ensure alignment of terminology applied elsewhere in EU legislation through development of GM explaining link between 'aerial work' and 'Special</p> |

Operations (SPO) as applied through the Air Ops regulation. Alternatively through further development of the ATM Common requirements regulation to replace ‘aerial work’ with ‘specialised operations’.

**Justification:**

Consistency with other EU regulation.

**Proposed Text:**

Delete Annex I (2) and insert new Annex I(95A):

“Specialised operation” means any operation other than commercial air transport where the aircraft is used for specialised activities such as agriculture, construction, photography, surveying, observation and patrol, aerial advertisement.

Supporting GM is also considered necessary:

**GM1 Annex I(95A) Specialised operation**

(a) Specialised operations include the following activities:

- (1) helicopter external loads operations;
- (2) helicopter survey operations;
- (3) human external cargo operations;
- (4) parachute operations and skydiving;
- (5) agricultural flights;
- (6) aerial photography flights;
- (7) glider towing;
- (8) aerial advertising flights;
- (9) calibration flights;
- (10) construction work flights, including stringing power line operations, clearing saw operations;
- (11) oil spill work;
- (12) avalanche mining operations;
- (13) survey operations, including aerial mapping operations, pollution control activity;
- (14) news media flights, television and movie flights;
- (15) special events flights, including such as flying display and competition flights;
- (16) aerobatic flights;
- (17) animal herding, animal rescue flights and veterinary dropping flights;
- (19) scientific research flights (other than those under Annex II to Regulation (EC) No 216/2008);
- (20) cloud seeding; and
- (21) sensational flights: flights involving extreme aerobatic manoeuvres carried out for the purpose of allowing the persons on board to experience zero gravity, high G-forces or similar sensations.

response

Not accepted

EASA has developed GM to the definition of ‘aerial work’ to explain the relationship between the definition of ‘specialised operations’ established in Regulation (EU) No 965/2012 and the definition of ‘aerial work’ in Regulation (EU) No 923/2012 (SERA) and in Regulation (EU) 2017/373.

Said newly introduced GM reads as follows:



*Regulation (EU) 2017/373 as well as Regulation (EU) No 923/2012 define ‘aerial work’ in a similar but not in an identical way as Regulation (EU) No 965/2012 (the Air OPS Regulation) defines ‘specialised operations’. This is not to be considered as an inconsistency since both definitions, as they are formulated, are not exclusive and are based upon the ICAO Annex 6 definitions and encompass a variety of activities that do not fall into the category of commercial air transport (CAT) operations.*

This is not to be considered as an inconsistency since both definitions, as they are formulated, are not exclusive and are based upon ICAO Annex 6 definitions and encompass a variety of activities that do not fall into the category of commercial air transport (CAT) operations.

*Some differences exist mainly because of the scope of the Regulations they belong to:*

- (a) Unlike ‘aerial work’, ‘specialised operations’ do not include flights conducted for the purposes of search and rescue and firefighting as from the Air OPS Regulation’s perspective those flights are outside the scope of the European Aviation Safety Agency (EASA) Basic Regulation.*
- (b) Unlike ‘aerial work’, ‘specialised operations’ include (test) flights carried out by design or production organisations for the purpose of introduction or modification of aircraft types and (ferry) flights carrying no passengers or cargo where the aircraft is ferried for refurbishment, repair, maintenance checks, inspections, delivery, export or similar purposes.*

An amendment to ED Decision 2013/013/R (SERA) has been proposed to introduce such GM to the definition of ‘aerial work’ to its Annex.

comment

566

comment by: UK CAA

General comment Reference Regulation 2016/1377 (and replacement text adopted by Single Sky Committee) Annex IV

**Paragraph No:** ATS.OR.300

**Comment:**

SERA Art 2(116) defines ‘safety-sensitive personnel’ as meaning ‘persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers’. Its supporting GM states that ‘safety-sensitive personnel’ may also include aerodrome operations personnel, rescue and firefighting personnel, aerodrome maintenance personnel and other personnel allowed unescorted access on the movement area.

There is no similar requirement in ATS.OR.300, the psychoactive substance abuse context instead being limited to air traffic controllers.

Consideration of other safety-critical ATM roles is warranted. Given Annex XIII ‘Part-PERS’ and the emphasis within NPA 2016-09 on FISO and AFISO functions, it is not clear why NPA 2016-09 does not propose to include these within the scope of ATS.OR.300. Indeed, consideration should be given to widening the scope of parts of ATS.OR.300 to capture all ATS personnel as proposed.

**Justification:**

Consistency with other EU legislation; enhanced aviation safety; consistent personnel



requirements.

**Proposed Text:**

**Section 3 — Specific human factors requirements for air traffic control service providers**

**ATS.OR.300 Scope**

This section establishes the requirements to be met by the air traffic control service provider with regard to human performance in order to:

- (a) prevent and mitigate the risks that to air traffic control service provision is that are attributable to the problematic use of psychoactive substances provided by air traffic controllers service personnel with problematic use of psychoactive substances;
- (b) prevent and mitigate the negative effects of stress on air traffic controllers service personnel to ensure the safety of air traffic;
- (c) prevent and mitigate the negative effects of fatigue on air traffic controllers to ensure the safety of air traffic.

**ATS.OR.305 Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers service personnel**

- (a) An air traffic control service provider shall develop and implement a policy, with related procedures, in order to ensure that the problematic use of psychoactive substances does not affect the provision of air traffic control services.
- (b) Without prejudice to provisions laid down in Directive 95/46/EC of the European Parliament and of the Council<sup>[1]</sup> and to the applicable national legislation on testing of individuals, the air traffic control service provider shall develop and implement an objective, transparent and non-discriminatory procedure for the detection of cases of problematic use of psychoactive substances by air traffic controllers service personnel. This procedure shall take into account provisions laid down in point ATCO.A.015 of Regulation (EU) No 2015/340. The procedure in point (b) shall be approved by the competent authority.

[1] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

response

Not accepted

The provisions referred to in the comment are included in Section 3, Subpart A, Annex IV to Regulation (EU) 2017/373. They were not developed in the context of the activities of RMT.0464. They were introduced into the EU legislation following a complete regulatory process, including the committee procedure with the Member States. These provisions implement the Essential Requirement in Paragraph 5.(b)(iii) of Annex Vb to the EASA Basic Regulation which explicitly limits the application to personnel providing air traffic control service.

An extension of the scope of these provisions, and more in general of the human factors subjects regulated in Section 3, Subpart A, Annex IV to Regulation (EU) 2017/373, to other ATS personnel such as FISOs/AFISOs, could be considered when EASA would be tasked for these purposes by its Advisory Bodies.

comment

668

comment by: EUROCONTROL

**General comments**



The EUROCONTROL Agency makes three general comments.

- Owing to its military expertise, it is in a position to support the content of Article 3(1c) and Article 3(1d) on page 3 and 4 of NPA 2016-09(B) and the content of GM2 related to Article 3(1d)(a).
- It wishes to highlight that the various notions related to meteorological units (meteorological watch office, aerodrome meteorological office and aeronautical meteorological station) as used in EU 2016/1377 are not consequently or correctly applied throughout the NPA when reference is made to a meteorological unit.
- It has noticed that NPA 2016-09 (b) has several references to information to be published in the AIP, without specifying who will provide this information and how it will be provided (e.g. Separation minima, communication failure, ATC clearances, information on unmanned free balloons). It is important that the requirements of NPA 2016-02 (ATM/ANS.OR.A.080 Aeronautical data and aeronautical information) are covered within the 'Requirements for air traffic services' in order to define the data elements that have to be exchanged between ATSP and AISP and included in Data Catalogue, instead of quoting here and there some data elements that have to be published in the AIP. It would be logical to have them in one place and the requirement below would cover it, providing reference is made.

ATM/ANS.OR.A.080 Aeronautical data and aeronautical information

When originating, processing or transmitting data to the aeronautical information services provider, service providers shall:

(a) ensure that aeronautical data is determined in accordance with the data catalogue specified in Appendix 1 to this Annex.

response

With regard to the comment on the proposed Article 3(1c), Article 3(1d) and GM2 to Article 3(1d)(a): Noted

With regard to the comment on consistency of terms with MET requirements: Accepted

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

With regard to the comment on the provision of aeronautical information: Noted

The intent of the draft requirement ATM/ANS.OR.A.080 within NPA 2016-02 (which with EASA Opinion No 02/2018 on Part-AIS has been designated as ATM/ANS.OR.A.085) is to establish a provision which is applicable to all ATM/ANS providers, and in particular those originating the aeronautical information, which are published by the AIS provider. The provisions proposed with ATS.OR.125 in NPA 2016-09 are specific for the ATS providers, in addition to those in ATM/ANS.OR.A.085. The placement of these requirements follows the general logic of the ATM/ANS Common Requirements Regulation, which is explained in Chapter 2 of NPA 2013-08(A).

comment 715

comment by: DTCA



|          |  |
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|          | <p>General comments to NPA 2016 09 (B)</p> <p>DTCHA suggest that the entire NPA (Part B) is examined in order to avoid any double regulation, meaning that an approval by the competent authority, as a supplement to the requirement towards the ATS-provider, should be avoided to the extent possible.</p> <p>DTCHA propose that the entire NPA (Part B) is examined in order to ensure as far as possible prescriptive regulation. This means that “when so prescribed by the competent authority” to the extent possible should be replaced by “unless otherwise prescribed by the competent authority” followed by specific requirements. This would help to harmonize national regulations as every State would not have to develop own requirements if a standard could be used. At the same time it leaves the States the possibility to maintain own regulations as appropriate.</p>   |
| response | <p>Partially accepted</p> <p>Following the public consultation of NPA 2016-09, EASA has performed a complete and thorough review of the proposed measures. The intent of your comment to reduce the necessity of the competent authority to develop complementary national regulations is understood and, in consequence, the expression ‘unless otherwise prescribed by the competent authority’ has been adopted where considered appropriate.</p>   |
| comment  | <p>720 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p><b>CANSO Comment</b><br/>Regulating by transposition significantly increases the complexity for users , for example those who draft ATSPs’ ops manuals, maintenance, etc</p> <p>A well-tailored regulation by reference, integrated by appropriate action on identified differences, would effectively achieve all the objectives, at the same time solving most of those issues.</p> <p>The legal viability of such an option is testified by a wide variety of EU regulations. Even where the option has been adopted as temporary, pending transposition of ICAO provisions, it is a fact that those regulations have remained in force for years, thus demonstrating beyond any doubt that “it could work”.</p> <p><b>Impact</b><br/>Increased complexity for users and maintenance.</p> <p><b>Suggested Resolution</b><br/>Reconsider transposition principles.<br/>Regulate by reference, rather than transposition, plus work on differences.</p> |
| response | <p>Not accepted</p> <p>Transposition of ICAO provisions into the EU aviation legislation is already done in various instances, such as OPS, SERA, AIS and MET.</p> <p>The nature and the scope of such transposition are explained in Section 2.4 of NPA</p>   |

2016-09(A), as correctly mentioned in your comment. It has been proven that the transposition of ICAO provisions significantly reduces the differences at national level.

In addition, in this way EASA fulfils its obligations established in Article 2 of the EASA Basic Regulation ‘to assist Member States in fulfilling their obligations under the Chicago Convention’.

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

comment

721

comment by: *CANSO***CANSO Comment**

All Recitals, Articles, ATS.OR and ATS.TR need to be reviewed for consistency with the existing Annex IV.

**Impact**

Inconsistency with the remainder of Annex IV. “ATS” should be in full and, where it appears at the beginning of a paragraph it is “An” and where it appears in the main body of the text it is “the” and “provider” is singular.

**Suggested Resolution**

Review and amend Recitals, Articles, ATS.OR and ATS.TR as required.

response

Accepted

See the response to comment #222.

comment

722

comment by: *CANSO***CANSO Comment**

It is noted that for some transpositions of ICAO material a change in the wording has been introduced, in such a way that ATSPs receive responsibilities that in ICAO material are not directly allocated to them

**Impact**

Potential increase in the scope of the ATSP responsibilities.

response

Noted

As the originating ICAO provisions are often formulated with a passive voice, the intent of EASA has been to allocate the responsibility for action in accordance with the existing EU regulatory framework for ATM/ANS, as already explained in Section 2.4 of NPA 2016-09(A). This exercise is not regarded as an additional burden for ATS providers, but as an element of clarity.



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| comment  | <p data-bbox="363 271 411 309">723</p> <p data-bbox="1225 271 1498 309" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="363 331 579 365"><b>CANSO Comment</b></p> <p data-bbox="363 367 1058 400">The term “Controller” is not a recognised or defined term.</p> <p data-bbox="363 439 451 472"><b>Impact</b></p> <p data-bbox="363 474 1498 544">The term “controller” could in some ANSPs be used to describe functions other than the Air Traffic Control function. The recognised term should be used to avoid ambiguity.</p> <p data-bbox="363 582 628 616"><b>Suggested Resolution</b></p> <p data-bbox="363 618 1337 651">Amend all text referring to “controller” so that it refers to “Air Traffic Controller”.</p>  |
| response | <p data-bbox="363 672 475 705">Accepted</p> <p data-bbox="363 730 1498 808">A complete revision of the proposed requirements has been undertaken and the term ‘controller’ has been replaced by ‘air traffic controller’, as appropriate.</p>   |
| comment  | <p data-bbox="363 880 411 918">724</p> <p data-bbox="1225 880 1498 918" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="804 947 1019 981" style="text-align: center;"><b>CANSO Comment</b></p> <p data-bbox="363 983 1498 1052">The structure of Part ATS is very complex. And the relationship between the AMCs and GMs is not clear.</p> <p data-bbox="363 1090 1498 1193">For example: ATS.TR.210 (a) (3) describes the purpose of clearances and instructions. This IR is elaborated on through 21 AMC’s and 26 GM’s, mostly transposed from doc 4444 chapters 4, 6 and 7.</p> <p data-bbox="363 1232 1342 1265">This makes the ATS legislation much less accessible than the doc 4444 procedures</p> <p data-bbox="363 1303 1498 1373">Furthermore, the use of one AMC is generally not enough to fulfil the IR. Several AMC’s and GM’s must be fulfilled at the same time to meet the related IR.</p> <p data-bbox="363 1411 451 1444"><b>Impact</b></p> <p data-bbox="363 1447 647 1480">Problematic application</p> <p data-bbox="363 1518 1498 1588">It is hard to define which rules are appropriate in which situation. This was less of an issue when using Doc4444.</p> <p data-bbox="363 1626 1390 1659">Making mistakes in references is hard to avoid in the current proposed rule-structure.</p> <p data-bbox="363 1697 628 1731"><b>Suggested Resolution</b></p> <p data-bbox="363 1733 1498 1803">Make IRs less generic. This way a structure can be built which can be understood by the whole aviation community.</p> <p data-bbox="363 1841 1126 1874">Split up IRs, so less AMCs and GMs are applicable for a single IR.</p> <p data-bbox="363 1912 1498 1982">In case an IR has several AMCs and GMs, provide this IR with a separate number (e.g. ATS.TR.210 instead of ATS.TR.210 (a) (3)).</p> |

response Accepted  
See the response to comment #220.

comment 725 comment by: *CANSO*

**CANSO Comment**  
There are a number of duplications of IRs between SERA and Part-ATS..

Duplication of IRs contradicts the basis of EU regulation which targets that an IR is only published once.

**Impact**  
Inconsistent legislative approach.

Provisions in some cases have been allocated incorrectly causing an increase in complexity and a higher risk of undesired alterations of regulatory effects, with no benefit.

Increased maintenance difficulties.

Difficult to maintain IRs which are included in both SERA and Part-ATS.

**Suggested Resolution**  
Either delete the recital, or reword it with expressions addressing the interconnection between the two regulations, position all ATS provision requirements only in PART ATS.

response Not accepted  
See the response to comment #221.

comment 726 comment by: *CANSO*

**CANSO Comment**  
Not all AMC contain “should” which is the way in which an AMC requirement is expressed.

**Impact**  
Some AMC have no definitive requirement (should) and could be interpreted as GM.

**Suggested Resolution**  
Ensure that all AMC has (at least) a “should” requirement or demote the text from AMC to GM.

response Not accepted  
See the response to comment #223.

comment 727 comment by: *CANSO*

**CANSO Comment**  
Some IRs contain disclaimers like “when practicable”



|          |   |
|----------|---|
|          | <p><b>Impact</b><br/>Inconsistent legislative approach.</p> <p><b>Suggested Resolution</b><br/>Consider converting these IRs to AMCs or GM.</p>   |
| response | <p>Not accepted</p> <p>Many provisions where the expression ‘when practicable’ is used are relevant for the intended harmonisation of ATS throughout the EU. Such expression is already broadly used in the originating ICAO SARPs with the same intent. The expression subject to your comment is used to acknowledge that in specified cases a provision might not be appropriate or feasible to implement, thus giving the necessary flexibility for the practical application. It is also acknowledged that the complexity of ATS is so high that it is almost impossible to prescribe all possible solutions.</p>                                  |
| comment  | <p>728 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p><b>CANSO Comment</b><br/>Differences between ORs and TRs are not clear. It is stated that an OR is targeting the ATS provider while the TR is targeting the ATS unit.</p> <p>However the following TR’s are targeting the ATS providers as well: TR.100, TR.105, TR.110, TR.120, TR.155 and TR.160</p> <p><b>Impact</b><br/>Inconsistent legislative approach.</p> <p><b>Suggested Resolution</b><br/>Consider merging ORs and TRs or reconsider current division.</p> <p>For instance TR.120 and OR.115 should be combined according to the original ICAO annex 11 text.</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #225.</p>  |
| comment  | <p>1168 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>NPA 2016-09(A)<br/>3. RIA<br/>3.5 Comparison and conclusion<br/><b>Aerodrome Flight Information Service - AFIS</b><br/>Sweden is in general positive to a harmonized regulation and definition of aerodrome flight information service at a common European level as this is beneficial for flight safety as well as for the understanding of AFIS among flight crews and operators especially when it comes</p>  |

to operations by crews from an other member state.

However, the present proposal in NPA 2016-09 does not seem to at a sufficient degree take into account the parts of Annex 11 and Doc 4444 relevant to air traffic service in general, regardless of ATC, FIS or AFIS. Instead the Annex 11 and Doc 4444 have mostly been directly transposed into ATC regulation even if there are several paragraphs which are relevant for the whole of ATS (ATC, AFIS and FIS). From a Swedish perspective this leads to the conclusion that NPA 2016-09 proposes a significant lower (under-regulated) service level of AFIS than is the case in Sweden today. As a consequence the aim for higher flight safety will not be met from a Swedish perspective.

In NPA 2016-09(A) paragraph 3.4.3 it is stated "*.. this regulatory proposal does not include detailed provisions on the recruitment, qualification and training of AFIS personnel, as these fields are not within the scope of RMT.0464*" and complemented with reference to the obligations for ATS providers in these areas. As it comes to common air-ground phraseologies supporting the provision of AFIS it is said to be beneficial and these will be developed during 2016-2017 for future inclusion in the SERA regulation.

From a Swedish point of view these areas are crucial to have in place at the same time as the AFIS provisions in Part ATS come into force.

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

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

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

response

Noted

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



contradiction with the EU law.

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

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

comment

1170

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

3.1.1.3 Transposing ICAO ATS provisions into the EU aviation safety regulatory framework  
The transposing of the PANS-ATM requirements the way suggested in the NPA, has resulted in some small word differences, that will have a big effect on how the rule will be complied with. When it is stated in the PANS the word *shall* and the proposal uses *should*, it is a big change of the original requirements. In many of these cases it is also transferred to an AMC and not a GM. This is not as stated *in full respect of their original regulatory force*.

response

Noted

As explained in Section 2.4 of NPA 2016-09(A), the transposition of ICAO PANS provisions is proposed on a case-by-case basis, following the consensus reached with the RMG.0464 Members, in a manner coherent with the safety objectives of the task and the other existing EU legislation (IR, AMC, GM).

It shall be noted that ICAO PANS provisions do not have the same status as ICAO Standards. Hence, the approach adopted was that when PANS provisions were considered for transposition, they were normally transposed as AMC or GM, unless impelling reasons of safety made it advisable to propose their transposition as IR. The EASA convention for drafting provisions in AMC and GM is not to use 'shall' but 'should', and in this way the original 'shall' was replaced with 'should'. The use of 'should' does not mean that the provision has an optional nature, but indicates that the AMC to a given Implementing Rule are not the only AMC, as alternatives can be filed in accordance with the established procedures. This replacement of 'shall' with 'should' does not change neither the intent nor the substance of the provision.

See also the response to comment #147 in CRD 2016-09(A).

comment

1171

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

Our opinion is that there was too much time between the publication of the proposal in relation to the workshop which was conducted eleven weeks later. We wish that the workshop had been held at an earlier stage. We suggest to hold a workshop already three



|          |   |
|----------|---|
|          | weeks after publication of an NPA.  |
| Response | <p>Noted</p> <p>EASA notes that this comment does not relate to the content of NPA 2016-09.</p> <p>The date for the public consultation workshop (30 November 2016) was selected following the decision by the EASA Executive Director to extend, upon stakeholders' request, the public consultation period for this NPA to 28 February 2017. In consideration of the objectives of this workshop, these were to:</p> <ul style="list-style-type: none"> <li>— inform stakeholders about the objectives of RMT.0464 'ATS requirements';</li> <li>— inform stakeholders about the regulatory proposal published with NPA 2016-09;</li> <li>— provide clarification on the content of NPA 2016-09, as requested by stakeholders.</li> </ul> <p>The date was selected with a view to giving the stakeholders sufficient time (from 14 September 2016 to 29 November 2016) to assess the considerable amount of documents forming part of the NPA and, after the workshop (from 1 December 2016 to 28 February 2017), to make use of the information delivered for the purposes of the comments they would wish to submit to EASA.</p> |
| comment  | <p>1173 <span style="float: right;">comment by: ISAVIA ohf.</span></p> <p>Isavia would like to point out that in some instances in the NPA the text is <i>inter alia</i> based on documents that are limited to the EUR Region in scope, namely ICAO Doc 7030/EUR and the European Air Navigation Plan. Isavia does not have any objections to the text of the NPA in this regard, as it seems no to affect the application of Doc 7030/NAT. However, Isavia would like to stress that some states and service providers affected by the draft regulation are responsible for airspace located partly or fully in other ICAO Regions. This is for example the case for Iceland, which is located entirely in the ICAO NAT Region. It is necessary that this be taken into account for all current and future rulemaking tasks so that implementing rules and acceptable means of compliance do not create a conflict with other applicable regional procedures. This can be accomplished by reference to the applicable ICAO regional procedures or by creating alternatives where applicable.</p>                                  |
| response | <p>Noted</p> <p>See the response to comment #160 in CRD 2016-09(A).</p>   |
| comment  | <p>1244 <span style="float: right;">comment by: Swiss AFIS Provider</span></p> <p><b>NPA 2016-09(B)</b></p> <p>General remark: An AFIS-phraseology should be enacted in due course.</p> <p>ATS.TR.305 Scope of flight information service, p. 43:<br/>A clear requirement for the provision of traffic information by AFIS is missing, as well as the possibility to provide suggestions by the flight information service.<br/>Refer to para 3.4.1.1. from the EUROCONTROL Manual to be included under lit. c.</p>   |

ATS.TR.305 Scope of flight information service, p.48, to be changed as follows:  
*“ATS units shall, as necessary, use all available communication facilities to endeavor to establish and maintain communication with an aircraft in a state of emergency, and to request ~~news~~ **information** of the aircraft.”*

ATS.TR.415 Plotting aircraft in a state of emergency, p.48:  
*“When a state of emergency is considered to exist, the ATS unit(s) aware of the emergency **should make sure that the latest position of the aircraft is known** ~~plot the flight of the aircraft involved on a chart or other appropriate tool~~ in order to determine the probable future position of the aircraft and its maximum range of action from its last known position.”*

GM1 ATS.TR.305(c)(2) Scope of flight information service SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES, p.184:

Standard ATS.TR.260 shall be made available for AFIS too.

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response

With regard to the comment on ATS.TR.305 in page 43, partially accepted

See the response to comment #932.

With regard to the comment on ‘ATS.TR.305’, in consideration of the text referred to in the comment, EASA interprets it as referring to ATS.TR.410 ‘Use of communication facilities’. Not accepted

See the response to comment #93.

With regard to the comment on ATS.TR.415: Not accepted

See the response to comment #1010.

comment

1262

comment by: *Humberside Airport*

Page No: N/A

Para No: N/A

Comment:

Humberside International Airport Limited (HUY) is an European Aviation Safety Agency (EASA) Certified Aerodrome at which Air Traffic Control (ATC) and Flight Information Service (FIS) is provided, it is not a 'UNICOM' or Aerodrome FIS ('AFIS') aerodrome. The aerodrome does not have controlled airspace (CAS), it has a Class G Aerodrome Traffic Zone (ATZ) and is surrounded by Class G airspace with no direct connectivity with the en-route system. The HUY Air Navigation Service Provider (ANSP), that is based at and owned by HUY, is Certified by the United Kingdom (UK) Civil Aviation Authority (CAA) to provide Air Traffic Services (ATS) to aircraft; all of the HUY ANSP's air traffic controllers are certified in accordance with EU 340/2015 and all aircraft and vehicle movements are 'controlled' by the air traffic controllers at the aerodrome. ATS is provided in accordance with the UK's regulations for the



provision of an ATS within Class G uncontrolled airspace in CAP 774 'UK Flight Information Services' (FIS). HUY has published Instrument Flight Procedures (IFP), including a Category 1 Instrument Landing System (ILS). Movements at HUY include Commercial Air Transport (CAT), both Scheduled and Charter, commercial helicopters for the offshore industry, Business Jets, cargo, and General Aviation (GA); in addition, Search and Rescue is also based at the airport with two S92 helicopters. The flight rules flown are approximately one third Instrument Flight Rules (IFR) and two thirds Visual Flight Rules (VFR). The adoption of this Notice of Planned Amendment (NPA) will greatly impact on most UK Class G operations, including HUY operations, unless the UK's Class G airspace and services provided within Class G airspace are made more ICAO compliant.

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

response

Noted  
See the response to comment #985.

comment

1321

comment by: AESA / DSANA

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

response

Noted  
See the response to comment #179 in CRD 2016-09(A).

comment

1322

comment by: AESA / DSANA

| PART    | COMMENT                                     | JUSTIFICATION   |
|---------|---|-----------------|
| GENERAL | This NPA includes amendments to the ATM/ANS | Standardization |

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

response Noted

See the response to comment #180 in CRD 2016-09(A).

comment 1323

comment by: AESA / DSANA

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

response Noted

See the response to comment #181 in CRD 2016-09(A).



|          |  |
|----------|--|
| comment  | <p>1452 <span style="float: right;">comment by: CAA-NL</span></p> <p>The Comments of the Ministry are the comments as introduced into the CRT by ATC The Netherlands (Patricia Bier) and KNMI (Jan Sondij)</p>   |
| response | <p>Noted</p>   |
| comment  | <p>1511 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>Enroute FIS is a very advanced service, in many European countries works in a very similar manner to the advisory service. It is usually a surveillance- based service. Precise scope of FIS nowadays should be analyzed and reviewed.</p> <p>Surveillance procedures to FIS should also be reviewed (e.g. identification methods, vectoring, transfer of service between ATS units). Alerting service in uncontrolled airspace in case of lack of communications occurrences should also be analyzed and strictly specified to avoid unnecessary INCERFAs announcements, workload of RCC and costs for GA pilots.</p> <p>In many places in the document ATS Provider is meant only for ATC. It should be reviewed in the whole document whether to add "and the FISO" after the word "controller".</p> <p>In many places in NPA the words "control" and "controllers" seem to mean "have an aircraft on frequency/ in the area of responsibility" and "a person who is in charge/is responsible for the aircraft" (which may be an air traffic controller or a FISO).</p> <p>Generally the document has different words for the same meaning (probably because PANS ATM and ANNEX 11 SARPs are sometimes written in different wording) which affects the interpretation and brings confusion.</p> <p>General issue is transposing IR into several different positions e.g SERA and PART ATS (IR, AMC, GM) what makes document very complex and probably difficult to implement.</p> <p>Flight Information Service is described as two different services</p> <ul style="list-style-type: none"> <li>- En-route FIS and</li> <li>- Aerodrome FIS</li> </ul> <p>which can cause distinction in training and certification procedures in particular countries for FIS and AFIS. It is crucial to define FIS as one service specifying distinction between en-route and aerodrome FIS only to the area of responsibility and possibility for competent authority to approve limited working hours of aerodrome FIS.</p> |
| response | <p>Noted</p> <p>See the response to comment #398.</p>  |
| comment  | <p>1512 <span style="float: right;">comment by: Ictra</span></p> <p>The Joint EEA Committee incorporated 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 into the EEA Agreement by a decision No 163/2011. Therefore, the Regulation and its implementing Regulations which</p>  |

have been incorporated into the EEA Agreement are applicable to the EEA EFTA States, including Iceland. Regulation 216/2008, as adapted by the decision of the joint EEA Committee states that among the objects which EASA is entrusted for is to assist Member States, including the EFTA-states, in fulfilling their obligations under the Chicago Convention, by providing a basis for common interpretation and uniform implementation of its provisions, and by ensuring that its provisions are duly taken into account when drafting rules for implementation of Regulation 216/2008.

It is therefore vital that EASA, when assisting the Commission in the preparation of proposals for basic principles, applicability and essential requirements to be presented to the European Parliament and to the Council and the adoption of the implementing rules, rules which apply equally to all contracting parties of the EEA Agreement are prepared in such a way that it deals also with the particularities facing the EEA EFTA States. For these reasons, the Icelandic Transport Authority kindly requests that in the process of drafting a new legislation the European Aviation Safety Agency would take into account the geographical situation and contracting obligations of Iceland under the Chicago Convention, for instance the fact that Iceland is situated in the ICAO NAT region. Currently these matters have to be dealt with after the fact between the EFTA States and the Commission in negotiation while preparing incorporation of an Act into the EEA Agreement which leads to confusion and lack of clarity and delays applicability of that Act for the EFTA States. Would the European Aviation Safety Agency take the before mentioned approach the legal framework for EU and EEA Member States would have increased clarity and the quality of the legislation would increase.

response

Noted  
See the response to comment #160 in CRD 2016-09(A).

comment

1520

comment by: ATC the Netherlands

|         |  |  |  |
|---------|--|--|--|
| General | Some IR's contain conditions like "when practicable" | This may lead to inconsistent approach legislation | Consider to convert these IR's to AMC's or GM. |
|---------|--|--|--|

response

Not accepted  
See the response to comment #727.

comment

1521

comment by: ATC the Netherlands

|         |   |  |
|---------|---|--|
| General | Currently in community rules definitions are introduced in every single rule. The Netherlands would prefer that all definitions are centralized in a rule dedicated to definition of terms. Only terms with a diverting meaning should be defined in a specific rule. This will highlight extraordinary use of terms. | Centralize all definitions in a rule dedicated to definition of terms. Only terms with a diverting meaning should be defined in a specific rule. This will highlight extraordinary use of terms. |
|---------|---|--|

response Noted  
See the response to comment #564

comment 1522 comment by: ATC the Netherlands

|         |  |  |
|---------|--|--|
| General | It is not clear from the proposal what type or rules should be introduced as OR or as TR. In some cases clear technical requirements are proposed as OR. | Review the application of the discretion between OR and TR requirements. |
|---------|--|--|

response Noted  
See the response to comment #225.

comment 1537 comment by: ATC the Netherlands

LVNL support the comments of KNMI.

response Noted

comment 1607 comment by: Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)

General remark: An AFIS-phraseology should be enacted in due course.

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

**Notice of Proposed Amendment 2016-09(B)**

p. 1

comment 184 comment by: IFATCA

Attachment [#1](#)

All the comments of IFATCA have been entered via the CRT Tool. For completeness the pdf file with the comments is attached.

response Noted



|          |   |                  |
|----------|---|------------------|
| comment  | 371   | comment by: DGAC |
|          | <p>The proposed text transposes most of ICAO PANS-ATM in a disseminate mode. This dissemination generates many cross references and complicates the reading for those using Doc. 4444 for years in their ATS regulation.</p>  |                  |
| response | <p>Noted</p> <p>It is acknowledged that initially the transposition of ICAO PANS ATM may require some additional review of operational documents which are based on such document. However, EASA is of the opinion that in the long term such a transposition will reduce the burden for the competent authority and for the ANSPs when drafting the national directives, operations manuals, etc. addressing the provision of ATS.</p> |                  |

| comment  | 1328   | comment by: AESA / DSANA  |      |         |               |  |  |   |
|--|--|---|------|---------|---------------|--|--|---|
|  | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="width: 30%;">PART</th> <th style="width: 35%;">COMMENT</th> <th style="width: 35%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> </td> <td style="vertical-align: top;"> <p>The provisions from ICAO PANS ATM which use the future form or the auxiliary verbs "shall", "must"... should be transposed as IR within EU regulation in order to harmonize and establish standard rules.</p> <p>If flexibility is needed, the following sentence may be included: "...unless otherwise prescribed by the competent authority".</p> </td> <td style="vertical-align: top;"> <p>Those provisions are also transposed as "mandatory" rules in Spanish regulation. By changing their status to "AMC" or even "GM", all the administrative processes, certifications, licences, etc. will have to be adapted, with the associated increase of workload.</p> </td> </tr> </tbody> </table> |   | PART | COMMENT | JUSTIFICATION | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>The provisions from ICAO PANS ATM which use the future form or the auxiliary verbs "shall", "must"... should be transposed as IR within EU regulation in order to harmonize and establish standard rules.</p> <p>If flexibility is needed, the following sentence may be included: "...unless otherwise prescribed by the competent authority".</p> | <p>Those provisions are also transposed as "mandatory" rules in Spanish regulation. By changing their status to "AMC" or even "GM", all the administrative processes, certifications, licences, etc. will have to be adapted, with the associated increase of workload.</p> |
| PART   | COMMENT  | JUSTIFICATION   |      |         |               |  |  |   |
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| response   | <p>Noted</p> <p>See the responses to comment #715 and to comments #98 and #147 in CRD 2016-09(A).</p>  |   |      |         |               |  |  |   |

| comment  | 1379  | comment by: AESA / DSANA   |      |         |               |  |  |  |
|--|---|--|------|---------|---------------|--|--|--|
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| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation</b></p> | <p>Doc 4444 section 5.4.2.5.6 should be included in the NPA.</p>  | <p>Not transposed in the NPA. There is no justification in the PANS ATM checklist for the exclusion.</p> <p>It would be advisable to include</p> |      |         |               |  |  |  |

|  |  |  |
|--|--|--|
| <p><b>(draft decision (PART-ATS))</b></p> <p>N/A</p> |  | <p><b>section 5.4.2.5.6</b> as part of the NPA GM as it implies ATC sequencing when the 150 km (80 NM) longitudinal separation minimum with Mach number technique is applied.</p> <p>In Canary Islands ENAIRE uses this kind of separation in conventional control. Mach number technique is used.</p> |
|--|--|--|

response

Partially accepted

As a result of the analysis of comments received on NPA 2016-09 with the public consultation, EASA has decided to maintain the separation minima based on the Mach number technique proposed as AMC5 and AMC6 ATS.TR.210(c)(2)(i).

EASA did not deem necessary to transpose Section 5.4.2.5.6 of PANS ATM as it is considered to be a partial repetition of the content of the said AMC, which are complemented by the associated GM.

The new GM1 to AMC5 ATS.TR.210(c)(2)(i) and to AMC6 ATS.TR.210(c)(2)(i) referring to ICAO Doc 9426 is introduced for the application of separation using the Mach number technique.

See also the response to comment #1377.

comment

1380 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>N/A</p> | <p>Doc 4444 <b>section 5.4.2.6</b> should be included in the NPA.</p> | <p>Not transposed in the NPA. The PANS ATM checklist indicates that the entire <b>section 5.4.2.6</b> is not transposed as it is not considered suitable to the EU context.</p> <p>In Canary Islands ENAIRE uses this kind of separation in conventional control. Mach number technique is used.</p> |

response

Partially accepted

See the response to comment #1379.

comment 1381

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| (B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))<br><br>N/A | Doc 4444 section 5.11.1.2, gathering one of the two circumstances in which separation minima established in Doc 4444 sections 5.4.1 and 5.4.2 may be reduced, is not transposed. | There is no justification in the PANS ATM Checklist for the exclusion.<br><br>It establishes one of the two circumstances in which separation minima established in Doc 4444 sections 5.4.1 and 5.4.2 may be reduced |

response Noted

Section 5.11.1.2 of ICAO PANS ATM has not been transposed to the Part-ATS requirements as, after verification of the content of ICAO Doc 7030 EUR, there is no specific regional EUR agreement addressing the reduction of separation minima established.

See the response to comment #1377.

comment 1415

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| (B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS)) | Doc 4444 section 15.7.5.2 should be included in this NPA. | Doc 4444 Checklist states "Not transposed, as not addressing ATS, but aircrew and vehicle drivers, upon ATC instruction".<br><br>Sections 15.7.1.to 15.7.1.5 are addressed to aircrew and vehicle drivers but section 15.7.1.6 states the "need of ATS units to have procedures in place for situations when controllers are informed of ARIWS warnings, including how to disable the ARIWS in case of malfunctions", so it should be included in the NPA. |

response Not accepted

There is no evidence that ARIWS is widely implemented in the EU Member States at the moment. In consideration of this situation and of the interdisciplinary nature of the ICAO PANS ATM provisions on ARIWS, EASA has not deemed necessary, at this stage, to transpose the relevant ICAO provisions. EASA will further consider how to tackle the provisions in PANS ATM relevant to ARIWS vis-à-vis Part-ATS and SERA with the future rule maintenance activities.

comment 1416

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 section 15.7.6 should be included in this NPA.</p> | <p>Doc 4444 Checklist states "Section 15.7.6 is not transposed. Its content is to be considered by SERA for further elaboration of SERA.14055(a) 'Radiotelephony procedures' addressing the possibility to temporarily change call sign, upon ATC instruction and for safety reasons".</p> <p>Although the requirement is finally for the pilot to change the radiotelephony call sign, they also apply to the controller, who must perform several actions (see 15.7.6.1 to 15.7.6.4). If the controller does not advise the pilot, he is not going to know he must change the call sign.</p> |

response Not accepted

It is recalled that Regulation (EU) No 923/2012 (SERA) addresses the rules of the air, including requirements for ATS when the provision implies a collective action (e.g. aircrew/ATS personnel), as explained in Section 2.5 of NPA 2016-09(A).

The content of the introduced with a recent amendment Section 15.7.6 of PANS ATM will be considered for inclusion into the EU legislation under the activities of RMT.0476 (maintenance of SERA).

comment 1417

comment by: AESA / DSANA



| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 <b>section 5.4.1.2.1.6</b> should be included in this NPA.</p> | <p>Doc 4444 Checklist states "Not transposed as not suitable to the EU context". However, we consider that it is applicable in certain regions of the EU.</p> <p>Doc 4444 <b>sections 5.4.1.2.1.6.c) and d)</b> contain a requirement which affects the pilots (voice VHF comm.) and should also be included in SERA.</p> |

response

Not accepted

EASA has not deemed necessary to transpose such requirement at EU level, as its application would be very limited. This does not prevent the application of Section 5.11.1.2 of ICAO PANS-ATM at national level, as long as it does not contradict the requirements in Part-ATS.

comment

1516

comment by: *René Meier, Europe Air Sports*

Europe Air Sports thanks the Agency for preparing NPA 2016-09(B). As already explained in our comments on NPA 2016-09(A) we identified some proposals causing questions or requiring clarification from the points of view of aerodrome users of our communities. As we insist on provisions maintaining the idea of "flexible use of aerodromes" we put a major accent on the need of truly risk-based rules governing operations of aircraft, of aerodromes, and of ATC.

We think reasonably priced AFIS will be the solution of the future for "non-complex flight operations within airspaces assigned to non-complex aerodromes". It will not be for free, therefore it should be differentiated between aerodrome operating hours with ATC during peak-hours, with AFIS outside peak-hours, with ATC or no ATC at all according to the same operational criteria, or idem with AFIS and UNICOM. According to local regimes any combination may be feasible. It only is a question of informing flight crews and other airspace users about the regime in place. Aerodromes should always be open to the greatest possible extent, restrictions in place should be removed wherever possible, this to make optimum use of investments done: nobody ever would seriously consider imposing so strict limitations on roads, highways, railways as imposed on aerodromes of all dimensions.

Of concern to us is the fact that a major part (pages 52 to 188) of this NPA's proposals are future AMC/GM not translated in other languages. This will not contribute to the level playing field commensurate with the simpler, lighter, better rules for General Aviation.

A very general question in the end: What about drones/RPAS/UAV: Why are these flying objects not mentioned neither in (A) nor in (B)?



response

Noted

It shall be noted that the scope of the regulatory proposal issued with NPA 2016-09 covers only the technical and organisational requirements for the provision of ATS, and not the charging scheme for either such services or the aerodromes.

It is the full prerogative of Member States to designate a certified ATS provider in certain blocks of airspace, including those for the services provided at aerodromes, in accordance with Regulation (EC) No 551/2004.

It shall also be noted that, for the time being, the provision of ATS is foreseen only for manned aviation; the integration of RPAS in the airspace where ATS are provided is subject to research and development activities. An initial regulatory framework proposal has been issued by EASA with Opinion 01/2018.

**EXECUTIVE SUMMARY**

p. 1

comment

3

comment by: *Humberside Airport*

Page No: 1  
Para No: N/A

Comment:

The adoption of this NPA will impact on the way in which the UK CAA has authorised operations within Class G airspace. However, it is sensible to plan for internationally recognised standards for airspace structure and services as this will improve safety overall by ensuring that all aviation users adopt common international regulations and procedures; in order for the UK to conform to this NPA it is likely that a top-down review of the UK's airspace structure and service provision will be required.

response

Noted

comment

106

comment by: *NATS National Air Traffic Services Limited*

General comment.

All Recitals, Articles, ATS.OR and ATS.TR need to be reviewed for consistency with the existing Annex IV as there are inconsistencies:

“ATS” should be in full and, where it appears at the beginning of a paragraph it is “An” and where it appears in the main body of the text it is “the” and “provider” is singular.

We recommend a full review and amend Recitals, Articles, ATS.OR and ATS.TR as required.

response

Accepted

See the response to comment #222.



|          |  |
|----------|--|
| comment  | <p>107 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>General comment</p> <p>The term “Controller” is not a recognised or defined term. The term “controller” could in some ANSPs be used to describe functions other than the Air Traffic Control function. The recognised term should be used to avoid ambiguity.</p> <p>We suggest amending all text referring to “controller” so that it refers to “Air Traffic Controller”</p>   |
| response | <p>Accepted</p> <p>See the response to comment #723.</p>   |
| comment  | <p>354 <span style="float: right;">comment by: <i>Airport Operators Association (UK)</i></span></p> <p>The Airport Operators Association (AOA) is the national voice of UK airports, representing the interests of over 50 UK airports, and the principal body engaging with the UK Government and regulatory authorities on airport matters.</p> <p>The AOA supports this NPA in principal as UK airspace modernisation and harmonisation remains a priority, as it does in all of Europe. Some of the principal benefits will include the <b>delivery of the highest possible levels of safety consistently, meeting capacity demands and becoming as efficient as possible.</b></p> <p>Transposition of the International Civil Aviation Organisations (ICAO) Air Traffic Services (ATS) provisions into the EU aviation regulatory framework offers the potential to harmonise regulations bringing a number of the aforementioned benefits. Recognising the UK commitment to SERA (Single European Rules of the Air), and that the AOA (with others) is campaigning for airspace modernisation. The purpose of Controlled Airspace (CAS) is to enhance protection of Air Traffic Movements (ATM's) operating Instrument Flight Rules (IFR). With forecast growth and capacity demands, the "known" traffic environment will be placed under greater duress. Such growth must assume future UAS (drone) activity being realised too. With airspace classification determined upon the ATM demands, the continued use by CAT at smaller aerodromes is essential to achieve the widely acknowledged value of regional connectivity.</p> <p>Hereto with, this aspiration for the transposition of ICAO into EU regulatory framework should not displace equitable use of airspace, nor disadvantage smaller operations on analysis of risk due to such enforced change. For the UK there remain a number of concerns, which EASA should be also concerned with. This is primarily the provision of no ATS outside of CAS. This procedure will be applied in due course by UK and other member states (where applicable). The solution may be some years away, therefore EASA is urged to consider, in its proposals at the next stage with all stakeholders, the solution to maintaining regulation equitably, based upon the back of enhanced safety standards.</p> <p>The structure and classification of UK airspace is well documented and not explained here. There is some 29 UK aerodromes offering ATS for commercial air transport (CAT) activities and where the aerodrome is situated with Class G airspace. These aerodromes will have varying levels of air navigation systems (ANS) and accommodate mixtures of air traffic</p> |

including; CAT, general aviation and sometimes a mix of military air traffic movements also.

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

The structure to the UK Airspace Change Process (ACP) as it currently stands cannot accommodate significant ACP volume of requests in design, consultation or administration. The UK State regulator has indicated approximately ten years to achieve alignment. This will lead the UK into failing to meet the NPA and therefore the main objectives, a state which is responsible for 25% of passenger traffic across the EU 28 states (as they stand). It appears evident that the UK will require a state program to address the ACP if it is to achieve the proposals within this NPA and UK aspirations to modernise its airspace.

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

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

response

Noted

See comment #985 and the related EASA response.

The content of this proposal does not limit any of the Member States to classify their airspace in accordance with their needs. The overall package of Regulation (EU) 2017/373, including the requirements proposed by RMT.0464, provides sufficient flexibility for having a proportionate approach when providing services for smaller aerodromes. For example, it gives the possibility for an ANSP to apply and obtain either a certificate which is valid throughout the EU, or a limited certificate valid only in the Member State of issue, or even to apply for a declaration for flight information services provision. In addition, this regulatory package includes guidance on the possibility to implement the so-called UNICOM-type aeronautical stations, which do not provide ATS but facilitate certain airspace users.

comment

1494

comment by: *ESSP-SAS*

According to the text proposed UNICOM not addressed by EU ATS rules, falling down in



Member States the accountability to determine the service provision framework. The lack of guidance material could jeopardize an homogeneous implementation across Europe, specially when the implementation of IFP is open to non-instrument rwys (and therefore under EU Basic regulation) where no ATS is expected to be provided, but other services may be required like CNS (navigation for PBN procedures), AIS (NOTAM for navigation status, charting, AIP update), MET (to determine VMC/IMC conditions, QNH) or COM (to provide air-ground grpound-gorund communications), ATFM (IFR flight plans) or ASD (IFP design).

Guidance material to define proportionate requisites and define how to articulate formal agreements with other service providers in absence of a certified ATSP is needed.

response

Noted

UNICOM-type aeronautical stations as proposed with NPA 2016-09 do not fall under the scope of ATS; it is the responsibility of the Member State to designate a licensed ATS provider in the blocks of airspace under its jurisdiction and to regulate the activities of the UNICOM-type aeronautical stations. The regulatory proposal contains guidance material relevant to such stations which as a result of the consultation are consolidated in GM2 to Article 3a(a).

See also the response to comment #608.

**1. Proposed amendments** p. 3

comment

1441

comment by: *Jan Sondij*

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

response

Accepted

See the response to comment #91 in CRD 2016-09(A).

comment

1442

comment by: *Jan Sondij*

|                        |      |   |                                |                |
|------------------------|------|---|--------------------------------|----------------|
| General NPA 2016-09(B) | KNMI | The notion of SPECI is still applied. This is correct for e.g. flight information but may not be correct for other rules. When half hourly METARs are produced no SPECIs will be produced in line with EUR ANP. | Check with repealed 2016/1377. | To be checked. |
|------------------------|------|---|--------------------------------|----------------|



response Noted

EASA performed a verification and correlation between Regulation (EU) 2017/373 and the proposed ATS requirements; no inconsistency related to the use of the term 'SPECI' has been detected.

### 1.1. Amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS))

p. 3

comment 597

comment by: ENAV

#### GENERAL

Regulating by transposition significantly increases the complexity for users , for example those who draft ATSPs' ops manuals, maintenance, etc

A well-tailored regulation by reference, integrated by appropriate action on identified differences, would effectively achieve all the objectives, at the same time solving most of those issues.

The legal viability of such an option is testified by a wide variety of EU regulations. Even where the option has been adopted as temporary, pending transposition of ICAO provisions, it is a fact that those regulations have remained in force for years, thus demonstrating beyond any doubt that "it could work".

#### Proposal

Reconsider transposition principles. Regulate by reference, rather than transposition, plus work on differences.

response Not accepted

See the response to comment #720.

comment 599

comment by: ENAV

**GENERAL** All Recitals, Articles, ATS.OR and ATS.TR need to be reviewed for consistency with the existing Annex IV

Inconsistency with the remainder of Annex IV. "ATS" should be in full and, where it appears at the beginning of a paragraph it is "An" and where it appears in the main body of the text it is "the" and "provider" is singular.

#### Proposal

Review and amend Recitals, Articles, ATS.OR and ATS.TR as required.

response Accepted

See the response to comment #222.



|          |  |                  |
|----------|--|------------------|
| comment  | 601  | comment by: ENAV |
|          | <p><b>GENERAL</b> It is noted that for some transpositions of ICAO material a change in the wording has been introduced, in such a way that ATSPs receive responsibilities that in ICAO material are not directly allocated to them</p>  |                  |
| response | <p>Noted</p> <p>See the response to comment #722.</p>  |                  |
| comment  | 603  | comment by: ENAV |
|          | <p><b>GENERAL</b> The term “Controller” is not a recognised or defined term<br/>The term “controller” could in some ANSPs be used to describe functions other than the Air Traffic Control function. The recognised term should be used to avoid ambiguity.</p> <p>Proposal<br/>Amend all text referring to “controller” so that it refers to “Air Traffic Controller”</p>   |                  |
| response | <p>Accepted</p> <p>See the response to comment #723.</p>   |                  |
| comment  | 605  | comment by: ENAV |
|          | <p><b>GENERAL</b> The structure of Part ATS is very complex. And the relationship between the AMCs and GMs is not clear.</p> <p>For example: ATS.TR.210 (a) (3) describes the purpose of clearances and instructions. This IR is elaborated on through 21 AMC’s and 26 GM’s, mostly transposed from doc 4444 chapters 4, 6 and 7.</p> <p>This makes the ATS legislation much less accessible than the doc 4444 procedures</p> <p>Furthermore, the use of one AMC is generally not enough to fulfil the IR. Several AMC’s and GM’s must be fulfilled at the same time to meet the related IR.</p> <p>Risk of problematic application. It is hard to define which rules are appropriate in which situation. This was less of an issue when using Doc4444.</p> <p>Risk of making mistakes in references is hard to avoid in the current proposed rule-structure.</p> <p>Proposal<br/>Make IRs less generic. This way a structure can be built which can be understood by the whole aviation community.</p> <p>Split up IRs, so less AMCs and GMs are applicable for a single IR.</p> <p>In case an IR has several AMCs and GMs, provide this IR with a separate number (e.g. ATS.TR.210 instead of ATS.TR.210 (a) (3)).</p> |                  |

response Accepted  
See the response to comment #220.

comment 607 comment by: ENAV  
**GENERAL** Not all AMC contain “should” which is the way in which an AMC requirement is expressed and could be interpreted as GM  
Proposal  
Ensure that all AMC has (at least) a “should” requirement or demote the text from AMC to GM

response Not accepted  
See the response to comment #223.

comment 609 comment by: ENAV  
**GENERAL** Some IRs contain disclaimers like “when practicable”, risk of inconsistent legislative approach. Consider converting these IRs to AMCs or GM.

response Not accepted  
See the response to comment #727.

comment 610 comment by: ENAV  
**GENERAL** Differences between ORs and TRs are not clear. It is stated that an OR is targeting the ATS provider while the TR is targeting the ATS unit.  
  
However the following TR’s are targeting the ATS providers as well: TR.100, TR.105, TR.110, TR.120, TR.155 and TR.160  
  
Risk of Inconsistent legislative approach.  
Proposal  
Consider merging ORs and TRs or reconsider current division. For instance TR.120 and OR.115 should be combined according to the original ICAO annex 11 text.

response Partially accepted  
See the response to comment #225.

### 1.1.1. Amendments to the Regulation

p. 3-4

comment 50 comment by: ENAIRE  
**Article 3 (1c) — Coordination between military authorities and ATS:**  
Reconsider the split of the requirement for military coordination, which appear together in ICAO ANNEX 11, section 2.18 (formerly 2.17), and have been dispersed here along the text



|          |  |
|----------|--|
|          | <p>(Article 3(1c) + ATS.OR.115 + ATS.TR.120).<br/>The dispersion of the ANNEX 11 original text in these different articles does not seem to ease the understanding and ultimate purpose of the original text, or the application of the regulatory ensemble.</p>   |
| response | <p>Partially accepted</p> <p>The structure of Regulation (EU) 2017/373 is such that different parts address requirements relevant to various entities, such as Member States, competent authorities and service providers. The transposition of ICAO provisions which are usually expressed with a passive voice or address very generally the entity ‘the appropriate ATS authority’, is proposed by unambiguously allocating the responsibility for action in accordance with the competences and responsibilities of the various entities in the context of the EU regulatory framework (in this case, the said Regulation (EU) 2017/373).</p> <p>Article 3(1c), which in the context of the Opinion has been renumbered as Article 3b, mandates the Member States to establish special procedures for civil/military coordination; this obligation is attributed to Member States as such coordination involves the military authorities.</p> <p>The proposed ATS.OR.115 is placed in the organisational requirements since it stipulates certain obligations for the ATS providers.</p> <p>Following the analysis of your comment, the proposed ATS.TR.120 has been removed. See also the response to comment #777.</p> |
| comment  | <p>108 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Article 3(1c) Coordination between military authorities and ATS - Para (a) and (b) Page 3</p> <p>The Article describes the procedures and coordination which are to be established by Member States in relation to possible aircraft interception; but the title does not specify “interception” coordination.</p> <p>Suggest amending the title of text to read:<br/>“Interception coordination between military authorities and ATS”</p>  |
| response | <p>Not accepted</p> <p>The intent of the originating ICAO provision is understood as addressing the coordination between ATS providers and military entities for the purpose of adequately identifying aircraft. Changing the title of the article to limit it to interception may not be correct since Member States could decide to protect their sovereignty by other means than just interception of intruders into their sovereign airspace.</p>  |
| comment  | <p>114 <span style="float: right;">comment by: <i>UAF (Union des Aéroports Français)</i></span></p> <p><b><u>UAF comments</u></b></p>  |

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|          | <p>· <b>Article 3(1b) — Determination of the need for ATS</b><br/> “(3) the meteorological conditions;”<br/> Meteorological condition only is not a criterion for ATS provision. If a safety issue added to others criterion is identified for landing, in this case provision should be given by an ATS.</p> <p>UAF propose to amend paragraph (a) (3) as follow: (3) the meteorological conditions <b>for safety flight;</b></p>   |
| response | <p>Not accepted</p> <p>EASA is of the opinion that the meteorological conditions are a relevant factor to be considered in any case when determining the need for ATS. Additional guidance on this aspect is provided in point (b) of GM1 to Article 3a(a). It is recalled that the requirement is derived from the Standard in Section 2.4.1 of ICAO Annex 11.</p>  |
| comment  | <p>128 <span style="float: right;">comment by: IFATCA</span></p> <p><b>Article 3(1b) — Determination of the need for ATS</b><br/> (a) The need for the provision of ATS shall be determined by the Member States by consideration of the following:<br/> (1) the types of air traffic involved;<br/> (2) the density of air traffic;<br/> <del>(3) the meteorological conditions;</del><br/> (4) such other factors as may be relevant.</p> <p>justification<br/> The type of ATS to be provided is not to be determined by the meteorological conditions.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #114.</p>   |
| comment  | <p>272 <span style="float: right;">comment by: Civil Aviation Authority Norway</span></p> <p>To Article 3(1d):<br/> See our comment to GM1 to this article.</p>  |
| response | <p>Noted</p> <p>See the response to comment #273.</p>  |
| comment  | <p>373 <span style="float: right;">comment by: DGAC</span></p> <p>It is difficult to introduce specific regulation relative to caution to be taken in professional usage of laser beams vis-à-vis risks for flight operations. In any case, whatever measure could be taken, a Member State cannot ensure that individuals will not make illegal use of laser beams. Dangerous behaviours are prosecuted under the penal code for “endangering the life of third party”.</p> <p>For these reasons, DGAC requests the <b>removal</b> of paragraph c)</p>        |

response Not accepted  
See the response to comment #5 in CRD 2016-09(A).

comment 491 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*  
**Page No: 4**  
**Paragraph No: Article 3(1d)(b)**  
**Comment:** We suggest to consider transposing the text from ICAO Annex 11, section 2.19.2.1.c) to be included as AMC or GM to this proposed IR.  
*c) direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities should be provided for use in the event that civil aircraft emergencies or other unforeseen circumstances require discontinuation of the activities.*  
**Justification:** This will cover the event that civil units or organisations are conducting activities hazardous to civil traffic.

response Partially accepted  
See the response to comment #273.

comment 493 comment by: *AIRBUS*  
1.1.1 (a) – page 3  
The proposed recital is identical to the recital (19) of (EU) 2016/1377.  
Airbus suggests:  
- to indicate (EU) 2016/1377 as reference,  
- to delete the proposed recital 1.1.1 (a).

response Accepted  
The proposed recital substantially coincides with recital (17) of Regulation (EU) 2017/373, which has repealed Regulation (EU) 2016/1377; therefore the recital is removed.  
It shall be noted that the importance of the interrelation between Part-ATS and Regulation (EU) No 923/2012 (SERA) is duly reflected in the amendment to paragraph (d) of Article 6 of Regulation (EU) 2017/373 proposed with the Opinion.

comment 494 comment by: *AIRBUS*  
This comment is not directly linked to this NPA. It is linked to the Article 3 (Provision of ATM/ANS and ATM network functions) of (EU) 2016/1377.



In point 1, it is stated that Member States shall ensure that the appropriate ATM/ANS functions are provided in accordance with this Regulation, but for the ATM Network functions, this is the EASA that shall ensure compliance with this Regulation.

For consistency with Article 4, our proposal is to amend the reference material, e.g. (EU) 2016/1377, to distinguish the ATM/ANS functions from the ATM Network ones since they are regulated by different competent Authorities:

Article 3 (a) Provision of ATM/ANS Functions

**Article 3 (b) : Provision of ATM Network Functions**

response

Not accepted

It is correct that, in accordance with Article 4 of Regulation (EU) 2017/373, it is an EASA responsibility to ensure the certification and the oversight of the Network Manager. However, it shall be noted that the governance of the Network Manager is not within the scope of Regulation (EU) 2017/373 and hence the enforcement mechanism is not addressed by this Regulation.

comment

606

comment by: ENAV

**GENERAL** There are a number of duplications of IRs between SERA and Part-ATS  
Duplication of IRs contradicts the basis of EU regulation which targets that an IR is only published once.  
Risk of inconsistent legislative approach. Provisions in some cases have been allocated incorrectly causing an increase in complexity and a higher risk of undesired alterations of regulatory effects, with no benefit. Increased maintenance difficulties. Difficult to maintain IRs which are included in both SERA and Part-ATS  
Either delete the recital, or reword it with expressions addressing the interconnection between the two regulations, position all ATS provision requirements only in PART ATS.

response

Partially accepted

Duplication was proposed only when EASA, with the agreement of RMG.0464, considered that in this way the readability of PART-ATS would be improved, as explained in Section 2.5 of NPA 2016-09(A).

See also the responses to comments #493 and #147 in CRD 2016-09(A).

comment

613

comment by: ENAV

**Article 3(1c) Coordination between military authorities and ATS**  
**Para (a) and (b)**  
**Page 3**

The allocation to Member States is inconsistent with the scope and content of the provision (ATS units, identification of aircraft). The Article describes the procedures and coordination which are to be established by Member States in relation to possible aircraft interception; but the title does not specify “interception” coordination



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|          | <p>The title of the Article “Coordination between military authorities and ATS” infers it deals with all coordination when the Article only deals with coordination relating to interception.</p> <p>Proposal<br/>Amend title of text to read:<br/>“Interception coordination between military authorities and ATS”</p>   |
| response | <p>Not accepted</p> <p>The responsibility is allocated to the Member States as the requirement involves also the military authorities and, implicitly, the sovereignty of such States. It shall be noted that sovereignty may be protected by means other than interception and, in all cases, the coordination between ATS and military authorities shall be established.</p> <p>See also the response to comment #108.</p>  |
| comment  | <p>614 <span style="float: right;">comment by: ENAV</span></p> <p><b>Article 3(1d) — Coordination of activities potentially hazardous to civil traffic</b><br/><b>Page 3</b></p> <p>It is undetermined which entities shall be addressed by the State. Allocation to Member States inconsistent with the scope and content of the provision.<br/>There is uncertainty on the applicability and demonstration of compliance</p>  |
| response | <p>Not accepted</p> <p>Due to the large variety of the entities which may conduct activities potentially hazardous to civil traffic, it is not considered practicable to explicitly identify and address all such entities.</p> <p>See also the response to comment #613.</p>   |
| comment  | <p>729 <span style="float: right;">comment by: CANSO</span></p> <p>Article 3(1c) Coordination between military authorities and ATS<br/>Para (a) and (b) - Page 3</p> <p><b>CANSO Comment</b><br/>The allocation to Member States is inconsistent with the scope and content of the provision (ATS units, identification of aircraft). The Article describes the procedures and coordination which are to be established by Member States in relation to possible aircraft interception; but the title does not specify “interception” coordination</p> <p><b>Impact</b><br/>The title of the Article “Coordination between military authorities and ATS” infers it deals with all coordination when the Article only deals with coordination relating to interception.</p> <p><b>Suggested Resolution</b></p> |

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| response | <p>Amend title of text to read:<br/>“Interception coordination between military authorities and ATS”</p> <p>Not accepted</p> <p>See the response to comment #613.</p>  |
| comment  | <p>730 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>Article 3(1d) — Coordination of activities potentially hazardous to civil traffic<br/>Page 3</p> <p><b>CANSO Comment</b><br/>It is undetermined which entities shall be addressed by the State.</p> <p><b>Impact</b><br/>Allocation to Member States inconsistent with the scope and content of the provision.<br/>There is uncertainty on the applicability and demonstration of compliance.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #614.</p>   |
| comment  | <p>1263 <span style="float: right;">comment by: <i>FAA</i></span></p> <p>Consider communication protocol when a member state changes/considers another relevant factor so there is consistency</p>   |
| response | <p>Noted</p> <p>The comment is not fully understood; however, as it seems to be connected to comment #1264, see the response to such comment.</p>  |
| comment  | <p>1264 <span style="float: right;">comment by: <i>FAA</i></span></p> <p>The coordination protocol for military units to notify ATS units may cause confusion. This confusion may be exacerbated depending on each State’s military configuration. A military unit may not have knowledge as to which Air Traffic Service or State Military Unit to notify in another EU State. Consider additional communication procedures and/or capabilities for when ATS units have knowledge of an aircraft approaching military airspace to be able to notify the military units.</p> |
| response | <p>Noted</p> <p>It shall be noted that the legal basis for the proposed Implementing Rules on Part-ATS is the EASA Basic Regulation (Regulation (EC) No 216/2008); mandating the proposed protocol for the military would not be in line with Article 1.2 of the said Regulation. Therefore, the requirement is addressed to the Member States.</p>  |

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| comment  | <p>1265 <span style="float: right;">comment by: FAA</span></p> <p>Consider clarifying “adequate measures.”</p> <p>Also, consider developing a protocol whereby all EASA member states have agreements to report all laser beam incidents to a central entity. This will allow for transparency and consistent tracking of these incidents across all member states.</p>  |
| response | <p>Noted</p> <p>See the response to comment #5 in CRD 2016-09(A).</p>  |
| comment  | <p>1467 <span style="float: right;">comment by: René Meier, Europe Air Sports</span></p> <p>Amendments...<br/>Annex 11...<br/>Article 3(1c)<br/>page 3/193</p> <p>The authors write "Members States shall ensure that special procedures are established...". We propose to delete the word "special", the article should read: "Member States ensure that procedures are established...".</p> <p>Rationale<br/>In our view what follows does not justify the use of "special procedures", simply establish procedures is clear enough to all airspace and therefore ATS users.</p> <p>In (b) we propose to replace the wording "all possible efforts" by "all reasonable" or "all appropriate" or "all justified".</p> <p>Rationale<br/>"all possible" simply is much too much. Look at the "all possible" wording from a military tactics point of view. We are convinced that the application of "all possible efforts" is a "mission impossible", it is unrealistic to allocate all possibly available means to one event, just to leave us without sufficient means should a second event pop up.</p> |
| response | <p>Not accepted</p> <p>The amendments proposed with the comment would not substantially change the relevant provision. When transposing ICAO provisions into the proposed EU requirements, EASA elected to introduce modifications to the text of the originating ICAO provisions (and in particular to Standards) only when considered appropriate and necessary, which is not the case for the provision subject to the comment.</p>   |
| comment  | <p>1523 <span style="float: right;">comment by: EUROCONTROL</span></p> <p><b>1.1.1. Amendments to the Regulation</b><br/>Article 3(1d) - Coordination of activities potentially hazardous to civil traffic<br/>(c) <u>laser beams</u> - Page 4</p> <p>The EUROCONTROL Agency strongly supports the introduction of the proposed article on the</p>   |

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|          | prevention of adverse effects of laser beams on flight operations. Moreover, owing to its sustained involvement in and manifold reflection on the laser illumination issues within various fora, incl. civil/ military, over a long period of time, it is in a position to recommend the inclusion of relevant provisions in the EU regulatory framework. |
| response | Noted<br><br>See the response to comment #5 in CRD 2016-09(A).  |

## 1.1.2. Amendments to Annex I — Definitions

p. 4-14

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| comment  | 4   | comment by: <i>Humberside Airport</i> |
|          | Page No: 12<br>Para No: Definitions<br><br>Comment:<br>The definition of a ‘Stopway’ is included but not definitions of ASDA, LDA, RESA, TODA and TORA.<br><br>For clarity, add definitions of ASDA, LDA, RESA, TODA and TORA or, for consistency, remove the definition of ‘Stopway’.  |                                       |
| response | Not accepted<br><br>The definition of ‘stopway’ has been included because the term is used in one of the provisions of PANS ATM proposed for transposition into Part-ATS (AMC1 ATS.TR.155 ‘Aeronautical ground lights’). None of the other terms mentioned in the comment appears in the proposed Part-ATS requirements and therefore their definition is not required.<br><br>As the term ‘stopway’ is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).  |                                       |
| comment  | 45  | comment by: <i>ROMATSA</i>            |
|          | <b>NPA 2016 – 09 (B) text:</b><br><br>(a) Definition 6. is amended as follows:<br>‘Aerodrome flight information service (AFIS)’ means flight information service <del>and alerting service for aerodrome traffic at an aerodrome</del> provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004.”<br><br>„ATS.TR.110 Establishment of the units providing ATS:<br>(a) The ATS shall be provided by units established as follows:<br>.....<br>(3) Aerodrome flight information service (AFIS) units shall be established to provide flight information service <b>and alerting service</b> at AFIS aerodromes and within the portion of airspace associated with such aerodromes. |                                       |



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|          | <p><b>ROMATSA`s comment:</b><br/>The AFIS definition, as amended, and proposal for ATS.TR.110 are not consistent.</p>  |
| response | <p>Partially accepted</p> <p>The definition is related to the flight information <u>service</u> only, whereas ATS.TR.110 is related to the role of the AFIS <u>unit</u>. Defining the ‘information service’ with additional words like ‘and alerting service’ was considered confusing and the proposed solution was preferred. The subject was discussed with stakeholders during the AFIS thematic review meeting and the definition of ‘AFIS’ has been amended and complemented by a new definition of ‘AFIS unit’, reading respectively as follows:</p> <p><i>‘Aerodrome flight information service (AFIS)’ means flight information service for aerodrome traffic provided by a designated air traffic services provider.</i></p> <p><i>‘AFIS unit’ means a unit established to provide aerodrome flight information service and alerting service.</i></p>  |
| comment  | <p>51 <span style="float: right;">comment by: ENAIRE</span></p> <p><b>1.1.2 Amendments to Annex I (Definitions):</b><br/>Consolidate the definitions whose reference appears twice:</p> <p><i>‘ATIS’ is the symbol used to designate automatic terminal information service.</i><br/><i>‘Automatic terminal information service (ATIS)’ means the automatic provision of current, routine information to arriving and departing aircraft throughout 24 hours or a specified portion thereof (...)</i></p> <p><i>‘IMC’ is the symbol used to designate instrument meteorological conditions.</i><br/><i>‘Instrument meteorological conditions (IMC)’ means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions.</i></p> <p><i>‘VFR’ is the symbol used to designate the visual flight rules.</i><br/><i>‘VFR flight’ means a flight conducted in accordance with the visual flight rules.</i></p> |
| response | <p>Partially accepted</p> <p>The definition of the acronym ‘ATIS’ has been removed and the complete definition of ‘automatic terminal information service’, including the acronym between brackets, is retained.</p> <p>The definition of the acronym ‘IMC’ has been removed and the complete definition of ‘instrument meteorological conditions’, including the acronym between brackets, is retained.</p> <p>The acronym ‘VFR’ may be used in other circumstances than with the word ‘flight’ (e.g. ‘VFR operations’, ‘VFR traffic’) and therefore it is believed that both definitions have a justification.</p>   |

comment 71

comment by: HIAL

**Aerodrome flight information service (AFIS)**

AFIS means flight information service ~~and alerting service for aerodrome traffic at an aerodrome~~ provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/004.

HIAL believe this is inconsistent with ATS.TR.110 and that alerting service should remain a function of AFIS. AFIS is not a distinct ATS, it is a subset of FIS in the same was as aerodrome control is a subset of ATC.

**Aerodrome traffic circuit'** means the specified path to be flown by aircraft operating in the vicinity of an aerodrome.

Evidence gathered through our SMS reporting system, demonstrates a quantifiable risk of airborne conflict for commercial aircraft "during all stages of flight", particularly so whilst integrating them in the vicinity of the aerodrome without surveillance. As the NPA does not mandate a surveillance service at controlled aerodromes in CAS, and our CA only expects such provision where a risk management assessment decides it is both appropriate and proportionate to do so, we are likely to continue with ATC services without surveillance. HIAL therefore, request a clear indication or definition be added which explains what is meant by 'in the vicinity'. Does it relate to CTR/A dimensions, DOC in Class G outside/below CAS or when an instruction/clearance is issued?

**Aircraft proximity**

We note that whilst the definition has been transposed from PANS-ATM, the list (a-c) does not include the transposition of 'Risk not determined' from PANS-ATM and should do so.

**Approach control unit'** means a unit established to provide ATC service to controlled flights arriving at, or departing from, one or more aerodromes of an aircraft and its occupants.

This definition fails to include traffic other than that arriving or departing; it should include overflying traffic and traffic operating in the vicinity of the aerodrome within airspace which is the responsibility of the ATC Unit.

**Expected approach time'** means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing.

This appears a direct definition of EAT from ICAO. However, the term 'complete its approach.....' should read 'commence its approach...' This error presents a critical issue for traffic management in non-surveillance environments, specifically in the case of RT failure or missed approaches.

HIAL would also propose an additional definition of the term 'Delay not determined' with regards to aircraft holding for weather improvement where EATs cannot be given?

response With regard to your comment on the definition of 'aerodrome flight information service (AFIS)': Not accepted. See the response to comment #45.

With regard to your comment on the definition of 'aerodrome traffic circuit': Noted

The comment is understood and considered valid. However, considering the difficulty to



define 'the vicinity' depending on types of aircraft, types of operations, etc. the approach proposed with this regulatory package is to establish controlled airspace around all aerodromes where ATC is provided in order to clarify what services are provided in a given airspace block around the controlled aerodrome, and by whom.

With regard to your comment on the definition of 'aircraft proximity': Noted

The definition has been removed from the proposed requirements as the term is not used within the Part-ATS requirements proposed with the Opinion.

With regard to your comment on the definition of 'approach control unit': Not accepted. Although the rationale behind the comment is understood, it is considered that the purpose of a definition is to describe the specificity of the subject of that definition. Any ATS unit may also have to provide services to any other traffic than the traffic for which that unit has been specifically established, but this is different from the specific purpose justifying the definition; in this case, departing and arriving traffic. Additionally, the current definition is identical to the ICAO definition and is therefore considered appropriate.

With regard to your comment on the definition of 'expected approach time': Not accepted  
On the first point, the term 'complete' is about the approach and does not include the clearance to land. It should also be noted that the term 'expects' indicates that it is not a formal clearance, although it is accepted that in case of radio-communication failure the pilot would start the approach at the time given by ATC. In such a situation, the verb used would not change the start of approach by the pilot. Therefore, in this case, it is preferred to keep consistency with the ICAO definition. On the second point, the situation with delay not determined can be applied without developing a formal definition. As the expression 'expected approach time' is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this expression is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS). In this context, the associated Note to the ICAO PANS ATM definition has been transposed as part of the definition of 'expected approach time'.

comment

110

comment by: *Frédéric BOISARD*

I propose to amend the definition of AFIS as follows, in order to specify main roles of AFIS and to be coherent with the ATS.TR.110 (a)(3) of this same NPA 2016-09(B) :

"Aerodrome Flight Information Service (AFIS) means flight information service **and alerting service** provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004."

response

Not accepted

See the response to comment #45.

comment

115

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

· **UAF comments**



**Annex I — Definitions**

UAF proposes to maintain previous provision to definition in order to clarified main role of FIS (Flight Information Service) and to maintain EASA proposal to add ATS definition from regulation 550/2004 reference as follow :

' Aerodrome flight information service (AFIS) ' means flight information service **and alerting service for aerodrome traffic at an aerodrome**. ~~provided at an aerodrome by~~ AFIS is an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004;

response Not accepted

See the response to comment #45.

comment

185

comment by: *Slawomir BALAZY*

Removal of "~~and alerting service for aerodrome traffic at an aerodrome~~" is contradictory to treating FIS as part of ATS. It also conflicting with ATS.TR.110 (a) (1) and (3).

response

Not accepted

See the response to comment #45.

comment

186

comment by: *Slawomir BALAZY*

No definition of Flight Information Service Officer (FISO).

response

Not accepted

See the response to comment #680.

comment

213

comment by: *Civil Aviation Authority Norway*

We propose to add the definitions of Traffic Information Area (TIA) and Traffic Information Zone (TIZ) as described in the EUROCONTROL AFIS Manual chapter 1.

response

Noted

The definition of and the requirements for the airspace associated with the provision of aerodrome flight information service are being proposed under the regulatory activities of RMT.0445 'Part-ASD'. EASA will ensure complete alignment of 'Part-ATS' provisions with those of 'Part-ASD'.

comment

274

comment by: *Civil Aviation Authority Norway*

See the checklist for PANS-ATM para 7.2.1 versus the definition of "RWY in use" at page 12. The definition of "RWY in use" is not the same in the checklist and in the NPA on pg. 12 since "aerodrome control tower" in the checklist is substituted by "ATS unit" in the NPA. The latter would include AFIS and we hope the NPA is the correct version?



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| response | <p>Noted</p> <p>The definition is referring to the ATS unit and to ‘the most suitable for use’ (runway) without clarifying precisely who is responsible or who decides on the selection of the runway in use.</p> <p>ATS.TR.260 ‘Selection of the runway in use’ clearly states that ‘The unit providing <u>aerodrome control service shall select</u> the runway in use...’</p> <p>Point (c)(2) of ATS.TR.305 ‘Scope of flight information service’ stipulates that ‘AFIS provided to flights shall include, in addition to relevant items outlined in points (a) and (b), the <u>provision of information</u> concerning:</p> <p>...</p> <p>(2) the runway in use.’</p> <p>A distinction can be made between <i>selecting</i> the runway in use and <i>providing information</i> about the runway (currently) in use. In both cases, but more obviously in the latter where the AFISO is responsible to suggest the runway in use, it is the prerogative of the pilot-in-command to make a decision on the actual use of the runway, whether to accept the suggestion or to ultimately decide to land on another runway, in accordance with the principle established in SERA.2015 ‘Authority of pilot-in-command of an aircraft’ of Regulation (EU) No 923/2012 (SERA), stating:</p> <p>‘The pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command’.</p> <p>GM1 ATS.TR.305(c)(2), which provides guidance on the elements to be considered by the AFISO when making the decision on the runway to be suggested for use, has been further developed to clarify the responsibilities of pilots and AFISOs.</p> <p>Therefore, the definition as proposed in the NPA 2016-09 is considered appropriate.</p> |
| comment  | <p>275 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Amendments to Annex 1 – Definitions</p> <p>ATS Surveillance System. The definition of ‘ATS Surveillance System’ contains examples. This is inappropriate in a definition; the use of examples in definitions risks creating an exhaustive list.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to read:<br/> “ATS Surveillance System is a generic term meaning a ground- based system that enables the identification of aircraft.”</p> <p>In addition to the above amendment the examples may be moved to GM.</p>  |
| response | <p>Not accepted</p> <p>The definition is sufficiently open not to be exhaustive and, given the specific case of</p>  |

surveillance systems, the ICAO definition is considered appropriate.

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| comment  | 290  | comment by: <i>Michal SLOJEWSKI</i> |
|          | 1.1.2 (a) - proposal in contradiction to ICAO Regulations and ATS.TR.110 (a) (1), (3). |                                     |
| response | Not accepted<br>See the response to comment #45.                                       |                                     |

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| comment  | 291  | comment by: <i>Michal SLOJEWSKI</i> |
|          | Lack of definition of (enroute/area) FIS or generally wrong understanding of FISO/AFISO positions. These two positions should be treated equally as ACC & TWR ATCOs.   |                                     |
| response | Not accepted<br><br>The definition of 'flight information service' is already provided in Regulation (EU) No 923/2012 (SERA) and duplicated in the ATS requirements being developed under RMT.0464, including those proposed with NPA 2016-09. The proposed ATS requirements include additional specific aspects related to AFIS as they are not explicitly established by the current ICAO ATS regulatory framework, on which the EU ATS requirements are mainly based. No need was identified for additional description of FIS related to en-route or area. |                                     |

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| comment  | 292  | comment by: <i>Michal SLOJEWSKI</i> |
|          | Lack of definitions of "Uncontrolled Airspace". This definition should specify the provided air traffic services - FIS and ALRS.   |                                     |
| response | Not accepted<br><br>'Uncontrolled airspace' is not defined in ICAO either and common sense requires considering that the definition and provisions related to 'controlled airspace' give sufficient information on the meaning of 'uncontrolled airspace'. |                                     |

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| comment  | 375   | comment by: <i>DGAC</i> |
|          | 'Aerodrome flight information service (AFIS)'<br><br>It is understood that this definition is not intended to define the services to be provided by an AFIS unit as it is actually done by ATS.TR.110 but only provides a way to refer to an AFIS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004. |                         |
| response | Noted<br><br>The interpretation is correct, notwithstanding the general meaning of the term 'flight information service'.   |                         |



See also the response to comment #45.

comment 376 comment by: DGAC

A task for cleaning the ICAO PANS-ATM to remove any reference to "radar" in the expression of surveillance systems is necessary, DGAC suggests replacing "radar" by "ATS surveillance systems" without waiting for the ICAO update of this inconsistency.

response Partially accepted

In ICAO PANS ATM, as in the proposed Part-ATS requirements, the term 'radar' is either used in a generic meaning comparable with any other surveillance system or sometimes used for specific circumstances (e.g. 'radar clutter') where it could not be easily replaced by another term. The proposed text has been verified in order to determine if the suggestion of the comment would provide clarification or if it would lead to risks of confusion until the ICAO text is amended. (e.g. in AMC2 ATS.TR.255 point (b)(8)).

As the expression 'radar clutter' is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV 'Part-ATS'.

comment 377 comment by: DGAC

'independent parallel approaches'

A task for cleaning the ICAO PANS-ATM to remove any reference to "radar" in the expression of surveillance systems is necessary, DGAC suggests replacing "radar" by "ATS surveillance systems" without waiting for the ICAO update of this inconsistency.

response Not accepted

ICAO work is ongoing on this subject and on the PANS ATM text that is not yet completed. It is not obvious that modifying the Part-ATS text before it is done in PANS-ATM would provide significant benefits, and in some cases it could even create confusion. It is suggested to also refer to responses provided to comments on the general subject of independent parallel approaches in the present CRD, and in particular to comment #420.

comment 378 comment by: DGAC

'Location indicator'

For the data coding of instrument flight procedure at heliports (for HEMS) a location indicator is needed. Due to a high number of heliports in France (approximately 250), France uses four characters indicators composed with letters and numbers (i. e. LF1N) for these locations. This definition of location indicator isn't used in the proposed text but we understand that it will not prevent the current French practice.  
Please confirm this in the CRD.

response Noted

Since there is no requirement of using this term in the ATS requirements proposed with the Opinion, it may be assumed that the utilisation of location indicators mentioned in the comment does not contradict the proposed Part-ATS requirements. Such definition has therefore been removed from the regulatory proposal for Part-ATS.

comment 412 comment by: CAA CZ

**General statement**

*Discrepancies are in the provision of services within AFIS  
NPA 2016-09(A) Page 55 expressed in*

**3.1.2.1 Introduction**

**AFIS** units **provide information** and **advice** to aircraft to achieve a safe, orderly and expeditious flow of air traffic at and close to an aerodrome in order to assist pilots in preventing collision between aircraft flying within their area of responsibility

***Comment:** The extension of the proposed definition (see below) follows from the sentence given above. AFIS doesn't provide advice service. The competence to provide advice is not mirrored with in NPA.*

**NPA 2016-09(B)** Page 4 Definition

*Aerodrome flight information service (AFIS)' means **flight information service provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004.***

response Accepted

It is acknowledged that there is inconsistency between the text in the Explanatory Note in Section 3.1.2.1 of NPA 2016-09(A) and the AFIS definition proposed with NPA 2016-09(B). EASA has ensured consistency throughout the Opinion documentation.

See also the response to comment #45.

comment 443 comment by: Maciej Drózdź

What was the reason of deleting alerting service from AFIS duties? Who shall ensure alerting service at uns?

response Not accepted

See the response to comment #45.

comment 492 comment by: Avinor Air Navigation Services (Avinor Flysikring AS)

**Page No: 12**

**Paragraph No: Definition of 'Runway-in-use'**



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|          | <p><b>Comment:</b> We support the use of the words "by the ATS unit" i this definition, rather than "aerodrome control tower" which the checklist for PANS-ATM suggest (ref. checklist PANS-ATM para. 7.2.1)</p> <p><b>Justification:</b> Reference is made to our comment on ATS.TR.260. Although it will be the responsibility of the pilot to select the runway for landing at AFIS airports, the unit providing AFIS will normally select a runway-in-use and inform the pilot. This would also be in line with the proposed provision in ATS.TR.305 (c)(2).</p> |
| response | <p>Accepted</p> <p>See the response to comment #274.</p>   |
| comment  | <p>568 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Aerodrome control tower' means a unit established to provide ATC service to aerodrome traffic.</p> <p>The definition is limited to ATC, excludes units providing FIS/AFIS.<br/>Proposal: Inclusion of a new definition regarding units providing FIS/AFIS.</p>   |
| response | <p>Accepted</p> <p>As the term 'AFIS unit' is used in numerous occasions in the proposed measures, the following definition has been added, reading:</p> <p><i>'AFIS unit' means a unit established to provide aerodrome flight information service and alerting service.</i></p>  |
| comment  | <p>569 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>" 'Accepting unit' means ATC unit next to take control of an aircraft."</p> <p>The definition is limited to ATC, excludes units providing FIS/AFIS Proposal: The definition should be read as 'Accepting ATS unit' which in the case of ATC the next to take control of an aircraft and in the case of FIS/AFIS the next to provide information to an aircraft.</p>  |
| response | <p>Not accepted</p> <p>The specific obligations ('take control') of an ATC unit justify the definition and utilisation of the term 'accepting unit', which is not the case for an 'AFIS unit'.</p>   |
| comment  | <p>570 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Aerodrome control tower' means a unit established to provide ATC service to aerodrome traffic.</p>   |

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| response | <p>The definition is limited to ATC, excludes units providing FIS/AFIS.<br/>Proposal: Inclusion of a new definition regarding units providing FIS/AFIS.</p> <p>Accepted</p> <p>See the response to comment #568.</p>   |
| comment  | <p>571 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Aerodrome control tower' means a unit established to provide ATC service to aerodrome traffic.</p> <p>The definition is limited to ATC, excludes units providing FIS/AFIS.<br/>Proposal: Inclusion of a new definition regarding units providing FIS/AFIS.</p>   |
| response | <p>Accepted</p> <p>See the response to comment #568.</p>   |
| comment  | <p>572 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>'Accuracy'</p> <p>The proposed definition "Accuracy" is superseded by "Data accuracy" as introduced in NPA 2016-02. Definition accuracy shall be deleted.</p>  |
| response | <p>Not accepted</p> <p>The definitions are sometimes specific to the context in which they are used (e.g. in the case of 'data accuracy' which is applicable to AIS requirements). The proposed definition of 'accuracy', replicating the definition of ICAO Annex 11, is related to ATS requirements and therefore there is no objective reason to change it. As the term 'accuracy' is only used in the context of AMC and GM, the related definition is proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).</p>   |
| comment  | <p>573 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>'Aerodrome traffic'</p> <p>The proposal states: An aircraft operating in the vicinity of an aerodrome <i>includes but is not limited to</i> aircraft entering or leaving an aerodrome traffic circuit.</p> <p>ICAO states: An aircraft is in the vicinity of an aerodrome <i>when it is in</i>, entering or leaving an aerodrome traffic circuit.</p> <p>The ICAO definition of "in the vicinity of an aerodrome" is clear. The definition in the proposal is unclear and gives room for different interpretation.</p> |

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| response | <p>Proposal: Keep the ICAO definition of “in the vicinity of an aerodrome”.</p> <p>Not accepted</p> <p>See the response to comment #616.</p>  |
| comment  | <p>574 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>Air-taxiing’</p> <p>Proposal: Include the ICAO Note below as an GM.</p> <p><i>Note.— The actual height may vary, and some helicopters may require air-taxiing above 8 m (25 ft) AGL to reduce ground effect turbulence or provide clearance for cargo slingloads.</i></p>  |
| response | <p>Accepted</p> <p>As the term ‘air-taxiing’ is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).</p> <p>In this context, the Note referred to in the comment has been transposed as part of the definition of ‘air-taxiing’.</p>  |
| comment  | <p>575 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>Addition - Missing definition<br/>‘Alerting service’</p> <p><i>Not transposed as ATS-related definition; exhaustive definition and explanation on alerting service is provided within the set of measures.</i></p> <p>It is important that the definition is well known even though the explanation on alerting service is provided within the set of measures.<br/>The definition is not included in (EU) 2016/1377.</p> <p>Proposal: Add the ICAO definition for Alerting service<br/><i>A service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required</i></p> |
| response | <p>Accepted</p> <p>The proposed definition of alerting service, transposed identical from ICAO Annex 11, has been included.</p>   |
| comment  | <p>576 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>‘Base Turn’</p> <p>Proposal: Include the ICAO Note below as an GM.</p> <p><i>Note.— Base turns may be designated as being made either in level flight or while</i></p>   |

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|          | <i>descending, according to the circumstances of each individual procedure.</i>  |
| response | Accepted<br><br>The Note referred to in the comment has been transposed as GM to the definition of 'base turn'.  |
| comment  | 577 <i>comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i><br><br>Change-over point'<br>Proposal: Include the ICAO Note below as an GM.<br><i>Note.— Changeover points are established to provide the optimum balance in respect of signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment.</i>   |
| response | Accepted<br><br>As the expression 'change-over point' is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).<br><br>In this context, the Note referred to in the comment has been transposed as part of the definition of 'change-over point'.  |
| comment  | 578 <i>comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i><br><br>'Controlled airspace' means an airspace of defined dimensions within which ATC service is provided in accordance with the airspace classification<br><br>The definition is limited to controlled airspace and excludes uncontrolled airspace in which AFIS is provided such as Traffic Information Area (TIA) and Traffic Information Zone (TIZ).<br>Proposal: Inclusion of one or more new definition regarding uncontrolled airspace in which AFIS is provided. |
| response | Not accepted<br><br>See the response to comment #292.  |
| comment  | 579 <i>comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i><br><br>Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic.<br><br>The definition is limited to ATC, excludes aerodromes at which AFIS is provided.<br>Proposal: Inclusion of a new definition regarding aerodromes providing AFIS.   |

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| response | <p>Accepted</p> <p>Since the term ‘AFIS aerodrome’ is used in ATS.TR.110(a)(3) and by analogy to controlled aerodromes, a definition of AFIS aerodrome has been included, as follows:</p> <p><i>‘AFIS aerodrome’ means an aerodrome where the aerodrome flight information service is provided within the airspace associated with such aerodrome.</i></p>  |
| comment  | <p>580 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>Downstream clearance’ means a clearance issued to an aircraft by an ATC unit that is not the current controlling authority of that aircraft.</p> <p>The definition is limited to clearances given by ATC but excludes the situation when an ATC unit issues a clearance which is transferred by an AFIS unit to an aircraft departing from an aerodrome providing AFIS valid for entering controlled airspace.</p> <p>Proposal: Inclusion of complementary definition regarding downstream clearances issued by ATC and provided through AFIS.</p> |
| response | <p>Not accepted</p> <p>A change to the definition would create the risk of affecting other provisions related to the downstream clearance. A new definition is not justified since the issue of the AFIS competence for issuing a downstream clearance is not part of the proposed regulation and this specific item should be considered before a definition is envisaged. The definition involves only the unit which issues the clearance and does not in any way concern the unit relaying the clearance, which may be another ATS unit (ACC, APP, TWR, FIC, AFIS unit).</p>  |
| comment  | <p>581 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <div style="background-color: #e0e0e0; padding: 5px;"> <p><b>‘Filed flight plan (FPL)’</b><br/>         Proposal: Include the ICAO Note below as an GM.<br/> <i>Note. — When the word “message” is used as a suffix to this term, it denotes the content and format of the filed flight plan data as transmitted.</i></p> </div>  |
| response | <p>Accepted</p> <p>As the expression ‘filed flight plan (PFL)’ is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).</p> <p>In this context, the associated Note in the ICAO PANS ATM definition has been transposed as part of the definition of ‘filed flight plan (FPL)’.</p>  |

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| comment  | <p>582 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>'Flight path monitoring'<br/>         Proposal: Include the ICAO Note below as an GM.<br/> <i>Note.— Some applications may require a specific technology, e.g. radar, to support the function of flight path monitoring.</i></p>  |
| response | <p>Not accepted</p> <p>The use of the expression 'ATS surveillance system', for which a definition is provided, is generic and includes various technologies such as radar, A-DSB, PSR, SSR. Hence the definition of 'flight path monitoring' is considered sufficient as the associated note does not provide additional clarity.</p>  |
| comment  | <p>583 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>'Ground effect'<br/>         Proposal: Include the ICAO Note below as an GM.<br/> <i>Note.— Rotor efficiency is increased by ground effect to a height of about one rotor diameter for most helicopters.</i></p>  |
| response | <p>Accepted</p> <p>As the expression 'ground effect' is not used within the IRs for Part-ATS proposed with the Opinion, the definition of this term is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).</p> <p>In this context, the associated Note in the ICAO PANS ATM definition has been transposed as part of the definition of 'ground effect'.</p>  |
| comment  | <p>584 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>'Instrument approach operations'<br/>         Proposal: Include the ICAO Note below as an GM.<br/> <i>Note.— Lateral and vertical navigation guidance refers to the guidance provided either by:</i><br/> <i>a) a ground-based radio navigation aid; or</i><br/> <i>b) computer-generated navigation data from ground-based, space-based, self-contained navigation aids or a combination of these.</i></p> |
| response | <p>Accepted</p> <p>The Note referred to in the comment has been transposed as GM to the definition of 'instrument approach operations'.</p>   |
| comment  | <p>585 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p>  |

‘Instrument approach procedure (IAP)’  
 Proposal: Include the ICAO Note below as an GM.  
 Note. — *Lateral and vertical guidance refers to the guidance provided either by:*  
*a) a ground-based navigation aid; or*  
*b) computer-generated navigation data.*

response

Partially accepted

Following the analysis of the originating ICAO definitions, EASA interprets the comment as relating to the proposed definition for ‘instrument approach operations’ and not to the proposed definition of ‘instrument approach procedure’.

The Note referred to in the comment has been transposed as GM to the definition of ‘instrument approach operations’.

See the response to comment #584.

comment

586

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

Receiving controller’ means the air traffic controller to which a message is sent

response

Noted

comment

587

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

Receiving controller’ means the air traffic controller to which a message is sent.

The definition is limited to ATC, excludes units providing FIS/AFIS.

Proposal: Inclusion of a new definition regarding exchange of messages between controllers and personnel providing FIS/AFIS or between FIS/AFIS.

response

Partially accepted

A new definition specific to the case of AFIS is not justified by the content of the provisions of the proposed regulation. However, EASA acknowledges that the definition of ‘receiving controller’ is not appropriate in the document. The definitions of both ‘receiving controller’ and ‘receiving unit’ have been deleted as not used in the Part-ATS requirements proposed with the Opinion. AMC1 ATS.TR.230(a) point (d) has been amended by replacing ‘receiving unit’ by ‘accepting unit’, as this term seems more appropriate to the context described. The definition of ‘accepting controller’ is retained, but, as these terms are only mentioned in the context of AMC and GM, it is proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).



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| comment  | <p>588 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>Runway-in-use' means the runway or runways that, at a particular time, are considered by the ATS unit to be the most suitable for use by the types of aircraft expected to land or take off at the aerodrome. Separate or multiple runways may be designated runway-in-use for arriving aircraft and departing aircraft.</p> <p>In addition, in the proposed regulation for AFIS it is the AFISO that decide runway in use.</p> <p>Sweden's opinion is that the AFISO shall <u>suggest</u> runway for take-off/ landing and leave to the pilot to determine what runway to use based on information given by AFISO.</p> <p>If the AFISO determines runway in use the AFISO indirectly directs the air traffic to a specific take-off/landing procedure which may be considered to be equal to exercise of air traffic control (ATC).</p> <p>Proposal:<br/> <i>'Runway-in-use' means the runway or runways that, at a particular time, are considered by the ATC unit to be the most suitable for use by the types of aircraft expected to land or take off at the aerodrome. Separate or multiple runways may be designated runway-in-use for arriving aircraft and departing aircraft.</i></p> |
| response | <p>Not accepted</p> <p>See the response to comment #274.</p>   |
| comment  | <p>589 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>'Sending controller' means the air traffic controller transmitting a message.</p> <p>The definition is limited to ATC, excluding units providing FIS/AFIS.</p> <p>Proposal: Inclusion of a new definition regarding exchange of messages between controllers and personnel providing FIS/AFIS or between FIS/AFIS.</p>  |
| response | <p>Noted</p> <p>The definitions of both 'sending controller' and 'sending unit' have been deleted as not used in the proposed ATS provisions. Neither a definition specific to the case of AFIS is justified by the content of the provisions of the proposed regulation.</p>  |
| comment  | <p>590 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>'Traffic avoidance advice' means advice provided by an ATS unit specifying manoeuvres to assist a pilot to avoid a collision.</p> <p>The definition is exceeding the provision of AFIS which is limited to providing information upon which the pilot make his/hers own decisions.</p> <p>To give advise means rather to direct an pilot in a certain direction rather than give the</p>  |

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|          | information needed for the pilot to decide at own discretion.<br><br>Proposal: Remove 'ATS' and replace with ATC and/or advisory service.   |
| response | Partially accepted<br><br>Since the terms 'traffic avoidance advice' is not utilised in the proposed Part-ATS requirements, the definition has been removed.  |
| comment  | 591 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span><br><br>Transferring unit' means ATC unit in the process of transferring the responsibility for providing ATC service to an aircraft to the next ATC unit/air traffic controller along the route of flight.<br><br>The definition is limited to ATC, excluding units providing FIS/AFIS.<br>Proposal: Inclusion of a new definition regarding transferring the task of providing information from ATC to FIS/AFIS as well as between FIS--AFIS units, AFIS-AFIS and FIS-FIS.  |
| response | Not accepted<br><br>A new definition specific to the case of AFIS is not justified by the content of the provisions of the proposed regulation. 'Transfer' is applicable to FIS/AFIS for the case of communication and/or identification in some cases, and a new definition could create confusion with the 'transfer of control' normally related to the term 'transferring unit/controller'.   |
| comment  | 598 <span style="float: right;">comment by: <i>UK CAA</i></span><br><br><b>Paragraph No:</b> 1.1.2 definition of 'Aerodrome flight information service'.<br><br><b>Comment:</b> By deleting the text referring to the provision of an alerting service, the proposed amendment to the definition of aerodrome flight information service (FIS) implies that aerodrome FIS is being established as a separate ATS alongside air traffic control (ATC) service, FIS, air traffic advisory service and an alerting service. However, aerodrome FIS is only an aspect of FIS in the same way that an aerodrome control service is part of an ATC service. The UK CAA considers it essential that aerodrome FIS is not presented as an ATS in its own right in order to avoid confusion amongst ATS providers and airspace users, and to avoid inadvertent contradiction of ICAO Annex 11 and PANS-ATM.<br><br><b>Justification:</b> In accordance with ATS.TR.110(a)(3), aerodrome FIS means the provision of FIS and alerting service to aerodrome traffic; therefore the extant definition should be retained.<br><br><b>Proposed Text:</b> Amend to read:<br><br>'Aerodrome flight information service (AFIS)' means flight information service <b>and alerting service for aerodrome traffic at an aerodrome</b> provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004; |

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| response | Not accepted<br>See the response to comment #45.   |
| comment  | <p>600 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> 1.1.2 definition of ‘Aeronautical telecommunication station’</p> <p><b>Comment:</b> The definition of an ‘Aeronautical telecommunication station’ refers to the aeronautical telecommunication service; however, this latter term is not defined within EASA’s regulatory framework.</p> <p><b>Justification:</b> For consistency with ICAO Annex 10 Vol II and within the European regulatory context, propose to transpose the ICAO definition of an ‘Aeronautical telecommunication station’</p> <p><b>Proposed Text:</b> Add new definition:<br/> <b>“Aeronautical telecommunication service. A telecommunication service provided for any aeronautical purpose.”</b></p>   |
| response | Accepted<br>The following definition of ‘aeronautical telecommunication service’, transposed from ICAO Annex 10 Volume II, has been included:<br><br>‘Aeronautical telecommunication service’ means a telecommunication service provided for any aeronautical purpose.’  |
| comment  | <p>602 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> 1.1.2 definition of ‘Aircraft proximity’.</p> <p><b>Comment:</b> EASA have correctly transposed a majority of the definition of ‘aircraft proximity’ contained within PANS-ATM but have omitted the text from the 4<sup>th</sup> sub-paragraph related to where a risk of aircraft proximity was not determined; no rationale for this omission is included within the text of NPA 2016-09(A). EASA should clarify their rationale for omitting the PANS-ATM text, or should transpose the text as indicated below.</p> <p><b>Justification:</b> Consistency with source ICAO Doc 4444 PANS-ATM text.</p> <p><b>Proposed Text:</b> Add sub-paragraph (d):<br/> <b>“(d) Risk not determined. The risk classification of an aircraft proximity in which insufficient information was available to determine the risk involved, or inconclusive or conflicting evidence precluded such determination.”</b></p> |
| response | Noted<br>The definition has been removed from the proposed requirements as the term is not used within the Part-ATS requirements proposed with the Opinion.  |



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| comment  | <p>604</p> <p><b>Paragraph No:</b> 1.1.2 definition of ‘Change-over point’.</p> <p><b>Comment:</b> See Regulation (EU) 923/2012 Standardised European Rules of the Air Article 2(51) GM1. This GM, which is sourced from a note to the definition in Annex 11, has not been included within the proposed Part-ATS provisions. The definition and its accompanying GM were not affected by Regulation (EU) 1185/2016 (SERA Part C). UK CAA invites EASA to clarify the reason for omitting the GM currently contained in GM1 Article 2(51) of Regulation (EU) 923/2012, or transpose the text from SERA.</p> <p><b>Justification:</b> Consistency with ICAO Annex 11 and Reg (EU) 923/2012.</p>  | comment by: UK CAA |
| response | Accepted  |                    |
|          | See the response to comment #577.   |                    |
| comment  | <p>608</p> <p><b>Paragraph No:</b> 1.1.2 Omission of a definition for ‘UNICOM’</p> <p><b>Comment:</b> EASA propose to introduce the term UNICOM through GM2 Article 3(1b)a, GM3 ATS.OR.125(a) and GM1 ATS.TR.115 and refer to the concept within GM1 to the definition of ‘aerodrome flight information service’; however, a definition of the term UNICOM is not defined within the proposed amendments to Annex 1. In introducing this new and unique concept of UNICOM within the EU regulatory framework, a definition of the term requires development.</p> <p><b>Justification:</b> Consistency and clarity.</p>  | comment by: UK CAA |
| response | Partially accepted  |                    |
|          | <p>Information and guidance on ‘UNICOM-type’ aeronautical stations, as non-ATS aeronautical stations supporting aviation operations at certain aerodromes, was provided in several GM included in NPA 2016-09. Following the analysis of comment received via the NPA public consultation, such guidance has been grouped under GM2 to Article 3a(a), the content of which has been revised, to clarify inter alia the meaning and utilisation of the term. In this context, and taking into consideration that such aeronautical stations are not within the scope addressed by Part-ATS, the introduction of a definition is not deemed to be appropriate. The aforementioned GM has been further amended in order to improve clarity with regard to such stations.</p> |                    |
| comment  | <p>615</p> <p><b>Amendments to Annex I — Definitions</b></p> <p><b>Page 4</b>From ICAO, there is no definition of the word “obstruction”. EU could attempt to solve this long-standing issue, either by defining the word or by using the defined word “obstacle” (SERA.7001/ATS.TR.100, which has “obstructions” in English, shows the equivalent of “obstacles” in some translated versions, e.g. in French).</p>   | comment by: ENAV   |

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|          | <p>This element of the objectives of ATS remains ambiguous<br/>         Proposal<br/>         Define “obstruction” or use “obstacles” in ATS.TR.100.</p>   |
| response | <p>Not accepted</p> <p>One of the objectives of Part-ATS is to transpose ICAO provisions for a harmonised implementation in the EU and the works dedicated to improvement of the ICAO material normally follow another stream. No identified safety issue, lack of understanding or significant differences notified by EU States justify that these terms are changed within the present transposition exercise. In the absence of an ICAO definition, the normal practice is to use the definition of the dictionary. The Oxford dictionary definition of ‘obstruction’ (<i>‘A thing that impedes or prevents passage or progress; an obstacle or blockage.’</i>) may be considered slightly different from the definition of ‘obstacle’ transposed (as Definition 74) from ICAO in Annex I to Regulation (EU) 2017/373, referring to an object. It is considered that there is not enough justification for a change to well-known ICAO terminology and nothing indicates that a consensus on this subject would be easily found.</p>                               |
| comment  | <p>616 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMENDMENTS TO ANNEX 1 – Definitions</b><br/> <b>Aerodrome traffic – Page 4</b><br/> <b>Controlled aerodrome – Page 7</b></p> <p>The degree of uncertainty in ICAO “vicinity of an aerodrome”, is already increased by SERA (“includes but is not limited to”), would instead require clarification.</p> <p>The proposed definition of “controlled aerodrome”, rather than reinstating adherence to ICAO, constitutes a further departure from it, as far as it aims to imply that a CTR shall established on every controlled aerodrome.</p> <p>Moreover, the link between the proposed amendment and Article 8.1 of Regulation (EC) No 550/2004 is debatable. Namely, there is no immediate connection between a control zone and the area of responsibility of a TWR, and the two often do not coincide.</p> <p>Clear guidance would be needed</p> <p>Airspace design – therefore service provision – inconsistent with ICAO.</p> <p><b>Proposal</b><br/>         Maintain SERA definition.</p> |
| response | <p>Not accepted</p> <p>The objective of the change to the definition of ‘controlled aerodrome’ in Regulation (EU) No 923/2012 (SERA) (and the subsequent obligation to establish a control zone) is to clarify the airspace status around controlled aerodromes and to further implement the principle of Article 8.1 of Regulation (EC) No 550/2004, stipulating: ‘Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility.’ In simple terms, it means that the objective of the proposal is to establish clearly for all controlled aerodromes a published controlled airspace</p>  |

within which a designated ATS provider will deliver Air Traffic Services for that controlled aerodrome. It is considered that this evolution will improve consistency with the principle of Article 8.1 of Regulation (EC) No 550/2004 described above and considered as an essential building block of the SES philosophy, providing a clear identification of blocks of airspace, of what services are provided therein and by whom.

See also the response to comment #952.

comment

617

comment by: ENAV

**Amendments to Annex 1 – Definitions**  
**ATS Surveillance System**  
**Page 6**

The definition of ‘ATS Surveillance System’ contains examples. Use of examples is inappropriate in a definition.

Risk that examples in definitions become an exhaustive list.

Proposal

Amend text to read:

“ATS Surveillance System is a generic term meaning a ground- based system that enables the identification of aircraft.”

In addition to the above amendment, the examples may be moved to GM

response

Not accepted

The definition is sufficiently open not to be exhaustive and, given the specific case of surveillance systems, the ICAO definition is considered appropriate.

comment

618

comment by: ENAV

**ATS.OR.110 Coordination between aerodrome operators and ATS Providers**  
**Page 14**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and do not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, Part ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

Proposal



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| response | <p>Do not establish new general requirements; rather transpose Annex 11 as the IR and PANS-ATM as AMC</p> <p>Not accepted</p> <p>The current text is considered consistent within the EASA regulatory framework. The proposal in the comment is not accurate enough with regard to which provision of ICAO Annex 11 should be used instead of the current text of ATS.OR.110. The coordination between ATS and aerodrome operator is explained in NPA 2016-09(A) Section 2.7.1.3.1 and covered also in ADR.OR.C.005(b)(1) in Regulation (EU) No 139/2014.</p> |
| comment  | <p>680 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>Suggestion to add a definition of a Flight Information Service Officer. Both enroute FISO and AFISO.</p>  |
| response | <p>Not accepted</p> <p>The definition of 'Flight Information Service' is provided in Regulation (EU) No 923/2012 (SERA) and is transposed from the ICAO definition. Like in ICAO, the term 'officer' associated with FIS is not defined, as it is not defined either when associated with ATC or more in general with ATS. It means that the dictionary meaning applies for, in this case, an officer providing FIS in the case of FISO, or an officer providing AFIS in the case of AFISO.</p>   |
| comment  | <p>683 <span style="float: right;">comment by: <i>Kamila GRABOWSKA</i></span></p> <p>(AFIS)' means flight information service and alerting service [...] - alerting service should not be removed according to the definition of ATS</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #45.</p>   |
| comment  | <p>684 <span style="float: right;">comment by: <i>Kamila GRABOWSKA</i></span></p> <p>Lack of definitions of uncontrolled airspace, FISO and AFISO</p>   |
| response | <p>Not accepted</p> <p>See the responses to comments #292 and #680.</p>   |
| comment  | <p>718 <span style="float: right;">comment by: <i>DTCA</i></span></p> <p>Ad Part (B), para 1.1.2 (a), Definition 6 'Aerodrome flight information service (AFIS)'</p> <p>The amendment is not supported as regards the deletion of "and alerting service for aerodrome traffic at an aerodrome".</p> <p>This deletion is in contradiction with SERA.10001 which states that alerting service shall be</p>  |

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| response | <p>provided by the ATS Units, and AFIS is included in the definition of an ATS Unit (definition 35 in 923/2012).</p> <p>Furthermore the proposed amendment of the definition is in contradiction also to ATS.TR.400 and ATS.TR.405.</p> <p>DTCHA propose not to delete this part of the definition, for the reason that the provision of alerting service rests with ATS, thereby AFIS.</p> <p>As regards the insertion of "designated in accordance with Article 8(1) of Regulation (EC) No 550/2004", DTCHA propose to avoid any such reference in a definition.</p> <p>Not accepted</p> <p>See the response to comment #45.</p>   |
| comment  | <p>731 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>Amendments to Annex I — Definitions<br/>Page 4</p> <p><b>CANSO Comment</b><br/>From ICAO, there is no definition of the word “obstruction”. EU could attempt to solve this long-standing issue, either by defining the word or by using the defined word “obstacle”. (SERA.7001/ATS.TR.100, which has “obstructions” in English, shows the equivalent of “obstacles” in some translated versions, e.g. in French).</p> <p><b>Impact</b><br/>This element of the objectives of ATS remains ambiguous.</p> <p><b>Suggested Resolution</b><br/>Define “obstruction” or use “obstacles” in ATS.TR.100.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #615.</p>   |
| comment  | <p>732 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMENDMENTS TO ANNEX 1 – Definitions<br/>Aerodrome traffic – Page 4<br/>Controlled aerodrome – Page 7</p> <p><b>CANSO Comment</b><br/>The degree of uncertainty in ICAO “vicinity of an aerodrome”, is already increased by SERA (“includes but is not limited to”), would instead require clarification.</p> <p>The proposed definition of “controlled aerodrome”, rather than reinstating adherence to ICAO, constitutes a further departure from it, as far as it aims to imply that a CTR shall established on every controlled aerodrome.</p>  |

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|          | <p>Moreover, the link between the proposed amendment and Article 8.1 of Regulation (EC) No 550/2004 is debatable. Namely, there is no immediate connection between a control zone and the area of responsibility of a TWR, and the two often do not coincide.</p> <p>Clear guidance would be needed.</p> <p><b>Impact</b><br/>Airspace design – therefore service provision – inconsistent with ICAO.</p> <p><b>Suggested Resolution</b><br/>Maintain SERA definition.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #616.</p>  |
| comment  | <p>733 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>Amendments to Annex 1 – Definitions<br/>ATS Surveillance System<br/>Page 6</p> <p><b>CANSO Comment</b><br/>The definition of ‘ATS Surveillance System’ contains examples. Use of examples is inappropriate in a definition.</p> <p><b>Impact</b><br/>Examples in definitions become an exhaustive list.</p> <p><b>Suggested Resolution</b><br/>Amend text to read:<br/>“ATS Surveillance System is a generic term meaning a ground- based system that enables the identification of aircraft.”</p> <p>In addition to the above amendment, the examples may be moved to GM</p> |
| response | <p>Not accepted</p> <p>See the response to comment #617.</p>  |
| comment  | <p>753 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>‘Controlled flight’ means any flight which is subject to an ATC clearance.</p> <p>Suggestion to specify, that the flight is controlled only at the time when it is subject to the ATC clearance, meaning that it could be controlled only during a portion of the flight. If the flight is initially in class G airspace - it is not YET a controlled flight (might be controlled further on).</p>  |
| response | <p>Not accepted</p>   |

The meaning of the terms “subject to” is considered sufficient to unambiguously establish that having received a clearance does not mean systematically being already subject to a clearance. The expression “subject to” will become applicable when the terms of the ATC clearance start to apply.

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| comment  | 754   | comment by: <i>Martyna NIWICKA</i> |
|          | <p>‘Downstream clearance’ means a clearance issued to an aircraft by an ATC unit that is not the current controlling authority of that aircraft.</p> <p>Suggestion to change ATC to <b>ATS</b>. FISOs in Poland frequently relay clearances to aircraft</p> |                                    |
| response | <p>Not accepted</p> <p>See the response to comment #580.</p>  |                                    |

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| comment  | 755   | comment by: <i>Martyna NIWICKA</i> |
|          | <p>‘Transferring unit’ means ATC unit in the process of transferring the responsibility for providing ATC service to an aircraft to the next ATC unit/air traffic controller along the route of flight.</p> <p>Suggestion to change ATC to <b>ATS</b> and to cross out "air traffic controller".</p> <p>‘Transferring unit’ means <b>ATC ATS</b> unit in the process of transferring the responsibility for providing <b>ATC ATS</b> service to an aircraft to the next <b>ATC ATS</b> unit/<del>air traffic controller</del> along the route of flight.</p> <p>In Poland we transfer aircraft between FISOs and controllers. Controllers terminate the control service, but there is a transfer of information service and alerting service. also see GM1 ATS.OR.150 (b) (c) - the ATC informs FISOs if an aircraft hasn't established radio communication with them.</p> <p>There could be:</p> <p>a) "Transferring <b>ATC</b> unit" ...</p> <p>b) "Transferring <b>FIS</b> unit" ...</p> <p>Moreover, apart from transferring the service, there could be a transfer of communication (which is not included in the definition) and they do not have to take place simultaneously.</p> <p>Crossing out "air traffic controller" because a controller (or a FISO) operates in a unit.</p> |                                    |
| response | <p>Not accepted</p> <p>See the response to comment #591.</p>  |                                    |

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| comment | 756 | comment by: <i>Martyna NIWICKA</i> |
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|          | <p>'Transition altitude' means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes.</p> <p>Suggestion to change "controlled" to <b>determined</b><br/>or<br/>change "controlled by reference" to <b>referred to by</b></p> <p>'Transition altitude' means the altitude at or below which the vertical position of an aircraft is <del>controlled</del> <b>determined</b> by reference to altitudes.<br/>or<br/>'Transition altitude' means the altitude at or below which the vertical position of an aircraft is <del>controlled by reference to</del> <b>referred to by</b> altitudes.</p> <p>The word "controlled" is tightly connected with "air traffic controllers" and "control service" - here the position is "referred to", it is not controlled (in any way in class G)</p> |
| response | <p>Not accepted</p> <p>The proposal in the comment is understood and it is acknowledged that using a term like 'determined' would avoid any risk of misunderstanding with the meaning of the term 'controlled' in ATS-related provisions. The reason is probably that the definition is used in air operations provisions (e.g. PANS OPS) where it means 'aircraft controlled by the pilot'. However, a thorough consideration of the objectives of RMT.0464 and the potential impact of such proposed change, in particular within a definition widely used throughout various ICAO documents and in domains wider than just ATS provision, justifies that the current definition is retained.</p>  |
| comment  | <p>767 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>Suggestion to add a note (as the one with "clearance/ ATC clearance) that in the document an "air traffic controller" is sometimes abbreviated to "controller".</p>  |
| response | <p>Not accepted</p> <p>In order to ensure consistency within Regulation (EU) 2017/373, to which Part-ATS belongs, and with other relevant EU legislation (such as, for instance, Regulation (EU) No 923/2012 (SERA) and Regulation (EU) 2015/340 'ATCO licencing'), a complete revision of the proposed ATS requirements has been performed, so that the term 'air traffic controller' is used at all times, where appropriate.</p>  |
| comment  | <p>772 <span style="float: right;">comment by: <i>Kamila GRABOWSKA</i></span></p> <p>transferring unit - instead 'ATC unit' should be 'ATS unit', instead 'ATC service' should be 'ATS service'</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #591.</p>   |

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| comment  | <p>773 <span style="float: right;">comment by: <i>Kamila GRABOWSKA</i></span></p> <p>transition altitude - instead 'an aircraft is controlled by reference to altitudes' should be 'an aircraft is deccribed by reference to altitudes'</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #756.</p>   |
| comment  | <p>935 <span style="float: right;">comment by: <i>AIRBUS</i></span></p> <p>The impact of the AWO RMT on the ATM/ANS functions shall be reflected in this regulation. This starts by setting out the common definitions for use in all domains. The definition of the following terms shall be added:</p> <ul style="list-style-type: none"> <li>- - Low visibility operation</li> <li>- - Aerodrome operating minima</li> <li>- - Operation with operational credit</li> <li>- - Go-around</li> <li>- - Cloud ceiling</li> <li>- - AIP</li> <li>- - A-SMGCS</li> <li>- - Aeronautical Information Publication</li> </ul> <p>The definition of the following terms shall be harmonized with AWO RMT:</p> <ul style="list-style-type: none"> <li>- - Decision altitude / height</li> <li>- - Final approach segment</li> <li>- - Instrument approach operations</li> <li>- - Instrument approach procedure (AIP)</li> <li>- - Visual approach operations</li> </ul> <p>The cross domain aspects are to be concentrated on strengthening the global coherence. The annex 1 (Definitions) of EU 965/2012 as amended by AWO RMT and this regulation shall be made coherent.</p> <p>For instances, the use of LVO, defined by the AWO Project as follows: '<b>low-visibility operations (LVO)</b> means an approach or take-off operation with an RVR less than 550m' should simply the wording of the rule.</p> |
| response | <p>Noted</p> <p>An objective leading the development of Part-ATS requirements is the transposition of 'the relevant ICAO provisions on ATS, thus contributing to their harmonised implementation, which will serve as a basis for EU aviation law'. It means that the primary source material is coming from ICAO. It is accepted that Part-ATS will certainly be complemented by more detailed regulations for specifics areas of activity (like RMT.0379 'All-weather operations') and that all must be kept consistent throughout the EU legislation. Moreover, one of the basic drafting principles is that only terms used in a Regulation should be included in the definitions in that Regulation and this is obviously not the case for all the terms proposed in the comment. Various regulations are also introducing terms defined for the specific regulated context, but it does not mean that the same terms must be replicated in more</p>  |

general regulations (in simple terms, the specific is complementing the general but not guiding the general, except if deemed necessary and duly justified).

Additionally, it shall be noted that the EASA regulatory activities for RMT.0379 are still ongoing, hence EASA considered it appropriate to adopt, within Part-ATS, only the elements which are considered consolidated and necessary for Part-ATS (e.g. the definition of ‘low-visibility operations’). See also the response to comment #567).

Finally, it is reminded that EASA was built on the principle of a ‘total system approach’; internal EASA processes are in place to ensure consistency between the various regulations, in due time, before they become applicable. The present comment will certainly be considered when this consistency check is conducted.

comment

952

comment by: UK CAA

**Page No:** 7**Paragraph No:** 1.1.2 definition of ‘Controlled aerodrome’.

**Comment:** Through Part-ATS, EASA propose to amend the definition of ‘controlled aerodrome’ currently contained within Regulation (EU) 923/2012 Article 2(57) by deleting the final 8 words of the definition, “regardless whether or not a control zone exists.” It is noteworthy that this amendment was introduced following the conclusion of the work of RMG.0464 to develop Part-ATS and the Aerodrome FIS thematic meeting held by EASA on 17 March 2016. EASA's rationale for the amendment to the definition of ‘controlled aerodrome’ is contained in NPA 2016-09(a) (page 15) and describes the need to align with Regulation (EC) 550/2004 and the provision of ATS within specific airspace blocks. However, the proposed amendment does not provide clarity on the airspace associated with or designated to a ‘controlled aerodrome’.

**Justification:** Clarity is required within the definition of ‘controlled aerodrome’ regarding the airspace associated with or designated to a ‘controlled aerodrome’.

**Proposed Text:** Amend to read:

“‘Controlled aerodrome’ means an aerodrome at which ATC service is provided to aerodrome traffic **within the designated airspace associated with such aerodromes;**”

response

Partially accepted

The proposal is consistent with the intention of the amendment proposed to the status of controlled aerodromes. However, the term ‘designated’ might prove misleading, as ‘designation’ normally refers to the designation of the service provider and the outstanding element of the present change is more related to the controlled airspace to be established and published for a controlled aerodrome. The proposal is therefore partially accepted with the term ‘designated’ being replaced by ‘controlled’.

The definition of ‘controlled aerodrome’ has been amended to read:

*‘Controlled aerodrome’ means an aerodrome at which ATC service is provided to aerodrome*



*traffic within the controlled airspace associated with such aerodrome.'*

GM to the definition of 'controlled aerodrome' has been added to indicate that airspace associated with a controlled aerodrome is normally a control zone, or could be another suitable airspace structure designed in compliance with the requirements in Part-ASD.

In addition, and for the purposes of clarity and consistency, the definition of 'AFIS aerodrome' has been added following the same principle. See the response to comment #579.

comment

1129

comment by: Jan Hjort

Why not keep the alerting service since its mentioned in TS.TR.110 (a) (3) and in NPA 2016-09(A) 2.7.1.4.4.Section 4 (alerting service is provided by ...)

response

Not accepted

See the response to comment #45.

comment

1183

comment by: BGA

The proposed amendment represented in this NPA as " '*Controlled aerodrome*' means an aerodrome at which ATC service is provided to aerodrome traffic" represents a significant problem in the UK and possibly elsewhere in Europe where a number of aerodromes with Air Traffic Zones have chosen to implement instrument procedures in class G airspace.

The present ICAO definition is;

Controlled aerodrome. An aerodrome at which air traffic control service is provided to aerodrome traffic.

Note.— The term "controlled aerodrome" indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.

The present EASA definition is;

'Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic regardless whether or not a control zone exists.

The EASA NPA 2016-09B EASA proposed definition is;

'Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic.

The UK AIP has a long standing difference to the ICAO definition, which includes the words 'whether or not a control zone exists' in a note in its UK AIP entry.

By introducing this changed definition, EASA are proposing a highly damaging and extraordinarily expensive burden for for small airports, and, of great concern to this air sport organisation, the volume of controlled airspace that would need to be developed and established to comply in what is currently class G airspace would do significant damage to general aviation in all its forms. In the UK, the change would also result in significant additional costs for the highly segregated national air traffic control system.



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|          | <p>The British Gliding Association strongly opposes the proposed change to the definition and strongly opposes the airspace construct that the proposed definition change is based on.</p>  |
| response | <p>Not accepted</p> <p>EASA is of the opinion that the proposed evolution will improve consistency with the principle of Article 8.1 of Regulation (EC) No 550/2004 stipulating that ‘Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility.’, thus providing a clear identification of blocks of airspace, of what services are provided therein and by whom.</p> <p>Many cases are known where the limits of the area where an ATS provider exercises its responsibilities around a controlled aerodrome are unclear; in particular, when the controlled aerodrome is surrounded by uncontrolled airspace and air traffic controllers may not be aware of the traffic operating nearby the aerodrome traffic. The proposed evolution would ultimately improve safety.</p> <p>See also the responses to comments #616 and #952.</p> |
| comment  | <p>1194 <span style="float: right;">comment by: Kamila GRABOWSKA</span></p> <p>Lack of definition of ATS provider - it should be clarified that ATS provider means not only ATC provider but also other services provider.</p>  |
| response | <p>Not accepted</p> <p>‘Air traffic services’ are defined in Regulation (EU) No 923/2012 (SERA) and within the proposed requirements for Part-ATS are described in detail in ATS.TR.105. Moreover, the notion of ‘provider’ is largely and adequately described and addressed in the Regulation (EU) 2017/373 to which the proposed ATS requirements will be incorporated within Annex IV (Part-ATS).</p>   |
| comment  | <p>1266 <span style="float: right;">comment by: FAA</span></p> <p>Aeronautical fixed station definition states "a station in the aeronautical fixed services". Suggest using the ICAO Annex 11 definition of aeronautical fixed station.</p>  |
| response | <p>Not accepted</p> <p>The comment is unclear since there is no definition of ‘aeronautical fixed station’ in ICAO Annex 11. The definition proposed in the ATS requirements is transposed without modifications from ICAO Annex 10 Volume II, and it is identical to that in PANS ATM.</p> <p>It is assumed that the intention of the comment was to clarify the meaning of ‘aeronautical fixed service’ which is the subject of definition 11 in Annex I to Regulation (EU) 2017/373 to which the proposed ATS requirements will be incorporated within Annex IV (Part-ATS).</p>  |
| comment  | <p>1267 <span style="float: right;">comment by: FAA</span></p>  |

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|          | <p>ATS unit is not defined, whereas ATC unit is defined. Consider replacing ATS unit with ATC unit or defining ATS unit.</p>  |
| response | <p>Not accepted</p> <p>'ATS unit' is the subject of Definition 21 in Annex I to Regulation (EU) 2017/373 to which the proposed ATS requirements will be incorporated within Annex IV (Part-ATS). Moreover, requirements for the establishment of ATS units and for their identification are stipulated in ATS.TR.110 and ATS.TR.115.</p>  |
| comment  | <p>1271 <span style="float: right;">comment by: Julian Scarfe</span></p> <p>The Agency proposes</p> <p><i>'Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic.</i></p> <p>Please revert to the Part-SERA and ICAO definition of controlled aerodrome:<br/> <i>'controlled aerodrome' means an aerodrome at which air traffic control service is provided to aerodrome traffic <b>regardless whether or not a control zone exists;</b></i></p> <p>making clear that aerodrome control need not be associated with a control zone.</p> <p>The justification is set out in the corresponding comment (#170) on NPA 2016-09(A) 2.7.1.2.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #1183.</p>   |
| comment  | <p>1274 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>'Controlled flight' means any flight which is subject to an ATC clearance.</p> <p>Suggestion to specify, that the flight is controlled only at the time when it is subject to the ATC clearance, meaning that it could be controlled only during a portion of the flight. If the flight is initially in class G airspace - it is not YET a controlled flight (might be controlled further on).</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #753.</p>  |
| comment  | <p>1275 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>"Downstream clearance" means a clearance issued to an aircraft by an ATC unit that is not the current controlling authority of that aircraft.</p> <p>Suggestion to change ATC to <b>ATS</b>. FISOs in Poland frequently relay clearances to aircraft. The clearance may result from a LoA between a FIS unit and an ATC unit.</p>   |

response Not accepted  
See the response to comment #580.

comment 1276 comment by: Polish Air Navigation Services Agency

"Transferring unit" means ATC unit in the process of transferring the responsibility for providing ATC service to an aircraft to the next ATC unit/air traffic controller along the route of flight.

Suggestion to change ATC to **ATS**  
and  
to cross out "air traffic controller".  
'Transferring unit' means **ATS** unit in the process of transferring the responsibility for providing **ATS** service to an aircraft to the next **ATS** unit/~~air traffic controller~~ along the route of flight.

In Poland we transfer aircraft between FISOs and controllers. Controllers terminate the control service, but there is a transfer of information service and alerting service.

also see GM1 ATS.OR.150 (b) (c) - the ATC informs FISOs if an aircraft hasn't established radio communication with them.

There could be:  
a) "Transferring **ATC** unit" ...  
b) "Transferring **FIS** unit" ...

Moreover, apart from transferring the service, there could be a transfer of communication (which is not included in the definition) and they do not have to take place simultaneously.

Crossing out "air traffic controller" because a controller (or a FISO) operates in a unit.

response Not accepted  
See the response to comment #591.

comment 1277 comment by: Polish Air Navigation Services Agency

"Transition altitude" means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes.

Suggestion to change "~~controlled~~" to **determined**  
or  
change "~~controlled by reference~~" to **referred to by**

'Transition altitude' means the altitude at or below which the vertical position of an aircraft is ~~controlled~~ **determined** by reference to altitudes.  
or  
'Transition altitude' means the altitude at or below which the vertical position of an aircraft is ~~controlled by reference to~~ **referred to by** altitudes.



The word "controlled" is tightly connected with "air traffic controllers" and "control service" - here the position is "referred to", it is not controlled (in any way in class G)

response Not accepted  
See the response to comment #756.

comment 1278 comment by: Polish Air Navigation Services Agency

Suggestion to add a note (as the one with "clearance/ ATC clearance) that in the document an "air traffic controller" is sometimes abbreviated to "controller".

response Not accepted  
See the response to comment #767.

comment 1280 comment by: Polish Air Navigation Services Agency

ad 'Aerodrome flight information service (AFIS)'  
Removal of "and alerting service for aerodrome traffic at an aerodrome" is contradictory to treating FIS as part of ATS. It also conflicting with ATS.TR.110 (a) (1) and (3).

response Not accepted  
See the response to comment #45.

comment 1324 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <p><b>(B) 1.1 Amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS))</b><br/> <b>1.1.2. Amendments to Annex I - Definitions</b></p> <p>"Aerodrome flight information service (AFIS)"</p> | <p>The definition of AFIS is not consistent with point <b>ATS.TR.110</b> and one of them should be amended.</p> | <p>The definition of AFIS removes the following text:<br/>                     "... and alerting service for aerodrome traffic at an aerodrome."<br/><br/>                     However, the text of <b>ATS.TR.110</b> states:<br/>                     "(a)(3)Aerodrome flight information service (AFIS) units shall be established to provide flight information service and alerting service at AFIS aerodromes and within the portion of airspace associated with such aerodromes. "</p> |

response Not accepted

See the response to comment #45.

comment

1325

comment by: AESA / DSANA

| PART   | COMMENT            | JUSTIFICATION   |
|--|--------------------|---|
| <b>(B) 1.1 Amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS))</b><br><b>1.1.2. Amendments to Annex I - Definitions</b><br><br>"ADS-C agreement" | Editorial comment. | Delete "to" after "agreed" in ADS-C agreement definition. |

response

Not accepted

The text proposed with NPA 2016-09, i.e. 'agreed to prior to...', is grammatically correct.

comment

1326

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <b>(B) 1.1. Amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS))</b><br><b>1.1.2. Amendments to Annex I - Definitions</b><br><br>"Aircraft proximity" | The fourth point of the classification of "aircraft proximity" should be included.<br>"- Risk not determined. The risk classification of an aircraft proximity in which insufficient information was available to determine the risk involved, or inconclusive or conflicting evidence precluded such determination." | <b>Doc 4444 Checklist</b> states "Definition identical to the one included already in the SERA Regulation".<br><br>This definition is not included in SERA. |

response

Noted

The definition has been removed from the proposed requirements as the term is not used within the Part-ATS requirements proposed with the Opinion.

comment

1327

comment by: AESA / DSANA



| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <p><b>(B) 1.1. Amendments to the ATM/ANS Common Requirements Regulation (draft opinion (PART-ATS))</b><br/> <b>1.1.2. Amendments to Annex I - Definitions</b></p> <p>"Air-to-ground communication"</p> | <p>The definition of "Air-to-ground communication" should be included.</p> | <p><b>Doc 4444 Checklist</b> states "It is transposed in Annex I to the ATM/ANS Common Requirements Regulation. Definition identical to the one included already in the SERA Regulation".</p> <p>The definition is not transposed in Annex I to the ATM/ANS Common Requirements Regulation or included in SERA.</p> |

response

Not accepted

The definition is included in Article 2 22. of Regulation (EU) No 923/2012 (SERA) and in the proposed Part-ATS requirements, with the required consistency, as 'air-ground communication'.

comment

1419

comment by: *LFV Sweden*

Regarding the definition of 'Aerodrome traffic', the wording 'but is not limited to' makes the definition of 'in the vicinity of an aerodrome' unclear. What does the wording 'but is not limited to' mean? Regarding AMC3 to ATS.TR.210(c)(b) stating 'may be reduced in the vicinity of aerodromes' the above mentioned definition (also transposed into SERA) is not clear.

response

Not accepted

See the response to comment #616.

comment

1450

comment by: *Airport Operators Association (UK)*

**Controlled Aerodrome Definition** - There is a deal of uncertainty as to the benefits of this definition and why it should change, which will not be aligned with other references to the same. It appears to wholly suggest no ATC services within uncontrolled airspace will be permitted which creates a number of potential concerns, each has been highlighted in the executive summaries of NPA (a) and (b).

An aerodrome at which an air traffic control service is provided to aerodrome traffic.

SERA "‘controlled aerodrome’ means an aerodrome at which air traffic control service is provided to aerodrome traffic regardless whether or not a control zone exists;”

EASA's rationale for the amendment to the definition of 'controlled aerodrome' in contained in NPA 2016-09(a) (page 15) and describes the need to align with Reg (EC) 550/2004 and the provision of ATS within specific airspace blocks. However, could this not also be achieved by

deleting the reference to a control zone and inserting text along the lines of '...provided to aerodrome traffic within the airspace designated with such aerodromes.' An explanation to why it must align with 550/2004 does not exist nor offer an alternative, which is to amend (EC) 550/2004. Regulation must be workable in its context and interpretation.

response

Not accepted

It is considered that the proposed evolution will improve consistency with the principle of Article 8.1 of Regulation (EC) No 550/2004 stipulating that 'Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility.', thus providing a clear identification of blocks of airspace, of what services are provided therein and by whom.

It is understood that controlled airspace may be perceived as an excessive burden; however, it would not make much sense to have a type of airspace different from controlled airspace associated with air traffic control service provision.

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

The concept of associating an airspace with an aerodrome where ATS is provided is further reflected in definitions of 'controller aerodrome' and 'AFIS aerodrome' published with the Opinion.

See also the responses to comments #579 and #952.

comment

1457

comment by: German NSA (BAF)

page 5: 'Airway' means a control area or portion thereof established in the form of a corridor.

Proposal: 'Airway' should be replaced by 'ATS route'.

response

Not accepted

The comment does not provide sufficient justification for introducing amendments to two different terms for which clear definitions are provided in ICAO Annex 11.

comment

1460

comment by: German NSA (BAF)

page 6: 'ATS surveillance system' means a generic term meaning variously, ADS-B, PSR, SSR or any comparable ground-based system that enables the identification of aircraft.

Proposal: Please add an exemption for electro-optical equipment such as cameras used in remote tower operations.



response Not accepted

The comment does not provide sufficient justification for introducing the proposed exemption.

comment

1464

comment by: German NSA (BAF)

page 11: 'Runway-holding position' means a designated position intended to protect a runway, an obstacle limitation surface, or an instrument landing system (ILS)/microwave landing system (MLS) critical/sensitive area at which taxiing aircraft and vehicles shall stop and hold unless otherwise authorised by the aerodrome control tower.

Proposal: It is recommended to use the word 'point' here. As in R/T it is transmitted by using the term "HOLDING POINT" a deviation from ICAO would be consequent.

response

Not accepted

The comment does not provide sufficient justification for introducing amendments to a definition transposed from ICAO PANS ATM, where it is complemented by a note reading:

'In radiotelephony phraseologies, the expression "holding point" is used to designate the runway-holding position'.

Such note is replicated as GM1 to the definition of 'runway-holding position' in the proposed Part-ATS.

comment

1477

comment by: René Meier, Europe Air Sports

1.1.2. Amendments to Annex 1 - Definitions

(b)

page 4/193

Please specify what is meant by "aeronautical fixed station".

Rationale

The wording proposed leaves too much room for interpretation. "Aeronautical mobile service" a few lines later is much better defined....



|          |   |
|----------|---|
| response | <p>Noted</p> <p>The understanding of the said definition can be improved by referring to the definition of ‘aeronautical fixed service’ which is the subject of definition 11 in Annex I to Regulation (EU) 2017/373, to which the proposed ATS requirements will be incorporated within Annex IV (Part-ATS), reading:</p> <p>“aeronautical fixed service (AFS)’ means a telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air services’.</p>   |
| comment  | <p>1479 <span style="float: right;">comment by: <i>René Meier, Europe Air Sports</i></span></p> <p>1.1.2. Amendments to Annex 1 - Definitions<br/>(b)<br/>page 5/193</p> <p>Please delete the word "land", simply state "...means a station in the..."</p> <p>Rationale<br/>The wording we propose is precise enough. It also makes the second sentence of the definition superfluous, in our eyes.</p>   |
| response | <p>Not accepted</p> <p>The comment does not provide sufficient justification for introducing amendments to use a term specifically intending to differentiate a ‘land station’ (or sea) from an ‘aircraft station’. See definition 15 in Article 2 of Regulation (EU) No 923/2012 (SERA) and the originating definition in ICAO Annex 10 Volume II.</p>   |
| comment  | <p>1484 <span style="float: right;">comment by: <i>European Private Helicopter Alliance</i></span></p> <p>We object to the proposed change of the definition of ‘Controlled Aerodrome’</p> <p>The current EASA definition includes the words "<i>regardless whether or not a control zone exists</i>", but the proposed definition omits these words.</p> <p>This is a problem because this NPA requires that ATC can only be provided within controlled airspace, but there are many airfields in EASA states, in Class G airspace, that provide ATC within 2 miles of their airfield, but do not have ‘controlled airspace’ as it is generally understood.</p> <p>It would create a disproportionate burden for these airfields to have to apply and administer controlled airspace, just because they have local ATC.</p> <p>It would also create a disproportionate burden for General Aviation traffic to have to obtain and comply with an ATC clearance as the class of airspace near such airfields would be forced to change from Class G.</p> |

ANSPs may well require the creation of large areas of new Controlled Airspace to comply with this proposed definition.

Such a result would be vastly increased costs for small airfields, smaller areas of Class G airspace, and a disproportionate and unnecessary disruption to the current flow of General Aviation traffic.

We therefore request that the current EASA definition as recited below is retained.

*'Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic regardless whether or not a control zone exists.*

Alternatively a more prescriptive definition could be:

*'Controlled aerodrome' means an aerodrome at which ATC service is provided to aerodrome traffic, within at least an Air Traffic Zone (ATZ). Such an ATZ would be considered 'Controlled Airspace' despite being in Class G airspace.*

response Not accepted

See the response to comment #1450.

comment

1485

comment by: René Meier, Europe Air Sports

1.1.2. Amendments to Annex 1 - Definitions  
(b)  
page 5/193

"Air-ground communication" means...: Please delete the words "or locations".

Rationale

The wording we propose is precise enough, as we communicate with stations, not with locations.

response Not accepted

The comment does not provide sufficient justification for introducing such amendment.

See the originating definition in ICAO Annex 10 Volume II.

comment

1517

comment by: René Meier, Europe Air Sports

1.1.2. Amendments to Annex 1 - Definitions  
(b)  
page 7/193

"Controlled aerodrome" means an aerodrome at which ATC service is provided to aerodrome traffic: A good definition!

Rationale

A short text, precisely worded, clearly understandable.



response

Noted

See the response to comment #1183.

comment

1524

comment by: *European Transport Workers Federation - ETF*

AFIS definition : Is it necessary to designate an ATS provider within a defined portion of airspace ?

The current state of play in France is that the designation of the ATS providers is made with a reference to the aerodrome traffic without the existence of an aerodrome traffic zone and it raises no operational issue.

response

Noted

See the response to comment #1183.

comment

1525

comment by: *European Transport Workers Federation - ETF*

AFIS definition : ETF is of the opinion that AFIS units shall provide both FIS and alerting services and that this definition should reflect this. It is what is in the proposed ATS.TR.110.

response

Not accepted

See the response to comment #45.

comment

1528

comment by: *European Transport Workers Federation - ETF*

FPL definition :

ATS unit is defined as “‘Air traffic services unit’ is a generic term meaning variously ‘air traffic control unit’, ‘flight information centre’, ‘aerodrome flight information service unit’ or ‘air traffic services reporting office »,

ETF suggests a reference to procedures defined by the ATM/ANS provider and approved by the competent authority rather than anything else in this definition.

In the EU context, it is in most cases not practicable to allow flight plans to be filed directly with ATC units or with FIS/AFIS units.

As previously expressed, ETF is of the opinion that AROs are more linked to AIS than to ATS.

By the way, is there a requirement for ATM/ANS providers (or for ATS units) to share information about FPL ? If so where is it in the EU regulatory framework ?

response

Not accepted

The comment does not provide sufficient justification for introducing the proposed amendment.

Requirements for flight plans are primarily established in Regulation (EC) No 1033/2006 for IFR flights. Other requirements are present in the proposed Part-ATS, in Regulation (EU) No 923/2012 (SERA) and in Regulation (EC) No 1032/2006.



|          |  |
|----------|--|
| comment  | <p>1529 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>Ground visibility definition : What is an accredited observer ?<br/>A clear indication that such an observation should be made by properly trained and qualified ATM/ANS provider personnel is an ETF expectation.</p>  |
| response | <p>Noted</p> <p>Without a specific definition of the term, the intended meaning is the one of the dictionary, which in this case is self-explanatory.</p>  |
| comment  | <p>1531 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>Manoeuvring area definition : Is there a requirement to define the limits of aprons ?<br/>To get a regulatory framework which allows a clear attribution of responsibilities for the ATM/ANS personnel, such a requirement is need and we urge EASA to establish one if not already covered (and it seems that the definition of apron in SERA Reg 923/2012 is not enough as not associated with a requirement as to how it is defined).</p>  |
| response | <p>Not accepted</p> <p>A definition of ‘apron’ is provided in the EASA Basic Regulation as well as in Regulation (EU) No 923/2012 (SERA). Such definition, transposed identical from ICAO Annex 11, clearly specifies that “‘apron’ means a <u>defined area</u> intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;”.</p> <p>The responsibilities for the definition of the apron boundaries are defined in the following requirement, included in EASA Opinion No 02/2014 ‘Aron Management Services’, which is still being addressed in committee procedure:</p> <p><b><i>ADR.OPS.D.020 Apron management services boundaries</i></b></p> <p><i>When a provider of apron management services is established, the aerodrome operator, in cooperation with the air traffic services provider, shall define and provide for publication in the Aeronautical Information Publication of the boundaries between different areas of responsibility.</i></p> |
| comment  | <p>1532 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>Runway in use definition : Runway in use also has a meaning on uncontrolled aerodromes where it means the runway being selected by the pilot.<br/>Suggestion : ‘Runway-in-use’ means the runway or runways that, at a particular time, is the most suitable for use by the types of aircraft expected to land or take off at the aerodrome. Separate or multiple runways may be designated runway-in-use for arriving aircraft and departing aircraft.</p>  |
| response | <p>Not accepted</p> <p>The comment does not provide sufficient justification for introducing the proposed change, which does not correspond to the regulatory approach proposed for aerodrome ATS.</p>   |

See also the response to comment #274.

|          |  |  |
|----------|--|--|
| comment  | 1533   | comment by: <i>European Transport Workers Federation - ETF</i>                   |
|          | Taxiway definition : Apron taxiways shall be excluded from the definition of taxiways as the ATM/ANS provider shall not be responsible for service on apron where the aerodrome operator is responsible.   |  |
| response | Not accepted   |  |
|          | The comment does not provide sufficient justification for introducing the proposed change. The definition is transposed from PANS ATM without modifications.   |  |
|          | See also the response to comment #15.  |  |
| comment  | 1569   | comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i> |
|          | ATCEUC considers that the Agency should not include the entries ATIS, IFR,IMC, VFR and VMC in “definitions”, since they are not “definitions”, but acronyms of terms which are already mentioned in the description of their corresponding “clear language” versions. If the Agency chooses to keep them, then it should include also “AFIS” in this list of definitions, and change the word “symbol” for “acronym”.  |  |
| response | Partially accepted   |  |
|          | See the response to comment #51.   |  |
| comment  | 1571   | comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i> |
|          | As defined in <b>GM1 to AMC2 ATS.TR.210(a)(3)</b> :  |  |
|          | <b><u>“Clean Configuration”:</u></b><br><i>aircraft flown without deployment of lift augmentation devices, speed brakes or landing gear</i>  |  |
| response | Not accepted   |  |
|          | The comment does not provide sufficient justification for introducing the proposed change. It is assumed that the comment aimed at the creation of an additional definition for ‘clean configuration’. The term appears only in GM1 to AMC1 ATS.TR.201(a)(3) and in GM1 to AMC2 ATS.TR.210(a)(3) and not in any proposed Implementing Rule for Part-ATS. Therefore, it is considered that the explanation provided within the aforementioned GM is sufficient. |  |
| comment  | 1572   | comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i> |
|          | ATCEUC suggests to include this term, mentioned both in <b>ATS.TR.210 (c)(1)</b> and in <b>SERA.8005 (c)(1) (Geometric height information shall not be used to establish vertical separation)</b> in the definitions, as it appears in <b>GMX to SERA.8005(c)(1)</b> :   |  |
|          | <b><u>“Geometric height information”</u></b>   |  |

|          |  |
|----------|--|
|          | <u>Geometric height information is generated by airborne systems, for instance, GPS or radio altimeters</u>  |
| response | <p>Not accepted</p> <p>The comment does not provide sufficient justification for introducing the proposed change. The proposal is from GM related to ‘geometric height information’ but this is not considered sufficient for a definition.</p>  |
| comment  | <p>1573 comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</p> <p>As defined in <b>GM1 to AMC2 ATS.TR.210(a)(3)</b>:</p> <p><b><u>“Minimum Clean Speed”:</u></b><br/><u>minimum speed at which an aircraft can be flown in a clean configuration</u></p>  |
| response | <p>Not accepted</p> <p>The comment does not provide sufficient justification for introducing the proposed change. It is assumed that the comment aimed at the creation of an additional definition for ‘minimum clean speed’. The term appears only in GM1 to AMC2 ATS.TR.210(a)(3) and not in any proposed Implementing Rule for Part-ATS. Therefore, it is considered that the explanation provided within the aforementioned GM is sufficient.</p>  |
| comment  | <p>1574 comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</p> <p>ATCEUC suggests to either add GM this definition or to change the definition itself, to clarify that this is NOT an emergency.</p> <p><b><i>GM1 to the definition of ‘Minimum fuel’ is a term to be used to describe a situation in which an aircraft’s fuel supply has reached a state where the flight is committed to land at a specific aerodrome and no additional delay can be accepted. <u>This is not an emergency situation but it can be transformed into one if further delay is added.</u></i></b></p> <p>Or</p> <p><b><i>GM1 to the definition of ‘Minimum fuel’</i></b><br/><b><i><u>The declaration of “Minimum fuel” is not considered an emergency situation, but it can be transformed into one if further delay is added</u></i></b></p> |
| response | <p>Not accepted</p> <p>The comment does not provide sufficient justification for introducing the proposed change. The term and the meaning of ‘minimum fuel’ are clearly and unambiguously described and addressed in SERA.11012 of Regulation (EU) No 923/2012 and in the associated GM1, reading:</p> <p><b><i>‘SERA.11012 Minimum Fuel and Fuel Emergency</i></b></p> <p><b><i>(a) When a pilot reports a state of minimum fuel, the controller shall inform the pilot as</i></b></p>   |

soon as practicable of any anticipated delays or that no delays are expected.

- (b) When the level of fuel renders declaring a situation of distress necessary, the pilot, in accordance with SERA.14095, shall indicate that by using the radiotelephony distress signal (MAYDAY), preferably spoken 3 times, followed by the nature of the distress condition (FUEL).

**GM1 SERA.11012 Minimum fuel and fuel emergency**

The declaration of MINIMUM FUEL informs ATC that all planned aerodrome options have been reduced to a specific aerodrome of intended landing, and any change to the existing clearance may result in landing with less than planned final reserve fuel. This is not an emergency situation but an indication that an emergency situation is possible should any additional delay occur.'

Moreover, as the expression 'minimum fuel' is not used within the IRs for Part-ATS proposed with the Opinion, the related definition is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).

comment

1576

comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

ATCEUC suggests to add GM with a reference to the exact chapter of Annex 10 where these modes are defined:

**GM1 to the definition of 'Mode (SSR)'**

See Annex 10, chapter 2.1.2 Interrogation modes (ground-to-air)

2.1.2.1 Interrogation for air traffic services shall be performed on the modes described in 3.1.1.4.3 or 3.1.2. The uses of each mode shall be as follows:

- 1) Mode A — to elicit transponder replies for identity and surveillance.
- 2) Mode C — to elicit transponder replies for automatic pressure-altitude transmission and surveillance.
- 3) Intermode —
  - a) Mode A/C/S all-call: to elicit replies for surveillance of Mode A/C transponders and for the acquisition of Mode S transponders.
  - b) Mode A/C-only all-call: to elicit replies for surveillance of Mode A/C transponders. Mode S transponders do not reply.
- 4) Mode S —
  - a) Mode S-only all-call: to elicit replies for acquisition of Mode S transponders.
  - b) Broadcast: to transmit information to all Mode S transponders. No replies are elicited.
  - c) Selective: for surveillance of, and communication with, individual Mode S transponders. For each interrogation, a reply is elicited only from the transponder uniquely addressed by the interrogation.

response

Not accepted

Considering the context where the term 'Mode (SSR)' is employed in the proposed Part-ATS,



it is believed that the definition provided is sufficient to cover the subject and that it provides sufficient information for where the Mode SSR is used.

|          |  |
|----------|--|
| comment  | <p>1577 <span style="float: right;">comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></span></p> <p><i>Comment FOCA on paragraph no: 1.1.2:</i></p> <p>We suggest to add a definition on «advice issued by ATS», referring to «traffic advisory services» to avoid that the meaning of «advice» is misunderstood in the context of FIS or AFIS Service provisions.</p> <p>We suggest to add a definition on UNICOM, clearly limiting to no ATS Services including no flight information services.</p> <p>Justification: A definition is missing and the risk exists, that UNICOM is misunderstood and misused for uncertified AFIS or FIS.</p> <p>Suggested definition: UNCOM (universal communication): A station which comprises a frequency used by pilots to announce their intentions at an aerodrome where ATS are not provided and/or acts as a facility for the exchange on, for example, blind transmissions by pilots issuing to announce their intentions, aerodrome conditions or other activities at the aerodrome.</p> |
| response | <p>With regard to the comment on ‘advice issued by ATS’: Not accepted</p> <p>It is considered that the specificity of the air traffic advisory service, where it is provided and to whom, is sufficiently and unambiguously described in current applicable regulations (SERA in particular) and that the low risk of misunderstanding does not justify a new definition. In addition, extensive guidance is provided (GM1 ATS.TR.105(b) - Division of the air traffic services – Air Traffic Advisory service) on the advisory service.</p> <p>With regard to the comment on ‘UNICOM’: Partially accepted</p> <p>See the response to comment #608.</p>  |

### 1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.110

p. 14

|         |  |
|---------|--|
| comment | <p>52 <span style="float: right;">comment by: <i>ENAIRE</i></span></p> <p><b>1.1.3. Amendments to Annex IV — Subpart A — Additional organisation requirements for providers of ATS ATS.OR</b></p> <p><b>Section 1 — General requirements:</b></p> <p>There are no specific proposed provisions for coordination between ATS providers and CNS providers, although there are proposed provisions for all the others:</p> <ul style="list-style-type: none"> <li>• <i>ATS.OR.110 Coordination between aerodrome operators and ATS providers</i></li> <li>• <i>ATS.OR.115 Coordination between military authorities and ATS providers</i></li> <li>• <i>ATS.OR.120 Coordination between meteorological and ATS providers</i></li> <li>• <i>ATS.OR.125 Coordination between aeronautical information services and ATS providers</i></li> </ul> |
|---------|--|



response

Noted

The requirement for ATM/ANS providers, including ATS and CNS providers, to establish formal interfaces with the relevant service providers for specified objectives is established in point (f) of ATM/ANS.OR.B.005 'Management system' in Subpart B, Annex III to Regulation (EU) 2017/373. The organisational requirements for ATS providers mentioned in the comment are proposed to address particular coordination aspects derived from the transposition of ICAO provisions, which reflect the interdependencies between ATS providers and the entities/providers mentioned. Although there is no explicit requirement stemming from ICAO provisions for coordination between ATS and CNS providers, it is expected that the compliance with the aforementioned requirement of Regulation (EU) 2017/373 is ensured. Based on the existing diversity of ownership of and relationship with ATS and CNS providers, EASA did not consider practicable to establish a dedicated provision in this regard, with the exception of those in ATS.OR.525 'Information on the operational status of navigation services'. See also the response to comment #382.

comment

550

comment by: AIRBUS

1.1.3 . Amendments to Annex IV — Subpart A — Additional organisation requirements for providers of ATS 1.1.3.(ATS.OR)  
Section 1 - General requirements

The requirement for coordination between Navigation Service Provider (ESSP) and ATS is not addressed but we think it has to be addressed at IR level.

For consistency with other service providers, a new requirement (**we suggest ATS.OR.116**) for coordination between ESSP (SBAS) & ATS for SBAS failure information has to be put at IR level. The proposed text could be as follows:

"The ATS provider shall ensure that it is timely aware of any significant degradation of the Satellite based augmentation navigation system, if any procedure is based on this navigation means."

response

Partially accepted

See the responses to comments #52 and #382.

The requirement mentioned in the response to comment #52 stipulates that the service providers concerned have to ensure that the aviation safety hazards entailed by the respective activities are identified and evaluated, and the associated risks are managed and mitigated as appropriate. This implicitly includes the timely dissemination of information concerning the failure of SBAS represented in the comment.

In addition, in accordance with CNS.TR.100 in Annex VIII to Regulation (EU) 2017/373, the working methods and operating procedures shall be compliant with the standards in ICAO Annex 10. Volume I of such Annex explicitly addresses the failure of SBAS.

It is underlined that the proposed ATS.OR.140, transposed from Section 4.14 of PANS ATM, requires the ATS provider to immediately report to its ATS units any failure or irregularity of CNS systems or any other safety-significant systems or equipment which could adversely



affect the safety or efficiency of flight operations and/or the provision of ATS.

comment 734

comment by: *CANSO*

ATS.OR.110 Coordination between aerodrome operators and ATS Providers  
Page 14

**CANSO Comment**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and do not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, Part ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**Impact**

Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.

**Suggested Resolution**

Do not establish new general requirements; rather transpose Annex 11 as the IR and PANS-ATM as AMC.

response Not accepted

The generic requirement for ATM/ANS providers to establish a coordination with the other stakeholders with which interfaces exist is already included in point (f) of ATM/ANS.OR.B.005 in Annex III to Regulation (EU) 2017/373. The proposed ATS.OR.110 is aligned with this principles and provides coherence with the applicable requirements on this subject contained in Regulation (EU) No 139/2014.

See also the response to comment #662.

comment 1495

comment by: *ESSP-SAS*

This NPA introduces UNICOM out of the scope of EU-ATS rules, but considered in GM. In case there is no ATS in place (UNICOM), formal agreements with services needed to support IFR operations are not furthermore based on coordinations with ATSP.

It seems feasible that the Aerodrome operator becomes the responsible of coordinating the formal agreements needed to support, at least, instrumental flights

response Noted

In accordance with the proposed approach, it is a responsibility of Member States to designate the appropriate certified ATS provider into the airspace where they decided that



ATS will be provided in accordance with the proposed Article 3a 'Determination of the need for air traffic services'.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.115

p. 14

|          |   |   |
|----------|---|---|
| comment  | 5   | comment by: <i>Humberside Airport</i>   |
|          | <p>Page No: 14<br/>         Para No: 1.1.3 Amendments to Annex IV — Subpart A — Additional organisation requirements for providers of ATS</p> <p>Section 1 — General requirements</p> <p>Comment:<br/> <b>ATS.OR.115 Coordination between military authorities and ATS providers</b><br/>         The addition of "or on request" covers the issue raised in NPA 2016-09 (A) (Para 2.7.1.3.1. Para 2, Flight Plans to Mil "obligation for the ATS Providers") regarding the 'how' and 'who by'. Therefore, no change is required.</p> |   |
| response | <p>Noted</p> <p>The Standard in Section 2.18.3.1 of ICAO Annex 11 is transposed as ATS.OR.110 without any change as far as the conditions under which the provision of flight plan data and other relevant information are concerned.</p>   |   |
| comment  | 592   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | <p>ATS.OR.115 Coordination between military authorities and ATS providers<br/>         This is requirements on ATS and not on military authorities. Therefore the heading should be reversed like this:<br/> <i>Coordination between ATS providers and military authorities.</i></p>  |   |
| response | <p>Not accepted</p> <p>Reversing the actors would not change the substance of the requirements.</p> <p>See also the response to comment #613.</p>   |   |

### 1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.120

p. 15

|         |  |                           |
|---------|--|---------------------------|
| comment | 53   | comment by: <i>ENAIRE</i> |
|         | <p><b>ATS.OR.120 Coordination between meteorological and ATS providers</b><br/> <i>(a) To ensure that aircraft receive the most up-to-date meteorological information for aircraft operations, the ATS provider shall arrange with the meteorological services provider for ATS personnel:</i></p> |                           |



|          |  |
|----------|--|
|          | <p>We note that the original text from ICAO: <b>“Coordination between meteorological and air traffic services authorities: To ensure that aircraft receive the most up-to-date meteorological information for aircraft operations, arrangements shall be made, where necessary, between meteorological and air traffic services authorities for air traffic services personnel”</b> has been reworded.</p> <p>We note as well that the modified text makes the ATS provider responsible for the arrangement instead of fostering a mutual arrangement. We recommend to keep the text neutral with respect to who should be the ultimate responsible for promoting the establishment of arrangements that should remain, by their nature, collaborative and balanced in responsibility. Therefore, it should be kept the original text from ICAO ANNEX 11.</p>  |
| response | <p>Not accepted</p> <p>The rationale behind the introduction of this requirement in the context of the regulatory framework established with the ATM/ANS Common Requirements (Regulation (EU) 2017/373) is explained in the third paragraph of Section 2.7.1.3.1. of NPA 2016-09(A). The corresponding requirement for the meteorological service providers is established in MET.OR.100 ‘Meteorological data and information’ in Subpart A, Annex V to the aforementioned Regulation.</p>   |
| comment  | <p>54 <span style="float: right;">comment by: ENAIRE</span></p> <p><b>ATS.OR.120 Coordination between meteorological and ATS providers</b><br/> <i>(b) The ATS provider shall ensure that close coordination is maintained between area control centres, flight information centres and associated meteorological watch offices such that information on volcanic ash included in NOTAM and SIGMET messages is consistent.</i></p> <p>The original ICAO text has been modified so that the responsibility for coordination falls only on the ATSP while the original ICAO text does not point out who should foster or be responsible for it: <i>“Close coordination shall be maintained between area control centres, flight information centres and associated meteorological watch offices to ensure that information on volcanic ash included in NOTAM and SIGMET messages is consistent”</i>.</p> <p>In our opinion, if a responsible for the consistency of the information on volcanic ash (or any other MET information) needs to be defined, such responsible should logically be the MET services provider and not the ATSP.</p> <p>Therefore, we suggest to keep the original text from ICAO.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #53.</p>  |
| comment  | <p>611 <span style="float: right;">comment by: UK CAA</span></p>   |

**Paragraph No:** ATS.OR.120(a)

**Comment:** EASA has not accurately transposed the intent of ICAO Annex 11 2.21.1 in that the proposal within Part-ATS removes the flexibility that was included therein. The original ICAO Annex 11 text states that “...arrangements shall be made, **where necessary**, between meteorological and air traffic services authorities for air traffic services personnel.”

**Justification:** Consistency with ICAO Annex 11.

**Proposed Text:** Amend to read:

“(a) To ensure that aircraft receive the most up-to-date meteorological information for aircraft operations, the ATS provider shall arrange, **as necessary**, with the meteorological services provider for ATS personnel:”

response

Not accepted

The conditions as in points (a)(1), (2) and (3) already specify the circumstances when the requirements have to be applied.

comment

620

comment by: ENAV

**ATS.OR.120 Coordination between meteorological and  
ATS providers  
(a)**

**Page 15**

The original text from ICAO has been reworded. The modified text makes the ATS provider responsible for the arrangement instead of fostering a mutual arrangement  
Proposal

The original text from ICAO ANNEX 11 should be kept: “Coordination between meteorological and air traffic services authorities: To ensure that aircraft receive the most up to- date meteorological information for aircraft operations, arrangements shall be made, where necessary, between meteorological and air traffic services authorities for air traffic services personnel”

response

Not accepted

See the response to comment #53.

comment

621

comment by: ENAV

**ATS.OR.120 Coordination between meteorological and  
ATS providers  
(b)**

**Page 15**

The original ICAO text has been modified so that the responsibility for coordination falls only



|          |   |                          |
|----------|---|--------------------------|
|          | <p>on the ATSP while the original ICAO text does not point out who should foster or be responsible for it.</p> <p>If who is responsible for the consistency of the information on volcanic ash (or any other MET information) needs to be defined, such responsible should logically be the MET services provider and not the ATSP.</p> <p>Proposal</p> <p>Keep the original text from ICAO: “Close coordination shall be maintained between area control centres, flight information centres and associated meteorological watch offices to ensure that information on volcanic ash included in NOTAM and SIGMET messages is consistent”.</p>  |                          |
| response | <p>Not accepted</p> <p>As explained in Section 2.4 of NPA 2016-09(A), ‘as the original ICAO provisions are often formulated with the use of passive voice, the selected measures were organised and, when necessary, textually modified to allocate the responsibility for action unambiguously (to Member State, competent authority, ATS provider, ATS unit, ATCO/FIS/AFIS officer, etc.) in accordance with the EU regulatory drafting practice and, in particular, with the structure of the ATM/ANS Common Requirements Regulation, thus improving clarity’.</p> <p>In this case, the requirement stipulates the obligations for the ATS provider, while the related obligations for the meteorological services provider are stipulated in Annex V to Regulation (EU) 2017/373.</p> |                          |
| comment  | <p>735</p> <p>ATS.OR.120 Coordination between meteorological and<br/>ATS providers<br/>(a)<br/>Page 15</p> <p><b>CANSO Comment</b><br/>The original text from ICAO has been reworded.</p> <p>The modified text makes the ATS provider responsible for the arrangement instead of fostering a mutual arrangement.</p> <p><b>Suggested Resolution</b><br/>The original text from ICAO ANNEX 11 should be kept: “Coordination between meteorological and air traffic services authorities: To ensure that aircraft receive the most up to- date meteorological information for aircraft operations, arrangements shall be made, where necessary, between meteorological and air traffic services authorities for air traffic services personnel”</p>   | comment by: <i>CANSO</i> |
| response | <p>Not accepted</p> <p>See the response to comment #621.</p>  |                          |

|          |   |                          |
|----------|---|--------------------------|
| comment  | <p>736</p> <p>ATS.OR.120 Coordination between meteorological and<br/>ATS providers<br/>(b)<br/>Page 15</p> <p><b>CANSO Comment</b><br/>The original ICAO text has been modified so that the responsibility for coordination falls only on the ATSP while the original ICAO text does not point out who should foster or be responsible for it.<br/>If who is responsible for the consistency of the information on volcanic ash (or any other MET information) needs to be defined, such responsible should logically be the MET services provider and not the ATSP.</p> <p><b>Suggested Resolution</b><br/>Keep the original text from ICAO: “Close coordination shall be maintained between area control centres, flight information centres and associated meteorological watch offices to ensure that information on volcanic ash included in NOTAM and SIGMET messages is consistent”.</p> | comment by: <i>CANSO</i> |
| response | <p>Not accepted</p> <p>See the response to comment #621.</p>  |                          |

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|----------|--|-----------------------------|
| comment  | <p>1496</p> <p>This NPA introduces UNICOM out of the scope of EU-ATS rules, but considered in GM.<br/>In case there is no ATS in place (UNICOM), a coordination is needed to support meteorological data needed for flight operations (VMC/IMC, QNH).</p>  | comment by: <i>ESSP-SAS</i> |
| response | <p>Noted</p> <p>In accordance with the proposed approach, it is a responsibility of Member States to designate the appropriate certified ATS provider into the airspace where they decided that ATS will be provided in accordance with the proposed Article 3a ‘Determination of the need for ATS’.</p> <p>GM2 to Article 3a(a) clearly explains that UNICOM-type aeronautical stations are not within the scope of ATS and hence they are not subject to the EU ATS requirements.</p> <p>See the response to comment #608.</p> |                             |

### 1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.125

p. 15-16

|         |  |                         |
|---------|--|-------------------------|
| comment | <p>622</p> <p><b>ATS.OR.125 (c) Coordination between aeronautical information services and ATS provider</b><br/><b>Page 15</b></p> <p>The proposed transposition of Annex11 alters the meaning of the original ICAO provisions, with major side effects.</p> | comment by: <i>ENAV</i> |
|---------|--|-------------------------|



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|          | <p>ICAO sets the scope of coordination between ATS and AIS in the context of change management (only what is relevant for AIS is coordinated) while by the proposed wording a close coordination is required for every change.</p> <p>Furthermore, since "air navigation system" it is not defined the scope of ATS provider obligations is further widened.</p> <p>Proposal<br/>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.</p>  |
| response | <p>Partially accepted</p> <p>The originating ICAO provision (Standard in Section 2.22.2 of Annex 11) emphasises the need to consider an adequate time frame for notification, to allow the timely publication of aeronautical information relevant to the changes to the air navigation system; it does not question the need for a close coordination between the aeronautical information service provider and, in this case, the ATS provider in case the introduction of a such a change is to be notified. Therefore, EASA is of the opinion that the proposed ATS.OR.125(c) does not alter the purpose of the originating ICAO provision, which is transposed into the EU regulatory framework in accordance with the principles and the objectives represented in Section 2.4 of NPA 2016-09(A).</p> <p>In order to establish clarity on the term 'air navigation systems', the requirement is reworded as follows:</p> <p><i>'(c) Before introducing changes to <b>systems for air navigation</b> <del>the air navigation system elements</del> under its responsibility, an air traffic services provider shall:</i></p> <p><i>.....'</i></p> <p>The term 'system' is defined in Article 2 (39) Regulation (EC) No 549/2004 as 'the aggregation of airborne and ground-based constituents, as well as space-based equipment that provides support for air navigation services for all phases of flight'.</p> |
| comment  | <p>737 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.OR.125 (c) Coordination between aeronautical information services and ATS provider<br/>Page 15</p> <p><b>CANSO Comment</b></p> <p>The proposed transposition of Annex11 alters the meaning of the original ICAO provisions, with major side effects.</p> <p>ICAO sets the scope of coordination between ATS and AIS in the context of change management (only what is relevant for AIS is coordinated) while by the proposed wording a close coordination is required for every change.</p> <p>Furthermore, since "air navigation system" it is not defined the scope of ATS provider obligations is further widened.</p> <p><b>Impact</b><br/>Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.</p> <p><b>Suggested Resolution</b></p>  |

|          |  |
|----------|--|
| response | <p>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.</p> <p>Partially accepted</p> <p>See the response to comment #622.</p>  |
| comment  | <p>1268 <span style="float: right;">comment by: FAA</span></p> <p>Consider clarifying “minimum of delay”</p>   |
| response | <p>Noted</p> <p>The expression is self-explanatory; the intent of the requirement is that the information is provided well in advance to ensure its timely publication by the aeronautical information service provider in accordance with the time limits specified in the requirements included in Part-AIS (Annex VI to Regulation (EU) 2017/373).</p>  |
| comment  | <p>1422 <span style="float: right;">comment by: EUROCONTROL</span></p> <p><b>ATS.OR.125 Coordination between aeronautical information services and ATS providers - Page 15</b></p> <p>The EUROCONTROL Agency would like to refer to ICAO Annex 11, 2.22.1 which has a specific requirement, viz. ‘arrangements shall be made between aeronautical information services and air traffic services authorities responsible for air traffic services to report to the responsible aeronautical information services unit...’.</p> <p>ATS.OR.125 does not seem to cover this ICAO requirement which is paramount to agree on data to be provided, its quality, etc. The ICAO formulation ‘arrangements shall be made’ means to have formal arrangements in written form which should specify data quality requirements, formats, etc. whereas the NPA formulation ‘shall arrange to report’ allows for verbal arrangements, which contradicts the spirit of NPA 2016-02.</p> <p>Beside this the EUROCONTROL Agency is of the opinion that ATS.OR.125 does not conform to the provisions of NPA 2016-02 (ATM/ANS.OR.A.080 Aeronautical data and aeronautical information) on service providers’ obligations when originating, processing or transmitting data to the aeronautical information services provider. The reason for this opinion lies to the fact that ATM/ANS.OR.A.080 was created especially to cover necessary data quality requirements for ATM/ANS providers when they originate, process and transmit aeronautical data and aeronautical information to the AIS.</p> |
| response | <p>Noted</p> <p>The comment regarding the lack of conformity between ATS.OR.125 and NPA 2016-02 is not understood since the proposed requirements in ATM/ANS.OR.A.080 (which with EASA Opinion No 02/2018 on Part-AIS has been re-designated as ATM/ANS.OR.A.085) are applicable also to all ATM/ANS providers originating data, including the ATS providers.</p> <p>In fact, the above-mentioned provisions are complementary and do not exclude each other.</p>  |



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| comment  | 1497   | comment by: <i>ESSP-SAS</i> |
|          | <p>This NPA introduces UNICOM-type aeronautical stations out of the scope of EU-ATS rules, but considered in GM.</p> <p>In case there is no ATS in place (UNICOM), a coordination is needed with AIS to provide NOTAM info and publish/update IFP or VAC charts.</p> |                             |
| response | <p>Not accepted</p> <p>See the response to comment #1496.</p>  |                             |

**1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.130**

p. 16

|          |  |                         |
|----------|--|-------------------------|
| comment  | 379  | comment by: <i>DGAC</i> |
|          | <p>ICAO Annex 11 is more flexible about the time expressed in seconds, it specifies “when required”.</p> <p>Based on this consideration, DGAC requests the Agency to adhere to the initial text from ICAO.</p>   |                         |
| response | <p>Not accepted</p> <p>ATS.OR.130(a) is a transposition of the Standard in Section 2.26.2 of ICAO Annex 11.</p> <p>Your comment is relevant to the transposition of the Standard in Section 2.26.1 of ICAO Annex 11 into SERA.3401(a) of Regulation (EU) No 923/2012 (SERA), where the expression ‘when required’ is used.</p> |                         |

**1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.135**

p. 16

|          |   |                           |
|----------|---|---------------------------|
| comment  | 55  | comment by: <i>ENAIRE</i> |
|          | <p><b>ATS.OR.135 (Contingency arrangements):</b></p> <p>It is suggested to harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 “Contingency”).</p> <p>For instance, the “EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services” mentioned by GM4 ATS.OR.135 do not mention either PBN, GNSS or navigation systems in section 9.2.2 “CNS considerations” or “Appendix B - List of Events to Support Risk Assessment”.</p> |                           |
| response | <p>Noted</p> <p>The requirement AUR.PBN.2020 in EASA No Opinion 10/2016 is not in contradiction with ATS.OR.135. Moreover, it shall be noted that the reference to the EUROCONTROL document in GM4 ATS.OR.135 is not binding, and provides guidance on some, not all, the cases of contingency. EASA intends to develop guidance material supporting the application</p>  |                           |

AUR.PBN.2020.

See also the response to comment #187.

comment

129

comment by: IFATCA

**ATS.OR.135 Contingency arrangements**

The ATS provider shall develop contingency plans as required in ATM/ANS.OR.A.070 in close coordination with the ATS providers responsible for the provision of services in adjacent portions of airspace and with airspace users concerned. **The contingency plan shall regularly be validated in live trials.**

justification:

Not only need contingency plans be drafted, they need to be regularly tested both for validation of the technical facilities as well as to ensure proficiency of the ATS personnel.

response

Not accepted

The importance of the validation of contingency plans is well-represented and described in Chapter 10 of the EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services (including Service Continuity) Edition 2.0 of 06.04.2009, indicated as a reference for guidance in GM4 to ATS.OR.135.

comment

187

comment by: *Slawomir BALAZY*

It is required that EASA propose document (contingency guidelines) for FIS providers.

response

Partially accepted

Generic requirements for contingency planning for ATM/ANS providers are already established in ATM/ANS.OR.A.070 in Annex III to Regulation (EU) 2017/373. The proposal in ATS.OR.135 and in the associated GM complements such requirement specifically for ATS providers, i.e. both ATC service and FIS providers. Since the operational environment, the equipment used and the circumstances may be very diverse, for the time being EASA does not deem practicable to develop additional guidance to what proposed in GM4 to ATS.OR.135. This GM has been amended by adding reference to Attachment C to ICAO Annex 11 'Material relating to contingency planning'.

comment

276

comment by: *NATS National Air Traffic Services Limited*

It is not practical to develop contingency arrangements with all airspace users concerned as these are not identified or necessarily known.

**Recommendation**

Remove text:

"and with airspace users concerned"

Or amend text to read:

"...adjacent portions of airspace and, where feasible with airspace users concerned".



|          |  |
|----------|--|
| response | Partially accepted<br><br>It is acknowledged that such coordination with all airspace users may not be possible at any time, as also represented in Attachment C to Annex 11 referred to as GM4 to ATS.OR.135. Therefore, the text of ATS.OR.135 is amended as follows:<br><br>'An air traffic services provider shall develop contingency plans as required in ATM/ANS.OR.A.070 in close coordination with the air traffic services providers responsible for the provision of services in adjacent portions of airspace and, as appropriate, with airspace users concerned'.   |
| comment  | 294 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span><br><br>What about contingency guidelines for FIS providers?   |
| response | Partially accepted<br><br>See the response to comment #187.  |
| comment  | 624 <span style="float: right;">comment by: <i>ENAV</i></span><br><br><b>ATS.OR.135 (Contingency arrangements)</b><br><b>Page 16</b><br><br>It is not practical to develop contingency arrangements with all airspace users concerned as these are not identified or necessarily known.<br><br>The "EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services" mentioned by GM4 ATS.OR.135 do not mention either PBN, GNSS or navigation systems in section 9.2.2 "CNS considerations" or "Appendix B - List of Events to Support Risk Assessment"<br><br>Proposal<br>Remove text:<br>"and with airspace users concerned"<br>Or amend text to read:<br>"...adjacent portions of airspace and, where feasible with airspace users concerned".<br><br>Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 "Contingency"). |
| response | Partially accepted<br><br>See the responses to comments #55 and #276.  |
| comment  | 738 <span style="float: right;">comment by: <i>CANSO</i></span><br><br>ATS.OR.135 (Contingency arrangements)   |

Page 16

#### CANSO Comment

It is not practical to develop contingency arrangements with all airspace users concerned as these are not identified or necessarily known.

The “EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services” mentioned by GM4 ATS.OR.135 do not mention either PBN, GNSS or navigation systems in section 9.2.2 “CNS considerations” or “Appendix B - List of Events to Support Risk Assessment”.

#### Impact

It is not practical to develop contingency arrangements with all airspace users concerned as these are not identified or necessarily known.

#### Suggested Resolution

Remove text:

“and with airspace users concerned”

Or amend text to read:

“...adjacent portions of airspace and, where feasible with airspace users concerned”.

Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 “Contingency”).

response

Partially accepted

See the responses to comments #55 and #276.

comment

1281

comment by: *Polish Air Navigation Services Agency*

It is required that EASA propose contingency guidelines for FIS providers.

response

Partially accepted

See the responses to comments #187.

comment

1474

comment by: *HungaroControl*

ATS.OR.135:

The ATS provider shall develop contingency plans as required in ATM/ANS.OR.A.070 in close coordination with the ATS providers responsible for the provision of services in adjacent portions of airspace ~~and with airspace users concerned~~.

response

Partially accepted

See the response to comment #276.



|          |   |
|----------|---|
| comment  | <p data-bbox="363 271 411 309">131</p> <p data-bbox="1225 271 1498 309" style="text-align: right;">comment by: <i>IFATCA</i></p> <p data-bbox="363 331 1129 369"><b>ATS.OR.140 Failure and irregularity of systems and equipment</b></p> <p data-bbox="363 369 1498 548">The ATS provider shall establish appropriate arrangements for ATS units to immediately report any failure or irregularity of communication, navigation and surveillance systems or any other safety-significant systems or equipment which could adversely affect the safety or efficiency of flight operations and/or the provision of ATS. <b>Appropriate backup systems shall be available where deemed necessary</b></p> <p data-bbox="363 582 523 616">Justification:</p> <p data-bbox="363 616 1498 696">It is important to have backup systems in place prior to establish appropriate arrangements for reporting. This shall be capture here.</p>  |
| response | <p data-bbox="363 696 539 745">Not accepted</p> <p data-bbox="363 768 1498 1010">ATS.OR.140 establishes obligations to report the failure of systems which may have a negative impact on the safety of flight and on the ATS provision. Such negative impact could be mitigated by means other than appropriate backup systems, such as built-in high-availability rate and redundancy. The mere introduction of the proposed amendment may have a very negative impact in terms of costs and does not consider the aforementioned mitigating measures.</p> <p data-bbox="363 1032 1498 1144">It shall be noted that a generic requirement for technical and operational competence and capability applicable as well to ATS providers is established in ATM/ANS.OR.B.001 in Annex III to Regulation (EU) 2017/373.</p> <p data-bbox="363 1167 1498 1245">Moreover, requirements for availability of CNS systems are already established in CNS.OR.100 in Annex VIII to Regulation (EU) 2017/373.</p> |
| comment  | <p data-bbox="363 1279 411 1346">374</p> <p data-bbox="1098 1279 1498 1346" style="text-align: right;">comment by: <i>Slawomir BALAZY</i></p> <p data-bbox="363 1379 1498 1458">It is necessary to specify (according to implemented IR) institution or procedure of reporting for ATS providers.</p>   |
| response | <p data-bbox="363 1469 443 1518">Noted</p> <p data-bbox="363 1541 1498 1619">The arrangements for the reporting addressed in the requirement have to be established by the ATS provider, on the basis of its organisational and operational specificity.</p> <p data-bbox="363 1641 858 1675">See also the response to comment #612.</p>  |
| comment  | <p data-bbox="363 1704 411 1771">612</p> <p data-bbox="1225 1704 1498 1771" style="text-align: right;">comment by: <i>UK CAA</i></p> <p data-bbox="363 1805 699 1839"><b>Paragraph No: ATS.OR.140</b></p> <p data-bbox="363 1872 1498 2027"><b>Comment:</b> ATS.OR.140 does not specify the nature or purpose of the report referred to, or to whom the report should be made. This issue was raised with EASA at their Part-ATS consultation workshop on 30 November 2016 and EASA stated their belief that the ATS provider's role was to discern, through their SMS, the purpose of the report and the</p>   |

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| response | <p>reporting mechanism. Given EASA’s statement at the 30 November workshop, the UK CAA invites EASA to develop GM to provide clarity on the intent of ATS.OR.140.</p> <p><b>Justification:</b> Clarity of EU regulatory materials.</p> <p>Accepted</p> <p>In response to the comment, the following GM1 to ATS.OR.140 is introduced:</p> <p><i>ATS.TR.140 is complementary to the existing requirements on reporting stemming from Regulation (EU) No 376/2014 and on the reporting arrangements that ATM/ANS providers have to establish in accordance with principles and requirements on the management system set in ATM/ANS.OR.B.005 in Annex III to Regulation (EU) 2017/373. However, the primary objective of ATS.OR.140 is the timely dissemination of information needed for the safe and efficient provision of air traffic control service and flight information service (e.g. information on changes in the availability of radio navigation services). The arrangements should also support the timely issuance of NOTAMs concerning the relevant information to be disseminated, in accordance with the applicable requirements in ATM/ANS.OR.A.085 in Annex III to Regulation (EU) 2017/373.</i></p> |
| comment  | <p>625 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.OR.140 Failure and irregularity of systems and equipment<br/>Page 16</b></p> <p>Turning an ICAO procedure for ATS units into a general requirement for ATSPs has negative consequences.</p> <p>The requirement, whilst being legally compulsory, is vague (report to whom?), also due to the omission of “in accordance with local instructions”.</p> <p>As in many instances, what is acceptable and effective in the context of ICAO procedures in their integrity may become troubling, depending on how it is transposed into the new form and context.</p> <p>Proposal<br/>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.</p>  |
| response | <p>Not accepted</p> <p>The omission of the expression ‘in accordance with local instructions’ is justified by the fact that the provision is an obligation for the ATS provider to establish arrangements which are to be applied by the ATS units. This implies that such arrangements are based on the local peculiarities.</p> <p>See also the response to comment #612.</p>   |
| comment  | <p>739 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.OR.140 Failure and irregularity of systems and equipment</p>   |

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|          | <p>Page 16</p> <p><b>CANSO Comment</b><br/>Turning an ICAO procedure for ATS units into a general requirement for ATSPs has negative consequences.<br/>The requirement, whilst being legally compulsory, is vague (report to whom?), also due to the omission of “in accordance with local instructions”.<br/>As in many instances, what is acceptable and effective in the context of ICAO procedures in their integrity may become troubling, depending on how it is transposed into the new form and context.</p> <p><b>Impact</b><br/>Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.</p> <p><b>Suggested Resolution</b><br/>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #625.</p>  |
| comment  | <p>1282 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>It is necessary to specify (according to implemented IR) the institution or procedure of reporting for ATS providers.</p>   |
| response | <p>Noted</p> <p>See the response to comment #374.</p>   |
| comment  | <p>1498 <span style="float: right;">comment by: ESSP-SAS</span></p> <p>In case there is no ATS in place (UNICOM), a coordination is needed with CNS to provide navigation info to support the IFP that could be published in the AD.<br/>UNICOM service is based on air-ground ground-ground communications, so formal agreements are needed to guarantee the functioning of the communications service.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #1496.</p>   |

### 1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.145

p. 16

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| comment | <p>56 <span style="float: right;">comment by: ENAIRE</span></p> <p><b>ATS.OR.145 Operation of ATC service</b><br/><i>(b) For all airspace between FL 290 and FL 410 inclusive, the ATS providers concerned shall participate to the Reduced Vertical Separation Minima (RVSM) Monitoring programme</i></p> |
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*instituted for monitoring the height-keeping performance of aircraft operating at these levels, in order to ensure that the continued application of this vertical separation minimum meets the safety objectives.*

Even if the participation of the ATS providers concerned in the RSVM monitoring program seems logical, we note that what ANNEX 11 requires is just the establishment of the program.

In our opinion who shall, or shall not, participate, has to be defined by the responsible of the regional program in the corresponding terms of reference. It is not understood why to highlight here the need of ATSP participation in the program when, for instance, participation of the operators whose aircraft operate at the referenced levels looks like equally important.

Therefore, we suggest to keep the original text from ICAO.

response

Partially accepted

Following a review of the proposed transposition of the originating Standard in Section 3.3.5.1 of ICAO Annex 11, EASA has decided to remove the said requirement from Part-ATS and to amend ATS.OR.145 accordingly, as it does not concern and address exclusively the ATS providers, as mentioned in the comment. It remains a responsibility for the Member States, in accordance with their obligations towards the Chicago Convention, to participate to the Programme and to establish the related arrangements.

comment

192

comment by: *Slawomir BALAZY*

AMC1 ATS.OR.145(a) Operation of ATC service - provision should also include FIS providers.

response

Not accepted

ATS.OR.145(a) and the related AMC address only ATC service provision. Its extension to FIS provision is not considered to be proportionate to the relevant service and may have negative economic impact on FIS providers. However, nothing prevents such providers from applying these requirements to FIS.

comment

211

comment by: *Icetra*

(b) ICETRA recommends a rewording. Although it is not specifically stated in (b) in which RVSM monitoring programme an ATS provider shall take part in, the explanatory note refers to the European Reduced Vertical Separation Minima (RVSM) Monitoring programme, led by the established European Regional Monitoring Agency. For Iceland, being in the ICAO NAT region, the NAT RVSM monitoring programme is the appropriate programme for the ATS provider to participate in. A rewording to the effect that "the appropriate RVSM monitoring programme shall be participated in" is suggested.

response

Noted



ATS.OR.145(b) has been removed. See the response to comment #56.

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| comment  | 295  | comment by: <i>Michal SLOJEWSKI</i> |
|          | (a) - Same requirement should cover (enroute) FIS provision. |                                     |
| response | Not accepted<br>See the response to comment #192.            |                                     |

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| comment  | 593  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | This OR is according to its headline limited to ATC service which not seems to be the intention when reading its content. The same valid for related AMC/GM. |   |
|          | Proposal:<br>Change headline for ATS.OR.145 (and related AMC/GM) to read 'Operation of ATS'.   |   |
| response | Not accepted<br>See the response to comment #192.  |   |

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| comment  | 626  | comment by: <i>ENAV</i> |
|          | <b>ATS.OR.145 (a) and (b) Operation of ATC service</b><br><b>Page 16</b>   |                         |
|          | (a) The proposed transposition of Annex 11 § 3.3.2 without the original link to § 3.3.1 potentially broadens the responsibility of the ATSP on the matter. In Annex 11 it is clear what information and clearances are to be displayed to ATS units.<br>The proposed associated AMC do not solve the issue.  |                         |
|          | (b) Again, adjustments in transposition may lead to "saying too much". Care should be taken to verify consistency with the current status and procedures of the programme.   |                         |
|          | Proposal<br>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.  |                         |
| response | Not accepted<br><br>The originating ICAO provisions mentioned in your comment are both proposed for transposition as Implementing Rules, but their placement within Part-ATS is in accordance with the structure of the rule, since one relates to the organisational requirements (ATS.OR) and the other to the technical requirements (ATS.TR). It shall be noted that the proposed text does not establish a new general requirement compared to the ICAO originating provisions. |                         |



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| comment  | <p>740</p> <p style="text-align: right;">comment by: <i>CANSO</i></p> <p>ATS.OR.145 (a) and (b) Operation of ATC service<br/>Page 16</p> <p><b>CANSO Comment</b><br/>(a) The proposed transposition of Annex 11 § 3.3.2 without the original link to § 3.3.1 potentially broadens the responsibility of the ATSP on the matter. In Annex 11 it is clear what information and clearances are to be displayed to ATS units.<br/>The proposed associated AMC do not solve the issue.</p> <p>(b) Again, adjustments in transposition may lead to “saying too much”. Care should be taken to verify consistency with the current status and procedures of the programme.</p> <p><b>Impact</b><br/>Legal expansion of the responsibility of ANSPs beyond what operationally necessary.</p> <p><b>Suggested Resolution</b><br/>Do not establish new general requirements; instead transpose Annex 11 as requirement and PANS-ATM as AMC.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #626.</p>  |

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| <b>1.1.3. Amendments to Annex IV — Subpart A — Section 1 - ATS.OR.150</b> | p. 17 |
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| comment  | <p>277</p> <p style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>ATS.OR.150 Transfer of responsibility for control<br/>Para (a) and (b)<br/>The title indicates that the provision is about transfer of control; however the provision also includes transfer of communications. Both paragraphs are very similar and would benefit from being merged.</p> <p><b>Recommendation</b><br/>Amend text to read:<br/>“The ATS provider(s) shall specify applicable coordination procedures for transfer of responsibility for control of flights, including transfer of communications and transfer of control points, in letters of agreement and operation manuals, as appropriate”</p> <p>Remove para (b)</p> <p>Amend title to:<br/>“Transfer of responsibility of control and communication”.</p> |
| response | <p>Accepted</p> <p>ATS.OR.150 is amended in accordance with the proposal in the comment.</p>   |



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| comment  | <p>372 <span style="float: right;">comment by: <i>Slawomir BALAZY</i></span></p> <p>Title of Amendment ATS.OR.150 Should be revised to "<u>Transfer of responsibility for control and communication</u>".</p>  |
| response | <p>Accepted</p> <p>See the response to comment #277.</p>   |
| comment  | <p>380 <span style="float: right;">comment by: <i>DGAC</i></span></p> <p>In the point b), DGAC proposes to replace ATS by ATC as it is about transfer of responsibility for control.</p> <p>Proposed text:</p> <p>b) The ATS provider(s) shall establish procedures between <del>ATS</del> ATC units and/or sectors for the transfer of air-ground communication of aircraft in letters of agreement and operation manuals, as appropriate.</p>  |
| response | <p>Not accepted</p> <p>By virtue of the amendment to ATS.OR.150 introduced in response to comment #277, the new text of the requirement includes obligations with regard to the transfer of communication which involve also FIS and AFIS providers.</p>   |
| comment  | <p>594 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The headline and (a) are both limited to transfer of control.</p> <p>However, the operational responsibilities and duties when transferring the handling of air traffic between an ATC unit and an AFIS unit, as well as between two AFIS units, needs to be defined and formalised in letters of agreement and operation manuals.</p> <p>Annex IV (Part-ATS) Section 3 are in total limited to requirements to be fulfilled by ATC-providers and air traffic controllers with no proposal for change or additional requirements for AFIS providers and AFIS personnel included in NPA 2016-09.</p> <p>The majority of these requirements regarding - but not limited to fatigue, psychoactive substances and stress - may have a safety impact on performance regardless the category of ATS personnel; air traffic controllers or AFIS and FIS personnel.</p> <p>It is important to have common requirements on HR in place at the same time as other implementing rules introduces and comes into force, hereby contributing to enhanced safety.</p> |

response

Noted

See the response to comment #277.

With regard to the human factors requirements in Section 3, Subpart A of Annex IV to Regulation (EU) 2017/373 mentioned in your comment, it shall be noted that the scope of applicability is limited to ATC service providers as required by the Essential Requirements in Annex Vb Chapter 5(b), which triggered the development of the aforementioned human factors requirements. Nothing prevents a Member State from applying the same requirements to FIS and AFIS provision, based upon a national arrangement.

comment

627

comment by: ENAV

**ATS.OR.150 Transfer of responsibility for control  
Para (a) and (b)  
Page 17**

The title indicates that the provision is about transfer of control; however the provision also includes transfer of communications.

The relationship with ATS.TR.230 is not clear.

(b) appears inappropriate as transfer of communications may not coincide with TOC.

Proposal

Amend text to read:

“The ATS provider(s) shall specify applicable coordination procedures for transfer of responsibility for control of flights, including transfer of communications and transfer of control points, in letters of agreement and operation manuals, as appropriate”

Remove para (b)

Amend title to:

“Transfer of responsibility of control and communication”.

response

Accepted

See the response to comment #277.

comment

741

comment by: CANSO

**ATS.OR.150 Transfer of responsibility for control  
Para (a) and (b)  
Page 17**

**CANSO Comment**

The title indicates that the provision is about transfer of control; however the provision also



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|          | <p>includes transfer of communications.</p> <p>The relationship with ATS.TR.230 is not clear.</p> <p>(b) appears inappropriate as transfer of communications may not coincide with TOC.</p> <p><b>Impact</b><br/>The title does not accurately reflect the content of the provision.</p> <p><b>Suggested Resolution</b><br/>Amend text to read:<br/>“The ATS provider(s) shall specify applicable coordination procedures for transfer of responsibility for control of flights, including transfer of communications and transfer of control points, in letters of agreement and operation manuals, as appropriate”</p> <p>Remove para (b)</p> <p>Amend title to:<br/>“Transfer of responsibility of control and communication”.</p>   |
| response | <p>Accepted</p> <p>See the response to comment #277.</p>  |
| comment  | <p>1284 <span style="float: right;">comment by: <i>Polish Air Navigation Services Agency</i></span></p> <p>The title should be revised to "Transfer of responsibility for service and communication"</p>  |
| response | <p>Partially accepted</p> <p>See the response to comment #277.</p>  |
| comment  | <p>1472 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>Annex IV (Part-ATS) Section 3 are in total limited to requirements to be fulfilled by ATC-providers and air traffic controllers with no proposal for change or additional requirements for AFIS providers and AFIS personnel included in NPA 2016-09.</p> <p>The majority of these requirements regarding - but not limited to fatigue, psychoactive substances and stress - may have a safety impact on performance regardless the category of ATS personnel; air traffic controllers or AFIS and FIS personnel.</p> <p>It is important to have common requirements on HR in place at the same time as other implementing rules introduces and comes into force, hereby contributing to enhanced safety.</p> |
| response | <p>Noted</p> <p>See the response to comment #594.</p>   |

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.400** p. 17

comment 130 comment by: Civil Aviation Authority Norway

In (d) we propose to change the requirement from "...when so prescribed by the competent authority." to "...unless otherwise prescribed by the competent authority."  
 This will strengthen the requirement a bit and bring it in line with the terminology in e.g. ATS.OR.515(a).

response Accepted

The text of the requirement has been modified accordingly.

comment 132 comment by: IFATCA

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| <p>1.1.3<br/>ATS.OR.400</p> | <p><b>ATS.OR.400 Aeronautical mobile service (air-ground communications) — General</b></p> <p>(a) The ATS provider shall use voice and/or data link in air-ground communications for ATS purposes.</p> <p>(b) When providing ATS surveillance service, the ATS provider shall ensure that the level of reliability and availability of communication systems are such that the possibility of system failures or significant degradations is very remote, and that adequate backup facilities are provided.</p> <p>(c) When direct pilot-controller two-way voice or data link communications are used for the provision of ATC service as well as for air traffic services such as FIS and AFIS, recording facilities shall be provided on all such air-ground communication channels.</p> <p>(d) When direct air-ground two-way voice or data link communications are used for the provision of FIS and AFIS, recordings facilities on of all such air-ground communication channels shall be provided by the ATS provider, when so prescribed by the competent authority kept for a time frame to be determined.</p> | <p>Suggest to treat AFIS and FIS exactly as ATC Service as far as recording of R/T communications is concerned. IFATCA also proposes to specify a limit on how long such data must be retained.</p> |
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response Not accepted

The rationale behind the introduction of requirements for FIS and AFIS provision, with the associated flexibility, is explained in Section 2.7.1.3.2 at page 19 of NPA 2016-09(A). It shall



be noted that the originating ICAO Standard only addresses ATC service provision, while in the proposed provision it is a responsibility of the competent authority to mandate such a recording for FIS and/or AFIS service provision.

Furthermore, it is represented that requirements for the minimum period of retention of recordings and data for ATS purposes are established in ATS.OR.460.

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| comment  | 194   | comment by: <i>Slawomir BALAZY</i>                                       |
|          | AMC1 ATS.OR.400(a) Direct pilot-controller (suggestion to add FISO);  |  |
| response | Not accepted  |  |
|          | The AMC is removed from Part-ATS as it is not relevant in the context of the requirements for the ATS provider on aeronautical mobile service. The originating ICAO PANS ATM provision is already transposed as AMC1 SERA.8035, and its application is limited to ATC service.  |  |
| comment  | 279   | comment by: <i>NATS National Air Traffic Services Limited</i>            |
|          | ATS.OR.400 Aeronautical mobile service (air-ground communications) - General (b)  |  |
|          | The term “very remote” is qualitative and open to interpretation. We would suggest that clarification is required to allow compliance with regulation; suggest providing guidance on how to interpret “very remote”.  |  |
| response | Partially accepted  |  |
|          | GM1 to ATS.OR.400(a) has been added. This GM transposes Section 8.3.1 of PANS ATM and its associated Note, which with NPA 2016-09 were proposed for transposition as ATS.OR.400(b). The deeper analysis of such ICAO PANS provisions showed that ICAO is not consistent in the use of the terms ‘remote’, ‘very remote’ and ‘extremely remote’ in the given context, as ‘very remote’ is only used in PANS. Hence it has not been possible to clarify from a quantitative perspective the meaning of the term ‘very remote’, and EASA, also following extensive discussions with its stakeholders, has decided not to use such a term in a mandatory requirement. |  |
|          | In addition, it is recalled that ANS providers shall ensure compliance with Regulation (EU) 2017/373.   |  |
| comment  | 455   | comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i> |



**Page No:**17

**Paragraph No:** ATS.OR.400

**Comment:** We support the inclusion of AFIS in sub-paragraph (d).

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

response Noted

comment 545

comment by: AIRBUS

Comments:

The requirements for communications and information, Section 4 and Section 5, are too prescriptive for being put at IR level.

Section 4: The requirements for communications shall be expressed as objective based requirements, e.g: being technology independent, covering normal and emergency conditions. The high level objective for ATS purpose is providing adequate air-ground and ground – ground communications for intended flight operations.

Section 5: Similarly, the requirements for information shall be expressed in a more generic way. The high level objective for ATS purposes is providing adequate and relevant information regarding the meteorological conditions, aerodrome conditions and the operational status of the navigation service, in order to ensure safe and efficient flight operations.

Our proposal:

Section 4

For consistency between the Sections 1 to 3, the Section 4, defining ATS OR for communications, shall be changed to a less prescriptive wording, such as “ **ATS provider shall provide adequate air-ground and ground-ground communications to ensure safe and efficient flight operations**”.

The currently proposed ATS OR 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460 & 465: ‘Aeronautical mobile service’, ‘Emergency channel’, ‘Aeronautical fixed service’, which are technology and solution based shall be put at AMC level.

Section 5

At IR level, the requirements for information shall cover the MET & ADR conditions and CNS operational status.

For consistency between the Sections 1 to 3, the Section 5, defining ATS OR for information, shall be changed to a less prescriptive wording, such as: “**ATS provider shall ensure that adequate and relevant meteorological data, aerodrome conditions and operational status**



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|          | <p><b>of navigation services are made available for safe and efficient flight operations”.</b></p> <p>The currently proposed ATS OR 500, 505, 510, 515, 520, 525, which are solution based, shall be put at AMC level.</p>  |
| response | <p>Not accepted</p> <p>The very large part of the requirements included in Section 4 and Section 5 are derived from ICAO Standards in Annex 11 and, to a minor extent, in Annex 10. Member States are already bound to apply such Standards under their obligations established by the Chicago Convention. By transposing such Standards as Implementing Rules EASA aims at the harmonisation of ATS provision, being this one of the objectives of RMT.0464. If such Standards were transposed as soft law (AMC and/or GM), this objective would not be met. The rationale and the methodology applied when transposing ICAO provisions into the proposed Part-ATS requirements is explained in Section 2.4. of NPA 2016-09(A).</p>  |
| comment  | <p>619 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.400(b)</p> <p><b>Comment:</b> ATS.OR.400(b) includes the term ‘very remote’. However, this term can have specific meaning in a risk analysis context; for instance ‘extremely remote’ (a term which could be viewed as roughly analogous to ‘very remote’) has been associated with a failure rate of <math>1 \times 10^{-7}</math> to <math>1 \times 10^{-9}</math> events per flight hour (ICAO Doc 9859 – Safety Management Manual). Consequently, the use of such a term within EU regulatory materials could introduce confusion. Acknowledging that the text of ATS.OR.400(b) is aligned with that of its source (PANS-ATM 8.3.1), the UK CAA invites EASA to clarify what is meant by ‘very remote’ and to develop clarifying GM.</p> <p><b>Justification:</b> Clarity of EU Regulatory materials.</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #279.</p>  |
| comment  | <p>631 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.OR.400 Aeronautical mobile service (air–ground communications) — General Page 17</b></p> <p>(a) replacing the ICAO word “radiotelephony” with “voice”, though already present in SERA, may be inaccurate (e.g. voice communication could be made also using a data-link). Annex 11 § 6.1.1.1 sets a requirement for the Aeronautical Mobile Service, rather than for the ATS provider.</p> <p>(b) While in PANS-ATM this section addresses the impact on communications requirements for the provisions of ATS surveillance services. its transposition here opens question regarding the requirements for an appropriate communication service (e.g. different requirements for procedural and surveillance scenarios?).</p>  |

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|          | <p>The term “very remote” is qualitative and open to interpretation. Proposal</p> <p>Provide guidance on how to interpret “very remote”. Revert to original text and meanings</p>  |
| response | <p>With regard to the comment on ‘radiotelephony’ and ‘voice’: Not accepted</p> <p>ATS.OR.400(a) refers to ‘voice’ and/or data link for air-ground communication purposes. The requirement is formulated in a manner which makes it consistent with existing requirements in Regulation (EU) No 923/2012 (SERA), as explained in Section 2.7.1.3.2 of NPA 2016-09(A). Moreover, it is technically possible to use a data link for voice communication; however, such a functionality is not foreseen for the purposes of air-ground communication. The aeronautical mobile service is a paramount enabler for the provision of ATS. Hence, Section 4 ‘Requirements for communications’ include the relevant requirements that the ATS providers have to comply with.</p> <p>With regard to the comment on ‘very remote’: Partially accepted. See the response to comment #279.</p> |
| comment  | <p>708 <span style="float: right;">comment by: DTCA</span></p> <p>Ad ATS.OR.400 (d)</p> <p>In order to be consistent with national regulations concerning recording facilities in relation to FIS/AFIS, and to avoid, wherever possible, to put additional burdens on the competent authority, DTCHA propose that ATS.OR.400 (d) is amended as follows:</p> <p>When direct air-ground two-way voice or data link communications are used for the provision of FIS and AFIS, recording facilities on all such air-ground communication channels shall be provided by the ATS provider, <del>when so</del> unless otherwise prescribed by the competent authority.</p>   |
| response | <p>Accepted</p> <p>The text of the requirement has been amended in accordance with the proposal in the comment.</p>  |
| comment  | <p>743 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.OR.400 Aeronautical mobile service (air-ground communications) — General<br/>Page 17</p> <p><b>CANSO Comment</b></p> <p>(a) replacing the ICAO word “radiotelephony” with “voice”, though already present in SERA, may be inaccurate (e.g. voice communication could be made also using a data-link). Annex 11 § 6.1.1.1 sets a requirement for the Aeronautical Mobile Service, rather than for the ATS provider.</p> <p>(b) While in PANS-ATM this section addresses the impact on communications requirements for the provisions of ATS surveillance services. its transposition here opens question</p>   |

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|          | <p>regarding the requirements for an appropriate communication service (e.g. different requirements for procedural and surveillance scenarios?).</p> <p>The term “very remote” is qualitative and open to interpretation.</p> <p><b>Impact</b><br/>Clarification required to allow compliance with regulation.</p> <p><b>Suggested Resolution</b><br/>Provide guidance on how to interpret “very remote”.</p> <p>Revert to original text and meanings</p>  |
| response | <p>Partially accepted</p> <p>See the responses to comments #279 and #631.</p>  |
| comment  | <p>809 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>In point (a) the phrase “voice and/or data link” is used.<br/><i>(a) The ATS provider shall use <b>voice and/or data link</b> in air–ground communications for ATS purposes.</i></p> <p>The standard in Annex 11 uses “radiotelephony and/or data link”. In Annex 11 there is a definition on “radiotelephony”<br/><i>Radiotelephony. A form of radiocommunication primarily intended for the exchange of information in the form of speech.</i></p> <p>The phrase “radiotelephony” is also used in other contexts.<br/>Proposal: Do not change the phrase, use “radiotelephony and/or data link” and introduce the definition of “radiotelephony” in the requirements.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #631.</p>   |
| comment  | <p>810 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>In point (a) the phrase “voice and/or data link” is used.<br/><i>(a) The ATS provider shall use <b>voice and/or data link</b> in air–ground communications for ATS purposes.</i></p> <p>The standard in Annex 11 uses “radiotelephony and/or data link”. In Annex 11 there is a definition on “radiotelephony”<br/><i>Radiotelephony. A form of radiocommunication primarily intended for the exchange of information in the form of speech.</i></p> <p>The phrase “radiotelephony” is also used in other contexts.<br/>Proposal: Do not change the phrase, use “radiotelephony and/or data link” and introduce the definition of “radiotelephony” in the requirements.</p> |
| response | <p>Not accepted</p>  |

See the response to comment #631.

comment

811

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

Sweden's opinion is that recording all "such air-ground communication channels" shall be regulated by EASA not by competent authority. This requirement must be harmonized. The lack of common regulation in this question will affect the level of safety negative.

This is Sweden's proposal on text in this requirement:

d) When direct air-ground two-way voice or data link communications are used for the provision of FIS and AFIS, recording facilities on all such air-ground communication channels shall be provided by the ATS provider.

- remove the last part of the text.

response

Not accepted

The flexibility provided with regard to the applicability of the requirement ATS.OR.400(c) is justified by the fact that the originating provision (Standard in Section 6.1.1.3 of ICAO Annex 11) addresses only the provision of ATC service. EASA considers this a proportionate approach allowing the competent authority to evaluate the magnitude of FIS and AFIS in certain areas and to decide if a need for mandating such recording exists.

comment

1535

comment by: *European Transport Workers Federation - ETF*

The norm should be that those communications are recorded so we suggest to change the sentence as follows : When direct air-ground two-way voice or data link communications are used for the provision of FIS and AFIS, recording facilities on all such air-ground communication channels shall be provided by the ATS provider, unless otherwise prescribed by the competent authority.

response

Accepted

The text of the requirement has been amended in accordance with the proposal in the comment.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.405

p. 17-18

comment

43

comment by: *ATCSL*

This will mean people undergoing pilot training cannot make a Practice Pan call on 121.50. It is beneficial, and reassuring, for student pilots to experience the speed and accuracy with which D&D can pinpoint their position. It would be a great shame if this facility was no longer available.

response

Noted

See the response to comment #623.



|          |   |
|----------|---|
| comment  | <p>73</p> <p style="text-align: right;">comment by: <i>HIAL</i></p> <p><b>ATS.OR.405 VHF Emergency Channel</b></p> <p>It would be a retrograde step to restrict the use of 121.5MHz to that of emergencies alone; the UK has an excellent system for monitoring 121.5 and initiating emergency action. The current system of a central dedicated body to handle emergencies on 121.5MHz is highly efficient so the UK should do whatever it can to ensure the Military can continue to conduct training to its fullest extent – preferably on 121.5MHz which has an established communication network. Aside from the weaknesses of tearing down a perfectly functioning system it would remove the opportunity for aircraft captains to familiarise themselves with the service on 121.5MHz and thus reduce circumstances where pilots have not availed of the service out of ‘fear’. Furthermore, if we assume that the Military cannot provide a service because they cannot train to provide it, ANSPs would face significant costs to provide 121.5MHz coverage. Furthermore, Whilst AFIS have no proposed requirement to monitor 121.5MHz, HIAL would propose proportionate parity with that of the ATC Units, thus incurring similar cost.</p> |
| response | <p>Noted</p> <p>See the response to comment #623.</p> <p>ATS.OR.405(b) establishes the units to which the ATS provider shall make the frequency available at all times, while for the other units, such as AFIS units, not explicitly mentioned in the said provision, the decision is left to the competent authority.</p>   |

|                             |   |  |  |  |
|-----------------------------|---|--|--|--|
| comment                     | <p>133</p> <p style="text-align: right;">comment by: <i>IFATCA</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;"> <p>1.1.3<br/>ATS.OR.405</p> </td> <td style="width: 60%; vertical-align: top;"> <p>b) The ATS provider shall provide the frequency 121.500 MHz at:</p> <p>(1) all area control centres and flight information centres;</p> <p>(2) aerodrome control towers and approach control offices serving international aerodromes and international alternate aerodromes; and</p> <p>(3) AFIS units; and</p> <p>(4) any additional location designated by the competent authority, where the provision of that frequency is considered necessary to ensure immediate reception of distress calls or to serve the purposes specified in point (a).</p> </td> <td style="width: 25%; vertical-align: top;"> <p>The VHF emergency channel shall be available at all units that handle commercial air traffic.</p> </td> </tr> </table> | <p>1.1.3<br/>ATS.OR.405</p>  | <p>b) The ATS provider shall provide the frequency 121.500 MHz at:</p> <p>(1) all area control centres and flight information centres;</p> <p>(2) aerodrome control towers and approach control offices serving international aerodromes and international alternate aerodromes; and</p> <p>(3) AFIS units; and</p> <p>(4) any additional location designated by the competent authority, where the provision of that frequency is considered necessary to ensure immediate reception of distress calls or to serve the purposes specified in point (a).</p> | <p>The VHF emergency channel shall be available at all units that handle commercial air traffic.</p> |
| <p>1.1.3<br/>ATS.OR.405</p> | <p>b) The ATS provider shall provide the frequency 121.500 MHz at:</p> <p>(1) all area control centres and flight information centres;</p> <p>(2) aerodrome control towers and approach control offices serving international aerodromes and international alternate aerodromes; and</p> <p>(3) AFIS units; and</p> <p>(4) any additional location designated by the competent authority, where the provision of that frequency is considered necessary to ensure immediate reception of distress calls or to serve the purposes specified in point (a).</p>  | <p>The VHF emergency channel shall be available at all units that handle commercial air traffic.</p> |  |  |
| response                    | <p>Noted</p>  |  |  |  |

See the response to comment #73.

|          |   |   |
|----------|---|---|
| comment  | 154   | comment by: <i>Civil Aviation Authority Norway</i>            |
|          | <p>To ATS.OR.405(b)(1)<br/>         Is it possible to give some AMC/GM on which coverage the emergency channel should have?<br/>         A complete coverage of all airspace within the area of responsibility of an ACC or FIC is obviously not possible. As it stands now one radiosite could fulfill the requirement.</p>  |   |
| response | <p>Noted</p> <p>EASA shares the view that a full radio coverage for the emergency channel is in many cases very difficult to achieve. However, the coverage shall be identical to that indicated in ATS.OR.410, 415, 420, 425 for the relevant ATS units.</p>   |   |
| comment  | 278   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|          | <p>ATS.OR.405(a)(4)<br/>         Use of the emergency channel (121.500MHz) “to provide air-ground communication with aircraft when airborne equipment failure prevents the use of the regular channels” may not always be possible. As the provision already uses the word “broadly” which is not all encompassing but indicative; it would be appropriate to add the words “where feasible” to address this issue.</p> <p><b><u>Recommendation</u></b><br/>         Add text “where feasible” to end of (a) so it reads:<br/>         The emergency channel (121.500MHz) shall be used only for genuine emergency purposes, as broadly outlined in the following, to provide, where feasible.”</p> |   |
| response | <p>Partially accepted</p> <p>The provision has been modified. See the response to comment #623.</p>   |   |
| comment  | 281   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|          | <p>ATS.OR.405 Very high frequency (VHF) emergency channel<br/>         (b) 2</p> <p>Clarification is required of the term “approach control office”.</p> <p>ICAO, ANNEX 2 Rules of the Air previously defined an Approach Control Office as “A unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes”. This document has since been amended such that the definition now refers to “Approach control unit”</p> <p>Recommend amending text referencing the “approach control office” to read “approach</p>  |   |



|          |   |
|----------|---|
|          | control unit” to align with ICAO Annex 2.”  |
| response | <p>Accepted</p> <p>The text of the provision is amended in accordance with the proposal in the comment.</p> <p>The proposed amendment to SERA.14095 has been aligned accordingly.</p> |

|   |   |   |  |        |
|---|---|---|--|--------|
| comment   | <p>504 <span style="float: right;">comment by: ATC the Netherlands</span></p> <table border="1" data-bbox="363 586 1481 705"> <tr> <td data-bbox="363 586 753 705">ATS.OR.405(a) Very high frequency (VHF) emergency channel</td> <td data-bbox="753 586 1375 705">This is a statement, not a requirement, as it is not attributable to any entity and cannot therefore be complied with.</td> <td data-bbox="1375 586 1481 705">Reword</td> </tr> </table> | ATS.OR.405(a) Very high frequency (VHF) emergency channel | This is a statement, not a requirement, as it is not attributable to any entity and cannot therefore be complied with. | Reword |
| ATS.OR.405(a) Very high frequency (VHF) emergency channel | This is a statement, not a requirement, as it is not attributable to any entity and cannot therefore be complied with.  | Reword  |  |        |
| response  | <p>Noted</p> <p>See the response to comment #623.</p>   |   |  |        |

|         |  |
|---------|--|
| comment | <p>623 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.405 and SERA.14095</p> <p><b>Comment:</b> The UK CAA wishes to propose additional wording in the proposed ATS.OR.405 which would introduce sufficient flexibility to permit the conduct of emergency training on 121.5 MHz. The UK is unique in the world in the way in which it delivers ATS on the emergency channel (121.5 MHz). The task of monitoring 121.5 MHz and responding to aircraft in distress or emergency within UK airspace is vested in a single, centralised cell (the Distress and Diversion (D&amp;D) Cell) located within the Swanwick ACC which is manned by controllers and support staff 24 hours a day, 365 days per year. The purpose of establishing this facility on 121.5 MHz was to reduce workload at individual area control sector working positions and at civil aerodromes within D&amp;D’s area of coverage; to mitigate the risk of airspace infringement, particularly in the vicinity of the London TMA; and to mitigate the risk of Prolonged Loss of Communication incidents affecting commercial air transport.</p> <p>In order to conduct training for D&amp;D Cell staff and to familiarise flight crews with the service provided by D&amp;D, the UK has filed a difference against ICAO Annex 10 Volume V 4.1.3.1.1. Research undertaken by the UK CAA indicates that the 5-year average of training events per day on 121.5 MHz reaches a peak of 4.5 events per day during the summer and a low of 1.8 events per day during the winter. Experience indicates that the average RTF occupancy for each event is 42 seconds, which equates to a 5-year average peaking at 189 seconds per day during the summer and 76 seconds during the winter. Whilst acknowledging that a concentration of events can occur at weekends, it is reasonable to argue that the conduct of practice emergencies on 121.5 MHz has limited impact upon others users of 121.5 MHz. Moreover, given that the D&amp;D Cell has access to multiple transmitter and receiver sites around the UK, the recognition and handling of genuine emergencies is not affected and the provision of “a clear channel between aircraft in distress or emergency” and the D&amp;D Cell is assured.</p> |
|---------|--|

**Justification:** Threats posed by the loss of ability to conduct emergency training on 121.5 MHz are:

- a reduced familiarity of pilots in the procedures for the use of the emergency channel;
- a loss of 'live' training opportunities for D&D Cell staff;
- an increased severity of airspace infringement incidents if pilots are unfamiliar with the procedures for use of 121.5 MHz and thus do not monitor the frequency or do not contact the D&D Cell in the event of being in a state of distress or emergency; and,
- an increased probability of LOC-I and CFIT recreational aviation accidents as a result of reduced familiarity in pilots of the benefits posed by the use of 121.5 MHz leading them not to contact the D&D Cell.

**Proposed Text:** The UK CAA proposes flexibility to conduct training on 121.5 MHz through the following amendment to ATS.OR.405(a) and SERA.14095 and the development of an additional appendix to Article 3 of the ATM/ANS Common Requirements Regulation as follows:

ATS.OR.405

“(a) **Except where otherwise approved by the Member State**, the emergency channel (121.500 MHz) shall be used only for genuine emergency purposes, as broadly outlined in the following, to provide:

...”

and:

**Appendix XX to Article 3 and SERA.14095(a)(7) Very High Frequency (VHF) emergency channel**

“USE OF VHF EMERGENCY CHANNEL FOR TRAINING

Member States shall ensure that, where the emergency channel (121.500 MHz) is used for training purposes, such activities are limited to the extent necessary to achieve their aim, in order to reduce the impact upon aircraft in distress or emergency.”

response

Partially accepted

The ICAO provisions (Standard in Section 4.1.3.1.1 of Annex 10 Volume V) addressing the use of the VHF emergency channel are unambiguously referring to its use for genuine emergency purposes. With NPA 2016-09, these provisions were proposed for transposition without substantial modifications as ATS.OR.405(a).

Following the analysis of comments received via the NPA consultation, and the subsequent discussions with stakeholders during thematic review meetings, EASA proposes the introduction of a new Article 3d, which allocates the responsibility to Member States to permit a certain degree of flexibility in the use of the VHF emergency channel under specified conditions, as follows:

*Article 3d Use of Very-high frequency (VHF) emergency channel*

- (a) *‘Member States shall ensure that the VHF emergency channel (121.500 MHz) is used for genuine emergency purposes as specified in ATS.OR.405(a).*
- (b) *Member States may allow the use of this emergency channel for other activities related*



*to the intended use of this frequency, provided that they are limited to the extent necessary to achieve their aim, in order to reduce the impact upon aircraft in distress or emergency and upon the operations of ATS units’.*

The reference to ‘training’ proposed by the comment has not been taken into consideration by EASA within the text of the IR as such an explicit reference would limit the scope of the flexibility which is intended to be provided. However, the new GM1 to Article 3d(b) is provided to represent that one of the reasons for providing such flexibility could be for training purposes.

Moreover, ATS.OR.405(a) is amended accordingly, as follows:

*‘In accordance with Article 3d, the emergency channel (121.500 MHz) shall be used for genuine emergency purposes, as broadly outlined in the following, to provide:*

*.....’*

Contextually, with the Opinion it is proposed to amend Regulation (EU) No 923/2012 (SERA) by introducing the same requirements.

comment

628

comment by: ENAV

**ATS.OR.405 Very high frequency (VHF) emergency channel  
(a) and (a) (4)  
Page 17**

This is a statement, not a requirement, as it is not attributable to any entity and cannot therefore be complied with.

Use of the emergency channel (121.500MHz) “to provide air-ground communication with aircraft when airborne equipment failure prevents the use of the regular channels” may not always be possible. As the provision already uses the word “broadly” which is not all encompassing but indicative; it would be appropriate to add the words “where feasible” to address this issue  
Proposal  
Identify who it applies to.

Add text “where feasible” to end of (a) so it reads:

“The emergency channel (121.500MHz) shall be used only for genuine emergency purposes, as broadly outlined in the following, to provide, where feasible:”

response

Partially accepted

See the response to comment #623.

comment

635

comment by: ENAV

**ATS.OR.405 Very high frequency (VHF) emergency channel  
(b) 2  
Page 18**



Clarification is required of the term “approach control office”.

ICAO, ANNEX 2 Rules of the Air previously defined an Approach Control Office as “A unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes”. This document has since been amended such that the definition now refers to “Approach control unit” Proposal  
Amend text referencing the “approach control office” to read “approach control unit” to align with ICAO Annex 2.”

response

Accepted

See the response to comment #281.

comment

742

comment by: *CANSO*

ATS.OR.405 Very high frequency (VHF) emergency channel  
(a) and (a) (4)  
Page 17

#### **CANSO Comment**

This is a statement, not a requirement, as it is not attributable to any entity and cannot therefore be complied with.

Use of the emergency channel (121.500MHz) “to provide air-ground communication with aircraft when airborne equipment failure prevents the use of the regular channels” may not always be possible. As the provision already uses the word “broadly” which is not all encompassing but indicative; it would be appropriate to add the words “where feasible” to address this issue.

#### **Impact**

It is not attributable to any entity and cannot therefore be complied with.  
It may not always be possible to use 121.500MHz in the outlined situation.

#### **Suggested Resolution**

Identify who it applies to.

Add text “where feasible” to end of (a) so it reads:

“The emergency channel (121.500MHz) shall be used only for genuine emergency purposes, as broadly outlined in the following, to provide, where feasible:”

response

Partially accepted

See the response to comment #623.

comment

744

comment by: *CANSO*

ATS.OR.405 Very high frequency (VHF) emergency channel  
(b) 2  
Page 18



**CANSO Comment**

Clarification is required of the term “approach control office”.

ICAO, ANNEX 2 Rules of the Air previously defined an Approach Control Office as “A unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes”. This document has since been amended such that the definition now refers to “Approach control unit”

**Impact**

Further explanation required before this can be complied with.

**Suggested Resolution**

Amend text referencing the “approach control office” to read “approach control unit” to align with ICAO Annex 2.”

response

Accepted

See the response to comment #281.

comment

813

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

The requirement states that the ATS provider shall provide 121,5 at (1), (2) and (3).

(b) The ATS provider shall provide the frequency 121.500 MHz at: ...

Requirements on CNS providers in Volume V on aeronautical radio frequency spectrum utilisation in its 3rd edition of July 2013, including all amendments up to and including No 89. (ATM/ANS Common Requirements Regulation Annex VIII (Part-CNS) CNS.TR.100) states that the CNS provider shall follow:

4.1.3.1.2 The frequency 121.500 MHz shall be provided at: (a), (b) and (c).

There is no requirement on radio coverage in designated operational areas in these requirements. This is a shortage in the requirements

response

Noted

See the response to comment #154.

comment

1329

comment by: *AESA / DSANA*

| PART  | COMMENT   | JUSTIFICATION   |
|---|---|---|
| <p><b>(B) 1.1.3. Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR) Section 4 - Requirements for communications</b></p> <p><b>ATS.OR.405</b></p> | <p>After comparing <b>ATS.OR.405</b> to Annex 10, Volume V, 4.1.3.1.2, it is not clear if the following text applies only to point (b)(3) or to points (b)(1), (2) and (3):</p> <p><i>"where the provision of that frequency is</i></p> | <p>Clarification is sought in order to avoid future misunderstandings whilst implementing the resulting regulation.</p> |

|  |   |  |
|--|---|--|
|  | <p><i>considered necessary to ensure immediate reception of distress calls or to serve the purposes specified in point (a)"</i></p> |  |
|--|---|--|

response Noted

The text mentioned in the comment entirely belongs only to point (b)(3). It is left to the competent authority to decide which are the additional locations to which the VHF emergency channel has to be made available, in addition to the units specified in (b)(1) and (b)(2). EASA considers that the proposed provision is sufficiently clear for interpretation and therefore for implementation.

comment 1454

comment by: *HungaroControl*

ATS.OR.405 (a) (1)

Please remove ATS.OR.405 (a) (1):

~~clear channel between aircraft in distress or emergency and a ground station when the normal channels are being utilised for other aircraft;"~~

Justification:

Separating communications of aircraft in distress from other traffic to different channels reduces situational awareness of airspace users.

Carrying out continuous communications for an extended period of time on 121.500 may disturb other stations monitoring the channel.

Instructing distress traffic to continue their communication on a different channel may introduce unnecessary workload to the flight crew.

response Not accepted

The provision, which is transposed from an ICAO Standard in Annex 10 Volume V, does not impose the use of the emergency channel under specified circumstances, but clarifies the allowed use of such channel. The purpose of the emergency channel is to be used by aircrews with no awareness of the operational frequency within certain areas under specified circumstances (e.g. loss of orientation). The operational frequencies may be used for communicating distress and urgency messages as described in Section 14 of the Annex to Regulation (EU) No 923/2012 (SERA).

comment 1455

comment by: *HungaroControl*

ATS.OR.405 (a)

Please add to list of situations when emergency channel shall be used:

A clear channel, where ATS can attempt to establish communication with aircraft strayed

from the previously designated communication channel issued by an ATS unit. In such occasion, the VHF emergency channel is used to reissue the correct communication channel.

**Justification:**

At the workshop, EASA invited the stakeholders to add further items to list of cases, when emergency VHF channel can be used. We believe this is an additional case, when many ATSPs use the VHF channel.

response Not accepted

See the responses to comments #623 and #1454.

comment

1456

comment by: *HungaroControl*

ATS.OR.405 (b) (2)

What is an international alternate aerodrome?

response

Noted

An international aerodrome is normally designated by the State where the aerodrome is located and at which certain State services are provided in accordance with Annex 9 to the Chicago Convention. An alternate aerodrome is indicated in the flight plan (FPL) of the flight as provided in SERA.4010 of Regulation (EU) No 923/2012 and the FPL is also submitted to the relevant ATS unit at the alternate aerodrome.

In addition, ICAO Annex 9 defines ‘International airport’ as ‘*any airport designated by the Contracting State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out*’.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.410

p. 18

comment

39

comment by: *Harald GERBAUTZ*

ad a) for safety reasons (protection of IFR-flights), the practicable extent should be limited to airspace class G, whereas within class E and higher full radio coverage should be inevitable.

response

Not accepted

The provision in ATS.OR.410 gives a flexibility to the competent authority to decide which is the ‘practicable extent’ of the radio coverage, in accordance with the relevant classification of the airspace. It is implicit that if a certain airspace has a classification that requires two-way communication, the radio coverage shall be ensured for that airspace.

comment

155

comment by: *Civil Aviation Authority Norway*

To point (b):



|          |   |
|----------|---|
|          | <p>The NPA A on pg. 15 say: «...in presence of an aerodrome where ATS is provided ...it is expected to have at all times an associated airspace...».</p> <p>ATS.TR.110(a)(3) say “...within the portion of airspace associated with such aerodromes.”</p> <p>We are of the opinion that a service, such as AFIS, always need a an associated and defined airspace.</p> <p>The term "in the vicinity of the aerodrome" is not very clearly defined.</p> <p>Based on this we suggest to delete the last part of the sentence: "...or, when such airspace is not defined, in the vicinity of the aerodrome."</p> |
| response | <p>Accepted</p> <p>ATS.TR.110 does not include reference to the expression ‘vicinity of the aerodrome’. For consistency, the expression has been removed from ATS.OR.410(b).</p>  |
| comment  | <p>280 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>ATS.OR.410 Aeronautical mobile service (air-ground communications) – For flight information service<br/>(a)</p> <p>It is not clear whether the Competent Authority is approving the FIS Communications equipment specifications or the area of coverage; we suggest that:</p> <p>The text requires amendment to clearly define what it is that the competent authority is expected to be approving.</p> <p>OR</p> <p>GM should be added</p>   |
| response | <p>Not accepted</p> <p>The area of coverage is determined by the competent authority using different ‘tools’ already provided in EU legislation (Regulation (EU) No 923/2012 (SERA)) such as airspace classification and establishment of radio mandatory zones.</p>  |
| comment  | <p>445 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>ATS.OR.410, Par (a): Quote: „...aircraft flying anywhere within the flight information region...”</p> <p>Comment:</p> <p>The practicable extent should be limited to airspace class G, whereas within class E and higher full radio coverage should be inevitable.</p> <p>Resolution: should be limited to airspace class G.</p>  |
| response | <p>Not accepted</p>   |

See the response to comment #39.

comment 497

comment by: *Dimitris ARVANITIS*

**Reference ATS.OR.410 (a), "to the practicable extent and as approved by the competent authority":** Only in airspace Classes G and F (uncontrolled airspace) it should be allowed to limit this obligation "to the practicable extent", whereas within airspace Class E and higher (controlled airspace) full radio coverage shall be inevitable.

response

Not accepted

See the response to comment #39.

comment

500

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

**Page No:**18

**Paragraph No:** ATS.OR.410

**Comment:** We support the inclusion of AFIS in sub-paragraph (b). However, we suggest to delete the last part of the last sentence, i.e end the paragraph after "...defined as in ATS.TR.110(a)(3)."

**Justification:** AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS. We find that this service should be provided within a defined airspace associated with such aerodromes (as stated in ATS.TR.110(a)(3)). This would also be in line with the statement in NPA 2016-9(A), page 15, saying that "...in presence of an aerodrome where ATS is provided....it is expected to have at all times an associated airspace...". Our opinion is that a service needs a defined airspace, leading to the conclusion that it can neither be "...not defined" nor "...in the vicinity of the aerodrome" as the latter is not very well defined either.

response

Accepted

See the response to comment #155.

comment

629

comment by: *UK CAA*

**Paragraph No:** ATS.OR.410(a)

**Comment:** The UK CAA interprets the intent of ATS.OR.410(a) as referring to the provision of a FIS from a FIC; however, the text is not explicit in this regard. Without amendment, the text could be misinterpreted as being applicable to aerodrome FIS units. The UK CAA



proposes refinement to ATS.OR.410(a) to highlight that it relates to the provision of flight information service from a flight information centre.

**Justification:** Accuracy and completeness of EU regulatory material.

**Proposed Text:** Amend to read:

“(a) The ATS provider shall ensure, to the practicable extent and as approved by the competent authority, that air–ground communication facilities enable two-way communications to take place between a **FIC** providing flight information service and appropriately equipped aircraft flying anywhere within the flight information region.”

**Paragraph No:** ATS.OR.410(a)

**Comment:** The UK CAA interprets the intent of ATS.OR.410(a) as referring to the provision of a FIS from a FIC; however, the text is not explicit in this regard. Without amendment, the text could be misinterpreted as being applicable to aerodrome FIS units. The UK CAA proposes refinement to ATS.OR.410(a) to highlight that it relates to the provision of flight information service from a flight information centre.

**Justification:** Accuracy and completeness of EU regulatory material.

**Proposed Text:** Amend to read:

“(a) The ATS provider shall ensure, to the practicable extent and as approved by the competent authority, that air–ground communication facilities enable two-way communications to take place between a **FIC** providing flight information service and appropriately equipped aircraft flying anywhere within the flight information region.”

response

Accepted

The text of ATS.OR.410(a) is amended to better highlight its applicability to the FIC.

comment

630

comment by: UK CAA

**Paragraph No:** ATS.OR.410(b)

**Comment:** ATS.OR.410(b) states that “...operating within the airspace defined as in ATS.TR.110(a)(3) or, when such airspace is not defined, in the vicinity of the aerodrome.” However, ATS.TR.110(a)(3) does not define airspace, it describes a “portion of airspace associated with such aerodrome flight information service aerodromes.” The UK CAA believes that it is necessary to remove the direct link between airspace and the provision of the aeronautical mobile service by incorporating within the text an association between the provision of air-ground communication facilities and appropriately equipped aircraft operating as aerodrome traffic. This would enable a direct link to the Annex I definition of ‘aerodrome traffic’ which would imply a coverage requirement for the air-ground communication facilities, without being prescriptive about the airspace associated with such operations.

**Justification:** Clarity of regulatory requirement.



|          |   |
|----------|---|
|          | <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to ATS.OR.410(b):</p> <p>“(b)... two-way communications to take place between an AFIS unit and appropriately equipped aircraft operating <b>as aerodrome traffic...</b>”</p>   |
| response | <p>Not accepted</p> <p>The regulatory proposal is in line with the principle of service provision designation; hence, assigning an area of responsibility exclusively to one service provider, in this case, the AFIS provider. In this light, the rationale behind an AFIS unit ensuring the aeronautical mobile service only for the aerodrome traffic and not within the designated airspace is not understood. Nothing prevents the existence of arrangements established with letters of agreement and/or operational procedures with neighbouring ATS units allowing certain flexibility in the provision of services in airspaces where other units have been designated.</p>  |
| comment  | <p>632 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.410, point (b) and GM1 ATS.OR.410(a)</p> <p><b>Comment:</b> ATS.OR.410(b) states that “The ATS provider shall ensure to the practicable extent and as approved by the competent authority, that air–ground communication facilities enable direct, rapid, continuous and static-free two-way communications...” Whilst the UK CAA is broadly content with the transposition of the recommendation in Annex 11, 6.1.2.2 to rule status within the EU Regulatory framework, we are concerned at the inconsistent use of the phrase “direct, rapid, continuous and static-free two-way communications” in OR, AMC and GM. As an example, the phrase appears within ATS.OR.410(b) but is contained as GM to ATS.OR.410(a); no rationale is provided within NPA 2016-09(a) for this inconsistency.</p> <p>We note that there are further similar inconsistencies against other requirements.</p> <p>The UK CAA believes that these inconsistencies need to be resolved, or, that their purpose should be clarified by EASA.</p> <p><b>Justification:</b> Consistency within EU Regulatory materials.</p> |
| response | <p>Noted</p> <p>The requirement in ATS.OR.410(a) addresses the aeronautical mobile service for FIC, as clarified by the amendment introduced as a result of the comment #629 in CRD 2016-09(B). The requirement is transposed from the Standard in Section 6.1.2.1 of ICAO Annex 11; it does not require that communications have to be direct, rapid, continuous and static-free. The associated GM1 ATS.OR.410(a) is transposed from the Recommendation in Section 6.1.2.2 of ICAO Annex 11, according to which the communications for FIS should have the aforementioned characteristics.</p> <p>The requirement in ATS.OR.410(b) addresses the aeronautical mobile service for AFIS. It is not transposed from any ICAO Standard, as ICAO Annex 11 does not explicitly address AFIS; however, this provision mirrors the Standard in Section 6.1.5.1 of ICAO Annex 11, which</p>  |

addresses the aerodrome control tower. EASA deems this approach appropriate as it considers the operational environment at AFIS aerodromes to be more dynamic than the operational environments for which the FIC provides its services.

See also the response to comment #711.

comment

636

comment by: ENAV

**ATS.OR.410 Aeronautical mobile service (air-ground communications) – For flight information service**

(a)

Page 18

It is not clear whether the Competent Authority is approving the FIS Communications equipment specifications or the area of coverage

Proposal

The text requires amendment to clearly define what it is that the competent authority is expected to be approving.

OR

GM should be added

response

Not accepted

See the response to comment #280.

comment

711

comment by: DTCA

Ad ATS.OR.410 (a) and (b)

DTCHA propose to delete “and as approved by the competent authority” for the reason that this requirement is the sole responsibility of the ATS-provider.

As an alternate, it is proposed to initiate the sentence with:

“Unless otherwise prescribed by the competent authority, the ATS provider shall ensure,....etc.”

response

Partially accepted

See the responses to comments #39 and #280.

With regard to the requirement in point(b) addressing AFIS provision, EASA has removed the expression ‘to the practicable extent and as approved by the competent authority’ as this flexibility is not considered adequate in the AFIS context, while in the FIS context it is.

comment

814

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



|          |   |
|----------|---|
|          | <p>This formulation entails a lot of unnecessary work for the competent authority. We prefer that the problem that some countries have with high mountains around the aerodrome interfering the communication can be regulated in an AMC. The requirement should be according to ICAO annex 11.</p> <p>Also this formulation entails unnecessary work for the competent authority. A better formulation would be: The ATS provider shall ensure, <del>to the practicable extent and as approved by the competent authority,</del> that air-ground communication facilities enable direct, rapid, continuous and static-free two-way communications to take place between an AFIS unit and appropriately equipped aircraft operating within the airspace defined as in ATS.TR.110(a)(3) or, when such airspace is not defined, in the vicinity of the aerodrome. <i>If the aerodrome needs an exception, they have to apply for it at the competent authority.</i></p> |
| response | <p>Partially accepted</p> <p>See the responses to comments #39, #280 and #711.</p>  |
| comment  | <p>869 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.OR.410 Aeronautical mobile service (air-ground communications) – For flight information service<br/>(a)<br/>Page 18</p> <p><b>CANSO Comment</b><br/>It is not clear whether the Competent Authority is approving the FIS Communications equipment specifications or the area of coverage</p> <p><b>Suggested Resolution</b><br/>The text requires amendment to clearly define what it is that the competent authority is expected to be approving.</p> <p>OR</p> <p>GM should be added</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #280.</p>  |
| comment  | <p>1269 <span style="float: right;">comment by: FAA</span></p> <p>Suggest adding “air to ground” in this proposed definition so it is similar to Annex 11 Chapter 6 Sect 6.1 Aeronautical mobile service (air-ground communications)</p>  |
| response | <p>Not accepted</p> <p>It is not understood to which definition the amendment proposed should be introduced.</p>  |
| comment  | <p>1330 <span style="float: right;">comment by: AESA / DSANA</span></p>   |

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <p><b>(B) 1.1.3. Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR)</b><br/> <i>Section 4 - Requirements for communications</i></p> <p><b>ATS.OR.410</b></p> | <p>In points (a) and (b), the approval of the competent authority shouldn't be necessary.</p> | <p>The provision states "to the practicable extent and as approved by the competent authority". The flexibility given is appropriate but, since it responds to objective limitations such as the orography, the approval of the authority seems unnecessary.</p> <p>Additionally, it would not be practical/possible to approve all the different areas where air-ground communications cannot be enabled.</p> <p>Some other provisions (such as <b>ATS.TR.420</b>) have introduced flexibility without the approval of the authority.</p> |

response

Not accepted

See the responses to comments #39 and #280.

The originating ICAO Standard Section 6.1.2.1 of Annex 11 implies that the coverage for aeronautical mobile service for flight information service is to be ensured 'anywhere within the FIR'. As EASA recognised that such a requirement would not always be feasible, the proposal has included some flexibility under the condition that the competent authority ensures that the quality of the service satisfies the intent.

With regard to the AFIS context, see the response to comment #711.

comment

1486

comment by: René Meier, Europe Air Sports

Annex 10 - Volume V  
 ATS.OR.410 Aeronautical mobile service  
 (b)  
 page 18/193

Question: "...continiuous and static -free two-way communication: What does "static-free" mean?

response

Noted

In ICAO ATS documents, the term 'static-free' is not explicitly defined, although used in relevant documents such as Annex 11 and Doc 9426. In these cases, the dictionary meaning applies. The EASA interpretation is that 'static-free' are not to be adversely affected by static electricity, generated, for example, in the atmosphere by precipitations or other

phenomena.

|          |  |  |
|----------|--|--|
| comment  | 1536   | comment by: <i>European Transport Workers Federation - ETF</i> |
|          | The air-ground communication should be mandatory at least in controlled airspace including class E.  |  |
| response | Noted  |  |
|          | The requirements for air-ground communication within the various airspace classes are already established in Appendix 4 to Regulation (EU) No 923/2012 (SERA). |  |

|          |   |   |
|----------|---|---|
| comment  | 1570  | comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i> |
|          | <i>Comment FOCA to paragraphs no: ATIS.OR.410, ATIS.OR.420, ATIS.OR.425, GM1 ATIS.OR.410(a), AMC1 ATIS.OR.415</i>   |   |
|          | "Static-free" radio communications are not under the managerial control of the ANSP, as this depends on many other (environmental) factors. The times where the radio equipment itself was the major source of static is long gone. |   |
| response | Noted   |   |
|          | EASA shares the view expressed in the comment; however, the intent of the requirement is to achieve a continuous improvement in the quality of the voice communication, for the purposes of safety.                                 |   |

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATIS.OR.415

p. 18

|          |   |  |
|----------|---|--|
| comment  | 1489  | comment by: <i>René Meier, Europe Air Sports</i> |
|          | Annex 11<br>ATIS.OR.415 Aeronautical mobile service<br>page 18/193  |  |
|          | "anywhere within the control area" might be impossible to be guaranteed in mountain areas. We propose "where acceptable to the competent authority" as last part of the sentence. |  |
|          | Rationale<br>"Anywhere" is a very tough requirement, room should be left for particular topographic situations.   |  |
| response | Not accepted  |  |



When an airspace is defined as controlled airspace, there is the mandatory requirement to ensure continuous two-way communication for certain flights. See also Appendix 4 to Regulation (EU) No 923/2012 (SERA). If a two-way communication is required, the radio coverage is to be ensured for all the relevant airspace.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.420

p. 18

|          |  |
|----------|--|
| comment  | <p>282 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.OR.420 Aeronautical mobile service (air-ground communications) – For approach control service (b)</p> <p>It is not clear what the unit providing approach control service is separate from in this context; further explanation required before this can be complied with and therefore we suggest amending text once clarification has been provided.</p>  |
| response | <p>Not accepted</p> <p>The proposed ATS.TR.205(b), transposing the Standard in Section 3.2 of ICAO Annex 11 (identical to Section 4.1.2 in PANS ATM) stipulates that the approach control service may be provided by either an aerodrome control tower, or an area control centre, or that such service may be provided by a separate unit. The requirements in ATS.OR.420(b) are relevant for the cases when the approach control unit is established as a separate unit. EASA does not consider necessary to provide further guidance.</p>   |
| comment  | <p>404 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><b>NPA 2016-09(B) Page 18</b><br/> <b>ATS.OR.420 Aeronautical mobile service (air-ground communications) — For approach control service</b><br/> <i>Comment: Space for approach control services is not mentioned</i><br/> <i>Recommendation: to add into sentence red font</i></p> </div> <p>(a) The ATS provider shall ensure that air-ground communication facilities enable direct, rapid, continuous and static-free two-way communications to take place between the unit providing approach control service and appropriately equipped aircraft under its control <b>anywhere within the approach control area(s).</b></p> |
| response | <p>Not accepted</p> <p>It is implicit that the air-ground communication facilities enable the services provision within the relevant area of responsibility, such as approach control area. However, it shall be noted that the transfer of control, when so established in accordance with the operational procedures and/or letter of agreements, may happen outside the area of responsibility of the approach control unit. The assumption in the provision is that in these cases, the quality</p>  |

of the air-ground communication shall remain equivalent to the one provided within the area of responsibility.

comment

637

comment by: ENAV

**ATS.OR.420 Aeronautical mobile service (air-ground communications) – For approach control service (b)**  
**Page 18**

It is not clear what the unit providing approach control service is separate from in this context. Further explanation required before this can be complied with

Proposal  
 Amend text once clarification provided

response

Not accepted  
 See the response to comment #282.

comment

875

comment by: CANSO

**ATS.OR.420 Aeronautical mobile service (air-ground communications) – For approach control service (b)**  
**Page 18**

**CANSO Comment**

It is not clear what the unit providing approach control service is separate from in this context.

**Impact**

Further explanation required before this can be complied with.

**Suggested Resolution**

Amend text once clarification provided

response

Not accepted  
 See the response to comment #282.

comment

954

comment by: UK CAA



**Paragraph No:** ATS.OR.420(a) and ATS.OR.425(a)

**Comment:** ATS.OR.420(a) and ATS.OR.425(a) state that “The ATS provider shall ensure that air-ground communication facilities enable...static-free two-way communications ...”. However, the ATS provider cannot exercise any form of control over the natural environment and the existence of certain sources of static, thus stating that the air-ground communication “shall be static-free”, places an impossible requirement upon the ATS provider. Moreover, the wording of ATS.OR.420(a) and ATS.OR.425(a) is inconsistent with other instances of this phrase contained within the ATS.OR where the text is appended with the phrase “to the practicable extent” or similar. Finally, the inclusion of this phrase within ATS.OR.420(a) and ATS.OR.425(a) is inconsistent with its appearance elsewhere within AMC and GM. The UK CAA believes that these inconsistencies need to be resolved, or, that their purpose should be clarified by EASA.

**Justification:** Consistency within EU Regulatory materials.

response

Not accepted

See the response to comment #632. The requirements proposed in ATS.OR.420 and ATS.OR.425 follow the same logic as those in ATS.OR.410, and their proposed transposition as IR, AMC and GM is aligned with the regulatory force of the relevant originating provisions (Standards and Recommendations) in Section 6.1 of ICAO Annex 11. It shall be noted that even the use of the terms ‘direct, rapid, continuous and static-free two way communications’ is modulated in accordance with the specific contexts. EASA considers that establishing similar requirements for services as ATC, FIS, AFIS but placing these requirements at IR, AMC or GM, ensures the necessary proportionality and flexibility.

See also the response to comment #170, as far as the comment on ‘static-free’ is concerned.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.425

p. 18-19

comment

465

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

**Page No:**19

**Paragraph No:** ATS.OR.425

**Comment:** Sub-paragraph (b) is a transposition of a recommendation in Annex 11, but as there is a flexibility incorporated in the text (i.e. "where conditions warrant") we support in general inclusion of the requirement for the provision of separate communication channels. However, we do not see the justification for placing the requirement on the ATS provider if the requirement means the ATS provider is responsible for providing the facilities necessary.

**Justification:** It would normally be the responsibility of the aerodrome at which it provides ATS to ensure the availability of communication facilities etc..



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|----------|---|
| response | <p>Not accepted</p> <p>The responsibility lies with the ATS provider designated to provide the aerodrome control service at the relevant aerodrome and within the associated airspace. The arrangements between the ATS providers and the other entities for ensuring all the enablers for the service provision, such as communication facilities, channels, etc. are addressed in Annex III to Regulation (EU) 2017/373.</p>  |
| comment  | <p>954 ❖ <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.420(a) and ATS.OR.425(a)</p> <p><b>Comment:</b> ATS.OR.420(a) and ATS.OR.425(a) state that “The ATS provider shall ensure that air-ground communication facilities enable...static-free two-way communications ...”. However, the ATS provider cannot exercise any form of control over the natural environment and the existence of certain sources of static, thus stating that the air-ground communication “shall be static-free”, places an impossible requirement upon the ATS provider. Moreover, the wording of ATS.OR.420(a) and ATS.OR.425(a) is inconsistent with other instances of this phrase contained within the ATS.OR where the text is appended with the phrase “to the practicable extent” or similar. Finally, the inclusion of this phrase within ATS.OR.420(a) and ATS.OR.425(a) is inconsistent with its appearance elsewhere within AMC and GM. The UK CAA believes that these inconsistencies need to be resolved, or, that their purpose should be clarified by EASA.</p> <p><b>Justification:</b> Consistency within EU Regulatory materials.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #632. The requirements proposed in ATS.OR.420 and ATS.OR.425 follow the same logic as those in ATS.OR.410, and their proposed transposition as IR, AMC and GM is aligned with the regulatory force of the relevant originating provisions (Standards and Recommendations) in Section 6.1 of ICAO Annex 11. It shall be noted that even the use of the terms ‘direct, rapid, continuous and static-free two way communications’ is modulated in accordance with the specific contexts. EASA considers that establishing similar requirements for services as ATC, FIS, AFIS but placing these requirements at IR, AMC or GM, ensures the necessary proportionality and flexibility.</p> <p>See also the response to comment #170, as far as the comment on ‘static-free’ is concerned.</p>  |
| comment  | <p>1446 <span style="float: right;">comment by: Finnish Transport Safety Agency</span></p> <p>For the part (b), Finnish Transport Safety Agency would like to see guidance material, as ICAO provision is transposed here as a requirement and not as recommendation like in Annex11. "Where conditions warrant" leaves too much room for interpretation.</p>   |
| response | <p>Accepted</p> <p>GM1 to ATS.OR.425(b), referring to Appendix A to Chapter 8, Section 2 of ICAO Doc. 9426, is introduced to provide guidance on the subject.</p>   |

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| comment  | 1473   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | <p>The requirement in b) states:<br/> <i>b) Where conditions warrant, the ATS provider shall provide separate communication channels for the control of traffic operating on the manoeuvring area.</i></p> <p>In Annex 11 this requirement is a Note and therefore it states “should provide”. At small aerodromes with ATC but with low complexity and few movements shall is a too hard requirement.<br/>         Proposal: Transform the requirement as an AMC with should as in the Annex instead.</p> |   |
| response | <p>Not accepted</p> <p>It shall be noted that the originating provision (Section 6.1.5.2) in ICAO Annex 11 is a Recommendation, and not a ‘Note’. The transposition does not imply that such a separate channel is to be established at all aerodromes, in particular at those with a low degree of traffic and complexity.</p> <p>See also the response to comment #1446.</p>   |   |
| comment  | 1491   | comment by: <i>René Meier, Europe Air Sports</i>  |
|          | <p>Annex 11<br/>         ATS.OR.425 Aeronautical mobile service<br/>         (b)<br/>         page 18/193</p> <p>Question: "...continuiuous and static -free two-way communication: What does "static-free" mean?</p>  |   |
| response | <p>Noted</p> <p>See the response to comment #1486.</p>   |   |

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.430**

p. 19

|          |   |  |
|----------|---|--|
| comment  | 156   | comment by: <i>Civil Aviation Authority Norway</i> |
|          | <p>To point (b):<br/>         It might lead to confusion when "ATC coordination" and "ATS provider" appears in the same sentence. To include FIS and AFIS we suggest to replace "ATC coordination" with "ATS coordination" and "controller(s)" with e.g. "user(s)".</p>                       |  |
| response | <p>Not accepted</p> <p>The requirement is sufficiently clear and proportionate. Nothing prevents the application of such requirement also to FIS and AFIS provision. It shall be noted that when such a coordination is effected between FIC/AFIS and other ATC units, the requirement is</p> |  |



applicable.

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.435**

p. 19-21

|          |  |
|----------|--|
| comment  | <p><i>40</i> <span style="float: right;">comment by: <i>Harald GERBAUTZ</i></span></p> <p>ad (a) (1)<br/>         *facilities for communication should be established, even when FIC is co-located with an area control centre<br/>         *facilities for communication with air traffic services reporting offices (or equivalent) have to be established for ALS-reasons (coordination)<br/>         * for the sake of ALS further facilities for communication make sense for more efficient coordination in practice (e.g. facilities for communication with any other aerodromes, even when not providing ATS, like UNICOM)</p>   |
| response | <p>Partially accepted</p> <p>With regard to communication facilities when FIC and ACC are co-located, see the response to comment #955.</p> <p>With regard to the other subjects in the comment:</p> <p>The requirement not to have a communication facility between FIC and the ATS reporting office is based on the assumption that normally the traffic to which FIS is provided is operating in a non-controlled airspace and therefore there is no obligation for a prior submission of flight plans.</p> <p>Additional communication facilities may be established based upon the local specific operational scenarios. However, establishing such a mandatory requirement is considered disproportionate.</p> |
| comment  | <p><i>134</i> <span style="float: right;">comment by: <i>IFATCA</i></span></p>   |



|                             |  |   |
|-----------------------------|--|---|
| <p>1.1.3<br/>ATS.OR.435</p> | <p>(3) In all cases where automatic transfer of data to and/or from ATS computers is required, suitable facilities for automatic recording shall be provided.</p> <p>(5) All facilities for direct-speech or data link communications between ATS units and between ATS units and other units described under points (b)(1) and (b)(2) shall be provided with automatic recording.</p> <p>The access, use and storage of the recordings of all such air-ground communication channels shall be defined according to prevailing safety and privacy laws. Where necessary special arrangements shall be created.</p> <p>The access, use and storage of the recordings of all such air-ground communication channels shall be defined according to prevailing safety and privacy laws. Where necessary special arrangements shall be created.</p> | <p>IFATCA policy is:<br/>Except for area recordings, recorded data shall only be used in the following cases:</p> <ul style="list-style-type: none"> <li>a) when investigating ATC related accidents and incidents;</li> <li>b) for search and rescue purposes;</li> <li>c) for training and review purposes provided all ATCOs affected agree;</li> <li>d) for the purposes of adjusting and repairing ATC equipment. Area recordings shall only be used for accident investigation purposes.</li> </ul> <p>Access to recorded data shall be limited to authorised personnel for the purposes listed in 2.6.2 above. Authorised personnel shall be mutually agreed by the controllers' representative and the appropriate authority.</p> <p>Recorded data used shall be identical as presented to and / or originated by the controller at the relevant controller's position.</p> <p>IFATCA proposes to specify a limit on how long such data must be retained. Special arrangements have to be made in order that the data protection law of one country can be ignored in the interest of safety. This has to be clarified in this text, otherwise the transposition can be challenged at the national level.</p> |
|-----------------------------|--|---|

response Noted

EASA considers that the provisions in Regulation (EU) No 376/2014 with regard to just culture promotion and handling of data and information, applicable also to ATS provision, already cover the proposal in the comment.

comment 188

comment by: IFATCA

- \*facilities for communication should be established, even when FIC is co-located with an area control centre
- \*facilities for communication with air traffic services reporting offices (or equivalent) have to be established for ALS-reasons (coordination)
- \* for the sake of ALS further facilities for communication make sense for more efficient



|          |  |
|----------|--|
|          | <p>coordination in practice (e.g. facilities for communication with any other aerodromes, even when not providing ATS, like UNICOM)</p>  |
| response | <p>Partially accepted</p> <p>With regard to communication facilities when FIC and ACC are co-located, see the response to comment #955.</p> <p>With regard to the other subjects in the comment, see the response to comment #40.</p>  |
| comment  | <p>193 <span style="float: right;">comment by: <i>Slawomir BALAZY</i></span></p> <p>ATS.OR.435</p> <p>(a) (1) Suggestion to add "air traffic services reporting offices, when separately established";<br/> (i) Request to clarify "unless co-located"</p> <p>(b) (1) Suggestion to add "UNICOM stations published in AIP" - it is important for alerting service purposes;</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #40.</p>  |
| comment  | <p>283 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.OR.435 Aeronautical fixed service (ground-ground communications) – Communication within a flight information region</p> <p>(a) 2 iv; (a) 3 iii; (a) 4</p> <p>The use of the phrase “air traffic services reporting offices, when separately established” implies that an Air Traffic Services Reporting Office will be established in the ACC (if not elsewhere). We believe that this is an ambiguous regulation which could lead to unintended costs.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to:<br/> “Where established, air traffic services reporting offices.”</p> |
| response | <p>Not accepted</p> <p>The intent of the provision is not to mandate the establishment of ATS reporting offices at ACCs; it is rather to require that when ATS reporting offices are not co-located with an ACC, appropriate means for communication have to be established.</p>   |
| comment  | <p>284 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.OR.435 (c) 4</p> <p>Conference facilities are not always required for communications with other agencies. Introduction of conference call facilities could require costly system investment with no measurable safety or business benefit to ATSP.</p>  |

|          |   |
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|          | <p>We recommend adding wording to read:<br/> “Where determined in accordance with mutually agreed requirements, and with the agreement/approval of the competent authority, the communications facilities required under points (b)(2)(i);(ii);(iii);(iv) shall include provisions for communications by direct speech arranged for conference communications whereby the communications can normally be established within 15 seconds.”</p>  |
| response | <p>Partially accepted</p> <p>The requirement in ATS.OR.435(c)(4) is originated from various Standards in Section 6.2.2.3 of Annex 11 addressing the description of communication facilities. The proposal in the comment would result in a common European difference compared to the ICAO Standards, as it would introduce a less stringent requirement than those established by ICAO and therefore cannot be completely accepted. On the basis of a thorough review of the said ICAO Standards, the reference to ATS.OR.435(b)(2)(iv), referring to aeronautical communication stations, is removed from ATS.OR.435(c)(4).</p> |

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| comment | <p>316 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>ATS.OR.435 (a) doesn't cover (enroute) FIS units or centre (FIC).</p> <p>Impact:<br/> In Poland there are four units of (enroute) FIS. Only one of them is co-located with the area control centre, other three co-located with APP units.</p> <p>Suggested resolution:</p> <p>(1) The ATS provider shall ensure that a flight information centre (...)<br/> (i) (...)<br/> (ii) (...)<br/> (iii) (...)<br/> (iv) FIS units, unless co-located;<br/> (v) AFIS units;</p> <p>(2) The ATS provider shall ensure that an area control centre (...)<br/> (...)<br/> (iii) FIS units;<br/> (iv) AFIS units;</p> <p>(...)</p> <p>(3) The ATS provider shall ensure that an approach control unit (...)<br/> (...)<br/> (iv) FIS units, unless co-located;<br/> (v) AFIS units;</p> <p>(4) The ATS provider shall ensure that an aerodrome (...)<br/> (...) FIS units.</p> |
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| response | <p>Not accepted</p> <p>It is not understood why the comment distinguishes the FIC from an en-route 'FIS unit'. Even if the 'FIS unit' is co-located with an ACC, it functions as a FIC within its area of responsibility. EASA does not deem necessary to introduce such en-route 'FIS unit' within the ATS requirements.</p>   |
| comment  | <p>317 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>(b) - The proposal does not take into account communication with UNICOM units.</p>   |
| response | <p>Noted</p> <p>Mandatory requirements to establish communication between ATS units and UNICOM-type aeronautical stations are not considered necessary within this regulatory framework, as they would introduce unnecessary burden and financial impact. The decision on the need for such communication and on the suitable facilities is left to the Member States.</p>  |
| comment  | <p>446 <span style="float: right;">comment by: <i>EASA Focal Point for AustroControl ANSP-issues</i></span></p> <p>ATS.OR.435, Par (1) in general</p> <p>Suggested Resolution:</p> <p>*facilities for communication should be established, even when FIC is co-located with an area control centre</p> <p>*facilities for communication with air traffic services reporting offices (or equivalent) have to be established for ALS-reasons (coordination).</p> <p>* for the sake of ALS further facilities for communication make sense for more efficient coordination in practice (e.g. facilities for communication with any other aerodromes, even when not providing ATS, like UNICOM)</p> |
| response | <p>Partially accepted</p> <p>With regard to communication facilities when FIC and ACC are co-located, see the response to comment #955.</p> <p>With regard to the other subjects in the comment, see the response to comment #40.</p>   |
| comment  | <p>459 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b>19<br/><b>Paragraph No:</b> ATS.OR.435</p> <p><b>Comment:</b> We support the inclusion of AFIS units in sub-paragraphs (a)(1)(iv), (a)(2)(iii), (a)(3)(ii), (a)(4) and (b)(2).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the</p>  |

majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.

response Noted

comment 498

comment by: *Dimitris ARVANITIS*

**Reference ATS.OR.435 (a) (1) (i), "unless co-located":** Facilities for communications shall be established, even when the flight information centre is co-located with the area control centre.

response Accepted

See the response to comment #955.

comment 505

comment by: *ATC the Netherlands*

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| <p>ATS.OR.435(c)<br/>Aeronautical fixed service (ground-ground communications) —<br/>Communication within a flight information region<br/>Description of<br/>Page 21</p> | <p>The requirement is a technical requirement. In our perception the agency implies the technical requirement to be able to establish contact within 15 seconds not taking into account the presents of the operator or the fact that the line is busy..</p> | <p>Reposition this requirement as TR.</p> |
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response Not accepted

The requirements in ATS.OR.435(c) are transposed, without modifications with regard to the issue raised in the comment, from various Standards in Section 6.2.2 of ICAO Annex 11. The RMT.0464 activities, which included an analysis of differences to ICAO Annex 11 notified by EU Member States, have not evidenced that the content of such Standards would require amendments for their application within the EU context. The requirements are focused on the capability of the various communication facilities to establish communication between the entities concerned within 15 seconds.

With regard to the definition of organisational and technical requirements in the context of Regulation (EU) 2017/373, to which Part-ATS belongs, see the response to comment #225.

comment 638

comment by: *ENAV*

**ATS.OR.435 Aeronautical fixed service (ground-ground communications) – Communication within a flight information region (a) 2 iv; (a) 3 iii; (a) 4**



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|          | <p><b>Page 19</b></p> <p>The use of the phrase “air traffic services reporting offices, when separately established” implies that an Air Traffic Services Reporting Office will be established in the ACC (if not elsewhere).</p> <p>Proposal<br/>Amend text to:<br/>“Where established, air traffic services reporting offices.”</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #283.</p>   |
| comment  | <p>639 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.OR.435 (c) 4</b><br/><b>Page 21</b></p> <p>Conference facilities are not always required for communications with other agencies.</p> <p>This is quite different from the ICAO annex 11 requirements. ICAO Annex 11 sections 6.2.2.1, 6.2.2.2 and 6.2.2.3 specify separate requirements and recommendations for:</p> <ul style="list-style-type: none"> <li>• communications by direct speech alone</li> <li>• rapid and reliable communication</li> <li>• direct speech arranged for conference communications</li> </ul> <p>The requirement for “direct speech arranged for conference communications whereby the communications can normally be established within 15 seconds” only reflects for communication between ATS units and the aeronautical telecommunications station (Ann 11-6.2.2.3.6 recommendation)</p> <p>Proposal<br/>Add wording to read:<br/>“Where determined in accordance with mutually agreed requirements, and with the agreement/approval of the competent authority, the communications facilities required under points (b)(2)(i);(ii);(iii);(iv) shall include provisions for communications by direct speech arranged for conference communications whereby the communications can normally be established within 15 seconds.”</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #284.</p>   |
| comment  | <p>689 <span style="float: right;">comment by: Dimitris ARVANITIS</span></p> <p><b>Reference ATS.OR.435 (a) (1):</b> Furthermore, the following shall be included in the list, mainly for the sake of alerting service, but also flight plan handling and other issues:</p> <p>(v) air traffic services reporting offices;<br/>(vi) aerodromes, even if not providing air traffic services, like UNICOM stations.</p>  |



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| response | <p>Not accepted</p> <p>The requirement to establish communication between the FIC and the ARO is not considered necessary, since it is expected that flights in Class G airspace are not required to submit a flight plan, as they are not subject to an ATS clearance.</p> <p>With regard to the need for communication with aerodromes or with UNICOM-type aeronautical stations, see the response to comment #317.</p>   |
| comment  | <p>774 <span style="float: right;">comment by: Kamila GRABOWSKA</span></p> <p>There should be added in point (a) (1) and (2):<br/> v) FIS units when not co-located<br/> and in point (4)<br/> iv) with FIS units when not co-located<br/> and in point (5) after 'aerodrome control tower or an AFIS unit' 'or an FIS unit when not co-located'<br/> Point (6) should be added analogical to point (4) for FIS units.</p>  |
| response | <p>Not accepted</p> <p>See the responses to comments #316 and #498.</p>   |
| comment  | <p>815 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>The requirements in (c) (2) are a recommendation in Annex 11. Therefore (c) (2) should be transformed as an AMC with “should” not “shall” instead.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>  |
| comment  | <p>880 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.OR.435 Aeronautical fixed service (ground-ground communications) – Communication within a flight information region<br/> (a) 2 iv; (a) 3 iii; (a) 4<br/> Page 19</p> <p><b>CANSO Comment</b><br/> The use of the phrase “air traffic services reporting offices, when separately established” implies that an Air Traffic Services Reporting Office will be established in the ACC (if not elsewhere).</p> <p><b>Impact</b><br/> Ambiguous regulation which could lead to unintended costs.</p> <p><b>Suggested Resolution</b><br/> Amend text to:</p> |



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| response | <p>“Where established, air traffic services reporting offices.”</p> <p>Not accepted</p> <p>See the response to comment #283.</p>   |
| comment  | <p>881 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.OR.435 (c) 4<br/>Page 21</p> <p><b>CANSO Comment</b><br/>Conference facilities are not always required for communications with other agencies.</p> <p>This is quite different from the ICAO annex 11 requirements. ICAO Annex 11 sections 6.2.2.1, 6.2.2.2 and 6.2.2.3 specify separate requirements and recommendations for:</p> <ul style="list-style-type: none"> <li>• communications by direct speech alone</li> <li>• rapid and reliable communication</li> <li>• direct speech arranged for conference communications</li> </ul> <p>The requirement for “direct speech arranged for conference communications whereby the communications can normally be established within 15 seconds” only reflects for communication between ATS units and the aeronautical telecommunications station (Ann 11-6.2.2.3.6 recommendation)</p> <p><b>Impact</b><br/>Introduction of conference call facilities could require costly system investment with no measurable safety or business benefit to ATSP.</p> <p><b>Suggested Resolution</b><br/>Add wording to read:<br/>“Where determined in accordance with mutually agreed requirements, and with the agreement/approval of the competent authority, the communications facilities required under points (b)(2)(i);(ii);(iii);(iv) shall include provisions for communications by direct speech arranged for conference communications whereby the communications can normally be established within 15 seconds.”</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #284.</p>   |
| comment  | <p>955 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.OR.435(a)(1)(i)</p> <p><b>Comment:</b> ATS.OR.435(a)(1)(i) could be misinterpreted as meaning that the ATS provider is not required to provide ground-ground communications facilities where the FIC and ACC are co-located. As an example, an FIC and ACC could be co-located at the same facility but could be operating within different operations rooms and thus would require ground-ground communications to permit liaison and coordination. Whilst acknowledging that the risk of</p>   |

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|          | <p>misinterpretation originates within the source text (ICAO Annex 11, 6.2.2.1.1), the UK CAA believes that the text requires amendment in order to mitigate this risk.</p> <p><b>Justification:</b> Mitigate the risk of misinterpretation.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to ATS.OR.435(a)(1)(i):<br/>“(i) the area control centre, unless <b>incorporated</b>;”</p>   |
| response | <p>Partially accepted</p> <p>EASA considers that communication between FIC and ACC is to be established at all times, regardless of the location of such ATS units, for both operational and safety reasons. The use of terms ‘co-located’ or ‘incorporated’ might lead to misinterpretation, therefore the expression ‘unless co-located’ is removed from the provision.</p>  |
| comment  | <p>1286 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>ATS.OR.435 (a) doesn't cover (enroute) FIS units or centre (FIC) and UNICOM units.</p> <p>Impact:<br/>In Poland there are four units of (enroute) FIS. Only one of them is co-located with the area control centre, other three co-located with APP units.</p> <p>Suggested resolution:</p> <p>(1) The ATS provider shall ensure that a flight information centre (...)<br/>(i) (...)<br/>(ii) (...)<br/>(iii) (...)<br/>(iv) FIS units, unless co-located;<br/>(v) AFIS units;</p> <p>(2) The ATS provider shall ensure that an area control centre (...)<br/>(...)<br/>(iii) FIS units;<br/>(iv) AFIS units;<br/>(...)</p> <p>(3) The ATS provider shall ensure that an approach control unit (...)<br/>(...)<br/>(iv) FIS units, unless co-located;<br/>(v) AFIS units;</p> <p>(4) The ATS provider shall ensure that an aerodrome (...)<br/>(...) FIS units.</p> <p>in (b)<br/>Suggestion to add "UNICOM stations published in AIP" - it is important for alerting service purposes.</p> |

response Not accepted  
See the responses to comments #316 and #498.

comment 1331 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.1.3.</b><br><b>Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR)</b><br><i>Section 4 - Requirements for communications</i><br><br><b>ATS.OR.435</b> | <b>Point (c)(4)</b> states communications by direct speech arranged for conference communications can normally be established within 15 seconds for <b>points (b)(2)(i), (ii), (iii) and (iv)</b> . Is it necessary to impose this requirement to <b>points (b)(2)(i), (ii), (iii)</b> or just of the case of <b>(b)(iv)</b> ? | <b>Annex 11 section 6.2.2.3.5</b> doesn't specify any time for communications by direct speech arranged for conference communications establishment (case of (b)(2)(i),(ii) and (iii)), and only <b>section 6.2.2.3.6</b> does it, but it is just for the case of (b)(iv). |

response Accepted  
See the response to comment #284.

comment 1538 comment by: European Transport Workers Federation - ETF

Three comments :

1. Even if co-located, a communication facility should be established between FIC and control sectors.
2. Communication with ARO for FIC is missing !
3. Non-ATS aeronautical fixed stations established in the FIR shall also have communications facilities with the appropriate ATS units.

response Partially accepted  
  
With regard to communication facilities when FIC and ACC are co-located, see the response to comment #955.  
  
With regard to the other subjects in the comment, see the response to comment #40.

comment 1583 comment by: Federal Office of Civil Aviation (FOCA), Switzerland

*Comment FOCA on paragraph no: ATS.OR.435 and following:*

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|          | In our understanding, the FIS-unit should be added as well to the list of units.<br>Justification: In reference to e.g. ATS.OR.440 where explicitly «flight information centers» are named as being separate units in certain cases. |
| response | Not accepted<br><br>See the response to comment #316.  |

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.440**

p. 21-22

|          |  |   |
|----------|--|---|
| comment  | 285<br><br>ATS.OR.440 Aeronautical fixed service (ground-ground communications) – Communication between flight information regions (e)<br><br>Clearing aircraft into an adjacent control area prior to departure is limited in this provision to either an Approach Control Unit or Tower unit; however there maybe circumstances where an ACC might be responsible for this. As written this doesn't allow an Area Control Centre to provide clearance to an aircraft into an adjacent ACC which could increase workload and complexity.<br><br><b><u>Recommendation</u></b><br>Amend text to read:<br>“Whenever local conditions are such that it is necessary to clear aircraft into an adjacent control area prior to departure, the ATS Providers concerned shall ensure that the ATS Units clearing the aircraft is connected with the Area Control Centre serving the adjacent area.” | comment by: <i>NATS National Air Traffic Services Limited</i> |
| response | Accepted<br><br>The requirement in point (e) has been amended accordingly, with further amendments to clarify its applicability.   |   |
| comment  | 640<br><br><b>ATS.OR.440 Aeronautical fixed service (ground-ground communications) – Communication between flight information regions (e)</b><br><b>Page 21</b><br><br>Clearing aircraft into an adjacent control area prior to departure is limited in this provision to either an Approach Control Unit or Tower unit; however there maybe circumstances where an ACC might be responsible for this.<br><br>Proposal<br>Amend text to read:<br>“Whenever local conditions are such that it is necessary to clear aircraft into an adjacent control area prior to departure, the ATS Providers concerned shall ensure that the ATS Units clearing the aircraft is connected with the Area Control Centre serving the adjacent area.”  | comment by: <i>ENAV</i>                                       |



response Accepted  
See the response to comment #285.

comment 816 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

In the requirement in (a) there is a reference to “transit times specified by ICAO regional air navigation agreements”. These ATS requirements are common within EU.

Proposal: Incorporate the times in ICAO regional air navigation agreements in this requirement.

In (b) and (f) the phrases “using ATS-surveillance data” and using ATS-surveillance or ADS-C data” are used. The original phrase in the ICAO material are in both cases “using radar, ADS-B or ADS-C data”.

Proposal: Harmonise the phrases.

(c) (2), (d), (e) and (f) are recommendations with “should” in Annex 11 and should therefore not be IR requirements with “shall”.

response Partially accepted

With regard to the comment on point (a), EASA deems appropriate to maintain the reference to the ICAO transit times, in consideration of the global nature of the provision.

With regard to the comment on points (b) and (f), the expression ‘ATS surveillance data’ is used as it is more general than ‘radar, ADS-B or ADS-C’; in this way, it covers any surveillance technology that may be utilised in this context. The expression used in points (b) and (f) is harmonised, as commented.

With regard to the comment on point (c)(2), (d), (e) and (f), see the response to comment #147 in CRD 2016-09(A).

comment 882 comment by: *CANSO*

ATS.OR.440 Aeronautical fixed service (ground-ground communications) – Communication between flight information regions

(e)

Page 21

#### **CANSO Comment**

Clearing aircraft into an adjacent control area prior to departure is limited in this provision to either an Approach Control Unit or Tower unit; however there may be circumstances where an ACC might be responsible for this.

#### **Impact**

Doesn’t allow an Area Control Centre to provide clearance to an aircraft into an adjacent ACC which could increase workload and complexity.

#### **Suggested Resolution**



Amend text to read:  
 “Whenever local conditions are such that it is necessary to clear aircraft into an adjacent control area prior to departure, the ATS Providers concerned shall ensure that the ATS Units clearing the aircraft is connected with the Area Control Centre serving the adjacent area.”

response Accepted  
 See the response to comment #285.

comment 1332 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.1.3. Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR)</b><br><i>Section 4 - Requirements for communications</i><br><br><b>ATS.OR.440</b> | Several points of this NPA change radar data, ADS-B data, etc. to ATS surveillance data. However, some points include ADS-C data in ATS surveillance data (for instance, <b>ATS.OR.440(b)</b> ) and some others don't (for instance <b>ATS.OR.440(f)</b> ). The criteria is not clear. | The use of "ATS surveillance data" should be consistent through the NPA. |

response Accepted

A thorough review of the proposed requirements in Part-ATS using the expression ‘ATS surveillance’ has been undertaken to ensure consistency in the terms used.

In the case of point (f), the text is amended by removing the reference to ‘ADS-C’. See also the response to comment #816.

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.445** p. 22

comment 286 comment by: NATS National Air Traffic Services Limited

The title concerns procedures but the text is about those procedures permitting immediate interruption of phone calls.

It is not clear what ATS procedures one would develop if the system has a call interruption capability. We note that the original ICAO text is a recommendation – a “should”. This regulation makes it a “shall” with no perceivable safety benefit.

We recommend amending this to be AMC and provide scope of the procedures in AMC or GM.

response Partially accepted



Following the analysis of the comments and further discussions with stakeholders, EASA has decided to transpose the originating ICAO Annex 11 Recommended Practice as GM1 ATS.OR.435(a) instead of as IR.

comment

641

comment by: ENAV

ATS.OR.445 Aeronautical fixed service (ground-ground communications) – Procedures for direct-speech communications  
Page 22

The title concerns procedures but the text is about those procedures permitting immediate interruption of phone calls.

It is not clear what ATS procedures one would develop if the system has a call interruption capability.

The requirement appears more related to systems than procedureThe original ICAO text is a recommendation – a “should”. This regulation makes it a “shall” with no perceivable safety benefit.

Proposal

Amend to be AMC and provide scope of the procedures in AMC or GM

response

Partially accepted

See the response to comment #286.

comment

883

comment by: CANSO

ATS.OR.445 Aeronautical fixed service (ground-ground communications) – Procedures for direct-speech communications  
Page 22

#### **CANSO Comment**

The title concerns procedures but the text is about those procedures permitting immediate interruption of phone calls.

It is not clear what ATS procedures one would develop if the system has a call interruption capability.

The requirement appears more related to systems than procedures

#### **Impact**

The original ICAO text is a recommendation – a “should”. This regulation makes it a “shall” with no perceivable safety benefit.

#### **Suggested Resolution**

Amend to be AMC and provide scope of the procedures in AMC or GM.

response

Partially accepted



See the response to comment #286.

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.450** p. 22

comment 96 comment by: *Belgocontrol*

|  |  |  |                                |
|--|--|--|--------------------------------|
| ATS.OR.450<br>Communications for the control of vehicles other than aircraft on manoeuvring areas at controlled aerodromes | This provisions should be part of SERA since it applies also to AD operators | Risk that AD operators are not aware of the regulation | Incorporate in SERA regulation |
|--|--|--|--------------------------------|

response Not accepted

The provision addresses the responsibility of the ATS provider to make available communication facilities at the aerodrome control tower, and does not stipulate any collective action involving the aircrew, which is the fundamental prerequisite for qualifying provisions for inclusions within the SERA rules. It is expected that the coordination between the ATS provider and the aerodrome operator for the purpose of establishing adequate arrangements is undertaken in adherence to the requirements in ATS.OR.110 and in ADR.OR.C.005(b) in Regulation (EU) No 139/2014.

comment 135 comment by: *IFATCA*

|                     |  |   |
|---------------------|--|---|
| 1.1.3<br>ATS.OR.450 | (c) Automatic recording facilities on all channels in point (b) shall be provided. | Otherwise channels under point (a) would not be recorded. |
|---------------------|--|---|

response Not accepted

The requirement addresses the recording of channels, which are defined in point (b). Point (a) is an obligation to provide communication facilities.

comment 157 comment by: *Civil Aviation Authority Norway*

It might be that an aerodrome operator wants to assign AFIS the task of controlling vehicles on the manoeuvring area. If one deletes the word "controlled" in the headline and the phrase "for aerodrome control service" in point (a) the whole paragraph also becomes available for AFIS. Alternatively one can write a new paragraph for this addressing AFIS.

response Accepted



ATS.OR.450 has been amended to require the availability of communication facilities at AFIS aerodromes where the management of vehicles and persons on the manoeuvring area is prescribed by the competent authority, in accordance with the newly introduced provision ATS.TR.305(f).

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|----------|--|
| comment  | <p>287 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.OR.450 Communications for the control of vehicles other than aircraft on manoeuvring areas at controller aerodromes<br/>(a)</p> <p>As written, this mandates the air traffic services provider to provide all of the two-way radiotelephony communication facilities including those to equip the vehicles; this would be very costly and have no perceived safety benefit.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to:<br/>“An air traffic services provider shall use two-way radiotelephony communication facilities for aerodrome control service for the control of appropriately equipped vehicles on the manoeuvring area, except where communication by a system of visual signals is deemed to be adequate.”</p> |
| response | <p>Partially accepted</p> <p>The wording of the requirement has been amended by replacing the verb ‘provide’ with the verb ‘ensure’, with the intention to clarify that the ATS provider is responsible to enable its units at the aerodromes to provide control/management of vehicles on the manoeuvring area.</p> <p>See also the responses to comments #96 and #157.</p>   |
| comment  | <p>472 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 22<br/><b>Paragraph No:</b> ATS.OR.450</p> <p><b>Comment:</b> We do not see the justification for placing the requirement for providing communication facilities in sub-paragraph (a) on the ATS provider.</p> <p><b>Justification:</b> It would normally be the responsibility of the aerodrome at which it provides ATS to ensure the availability of communication facilities etc..</p>   |
| response | <p>Noted</p> <p>See the response to comment #287.</p>  |
| comment  | <p>506 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p>   |



|   |   |                                  |  |
|---|---|----------------------------------|--|
| <p>ATS.OR.450(a)<br/>Communications for the control of vehicles other than aircraft on manoeuvring areas at controller aerodromes</p> | <p>This transposition now reads as if the air traffic services provider has to provide all of the facilities:<br/>“The ATS provider shall provide two-way radiotelephony communication facilities” – it is not reasonable for the ATS provider to equip vehicles on the manoeuvring area.</p> <p>A GM, stating that the aerodrome authority has to provide these facilities, is not enough to alleviate the ATS providers from the consequences of this IR.</p> | <p>Unreasonable requirement.</p> | <p>An air traffic services provider shall use two-way radiotelephony communication facilities for aerodrome control service for the control of appropriately equipped vehicles on the manoeuvring area, except where communication by a system of visual signals is deemed to be adequate.</p> <p>Or transfer to SERA.</p> |
|---|---|----------------------------------|--|

response

Noted  
See the response to comment #287.

comment

642

comment by: ENAV

**ATS.OR.450 Communications for the control of vehicles other than aircraft on manoeuvring areas at controller aerodromes**

**(a)**

**Page 22**

This transposition now reads as if the air traffic services provider has to provide all of the facilities:

“The ATS provider shall provide two-way radiotelephony communication facilities” – it is not reasonable for the ATS provider to equip vehicles on the manoeuvring area.

A GM, stating that the aerodrome authority has to provide these facilities, is not enough to alleviate the ATS providers from the consequences of this IR.

This provisions should be part of SERA since it applies also to AD operators

The combination of (a) and (b) implies as standard scenario that of using the same



communication channel(s), both for aircraft and vehicles on the manoeuvring area. Only when conditions warrant, separate channels shall be provided.

Once transposed into a regulatory requirement for the ATSP, this ICAO standard would raise two concerns:

- 1) how to determine the “conditions that warrant”;
- 2) consistency of the default usage of a single frequency – also for drivers – with the regulation on the

Unreasonable requirement with no perceived safety benefit. There is also a risk that AD Operators are not aware of the regulation.

The wording leaving uncertainty on the applicability and how compliance could be demonstrated

Potential inconsistency with other EU Regulations protection/use of aeronautical spectrum. Proposal

Amend text to:  
 “An air traffic services provider shall use two-way radiotelephony communication facilities for aerodrome control service for the control of appropriately equipped vehicles on the manoeuvring area, except where communication by a system of visual signals is deemed to be adequate.”

Or transfer to SERA

In addition AMC/GM should be used to clarify the circumstances which warrant certain actions.

Assess the consistency with existing rules on the use of aeronautical spectrum (frequency)

response Noted

See the response to comment #287

comment 817 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

The requirement addresses ATS providers supplying ATC at controlled aerodromes only. However, to perform flight information service at an aerodrome it is essential to have access to and the capability to use a two-way radiotelephony facility for the exchange of information with persons and vehicles on ground. The requirement has to be broadened to also include AFIS, both in headline and in text.

response Noted

See the responses to comments #157 and #287.

comment 884 comment by: *CANSO*

ATS.OR.450 Communications for the control of vehicles other than aircraft on manoeuvring areas at controller aerodromes

(a)  
 Page 22

**CANSO Comment**

This transposition now reads as if the air traffic services provider has to provide all of the facilities:

“The ATS provider shall provide two-way radiotelephony communication facilities” – it is not reasonable for the ATS provider to equip vehicles on the manoeuvring area.

A GM, stating that the aerodrome authority has to provide these facilities, is not enough to alleviate the ATS providers from the consequences of this IR.

This provisions should be part of SERA since it applies also to AD operators

The combination of (a) and (b) implies as standard scenario that of using the same communication channel(s), both for aircraft and vehicles on the manoeuvring area. Only when conditions warrant, separate channels shall be provided.

**Impact**

This transposition now reads as if the air traffic services provider has to provide all of the facilities:

“The ATS provider shall provide two-way radiotelephony communication facilities” – it is not reasonable for the ATS provider to equip vehicles on the manoeuvring area.

A GM, stating that the aerodrome authority has to provide these facilities, is not enough to alleviate the ATS providers from the consequences of this IR.

This provisions should be part of SERA since it applies also to AD operators

The combination of (a) and (b) implies as standard scenario that of using the same communication channel(s), both for aircraft and vehicles on the manoeuvring area. Only when conditions warrant, separate channels shall be provided. Unreasonable requirement with no perceived safety benefit. There is also a risk that AD Operators are not aware of the regulation.

The wording leaving uncertainty on the applicability and how compliance could be demonstrated.

**Suggested Resolution**

Amend text to:

“An air traffic services provider shall use two-way radiotelephony communication facilities for aerodrome control service for the control of appropriately equipped vehicles on the manoeuvring area, except where communication by a system of visual signals is deemed to be adequate.”

Or transfer to SERA

In addition AMC/GM should be used to clarify the circumstances which warrant certain actions.

response

Not accepted

See the response to comment #287.



comment

958

comment by: UK CAA

**Paragraph No:** ATS.OR.450, point (a)

**Comment:** See also comment by UK CAA on ATS.TR.305, point (c). Given the emphasis that EASA have placed upon the development of AFIS related provisions, the UK CAA believes that a requirement exists to develop an AFIS provision that is equivalent to ATS.OR.450, point (a). Whilst acknowledging that we would not wish to introduce a disproportionate requirement upon aerodrome FIS providers by mandating the provision of two-way radiotelephony communication facilities, it would be appropriate to introduce sufficient flexibility for an aerodrome FIS provider to determine the requirement for such facilities.

**Justification:** Enhance safety on the aerodrome manoeuvring area.

**Proposed Text:** The UK CAA proposes the following additional text which is derived from AMC1 ATS.OR.450, point (a), GM1 ATS.OR.450(a) and the EUROCONTROL Manual of Aerodrome FIS paragraph 4.2.2.3:

**ATS.OR.4XX Communications for the management of vehicles other than aircraft on manoeuvring areas at AFIS aerodromes**

The ATS provider shall determine the requirements for communications for the management of vehicles on the manoeuvring area at AFIS aerodromes.

**AMC1 ATS.OR.4XX Communications for the management of vehicles other than aircraft on manoeuvring areas at AFIS aerodromes**

(a) When the ATS provider determines that communications by a system of visual signals is adequate, or in the case of radiotelephony communication failure, the signals hereunder should have the meaning indicated therein:

| Light signal from AFIS unit | Meaning   |
|-----------------------------|---|
| Green flashes               | Permission to cross landing area or to move onto taxiway        |
| Steady red                  | Stop  |
| Red flashes                 | Move off the landing area or taxiway and watch out for aircraft |
| White flashes               | Vacate manoeuvring area in accordance with local instructions   |

(b) In emergency conditions, or if the signals in point (a) are not observed, the signal given hereunder should be used for runways or taxiways equipped with a lighting system and should have the meaning indicated therein.

| Light signal from AFIS unit       | Meaning  |
|-----------------------------------|--|
| Flashing runway or taxiway lights | Vacate the runway and observe the tower for light signal |

**GM1 to ATS.OR.4XX Communications for the management of vehicles other than aircraft on manoeuvring areas at AFIS aerodromes**



When the ATS provider determines that two-way radiotelephony communication facilities are required, all vehicles employed on the manoeuvring area should be capable of maintaining two-way communication with the aerodrome FIS unit, except when the vehicle is only occasionally used on the manoeuvring area and is:

- (1) accompanied by a vehicle with the required communications capability; or,
- (2) employed in accordance with a pre-arranged plan established with the aerodrome FIS unit.

response

Partially accepted

The rationale behind the comment is well understood and shared.

See the responses to comments #157 and #287.

Since the visual signals for vehicles and persons on the manoeuvring area have a very local nature, EASA deems more appropriate to transpose the relevant ICAO PANS-ATM provisions (Sections 7.6.3.2.3.2 and 7.6.3.2.3.3) as GM to ATS.OR.450(a), and no longer as AMC.

The proposed AMC1 ATS.OR.450(a) and GM1 to ATS.OR.450(a) have been amended accordingly.

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.455**

p. 22

comment

158

comment by: *Civil Aviation Authority Norway*

It might lead to confusion when "ATC" and "ATS" appears in the same sentence. For this reason and to include FIS/AFIS we suggest to replace "ATC" with "ATS".

response

Accepted

The text has been amended accordingly, for clarity.

comment

332

comment by: *Michal SLOJEWSKI*

Proposed requirement doesn't include (enroute) FIS units.

Solution:

ATS.OR.455

(...) ATC, (enroute)FIS and surveillance systems evaluation

or

(...) ATS and surveillance systems evaluation.

response

Accepted



See the response to comment #158.

comment 1206 comment by: Kamila GRABOWSKA  
 instead of ATC should be ATS.  
 response Accepted  
 See the response to comment #158.

comment 1287 comment by: Polish Air Navigation Services Agency  
 Proposed requirement doesn't include (enroute) FIS units.  
 Solution:  
 ATS.OR.455  
 (...) ATC, (enroute) FIS and surveillance systems evaluation  
 or  
 (...) ATS and surveillance systems evaluation.  
 response Accepted  
 See the response to comment #158.

comment 1499 comment by: ESSP-SAS  
 ATS.OR.455 and 460  
 According to the proposal ATS providers shall ensure that surveillance and communication info is automatically recorded to be used for incident and accident investigations.  
 It is proposed to include requirements related to navigation data recording, provided by certified CNS service providers, relevant for ATS provision and very useful for incident/accident investigations, specially in case of PBN based procedures.  
 response Not accepted  
 The proposal in your comment implies that the PBN enablers data shall be recorded. The vast majority of PBN operations are based on GNSS; EASA does not currently deem the recording of such data to be feasible for the ANSPs.

**1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.460** p. 22-23

comment 136 comment by: IFATCA

|                     |  |           |
|---------------------|--|-----------|
| 1.1.3<br>ATS.OR.460 | (1) recordings of communications channels, as specified in<br>ATS.OR.400(b); | Editorial |
|---------------------|--|-----------|



response Accepted  
See the response to comment #960.

comment 960 comment by: UK CAA

**Paragraph No:** ATS.OR.460, point (a)(1)

**Comment:** ATS.OR.460 point (a)(1) refers to the retention of “recordings of communications channels, as specified in ATS.OR.400(b)”; however, the reference is erroneous and should refer the reader to ATS.OR.400 points (c) and (d).

**Justification:** Accuracy.

**Proposed Text:** The UK CAA proposes the following amended text for ATS.OR.460 point (a)(1):

“(1) recordings of communications channels, as specified in **ATS.OR.400(c) and (d)**;”

response Accepted  
ATS.OR.460(a)(1) has been amended accordingly.

comment 961 comment by: UK CAA

**Paragraph No:** ATS.OR.460, point (a)(2)

**Comment:** ATS.OR.460 point (a)(2) refers to the retention of “recordings of data and communications, as specified in ATS.OR.435(c)(3), (4) and (5)”; however, the reference is erroneous and should only refer the reader to ATS.OR.435(c)(3) and (5).

**Justification:** Accuracy

**Proposed Text:** The UK CAA proposes the following amended text for ATS.OR.460(a)(2):

“(2) recordings of data and communications, as specified in ATS.OR.435(c)(3) **and (5)**;”

response Accepted  
ATS.OR.460(a)(2) has been amended accordingly.

comment 1333 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <b>(B) 1.1.3. Amendments to Annex IV - Subpart A -</b> | Point (a) should state: <i>"(a) The ATS provider</i> | In Spain, this recordings are retained for a period of 45 |

|   |  |   |
|---|--|---|
| <p><b>Additional organisation requirements for providers of ATS (ATS.OR)</b><br/>Section 4 - Requirements for communications</p> <p><b>ATS.OR.460</b></p> | <p><i>shall retain for a period of at least 30 days, or a longer period prescribed by the competent authority, the following: (...)"</i></p> | <p>days. These recordings are used not only for the investigation of accidents, but also incidents and occurrences. Due to the periods established for the notification of those, the period of 30 days wouldn't be enough.</p> |
|---|--|---|

response Not accepted

The current wording of the provision – ‘at least 30 days’ – already provides the flexibility for retaining the records for longer periods, as it is the case mentioned in the comment.

comment 1334

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION   |
|---|--|---|
| <p><b>(B) 1.1.3. Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR)</b><br/>Section 4 - Requirements for communications</p> <p><b>ATS.OR.460</b></p> | <p><b>Point (a)(1):</b> Replace <b>ATS.OR.400(b)</b> by <b>ATS.OR.400(c)</b> and <b>(d)</b>.</p> <p><b>Point (a)(2):</b> Delete (4).</p> <p><b>Point (a)(3):</b> ¿Delete "and communications"?</p> <p><b>Point (a)(4):</b> Improve reference: <b>ATS.OR.450.(c)</b>.</p> | <p><b>Point (a)(1):</b> <b>ATS.OR.400.(b)</b> reference seems to be wrong: recording requirements are in <b>ATS.OR.400(c)</b> and <b>(d)</b>.</p> <p><b>Point (a)(2):</b> <b>ATS.OR.435.(c)(4)</b> does not contain any recording requirement; they are only in (3) and (5).</p> <p><b>Point (a)(3):</b> It is not clear whether <b>ATS.OR.440.(g)</b> requires communications recording, it seems it only does for data recording.</p> <p><b>Point (a)(4):</b> The complete source reference is <b>ATS.OR.450.(c)</b>.</p> |

response With regard to your comment concerning point (a)(1): Accepted. See the response to comment #960.

With regard to your comment concerning point (a)(2): Accepted. See the response to comment #961.

With regard to your comment concerning point (a)(3): Partially accepted. The text of the



requirement has been amended to correctly represent the data to be recorded, in accordance with the originating ICAO SARPs.

With regard to your comment concerning point (a)(4): Not accepted. EASA considers that the reference to the entire ATS.OR.450 is correct.

### 1.1.3. Amendments to Annex IV — Subpart A — Section 4 - ATS.OR.465

p. 23

comment

6

comment by: *Humberside Airport*

Page No: 23 Para No: 1.1.3

Section 4 — Requirements for communications

Comment:

#### **ATS.OR.465**

HUY does not currently have this capability. The ANSP's recording equipment has spare channels and could be adapted based on the placement of one microphone per room. We note that in ICAO Annex 11, the requirement is 'should' whereas EASA has mandated it with 'shall'. HUY should be able to adopt this requirement at minimal cost as we have spare recording channels, other ANSPs may not be able to so easily without incurring additional cost.

Whilst HUY can see the advantage during investigations as potentially pertinent conversations will be captured, the use of such recordings for 'safety purposes only' must be enforceable. If such recordings can be used for other purposes other than aviation safety-related occurrences then personnel will be more careful what they say and less likely to be open.

Can EASA confirm how the required 'Data Protection' of personnel information is covered by this requirement as private conversations will also be recorded?

response

Noted

See the response to comment #137 in CRD 2016-09(A).

comment

78

comment by: *HIAL*

#### **ATS.OR.465 Background Communication and Aural Environment Recording**

Further to EASA and the UK CAA highlighting that the source recommendation in Annex 11 (3.3.3) included a reference to Annex 13 5.12 relating to the non-disclosure of recordings and transcripts which has not been transposed within Part-ATS, HIAL have been challenged by changes to UK Data Protection and Information sharing Regulations resulting in considerable engagement with the UK Commissioner and the UK CAA to rectify conflict with UK DP Laws and Reg (EU) 376/2014.



We concur with the CAA that reference (through AMC/GM) should be provided to Reg (EU) 376/2014, but would recommend the scope be expanded to include the following articles:

- Articles 6 Collection and Storage of Information;
- Article 9 Exchange of Information; and
- Article 13 Occurrence Analysis and Follow Up at National Level.

We would concur however, that recorded information should be retained for a period sufficient to align with the 72-hour occurrence reporting requirement of UE376 (2014).

Subject to all of the above, HIAL support this proposal in principal; the introduction of background voice and noise recording will assist incident investigation process as it will provide important data on the Ops Room environment at the time of the incident e.g. personnel interaction, noise distortion, internal/external distractions etc. Privacy Impact Assessments (PIA) are likely to be considered mandatory for these types of systems from May 2018 under DP legislation so must be considered as part of the implementation; the introduction of Environment Recording will have to be carefully managed by ANSPs in order to manage confidentiality and not fall foul of Data Protection once clarity has been obtained from the CAA. A shift in culture will become necessary.

response

Noted  
See the response to comment #137 in CRD 2016-09(A).

comment

97

comment by: *Belgocontrol*

|  |  |                       |
|--|--|-----------------------|
| <p>ATS.OR.465<br/>Background communication and aural environment recording</p> | <p>Issues to be considered :<br/>· the consideration about the fact that costs for the fulfilment of such requirement could override the expected benefits in terms of safety; and<br/>· the need to explicitly limit the requirement for the use of such recordings only for occurrence investigation purposes.</p> | <p>Privacy issues</p> |
|--|--|-----------------------|

response

Noted  
See the response to comment #137 in CRD 2016-09(A).

comment

137

comment by: *IFATCA*

|                     |  |   |
|---------------------|--|---|
| 1.1.3<br>ATS.OR.465 | <del><b>ATS.OR.465 Background communication and aural environment recording</b><br/>Air traffic control units shall be equipped with devices that record background communication and the aural environment at air traffic controller work stations, capable of retaining the information recorded during at least the last 24 hours of operation.</del>   | Undue intrusion into the privacy of ATS personnel, which is always available for questioning after an incident has occurred. See answer to EASA question in NPA 2016 09 A |
| response            | Not accepted<br>See the response to comment #137 in CRD 2016-09(A).  |   |
| comment             | 160 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span><br><br>The requirement has changed from the ICAO “should” to the Part ATS “shall”. This might be a good idea, but we need some clarification (AMC/GM) on how to interpret it, is it in the control position or in the whole TWR or ACC?<br>Has anyone implemented this already and how have they done it?<br>We need information about technical solutions, costs and how the personal integrity for the people in the TWR/ACC could be handled?     |   |
| response            | Noted<br>See the response to comment #137 in CRD 2016-09(A).   |   |
| comment             | 288 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span><br><br>The recording of background communication and the aural environment is not appropriate as an IR as any associated AMC (not yet written) would be likely to produce a European requirement which is more stringent than the original ICAO requirement. In some cases it may not be technically feasible or prohibitively expensive for the perceived safety benefits.<br><br><b><u>Recommendation</u></b><br>Remove OR Change to GM |   |
| response            | Not accepted<br>See the response to comment #137 in CRD 2016-09(A).  |   |
| comment             | 381 <span style="float: right;">comment by: <i>DGAC</i></span><br><br>The provision of equipping ATC units with devices that record background communication and the aural environment at air traffic controller work stations is only a recommendation in ICAO Annex 11.<br><br>This provision raises several issues, from technical implementation difficulties due to the fact  |   |

that in ACC, there are up to 28 work stations grouped in a single room, to ethical and legal issues.

DGAC therefore requests that the provision be removed or at least downgraded as a guidance material in order to gain experience from those countries who implement it and get answers on such questions as:

- number/location of the sources in ACC, APP and TWR
- access to the recorded information (who is allowed to listen, under which circumstances?)
- measures to be implemented for the protection of privacy?
- acceptance with respect to the just culture philosophy promoted and recently implemented within European ANSPs
- social impact...

response

Not accepted

See the response to comment #137 in CRD 2016-09(A).

comment

418

comment by: *DFS Deutsche Flugsicherung GmbH*

DFS rejects the proposed transposition of that recommendation.

DFS does not see the necessity to level up the ICAO recommendation concerning the recording of background communication to EU hard law.

The chapter 3.3 of ICAO Annex 11 has been torn into parts, where 3.3.1, 3.3.4 is allocated to ATS.TR.210, chapter 3.3.2, 3.3.5 allocated to OR.145 and chapter 3.3.3 is taken from its context, being a standalone OR.465.

While the separation into OR- and TR-purpose is understood, we do not support the separation of chapter 3.3.3 as a separate requirement (=OR.0465). As such, the original context is lost and it turns an ICAO recommendation into EU hard law. It should remain a GM and relates best to ATS.TR.210 (a) (4).

Giving attention to EASA's related question of NPA Part A these are DFS' arguments against this form of transposition:

Costs are not counter measured by benefits:

- significant costs arise for installation and maintenance,
- negative effects on an open reporting culture are to be expected,
- trials show that the use of this information for accident investigation purpose is very low.

It should be taken into account that the operating environment deviates strongly from the cockpit. Cockpit Voice Recorders may only be analysed by the AAIB in the case of accidents. We do not see that this is the intent of ICAO Annex 11 chapter 3.3.3.

The extension to other ATS units than ATC is not favoured for these reasons; and in addition, investigations in other ATS units are far less frequent, since responsibility is basically on the cockpit side (e.g. Flight Information Service).

However, DFS prefers the implementation of a recording function, which records the verbal information exchange during the Take-over / Hand-over of a Working Position and which comes far nearer to the intended purpose of ICAO Annex 11 chapter 3.3.3. and may trace the



|                 |   |
|-----------------|---|
|                 | <p>information on clearances made in accordance with 3.3.1 and 3.3.2. on a recommendation basis.</p> <p>Therefore it is our proposal to delete OR.465 and make the text (ICAO recommendation of chapter 3.3.3) a GM1 to ATS.210 (a) (4) in order to contain the current ICAO-context and purpose.</p> |
| <p>response</p> | <p>Not accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>  |
| <p>comment</p>  | <p>507</p> <p style="text-align: right;">comment by: <i>ATC the Netherlands</i></p>   |



|  |  |   |   |
|--|--|---|---|
| <p>ATS.OR.465<br/>Background communication and aural environment recording</p> | <p>LVNL does not agree with the EASA position to transpose the annex 11-3.3.3 recommendation into implementing rule. There are good reasons for the current lack of implementation in Europe of this recommendation.</p>   | <p>In imposing this requirement on all ANSPs, significant costs will result for the ANSPs and hence the airlines.</p>   | <p>Keep is as a recommendation. So convert it to AMC or GM.</p>   |
|  | <p>LVNL is of the opinion that much data is already recorded that enables good investigations. A comparison with flight deck data is inappropriate: black boxes in aircraft were specifically introduced as the crew did not always live to tell. Hence, there will only be a limited number of occasions where this information will prove valuable in finding the cause of an event.</p> | <p>These costs involve: a financial component resulting from the technical implementation and data management, a social cost, considered of significant size, by the potential breach of privacy and accruing mistrust amongst staff. a safety penalty, as staff could be tempted to report less safety events.</p> | <p>If it would be implemented this would be only acceptable when the protection contains (more than) the protection as is stipulated in Regulation (EU) 996/2010 (see article 14) and Regulation (EU) 376/2014 (see article 15).</p>  |
|  | <p>Furthermore, also without this NPA/legislation regarding ambient recording, national States/ANSPs can decide to implement ambient recording and use the ICAO legislation thereof.</p>   | <p>The benefits over the already existing recording of communication channels and intercom is very limited.</p>   | <p>Only the Accident Investigation Board nominated in the country ref. EU 996/2010 shall be mandated to use the data for safety lessons (see also ICAO). This protection shall be absolute, so also in case there's no accident, incident or occurrence or when there's no investigation by the Investigation Board, the protection stipulated in this Regulation shall apply. This protection should prevent using the information for any non-safety reasons. Regarding Regulation (EU) 376/2014 (art. 15), it should also be unmistakable that there's an absolute protection: the protection against the use for other reasons than safety shall not be dependent on whether it's part of any (occurrence) report. It should be regulated that the use by judiciary entities, criminal, civil or administrative proceedings shall be excluded. Finally, internal (ANSP) use shall only be</p> |



response Not accepted

See the response to comment #137 in CRD 2016-09(A).

comment 558

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

**Page No:** 23

**Paragraph No:** ATS.OR.465

**Comment:** We suggest to delete the proposed provision, or as an alternative to place it as GM to ATS.OR.460 so that the intention of the recommendation in section 3.3.3 of ICAO Annex 11 is retained. The provision can then be further examined regarding technical solutions and practical application of the provision and thus be included as a mandatory requirement when the provision is found to be more mature.

**Justification:** We see no justification for making this ICAO recommendation to a mandatory requirement at this stage. The proposed provision is suggested as applicable only for ATC, but need to be examined further as to the applicability also for AFIS and Flight information centres. The suggested provision also needs clarification on what the extension of the ATS work station should be; only the working position or the whole TWR or ACC? We think there are so many questions to this proposed requirement (e.g requirements for technical solutions, anticipated costs, integrity for personnel etc.) and suggest that a separate study be made regarding the possibility to make this a mandatory requirement at a later stage.

response Not accepted

See the response to comment #137 in CRD 2016-09(A).

comment 643

comment by: *ENAV*

**ATS.OR.465 Background communication and aural environment recording**

**Page 23**

The recording of background communication and the aural environment is not appropriate as an IR as any associated AMC (not yet written) would be likely to produce a European requirement which is more stringent than the original ICAO requirement.

A lot of data is already recorded that enables good investigations. A comparison with flight deck data is inappropriate: black boxes in aircraft were specifically introduced as the crew did not always live to tell. Hence, there will only be a limited number of occasions where this information will prove valuable in finding the cause of an event.

Furthermore, even without this NPA/legislation regarding ambient recording, national States/ANSPs can decide to implement ambient recording and use the ICAO legislation thereof



|          |   |
|----------|---|
| response | <p>Proposal<br/>Delete OR.465 and make the text (ICAO recommendation of chapter 3.3.3) a GM1 to ATS.210 (a) (4) in order to contain the current ICAO-context and purpose</p> <p>Not accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>   |
| comment  | <p>885 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.OR.465 Background communication and aural environment recording<br/>Page 23</p> <p><b>CANSO Comment</b><br/>The recording of background communication and the aural environment is not appropriate as an IR as any associated AMC (not yet written) would be likely to produce a European requirement which is more stringent than the original ICAO requirement.</p> <p>A lot of data is already recorded that enables good investigations. A comparison with flight deck data is inappropriate: black boxes in aircraft were specifically introduced as the crew did not always live to tell. Hence, there will only be a limited number of occasions where this information will prove valuable in finding the cause of an event.</p> <p>Furthermore, even without this NPA/legislation regarding ambient recording, national States/ANSPs can decide to implement ambient recording and use the ICAO legislation thereof.</p> <p><b>Impact</b><br/>In imposing this requirement on all ANSPs, significant costs will result for the ANSPs and hence the airlines.<br/>These costs involve:</p> <ul style="list-style-type: none"> <li>- a financial component resulting from the technical implementation and data management,</li> <li>- a social cost, considered of significant size, by the potential breach of privacy and accruing mistrust amongst staff.</li> <li>- a safety penalty, as staff could be tempted to report less safety events.</li> </ul> <p>The benefits over the already existing recording of communication channels and intercom are very limited.</p> <p>It should be taken into account that the operating environment deviates strongly from the cockpit. Cockpit Voice Recorders may only be analysed by the AAIB in the case of accidents; this does not appear to be the intent of ICAO Annex 11 chapter 3.3.3.</p> <p><b>Suggested Resolution</b><br/>Delete OR.465 and make the text (ICAO recommendation of chapter 3.3.3) a GM1 to ATS.210 (a) (4) in order to contain the current ICAO-context and purpose.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>  |

|          |   |   |
|----------|---|---|
| comment  | 962   | comment by: UK CAA                                |
|          | <b>Paragraph No:</b> ATS.OR.465   |   |
|          | <p><b>Comment:</b> The Agency is requested to explain the apparent inconsistency between the proposed requirement to retain ‘environment recording’ for at least the last 24-hours of operation and the proposed requirement (ATS.OR.460) to retain all other recordings of data and communications for at least 30-days. The Agency is also requested to explain the rationale for the different regulatory approach taken with regards to ‘environment recording’ and other forms of recordings of data and communications. ATS.OR.400(b) and (c), ATS.OR.435(c)(3) and (5), ATS.OR.440(g) and ATS.OR.450 specify the requirements for recording, whilst ATS.OR.460 specifies the requirement for the retention of that data; whereas ATS.OR.465 combines both a requirement for the recording and specifies the requirement for the retention of that data.</p> <p>Notwithstanding the UK CAA’s additional comments (submitted against NPA 2016-09 A) on the proposed ATS.OR.465, should this provision continue to be viewed as a requirement, for the purposes of consistency, its retention criteria should be incorporated within ATS.OR.460.</p> <p><b>Justification:</b> Clarification of regulatory intent.</p> |   |
| response | <p>Not accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>  |   |
| comment  | 1222  | comment by: Kamila GRABOWSKA                      |
|          | It is useful not to confine recording to ATC units and extend it to FIS units also.   |   |
| response | <p>Not accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>  |   |
| comment  | 1288  | comment by: Polish Air Navigation Services Agency |
|          | Suggestion to extend to FIS Units also  |   |
| response | <p>Partially accepted</p> <p>See the response to comment #137 in CRD 2016-09(A).</p>  |   |
| comment  | 1448  | comment by: Finnish Transport Safety Agency       |
|          | <p>o Finnish Transport Safety Agency is in the opinion that the current recommendation is sufficient and there is no need for additional EU requirement. There is no strong justification to add more regulation, and in our national government strategy we aim to lighten regulation. This would also be in line with EU Better regulation and EU Aviation strategy.</p>  |   |
| response | Noted   |   |

See the response to comment #137 in CRD 2016-09(A).

comment 1451 comment by: *Icetra*  
Concerning the requirement for retaining the recordings for 24 hours we question why the requirement is different from other recordings as stipulated in ATS.OR.460 where 30 days is the minimum retention of information and data?

response Noted  
See the response to comment #137 in CRD 2016-09(A).

comment 1471 comment by: *HungaroControl*  
ATS.OR.465 Background communication and aural environment recording: Hungarocontrol fully supports the idea of recording communication within an ATS unit. We would like to see a more detailed IR focusing on the specific requirements of this function, protection of personal data, etc.

response Noted  
See the response to comment #137 in CRD 2016-09(A).

comment 1539 comment by: *European Transport Workers Federation - ETF*  
The rulemaking group had a clear majority of members that were in favor of not transposing this ICAO recommendation into the EU regulations for ATS.  
ETF opposes this requirement to have a background communication and aural environment recording. It is an additional cost burden for the provision of ATM/ANS with no clear safety case to justify the need for such a system. The privacy issues are not tackled either. Nevertheless, 24 hours of operation is a too long period of time.

response Not accepted  
See the response to comment #137 in CRD 2016-09(A).

comment 1584 comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination*  
ATCEUC asks the Agency to delete this provision, which was already rejected in the discussions within the RMG. It adds unnecessary costs and the benefit in terms of safety is not clear, not to talk about the privacy issues that such recordings might arise and its potential clash against **REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT** on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

**~~ATS.OR.465 – Background communication and aural environment recording~~**

~~*Air traffic control units shall be equipped with devices that record background communication and the aural environment at air traffic controller work stations, capable of retaining the information recorded during at least the last 24 hours of operation*~~



response Not accepted  
See the response to comment #137 in CRD 2016-09(A).

**1.1.3. Amendments to Annex IV — Subpart A — Section 5 - ATS.OR.500**

p. 23

comment 7 comment by: *Humberside Airport*  
Page No: 23  
Para No: 1.1.3  
Section 5 — Requirements for information **ATS.OR.500**  
Comment:  
There are 62 "UK ANSPs currently Certified and / or Designated" by the UK CAA to provide Air Navigation Services (as at 22 March 2016 there were 62 ANSPs operating within the UK, see link at: <http://www.caa.co.uk/Commercial-industry/Airspace/Air-traffic-control/Air-navigation-services/Certification-and-designation/Certification-and-designation/>); most of these ANSPs provide an ATC Service.  
  
In regard to the context of this provision, in ATS.OR.500 (a), who is the 'ATS Provider' and who are 'relevant ATS units'?

response Noted  
The definition of 'service provider' is provided in Article 2 of Regulation (EU) 2017/373. It is implicit that the relevant ATS units are the units which provide services in the airspace, designated to the certain ATS provider (in accordance with Article 8 of Regulation (EC) No 550/2004, there may be only one designated provided in a given block of airspace).

comment 46 comment by: *ROMATSA*  
**ROMATSA`s proposed text:**  
  
Section 5 — Requirements for information  
ATS.OR.500 Meteorological information — General  
(b) Available detailed information on the location, vertical extent, direction rate of movement and intensity of meteorological phenomena in the vicinity of the aerodrome, and particularly in the climb-out and approach areas, which could be hazardous to aircraft operations, shall be supplied to the relevant ATS units.

**Justification:** The proposed modification are aimed to improve the clarity of the text.

response Not accepted  
The proposed text, originating from ICAO Annex 11, is sufficiently clear in the context of the requirement. The details of the meteorological information to be provided by the meteorological service provider to the various ATS units are stipulated in Annex V (Part-MET)



to Regulation (EU) 2017/373.

comment 57

comment by: ENAIRE

**ATS.OR.500 Meteorological information — General**

*(a) The ATS provider shall ensure that up-to-date information on existing and forecast meteorological conditions are made available to the relevant ATS units as necessary for the performance of their respective functions.*

The legitimate responsible for providing the most up to date information on meteorological conditions to the ATS units should be the MET services providers (ATS units & providers are the receivers of the information). Consequently, the text should be reworded as follows:

(a) The ATS provider shall be provided ensure with that up-to-date information on existing and forecast meteorological conditions, which will be are made available to the relevant ATS units as necessary for the performance of their respective functions.

response Not accepted

The ATS provider is required to ensure that the meteorological information is available to its units. This implies that it has to establish the necessary arrangements with the relevant meteorological service provider(s). The provision does not specify how such arrangements are to be established, and in this way the necessary flexibility is left to the involved providers. It is recalled that the meteorological service provider responsibilities for the generation and the transmission of meteorological information to ATS units are stipulated in MET.OR.242 in Annex V to Regulation (EU) 2017/373.

comment 58

comment by: ENAIRE

**ATS.OR.500 Meteorological information — General**

*(b) Available detailed information on the location, vertical extent, direction and rate of movement of meteorological phenomena in the vicinity of the aerodrome, and particularly in the climb-out and approach areas, which could be hazardous to aircraft operations, shall be supplied to the relevant ATS units.*

Some recommendations included in ICAO ANNEX 11 have been converted into requirements (obligations) as for example ATS.OR.500 (b) and ATS.OR.510 (g).

We suggest to change “shall” by “should” as in the original ICAO recommendation, as well as not to allocate the responsibility to the ATS provider.

response Not accepted

The transposition of some of the recommended practices in ICAO Annex 11 into implementing rules was considered and agreed by EASA together with the supporting RMG.0464.

With regard to the use of the terms ‘shall’ and ‘should’ in the EU regulatory context when transposing ICAO SARPs, see the response to comment #147 in CRD 2016-09(A).



As explained in the response to comment #57, the referred requirement does not impose unnecessary obligations for the ATS provider, but rather implies that certain arrangements ensuring the provision of meteorological information for the purpose of ATS provision are established.

comment

645

comment by: ENAV

**ATS.OR.500 Meteorological information — General  
Page 23**

The legitimate responsible for providing the most up to date information on meteorological conditions to the ATS units should be the MET services providers (ATS units & providers are the receivers of the information).

Proposal

The text should be reworded as follows:

To make the ANSP responsible for “distributing” the received information.

response

Noted

See the response to comment #57.

comment

669

comment by: EUROCONTROL

**ATS.OR.500 Meteorological information - General - Page 23**

It is not understood why the ATS provider is made responsible for the MET info provision for ATS units. Is this not a responsibility of the respective MET service provider. Since NPA 2016-09 is providing requirements to ATSPs, could it be that it includes the requirement for ATSPs to make arrangements with METSPs to ensure that MET information is delivered to ATS Units?

response

Noted

See the response to comment #57.

comment

886

comment by: CANSO

**ATS.OR.500 Meteorological information — General  
Page 23**

**CANSO Comment**

The legitimate responsible for providing the most up to date information on meteorological conditions to the ATS units should be the MET services providers (ATS units & providers are the receivers of the information).

**Impact**

Legal expansion of the responsibility of ANSPs.

Uncertainty on applicability and demonstration of compliance.



**Suggested Resolution**

The text should be reworded as follows:

To make the ANSP responsible for “distributing” the received information.

response

Noted

See the response to comment #57.

comment

1270

comment by: FAA

Consider harmonizing procedures and phraseology across all ATS providers for meteorological information and distribution.

response

Noted

comment

1423

comment by: Jan Sondij

|   |             |   |  |  |
|---|-------------|---|--|--|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510</p> | <p>KNMI</p> | <p>ICAO Annex 11 uses “ATS units shall be supplied with .... meteorological information ”. This is translated as “the ATS provider shall ensure that up-to-date information...”. This can be interpreted such that the ATS provider is made responsible for providing meteorological information. The repealed 1377/2016 however provides the framework for designating air navigation service providers for meteorology, and the meteorological services to be provided.</p> | <p>Transfer of responsibility for providing meteorological information from MET ANSP to ATS ANSP</p> | <p>Change wording or provide guidance explaining the meaning and interpretation of these articles.</p> |
|---|-------------|---|--|--|

response

Not accepted

See the response to comment #57.

comment

1426

comment by: Jan Sondij



|   |   |   |   |                         |
|---|---|---|---|-------------------------|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510;<br/>ATS.OR.515</p> | <p>KNMI</p>   | <p>Part-MET (Annex 5) of the repealed 2016/1377 provides the specific requirements for providers of meteorological services.<br/>In these ATS.ORs only reference is being made to MET.OR.245 (f) and (g), MET.OR.242(a) and (b). This does not reflect all the meteorological information to be provided to ATS, e.g. MET.OR.200 is missing. As a result, also the link between the meteorological products and services to be provided in repealed regulation 2016/1377 and the products to be used by ATS in 2016-09 is not clear and consistent.</p> | <p>The link between the meteorological products and services in the repealed regulation 2016/1377 and the products to be used in regulation 2016-09 is not complete and not consistent.</p> | <p>Review MET part.</p> |
| <p>response</p>   | <p>Not accepted</p> <p>The requirements in MET.OR.200 are of a general nature and relate to the information provided by the meteorological station, while the requirements in MET.OR.242 and MET.OR.245 establish in more detail the information to be provided by the aerodrome meteorological offices and by the meteorological watch office respectively. The sets of information that shall be provided to the various ATS units are better detailed in MET.OR.242 and in MET.OR.245 and coincide with those in MET.OR.200. Therefore it is considered that the requirements are neither incomplete nor inconsistent within the context of Regulation (EU) 2017/373.</p> <p>See also the response to comment #57.</p> |   |   |                         |

**1.1.3. Amendments to Annex IV — Subpart A — Section 5 - ATS.OR.505** p. 23

comment

646

comment by: ENAV

**ATS.OR.505 Meteorological information for flight information centres and area control centres**

The ATSP cannot “ensure” the information is available “in any circumstances”. This task belongs to the Meteorological Service Provider

Proposal

Do not establish new general requirements. Review the selection and transposition of requirements from ICAO.



response Not accepted

There is no obligation to provide meteorological information ‘in any circumstances’ within the ATS requirements concerned, nor within the associated requirements within Regulation (EU) 2017/373.

See also the response to comment #57.

comment 670 comment by: EUROCONTROL

**ATS.OR.505 Meteorological information for flight information centres and area control centres - Page 23**

It is not understood why the ATS provider is made responsible for the MET info provision for ATS units. Is this not a responsibility of the respective MET service provider. Since NPA 2016-09 is providing requirements to ATSPs, could it be that it includes the requirement for ATSPs to make arrangements with METSPs to ensure that MET information is delivered to ATS Units?

response Noted

See the response to comment #57.

comment 818 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

The reference in the last sentence to “..if so required by the competent authority...” seems to be obsolete as this is already taken care of by the member states in ICAO EUR Air Navigation Plan – eANP Vol II Approved 31 December 2016. This is in line with Annex 11 reference to regional air navigation agreements. If any new areas are identified they will be taken care of by the ICAO process for updating Air Navigation Plan.

Proposed to change the last sentence as follows - These reports and forecasts shall cover the flight information region or control area and, ~~if so required by the competent authority, such~~ **if applicable** other areas **according to ICAO EUR Air Navigation Plan – eANP Vol II.**

response Not accepted

Provided reports and forecasts for other areas specified in the requirement are not directly related to the ICAO Air Navigation Plan, but rather related to the distribution of information on meteorological phenomena that might affect the operations in a given FIR on in a given controlled area. This is the reason for which it is left to the competent authority to make decisions based on the local circumstances for the provision of such information.

comment 888 comment by: CANSO

ATS.OR.505 Meteorological information for flight information centres and area control centres



**CANSO Comment**

The ATSP cannot “ensure” the information is available “in any circumstances”. This task belongs to the Meteorological Service Provider.

**Impact**

Legal expansion of the responsibility of ANSPs.  
Uncertainty on applicability and demonstration of compliance

**Suggested Resolution**

Do not establish new general requirements.  
Review the selection and transposition of requirements from ICAO.

response

Not accepted  
See the response to comment #646.

comment

1424

comment by: *Jan Sondij*

|   |             |  |  |  |
|---|-------------|--|--|--|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510</p> | <p>KNMI</p> | <p>ICAO Annex 11 uses “ATS units shall be supplied with .... meteorological information”. This is translated as “the ATS provider shall ensure that up-to-date information...”. This can be interpreted such that the ATS provider is made responsible for providing meteorological information. The repealed 1377/2016 however provides the framework for designating air navigation service providers for meteorology, and the meteorological services to be provided.</p> | <p>Transfer of responsibility for providing meteorological information from MET ANSP to ATS ANSP</p> | <p>Change wording or provide guidance explaining the meaning and interpretation of these articles.</p> |
|---|-------------|--|--|--|

response

Noted  
See the response to comment #57.

comment

1427

comment by: *Jan Sondij*

|   |  |   |   |                         |
|---|--|---|---|-------------------------|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510;<br/>ATS.OR.515</p> | <p>KNMI</p>  | <p>Part-MET (Annex 5) of the repealed 2016/1377 provides the specific requirements for providers of meteorological services.<br/>In these ATS.ORs only reference is being made to MET.OR.245 (f) and (g), MET.OR.242(a) and (b). This does not reflect all the meteorological information to be provided to ATS, e.g. MET.OR.200 is missing. As a result, also the link between the meteorological products and services to be provided in repealed regulation 2016/1377 and the products to be used by ATS in 2016-09 is not clear and consistent.</p> | <p>The link between the meteorological products and services in the repealed regulation 2016/1377 and the products to be used in regulation 2016-09 is not complete and not consistent.</p> | <p>Review MET part.</p> |
| <p>response</p>   | <p>Not accepted<br/>See the response to comment #1426.</p> |   |   |                         |

|                 |   |   |                               |                                  |
|-----------------|---|---|-------------------------------|----------------------------------|
| <p>comment</p>  | <p>1430</p>   |   | <p>comment by: Jan Sondij</p> |                                  |
|                 | <p>KNMI</p>   | <p>Reference is made to MET.OR.245 (f) and (g). The repealed 2016/1377 does not have an item g.</p> | <p>Incorrect reference.</p>   | <p>Check and/or change text.</p> |
| <p>response</p> | <p>Accepted<br/>The text of the provision has been amended accordingly.</p> |   |                               |                                  |

**1.1.3. Amendments to Annex IV — Subpart A — Section 5 - ATS.OR.510** p. 24

|  |           |  |                            |  |
|--|-----------|--|----------------------------|--|
| <p>comment</p>   | <p>47</p> |  | <p>comment by: ROMATSA</p> |  |
| <p><b>ROMATSA's proposed modification:</b></p>   |           |  |                            |  |
| <p>ATS.OR.510 Meteorological information for units providing approach control service<br/>(a) Special reports and amendments to forecasts shall be communicated to the units providing approach control service as soon as they are necessary available in accordance with established criteria without waiting for the next routine report or forecast.</p> |           |  |                            |  |



|          |  |
|----------|--|
|          | <p><b>Justification:</b> the text deleted is not relevant.</p>   |
| response | <p>Partially accepted</p> <p>The entire requirement in ATS.OR.510(b) is removed, as the intent is already covered by the requirements stipulated in ATS.OR.510(a) which refers to MET.OR.242(b) in Annex V to Regulation (EU) 2017/373.</p>  |
| comment  | <p>59 <span style="float: right;">comment by: ENAIRE</span></p> <p><b>ATS.OR.510 (Meteorological information for units providing approach control service)</b><br/> <i>(a) The ATS provider shall ensure that units providing approach control service are supplied with meteorological information for the airspace and the aerodromes with which they are concerned, as stipulated in MET.OR.242 (b).</i></p> <p>The ATSP should not be pointed out as the legitimate responsible for providing meteorological information.<br/> Consequently, we suggest to change “The ATS provider shall...” by “An ATC unit shall be supplied with...”:</p> <p>(a) <del>The ATS provider shall ensure that</del> units providing approach control service <del>shall be supplied</del> <del>are supplied</del> with meteorological information for the airspace and the aerodromes with which they are concerned, as stipulated in MET.OR.242 (b).</p> |
| response | <p>Not accepted</p> <p>See the response to comment #57.</p>  |
| comment  | <p>647 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.OR.510 Meteorological information for units providing approach control service</b></p> <p>The ATSP cannot “ensure” the information is available “in any circumstances”. This task belongs to the Meteorological Service Provider</p> <p>Proposal<br/> Do not establish new general requirements. Review the selection and transposition of requirements from ICAO.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #646.</p>   |
| comment  | <p>671 <span style="float: right;">comment by: EUROCONTROL</span></p> <p><b>ATS.OR.510 Meteorological information for units providing approach control service - Page 24</b></p> <p>It is not understood why the ATS provider is made responsible for the MET info provision for</p>   |

ATS units. Is this not a responsibility of the respective MET service provider. Since NPA 2016-09 is providing requirements to ATSPs, could it be that it includes the requirement for ATSPs to make arrangements with METSPs to ensure that MET information is delivered to ATS Units?

response

Noted  
See the response to comment #57.

comment

889

comment by: *CANSO*

ATS.OR.510 Meteorological information for units providing approach control service

**CANSO Comment**

The ATSP cannot “ensure” the information is available “in any circumstances”. This task belongs to the Meteorological Service Provider.

**Impact**

Legal expansion of the responsibility of ANSPs.  
Uncertainty on applicability and demonstration of compliance.

**Suggested Resolution**

Do not establish new general requirements.

Review the selection and transposition of requirements from ICAO.

response

Not accepted  
See the response to comment #646.

comment

1425

comment by: *Jan Sondij*

|   |             |  |  |  |
|---|-------------|--|--|--|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510</p> | <p>KNMI</p> | <p>ICAO Annex 11 uses “ATS units shall be supplied with .... meteorological information”. This is translated as “the ATS provider shall ensure that up-to-date information...”. This can be interpreted such that the ATS provider is made responsible for providing meteorological information. The repealed 1377/2016 however provides the framework for designating air navigation service providers for meteorology, and the meteorological services to be provided.</p> | <p>Transfer of responsibility for providing meteorological information from MET ANSP to ATS ANSP</p> | <p>Change wording or provide guidance explaining the meaning and interpretation of these articles.</p> |
|---|-------------|--|--|--|

response Not accepted

See the response to comment #57.

comment 1428

comment by: Jan Sondij

|   |             |   |   |                         |
|---|-------------|---|---|-------------------------|
| <p>ATS.OR.500;<br/>ATS.OR.505;<br/>ATS.OR.510;<br/>ATS.OR.515</p> | <p>KNMI</p> | <p>Part-MET (Annex 5) of the repealed 2016/1377 provides the specific requirements for providers of meteorological services.<br/>In these ATS.ORs only reference is being made to MET.OR.245 (f) and (g), MET.OR.242(a) and (b). This does not reflect all the meteorological information to be provided to ATS, e.g. MET.OR.200 is missing. As a result, also the link between the meteorological products and services to be provided in repealed regulation 2016/1377 and the products to be used by ATS in 2016-09 is not clear and consistent.</p> | <p>The link between the meteorological products and services in the repealed regulation 2016/1377 and the products to be used in regulation 2016-09 is not complete and not consistent.</p> | <p>Review MET part.</p> |
|---|-------------|---|---|-------------------------|

response Not accepted

See the response to comment #1426.

comment 1431

comment by: Jan Sondij

|                       |             |   |                                   |                                  |
|-----------------------|-------------|---|-----------------------------------|----------------------------------|
| <p>ATS.OR.510.(b)</p> | <p>KNMI</p> | <p>‘Special reports’ should be ‘Local special reports.’<br/>‘next routine report’ should be ‘next local routine report’.<br/>If routine report is meant to also include METAR then specify the intended products in detail.</p> | <p>Consistency in terminology</p> | <p>Check and/or change text.</p> |
|-----------------------|-------------|---|-----------------------------------|----------------------------------|

response Partially accepted

See the response to comment #47.

comment

1453

comment by: *Icetra*

For item (h) ICETRA considers it logical to limit this requirement to units serving aerodromes where wind shear is considered a factor in alignment with the provision 7.4.1 of ICAO Annex 3:

7.4.1 Wind shear warnings shall be prepared by the aerodrome meteorological office designated by the meteorological authority concerned for aerodromes where wind shear is considered a factor, in accordance with local arrangements with the appropriate air traffic services unit and operators concerned. Wind shear warnings shall give concise information on the

response

Not accepted

The mentioned provision in ICAO Annex 3 is already transposed in MET.OR.235 within Annex V to Regulation (EU) 2017/373. The intent of such requirement is mainly related to the generation of wind shear **WARNINGS**. The requirement proposed in ATS.OR.510(h), transposed from the Standard in 7.1.3.6 of ICAO Annex 11, is addressing **INFORMATION ON WIND SHEAR**. Such information may be obtained from different sources, including reports from the flight crews.

comment

1462

comment by: *Finavia*

Regarding transposition of ICAO Annex 11 7.1.3.6 and 7.1.4.6 on wind shear warnings:

In Finavia's 21 ATS units providing tower services (AFIS and ATC) 2 units have a wind shear warning system based on MET observation and forecasts. In the other 19 units, ATS unit will get the information of WS or other phenomena from the observation of a pilot. The information is after that relayed forward to MET office and other pilots flying in the airspace. It is a bit unclear whether these methods are considered to be in compliance with this regulation, or is the regulation referring to some technical instruments detecting WS. If so, this will add significantly to costs.

It would be beneficial to have a AMC/GM on this matter.

response

Noted

See the response to comment #1453.

comment

1540

comment by: *European Transport Workers Federation - ETF*

The pressure data for setting altimeters needed to provide approach control service include as a minimum the data of the controlled aerodromes and the aerodromes where AFIS is provided and IFR landing procedures exist. It does not seem so clear when reading the text.



response

Noted

The requirement leaves the necessary flexibility to the unit providing approach control service to determine the locations, including the aerodromes, for which current pressure data for altimeter settings have to be provided.

**1.1.3. Amendments to Annex IV — Subpart A — Section 5 - ATS.OR.515**

p. 24-25

comment

48

comment by: ROMATSA

**ROMATSA's proposed text:**

ATS.OR.515 Meteorological information for aerodrome control towers and AFIS units

(a) Special reports and amendments to forecasts shall be communicated to the aerodrome control towers and AFIS units as soon as they are available in accordance with established criteria.

**Justification:** the text deleted is not relevant.

response

Partially accepted

The entire requirement in ATS.OR.515(b) is removed, as the intent is already covered by the requirements stipulated in ATS.OR.515(a) which refers to MET.OR.242(a) in Annex V to Regulation (EU) 2017/373.

comment

60

comment by: ENAIRE

**ATS.OR.515 (Meteorological information for aerodrome control towers and AFIS units)**

*(a) The ATS provider shall ensure that aerodrome control towers and, unless otherwise prescribed by the competent authority, AFIS units are supplied with meteorological information for the aerodrome with which they are concerned as stipulated in MET.OR.242 (a).*

The ATSP should not be pointed out as the legitimate responsible for providing meteorological information. Consequently, we suggest to change "The ATS provider shall..." by "Aerodrome control towers shall be supplied with...":

(a) ~~The ATS provider shall ensure that~~ Aerodrome control towers and, unless otherwise prescribed by the competent authority, AFIS units ~~are~~ shall be supplied with meteorological information for the aerodrome with which they are concerned as stipulated in MET.OR.242 (a).

response

Not accepted

See the response to comment #57.

comment

138

comment by: IFATCA



|                     |  |  |
|---------------------|--|--|
| 1.1.3<br>ATS.OR.515 | (a) The ATS provider shall ensure that aerodrome control towers and, unless otherwise prescribed by the competent authority, AFIS units are supplied with meteorological information for the aerodrome with which they are concerned as stipulated in MET.OR.242(a). | There is no reason to afford a lesser level of information available to aircraft operating at AFIS aerodromes. |
|---------------------|--|--|

response

Not accepted

The provision allows some flexibility for the AFIS units, which might be needed on the basis of the local conditions and operations. The intent of this flexibility is to leave the opportunity to the competent authority to have a proportionate approach (e.g. for the aerodromes with very limited and/or occasional traffic). This approach was validated by the various RMT.0464 activities involving the stakeholders (RMG.0464 activities, thematic meetings held before and after the publication of NPA 2016-09).

comment

473

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

**Page No:** 24-25

**Paragraph No:** ATS.OR.515

**Comment:** We support the inclusion of AFIS in all the sub-paragraphs under this provision.

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

response

Noted

comment

508

comment by: *ATC the Netherlands*

|   |   |  |                                       |
|---|---|--|---------------------------------------|
| ATS.OR.515(g)<br>Meteorological information for aerodrome control towers and AFIS units | The supply of information regarding windshear to aerodrome control towers should only be required at airports at which the risk of windshear exist. | It will take a lot of investments to fulfil this requirement, while windshear is not a risk at the Netherlands airports. | Add (when relevant) after “windshear” |
|---|---|--|---------------------------------------|

response

Not accepted

See the response to comment #1453.

|          |   |   |
|----------|---|---|
| comment  | 648   | comment by: ENAV  |
|          | <p><b>ATS.OR.515(g) Meteorological information for aerodrome control towers and AFIS units</b><br/>Page 24</p> <p>The supply of information regarding windshear to aerodrome control towers should only be required at airports at which the risk of windshear exists.</p> <p>Add (when relevant) after “windshear”</p>   |   |
| response | <p>Not accepted</p> <p>See the response to comment #1453.</p>   |   |
| comment  | 672   | comment by: EUROCONTROL   |
|          | <p><b>ATS.OR.515 Meteorological information for aerodromes control towers and AFIS units -</b><br/>Page 24</p> <p>Please see the comment made by the EUROCONTROL Agency on NPA 2016-09(A) on the potential impact of MET service provision for <u>AFIS (at section 2.7.1.5 - MET.OR.242)</u>.</p>   |   |
| response | <p>Noted</p>  |   |
| comment  | 819   | comment by: Swedish Transport Agency, Civil Aviation Department<br>(Transportstyrelsen, Luftfartsavdelningen) |
|          | <p>The purpose of regulating the AFIS service <b>get lost</b> if the Competent Authority has the possibility to give exceptions for such information</p>  |   |
| response | <p>Noted</p> <p>See the response to comment #138.</p>   |   |
| comment  | 891   | comment by: CANSO   |
|          | <p>ATS.OR.515(g) Meteorological information for aerodrome control towers and AFIS units<br/>Page 24</p> <p><b>CANSO Comment</b></p> <p>The supply of information regarding windshear to aerodrome control towers should only be required at airports at which the risk of windshear exists.</p> <p><b>Impact</b></p> <p>It will take a lot of investments to fulfil this requirement, while windshear is not a risk at all airports.</p> <p><b>Suggested Resolution</b></p> |   |

|          |   |
|----------|---|
| response | <p>Add (when relevant) after “windshear”.</p> <p>Not accepted</p> <p>See the response to comment #1453.</p>   |
| comment  | <p>963 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.515, point (f)</p> <p><b>Comment:</b> ATS.OR.515(f) refers to the height of ‘cloud base’ being assessed by instrumented means; however, the term ‘cloud ceiling’ is defined within the EU Regulatory framework - the term ‘cloud base’ is not. The UK CAA requests EASA to clarify the meaning of the term ‘cloud base’.</p> <p><b>Justification:</b> Clarity of EU Regulatory materials.</p>   |
| response | <p>Accepted</p> <p>In order to establish clarity on the term ‘cloud base’, a definition is added, reading as follows:</p> <p><i>‘Cloud base’ means the height of the base of the lowest observed or forecast cloud element in the vicinity of an aerodrome or operating site or within a specified area of operations, normally measured above aerodrome elevation or, in the case of offshore operations, above mean sea level.</i></p> <p>Such definition is identical to the definition established in Regulation (EU) No 965/2012.</p>  |
| comment  | <p>1261 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.OR.515(g)</p> <p><b>Comment:</b> ATS.OR.515(g) is inconsistent with MET.OR.235(b). The latter states that “An aerodrome meteorological office shall... prepare wind shear warnings for aerodromes where wind shear is considered a factor...” This implies that some form of assessment is required to be undertaken to determine the requirement for information on wind shear to be provided. The text proposed in ATS.OR.515(g) would obviate the requirement for such an assessment to be made and the UK CAA considers this to place a disproportionate requirement upon ATS providers.</p> <p><b>Justification:</b> Consistency within EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes that ATS.OR.515(g) is amended to read as follows:</p> <p>“(g) At those aerodromes where wind shear is considered a factor, the ATS provider shall ensure that aerodrome control tower and AFIS units are supplied with information on wind shear which could adversely affect aircraft on the approach or take-off paths or during circling approach, and aircraft on the runway during the landing roll or take-off run.”</p> |
| response | <p>Not accepted</p>   |

See the response to comment #1453.

comment 1335

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| <p><b>(B) 1.1.3. Amendments to Annex IV - Subpart A - Additional organisation requirements for providers of ATS (ATS.OR)</b><br/> <i>Section 5 - Requirements for information</i><br/> <b>ATS.OR.515</b></p> | <p>In <b>ATS.OR.510</b>, an independent <b>point (c)</b> has been created for the case of multiple anemometers.</p> <p>Should the same be done here for the last sentence of <b>ATS.OR.515.(d)</b> for the sake of coherence?</p> | <p>As already said, this should be done for the sake of coherence.</p> |

response Not accepted

The requirement already foresees the possibility to have multiple anemometers for the same aerodrome, placed at different locations. The last sentence of the provision, namely ‘Where multiple sensors are used, the displays to which they are related shall be clearly marked to identify the runway and section of the runway monitored by each sensor.’, is substantially the same requirement as in ATS.OR.510(c).

comment 1429

comment by: Jan Sondij

|  |             |  |   |                         |
|--|-------------|--|---|-------------------------|
| <p>ATS.OR.500;<br/>                     ATS.OR.505;<br/>                     ATS.OR.510;<br/>                     ATS.OR.515</p> | <p>KNMI</p> | <p>Part-MET (Annex 5) of the repealed 2016/1377 provides the specific requirements for providers of meteorological services.</p> <p>In these ATS.ORs only reference is being made to MET.OR.245 (f) and (g), MET.OR.242(a) and (b). This does not reflect all the meteorological information to be provided to ATS, e.g. MET.OR.200 is missing. As a result, also the link between the meteorological products and services to be provided in repealed regulation 2016/1377 and the products to be used by ATS in 2016-09 is not clear and consistent.</p> | <p>The link between the meteorological products and services in the repealed regulation 2016/1377 and the products to be used in regulation 2016-09 is not complete and not consistent.</p> | <p>Review MET part.</p> |
|--|-------------|--|---|-------------------------|

response Not accepted

See the response to comment #1426.

comment 1432

comment by: Jan Sondij

|                   |             |  |  |  |
|-------------------|-------------|--|--|--|
| <p>ATS.OR.515</p> | <p>KNMI</p> | <p>ATS.OR.515 states that identical information be provided to AFIS units as is provided to aerodrome control tower. The impact of this change should not be underestimated as in many States the described full set of meteorological products and services (e.g. METAR, local routine and local special reports, TAFs etc.) are not being provided to AFIS units and only on international airports. The consequence could be that aerodromes served by an AFIS unit shall be equipped with meteorological observations, systems, meteorological staff etc. which is not necessarily the case in many States that have AFIS implemented today. It may also impose all ANS regulations on the entity that provides meteorological information to the AFIS unit, as in that case the repealed 2016/1377 applies. Furthermore, the current designation in ICAO functions like aerodrome meteorological station, and aerodrome meteorological office, does not necessarily match the meteorological services to be provided to AFIS. All in all this proposal seems not subsidiary and not proportional.</p> | <p>Implies certification and designation for meteorological service providers for AFIS units, and provision of a full set of meteorological information for AFIS units that is not the case today in many States. Not subsidiary and not proportional.</p> | <p>Reconsider proposal (see comment on General NPA 2016-09 (A) 2.7.1.5 MET.OR.242)</p> |
|-------------------|-------------|--|--|--|



response Not accepted

The provision allows some flexibility for the AFIS units, which might be needed on the basis of the local conditions and operations. The intent of this flexibility is to leave the opportunity to the competent authority to have a proportionate approach (e.g. for the aerodromes with very limited and/or occasional traffic). This approach was validated by the various RMT.0464 activities involving the stakeholders (RMG.0464 meetings, thematic meeting before and after the publication of NPA 2016-09).

comment 1433

comment by: Jan Sondij

|            |      |   |   |  |
|------------|------|---|---|--|
| ATS.OR.515 | KNMI | Flexibility is set in (a) via the notion ‘..., unless otherwise prescribed by the competent authority, AFIS units are supplied ..’. This flexibility is not applied in (b) to (h) and as such could be read that meteorological information as described in (b) to (h) has to be provided to AFIS units. This may be the case with a few of these elements, but certainly not for all elements. | Requirements on meteorological information to be provided to AFIS units are to strict, not proportional and not subsidiary. | Check and/or change text, review MET part. |
|------------|------|---|---|--|

response Not accepted

The adequate flexibility is already provided in ATS.OR.515(c) to (h). In fact, only the requirements for pressure data and surface wind are mandatory for both aerodrome control tower and AFIS unit, as such information is considered of paramount importance for the safety of operations. The other requirements are worded in a way which implies the existence of a certain automation when having such displays. For example, in point (e) it is stated ‘at aerodromes where runway visual range values **are measured by instrumental means** are equipped with display(s) permitting read-out of the current runway visual range value(s)’.

comment 1434

comment by: Jan Sondij



|                |      |   |                            |                           |
|----------------|------|---|----------------------------|---------------------------|
| ATS.OR.515.(b) | KNMI | 'Special reports' should be 'Local special reports.<br>'next routine report' should be 'next local routine report'.<br>If routine report is meant to also include METAR then specify the intended products in detail. | Consistency in terminology | Check and/or change text. |
|----------------|------|---|----------------------------|---------------------------|

response Partially accepted  
See the response to comment #1431.

comment 1435 comment by: Jan Sondij

|                |      |   |                            |                           |
|----------------|------|---|----------------------------|---------------------------|
| ATS.OR.515.(d) | KNMI | The term meteorological station is used. In 2016/1377 the term aeronautical meteorological station is used. | Consistency in terminology | Check and/or change text. |
|----------------|------|---|----------------------------|---------------------------|

response Accepted  
The text has been amended accordingly for consistency.

comment 1492 comment by: Icetra

For item (g) ICETRA considers it logical to limit this requirement to units serving aerodromes where wind shear is considered a factor in alignment with the provision 7.4.1 of ICAO Annex 3:

7.4.1 Wind shear warnings shall be prepared by the aerodrome meteorological office designated by the meteorological authority concerned for aerodromes where wind shear is considered a factor, in accordance with local arrangements with the appropriate air traffic services unit and operators concerned. ....

response Not accepted  
See the response to comment #1453.

**1.1.3. Amendments to Annex IV — Subpart A — Section 5 - ATS.OR.520** p. 25

comment 49 comment by: ROMATSA

**ROMATSA`s proposed text:**



|          |  |
|----------|--|
|          | <p>ATS.OR.520 Information on aerodrome <b>weather</b> conditions and the operational status of associated facilities</p> <p>The ATS provider shall ensure that aerodrome control towers, AFIS units and units providing approach control service are kept currently informed of the operationally significant conditions of the movement area, including the existence of temporary <b>weather</b> hazards, and the operational status of any associated facilities at the aerodrome(s) with which they are concerned, as reported by the aerodrome operator.</p> <p><b>Justification:</b> The additions are proposed to make the text clear.</p>  |
| response | <p>Not accepted</p> <p>The requirement, originating from the Standard in Section 7.2 of ICAO Annex 11, is not addressing information on weather conditions; instead, it is about the conditions of the movement area at an aerodrome. This is why they are supposed to be reported by the aerodrome operator.</p>  |
| comment  | <p>474 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 25</p> <p><b>Paragraph No:</b> ATS.OR.520</p> <p><b>Comment:</b> We support the inclusion of AFIS in this provision.</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p>  |
| response | <p>Noted</p>   |
| comment  | <p>662 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATS.OR.520 Information on aerodrome conditions and the operational status of associated facilities</b></p> <p>The modified transposition of the original ICAO provision rests on the intent of mirroring Reg. 139/2014 (see NPA 2016-09(A) § 2.7.1.3.3).</p> <p>This would not take into account differences on the applicability of the two regulations (i.e. all ATS providers vs. certified aerodromes only).</p> <p>Extending the requirement to AFIS units would likely magnify such issue, as small airports are more prone to fall out of the scope of Reg. 139.</p> <p>Proposal</p> <p>Do not establish new general requirements. Review the selection and transposition of requirements from ICAO</p> |



|          |   |
|----------|---|
| response | <p>Not accepted</p> <p>The transposition of the originating Standard in Section 7.2 of ICAO Annex 11 is considered fundamental for any aerodrome where ATS are provided. In this regard, limiting the application of such a requirement to the aerodromes within the scope of Regulation (EU) No 139/2014 is not considered appropriate. In such cases, when ATS are provided at aerodromes which are outside the scope of the EASA Basic Regulation (and therefore of Regulation (EU) No 139/2014), it is expected that the obligation for the relevant aerodrome operator to establish coordination with the ATS provider is to be addressed by the Member State.</p> <p>In order to address the situation represented in the comment, the new Article 3e has been introduced. Such new provision establishes the obligation for the Member States to ensure that appropriate arrangements are established between the ATM/ANS and Network functions providers and any non-regulated by Regulation (EU) No 139/2014 party, whenever there is a need. In such a way, the intent is to cover the situation described in your comment. where ATS may be provided at aerodromes outside the scope of Regulation (EU) No 139/2014.</p> |
| comment  | <p>892 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.OR.520 Information on aerodrome conditions and the operational status of associated facilities</p> <p><b>CANSO Comment</b></p> <p>The modified transposition of the original ICAO provision rests on the intent of mirroring Reg. 139/2014 (see NPA 2016-09(A) § 2.7.1.3.3). This would not take into account differences on the applicability of the two regulations (i.e. all ATS providers vs. certified aerodromes only). Extending the requirement to AFIS units would likely magnify such issue, as small airports are more prone to fall out of the scope of Reg. 139.</p> <p><b>Impact</b></p> <p>Potential inconsistency within the EU regulatory framework.</p> <p>Uncertainty on applicability and demonstration of compliance.</p> <p><b>Suggested Resolution</b></p> <p>Do not establish new general requirements.</p> <p>Review the selection and transposition of requirements from ICAO.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #662.</p>  |

|          |   |
|----------|---|
| comment  | <p>33 <span style="float: right;">comment by: <i>Flughafen Berlin Brandenburg GmbH</i></span></p> <p>If a significant change (or deterioration) of the operational status of said services and aids adversely affects the aerodrome operation in terms of safety and capacity, the aerodrome operator - in addition to "the ATS units" shall be informed as well.</p>   |
| response | <p>Noted</p> <p>Part-ATS includes the requirements for ATS providers, which in this case are not the originators of the information concerned, but are required to make such information available to their ATS units. It is quite frequent that many aids at the aerodrome are serviced by the aerodrome operator, and therefore they should be the 'owners' of such information.</p>  |
| comment  | <p>382 <span style="float: right;">comment by: <i>DGAC</i></span></p> <p>Radio navigation services include GPS and EGNOS for which this requirement is not applicable.</p> <p>It is understood that this requirement applies only for the radio navigation service for which the ANSP can be kept informed.</p>   |
| response | <p>Partially accepted</p> <p>The provision has been amended in order to provide more clarity on the responsibilities for the provision of information related to the operational status of GNSS. The new AMC1 and GM1 to the amended ATS.OR.525(b) have been introduced. The AMC specifies that a formal agreement with the ESSP is considered as a means of compliance with the implementing rule, and that an agreement with other satellite service providers would be considered an optional requirement, when feasible.</p> <p>The amended provision constitutes a common EU difference from the originating ICAO Standard, which will be adequately reflected.</p>  |
| comment  | <p>663 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATS.OR.525 Information on the operational status of navigation services</b></p> <p>Whilst the ATSP can be held responsible for establishing arrangements to have information available to TWR/AFIU/APP, it will not be capable of "ensuring" it in any circumstance, as that task belongs to the Navigation Service Provider.</p> <p>Moreover, such task is not applicable in the case of procedures relying on the use of the non-EU-certified Navigation means GPS, where pilots are in the best position to judge whether the navigation service is available or not by using on-board information.</p> <p>Proposal</p> <p>Do not establish new general requirements. Review the selection and transposition of requirements from ICAO. AMC is needed to allow reliance on ABAS or SBAS to assess the "operational status" for GPS used as a radio navigation service.</p> |

response Partially accepted  
See the response to comment #382.

comment 893 comment by: CANSO  
ATS.OR.525 Information on the operational status of navigation services

**CANSO Comment**

Whilst the ATSP can be held responsible for establishing arrangements to have information available to TWR/AFIU/APP, it will not be capable of “ensuring” it in any circumstance, as that task belongs to the Navigation Service Provider.

Moreover, such task is not applicable in the case of procedures relying on the use of the non-EU-certified Navigation means GPS, where pilots are in the best position to judge whether the navigation service is available or not by using on-board information.

**Impact**

Legal expansion of the responsibility of ANSPs.

Uncertainty on applicability and demonstration of compliance.

**Suggested Resolution**

Do not establish new general requirements.

Review the selection and transposition of requirements from ICAO.

AMC is needed to allow reliance on ABAS or SBAS to assess the “operational status” for GPS used as a radio navigation service.

response Partially accepted  
See the response to comment #382.

comment 1500 comment by: ESSP-SAS  
In case no ATS is in place (UNICOM), there is a lack of guidance material to determine whom inform about the operational status of the navigation services essential for take-off, departure, approach and landing at the AD, despite IFP could be implemented according to the provisions introduced by EASA RMT.0591 (ICAO new approach classification)

response Noted  
As UNICOM-type aeronautical stations are not within the scope of ATS, these requirements are not addressed to the organisations/persons in charge of such stations. It is a Member States’ responsibility to regulate the operations of such stations.

|          |  |                    |
|----------|--|--------------------|
| comment  | 407  | comment by: CAA CZ |
|          | <p><b>*NPA 2016-09(B) Page 26</b><br/> <b>ATS.TR.100</b><br/> <b>Working methods and operating procedures for providers of air traffic services</b></p> <p><i>Comment: ATS.TR.100 is cancelled without compensation, there is no connection of „Working methods and operating procedures “ with current regulations (for example CIR No 923/2012 etc.) however information on related legislation remained unchanged for other services.</i></p> |                    |
| response | <p>Noted</p> <p>See the response to comment #104 in CRD 2016-09(A)</p>   |                    |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.105

p. 27

|          |  |   |
|----------|--|---|
| comment  | 195  | comment by: <i>Slawomir BALAZY</i>                            |
|          | <p>ATS.TR.105 (b) Suggestion to specify different distinctions between ATS services:</p> <p>(b) Air traffic advisory Service (class F airspace);<br/> (c) Flight Information Service:<br/> (1) En-route FIS<br/> (2) Aerodrome FIS</p> <p>Substantiation:<br/> Distinction between en-route and aerodrome FIS should only be related to the area of responsibility and possibility for competent authority to approve limited working hours of aerodrome FIS.<br/> The result of introduced rules should lead to relevant competent authority to establish similar training and certification procedures (for FIS / AFIS).</p> |   |
| response | <p>Not accepted</p> <p>It shall be noted that, as already mentioned in the GM2 ATS.TR.105(b), AFIS is considered to be a subset of FIS. Since FIS provided at the aerodrome accomplishes the same objectives as FIS provided in the en-route context, EASA does not deem necessary to establish such differentiation in this provision. The aforementioned GM, which has been amended for further clarity as a result of the thematic meeting on AFIS held in June 2017, represents the two subsets of FIS.</p> <p>See also the response to comment #1053.</p>   |   |
| comment  | 289  | comment by: <i>NATS National Air Traffic Services Limited</i> |
|          | <p>ATS.TR.105 Divisions of ATS</p>   |   |



|          |  |                                     |
|----------|--|-------------------------------------|
|          | (a) 2  |                                     |
|          | In addition to providing services to controlled flights associated with arrival or departure; Approach control also provides an ATC service to transiting flights. We suggest amending text to read: “...associated with arrival, departure or transit, in order to ....”  |                                     |
| response | Not accepted   |                                     |
|          | The comment is correct with regard to the services provided by Approach Control <b>UNIT</b> within the area of responsibility. The commented provision transposes the Standard in Section 2.3.1 b) of ICAO Annex 11, with regard to the division of Air Traffic <b>SERVICES</b> . An approach unit may provide area control service for transiting flights in the airspace under its responsibility. The same principle is valid for the area control centre which in some cases provides approach control services for the airports where no TMA and/or no approach control unit are established. |                                     |
| comment  | 352  | comment by: <i>Michal SLOJEWSKI</i> |
|          | Proposal doesn't expose differences between ADVS, FIS and AFISO (like fot ATC in (a)).   |                                     |
|          | Solutiotion:   |                                     |
|          | (a) The air traffic control (ATC) service, to accomplish objectives as in points (a), (b), and (c) (...):  |                                     |
|          | (1) (...)  |                                     |
|          | (2) (...)  |                                     |
|          | (3) (...)  |                                     |
|          | (b) The advisory service (ADVS), to accomplish (...) (d).  |                                     |
|          | (c) The flight information service (FIS) to accomplish the objective established in point (d) of ATS.TR.100, this service being devided in two parts as follows:   |                                     |
|          | (1) (Area or enroute) Flight information service (FIS): the provision of FIS and ALRS service for uncontrolled and controlled flights, except for those parts of such flights described in point (c)(2);   |                                     |
|          | (2) Aerodrome flight information service (AFIS): the provision of FIS and ALRS service for uncontrolled and controlled flights, except for those parts of such flights described in point (c)(1);  |                                     |
|          | (d) The alerting service (...)   |                                     |
| response | Not accepted   |                                     |
|          | The air traffic advisory service is FIS, which is typically provided within Class F airspace when transition from FIS to ATC is undertaken. As explained in Section 9.1.4.1.2 of ICAO PANS ATM, transposed within AMC1 ATS.TR.105(b), air traffic advisory service may be provided only on a temporary nature until the transition to ATC is completed.  |                                     |
|          | See also the response to comment #195.   |                                     |
| comment  | 664  | comment by: <i>ENAV</i>             |

|          |   |
|----------|---|
|          | <p><b>ATS.TR.105 Divisions of ATS</b><br/><b>(a) 2</b><br/><b>Page 27</b></p> <p>In addition to providing services to controlled flights associated with arrival or departure; Approach control also provides an ATC service to transiting flights.</p> <p>Proposal</p> <p>Amend text to read:<br/>“...associated with arrival, departure or transit, in order to ...”</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #289.</p>  |
| comment  | <p>894 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.TR.105 Divisions of ATS<br/>(a) 2<br/>Page 27</p> <p><b>CANSO Comment</b></p> <p>In addition to providing services to controlled flights associated with arrival or departure; Approach control also provides an ATC service to transiting flights.</p> <p><b>Impact</b></p> <p>Incomplete scope of approach function.</p> <p><b>Suggested Resolution</b></p> <p>Amend text to read:<br/>“...associated with arrival, departure or transit, in order to ...” .</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #289.</p>  |
| comment  | <p>967 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.TR.105, point (b)</p> <p><b>Comment:</b> See also subsequent comment by UK CAA on ATS.TR.105 point (b). The concept of an air traffic advisory service is not included within the Annex 11 text on Divisions of the ATS but is incorporated within Chapter 9 of PANS-ATM on FIS and Alerting Service. However, the tone and content of the text indicates that an air traffic advisory service is considered by ICAO to be distinct from FIS in that it is provided with the objective of making “information on collision hazards more effective than it would be in the mere provision of flight information service”. As such, the UK CAA believes that air traffic advisory service and FIS should be described separately within ATS.TR.105.</p> |

|          |   |
|----------|---|
|          | <p><b>Justification:</b> Clarity of EU Regulatory materials</p> <p><b>Proposed Text:</b> The UK CAA proposes that ATS.TR.105 point (b) is amended to read as follows:</p> <p>“(b) The air traffic advisory service: the provision of an advisory service to IFR flights in advisory airspace, or on advisory routes (class F airspace), in order to accomplish the objectives established in point (d) of ATS.TR.100;”</p>  |
| response | <p>Not accepted</p> <p>The proposal in the comment would in fact mean that FIS and air traffic advisory service will accomplish one and the same objective in point (d) of ATS.TR.100, which makes them a single service. It shall also be noted that the air traffic advisory service is established on a temporary basis for the purpose of the transition to ATC.</p> <p>See also the response to comment #352.</p>  |
| comment  | <p>968 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.TR.105 point (b)</p> <p><b>Comment:</b> A number of proposed provisions within Part-ATS imply that aerodrome FIS is a distinct ATS to be considered alongside ATC service, FIS, air traffic advisory service and alerting service. The UK CAA acknowledges that this was not EASA’s intent in drafting Part-ATS. However, we consider that it is important to emphasise that ‘Aerodrome FIS’ as presented in this NPA is <b>not</b> a separate ATS but is FIS provided at an aerodrome. As such, an amendment to ATS.TR.105 and the development of some additional GM would serve to provide this clarity. The UK CAA is not proposing a sub-division of FIS into ‘en-route’ and ‘aerodrome’ (as with the sub-division of ATC service) as FIS is provided to all aircraft in receipt of an ATC service. Rather, we believe that it would be beneficial to identify the 3 ‘operational environments’ in which FIS is provided, which should also highlight the importance of information provided by aerodrome FIS providers in preventing collisions involving aircraft on the manoeuvring area. Therefore the UK CAA proposes a new ATS.TR.105 point (c) detailing FIS which incorporates material from ATS.TR.300 and supporting GM derived from EUROCONTROL’s Manual of Aerodrome FIS. Should this proposal be accepted, it would render GM2 ATS.TR.105(b) Divisions of the ATS redundant.</p> <p><b>Justification:</b> Clarity and accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to ATS.TR.105 point c which assumes that the UK CAA’s proposed amendment to ATS.TR.105(b) has been accepted:</p> <p>“(c) The Flight Information Service (FIS): to accomplish the objective in point (d) of ATS.TR.100, this service being provided as follows:</p> <p>(1) to all aircraft which are likely to be affected by the information and which are provided with ATC service;</p> <p>(2) to en-route traffic in the FIR where ATC service is not required.</p> <p>(3) to aerodrome traffic at those aerodromes where the competent authority determines</p> |

that the provision of aerodrome control service is not justified, or is not justified on a 24-hour basis.”

The following GM is proposed:

**“GMXX ATS.TR.105(c)(3) Divisions of the ATS**

**AERODROME FLIGHT INFORMATION SERVICE**

Aerodrome Flight Information Service is the term used to describe the provision of information useful for the safe and efficient conduct of aerodrome traffic at those aerodromes where the competent authority determines that the provision of aerodrome control service is not justified, or is not justified on a 24-hour basis.

As such, the provision of an aerodrome Flight Information Service may, in addition to accomplishing the objective in point (d) of ATS.TR.100, assist in accomplishing the objective in point (b) of ATS.TR.100.”

response Not accepted

It shall be noted that more clarity on the AFIS is provided by the amendment of the definition of such service, as well as by the introduction of definitions on ‘AFIS unit’ and ‘AFIS aerodrome’. The explanation of the different context where FIS may be provided is included in the revised text of GM2 ATS.TR.105(b). See also the response to comment #195.

comment 1229 comment by: Kamila GRABOWSKA

(b) should be divided in FIS/AFIS and air traffic advisory service as two different types of services.

response Not accepted

See the response to comment #352.

comment 1289 comment by: Polish Air Navigation Services Agency

Proposal doesn't expose differences between ADVS, FIS and AFISO (like for ATC in (a)).

Solutiotion:

(a) The air traffic control (ATC) service, to accomplish objectives as in points (a), (b), and (c) (...):

(1) (...)

(2) (...)

(3) (...)

(b) The advisory service (ADVS), to accomplish (...) (d).

(c) The flight information service (FIS) to accomplish the objective established in point (d) of ATS.TR.100, this service being devided in two parts as follows:

(1) (Area or enroute) Flight information service (FIS): the provision of FIS and ALRS service for uncontrolled and controlled flights, except for those parts of such flights described in point (c)(2);

(2) Aerodrome flight information service (AFIS): the



|          |   |
|----------|---|
|          | provision of FIS and ALRS service for uncontrolled and controlled flights, except for those parts of such flights described in point (c)(1);<br>(d) The alerting service (...)  |
| response | Not accepted<br><br>See the response to comment #352.   |
| comment  | 1461 <span style="float: right;">comment by: <i>HungaroControl</i></span><br><br>ATS.TR.105 (a) (2)<br><br>Approach control service: the provision of ATC service for those parts of controlled flight associated with, but not limited to arrival and departure, in order to accomplish the objectives established in points (a) and (c) of ATS.TR.100.<br><br>Justification:<br>We would like to emphasize that the primary scope of Approach control service should be associated with arrival and departure meanwhile not excluding any other flights such as transit or aerial work. |
| response | Not accepted<br><br>See the response to comment #289.   |

**1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.110**

p. 27

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| comment | 8 <span style="float: right;">comment by: <i>Humberside Airport</i></span><br><br>Page No: 23<br><br>Para No: 1.1.4<br><br><b>ATS.TR.110</b><br><br>Comment:<br>In accordance with EU 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation 'Standardised Rules of the Air, Appendix 4 ATS airspace classes — services provided and flight requirements', an air traffic control service can only be provided within CAS; this means, by inference (as it is not explicitly stated), that a 'Controlled aerodrome' must have associated CAS. This is not currently the case within the UK as the UK CAA approves and authorises aerodromes and ANSPs that operate within Class G airspace to provide a 'control service' based on 'UK FIS' with EU 2015/340 Certified air traffic controllers within Class G 'Uncontrolled' airspace (Approach Control, Aerodrome Control and radar services) and also to fully 'control' all movements in the air and on the ground (aircraft, vehicular and pedestrian) on the aerodrome. If EU 2015/340 Certified air traffic controllers are no longer authorised to provide the level of service that they currently provide, the main mitigation for |
|---------|---|



certain tasks, such as CAT, to operate within Class G will be removed. EASA should be explicit in stating what services are allowed in what airspace and who can provide such services. If the UK methodology is not appropriate, then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an Alternative Method of Compliance (altMOC), or change the authorisations and approvals for UK-based aerodromes and ANSPs that provide a service within Class G airspace and at EASA Certified aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, particularly scheduled and charter flights with fare-paying passengers, were unable to operate within Class G due to their safety mitigation of service provision by ATC controllers in Class G was removed.

response

Noted

See the response to comment #985.

comment

62

comment by: ENAIRE

**ATS.TR.110 Establishment of the units providing ATS***(a) The ATS shall be provided by units established as follows:**(3) Aerodrome flight information service (AFIS) units shall be established to provide flight information service and alerting service at AFIS aerodromes and within the portion of airspace associated with such aerodromes.*

The text in ATS.TR.110 (a) (3) is not consistent with the modifications introduced in the definitions of AFIS in page 4, where alerting service has been removed from the scope of the service definition: 'Aerodrome flight information service (AFIS)' means flight information service ~~and alerting service for aerodrome traffic at an aerodrome~~

Also, we note that there is not a precise definition of "AFIS aerodrome". We are concerned that with the current text it is interpreted with a circular reference "AFIS units are those established at AFIS aerodromes" and "AFIS aerodromes are those counting with AFIS units", which does not help to determine where AFIS could/should be introduced.

response

Partially accepted

See the response to comment #45 as far as the AFIS definition is concerned.

A definition for 'AFIS aerodrome' has been introduced. See the response to comment #579.

comment

77

comment by: HIAL

**ATS.TR.110 Establishment of the Unit providing the ATS**

The AFIS survey summarise a number of issues indicated by more than one respondent related to the provision of ATS, most if not all of which, relate to service provision and airspace management. AFIS distinction in this respect is not clear in the NPA and EASA should seek to resolve and provide full guidance via AMC or GM, particularly some of the more notable concern as follows:

— A clear definition of AFIS, with the basic elements of the service clearly established (provision of information and/or instructions;



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|          | <ul style="list-style-type: none"> <li>— The definition of criteria for determining when an aerodrome has to be provided with AFIS;</li> <li>— The definition of requirements for an (ad hoc) airspace designation and classification for the airspace surrounding the AFIS aerodrome;</li> <li>— The definition of a standard AFIS phraseology;</li> <li>— The definition of criteria to better define the use of surveillance in AFIS provision;</li> <li>— The definition of operational procedures for mixed IFR/VFR operations, for multiple IFR operations, for the interface with ground movements (vehicles, persons, aircraft).</li> </ul>   |
| response | <p>Noted</p> <p>See the responses to comments #45, #398, #579, and #87, #234, #239 in CRD 2016-09(A).</p>   |
| comment  | <p>475 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 27</p> <p><b>Paragraph No:</b> ATS.TR.110</p> <p><b>Comment:</b> We support the inclusion of AFIS as sub-paragraph (a)(3).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> <p><b>Comment:</b> We support the inclusion of air traffic services reporting office as sub-paragraph (b) under this provision.</p> <p><b>Justification:</b> The requirement includes the ATS reporting office as being an ATS unit in a clearer way than the ICAO provisions.</p>                                |
| response | <p>Noted</p>  |
| comment  | <p>969 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.TR.110, point (a)(3)</p> <p><b>Comment:</b> ATS.TR.110 point (a)(3) states that “Aerodrome flight information service (AFIS) units shall be established to provide flight information service and alerting service at AFIS aerodromes...” However, this appears to be inconsistent with the definition of aerodrome FIS proposed by EASA and with ATS.TR.105 point (b) which states that the purpose of the FIS is to achieve only objective (d) within ATS.TR.100 and thus excludes the provision of an alerting service and the accomplishment of objective (e) of ATS.TR.100. The UK CAA believes that the text presented in ATS.TR.110 point (a)(3) is appropriate with regards to the provision of an alerting service by AFIS units and has proposed consequential amendments to the definition of ‘aerodrome FIS’ and ATS.TR.105 point b.</p> <p><b>Justification:</b> Consistency of EU Regulatory materials.</p> |

**Proposed Text:** The UK CAA proposes that the current definition of ‘aerodrome FIS’ should be retained as follows:

‘Aerodrome flight information service (AFIS)’ means flight information service and alerting service for aerodrome traffic at an aerodrome provided at an aerodrome by an ATS provider designated in accordance with Article 8(1) of Regulation (EC) No 550/2004;

The UK CAA further proposes the following amendment to ATS.TR.105 which assumes that the UK CAA’s proposed amendment to ATS.TR.105(b) has been accepted:

“(c) The Flight Information Service (FIS): to accomplish the objective in point (d) of ATS.TR.100, this service being provided as follows:

(1) to all aircraft which are likely to be affected by the information and which are provided with ATC service;

(2) to en-route traffic in the FIR where ATC service is not required.

(3) to aerodrome traffic at those aerodromes where the competent authority determines that the provision of aerodrome control service is not justified, or is not justified on a 24-hour basis.”

The following GM is proposed:

**“GMXX ATS.TR.105(c)(3) Divisions of the ATS  
AERODROME FLIGHT INFORMATION SERVICE**

Aerodrome Flight Information Service is the term used to describe the provision of information useful for the safe and efficient conduct of aerodrome traffic at those aerodromes where the competent authority determines that the provision of aerodrome control service is not justified, or is not justified on a 24-hour basis.

As such, the provision of an aerodrome Flight Information Service may, in addition to accomplishing the objective in point (d) of ATS.TR.100, assist in accomplishing the objective in point (b) of ATS.TR.100.”

response

Not accepted

See the responses to comments #45 and #968.

comment

970

comment by: UK CAA

**Paragraph No:** ATS.TR.110 point (a)(3)

**Comment:** ATS.TR.110 point (a)(3) states that “Aerodrome flight information service (AFIS) units shall be established... within the portion of airspace associated with such aerodromes.” The UK CAA believes that the proposed text would benefit from refinement through deletion of the term ‘portion’.



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|          | <p><b>Justification:</b> Refinement of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes ATS.TR.110 point (a)(3) is amended to read:</p> <p>“(3) Aerodrome flight information service (AFIS) units shall be established to provide flight information service and alerting service at AFIS aerodromes and within the airspace associated with such aerodromes.”</p>   |
| response | <p>Accepted</p> <p>The provision has been amended accordingly.</p>  |
| comment  | <p>1475 <span style="float: right;">comment by: <i>German NSA (BAF)</i></span></p> <p>The term 'within the portion of airspace associated with such aerodromes' is quite indefinite.</p> <p><u>Proposal:</u> For clarifying, definition of Eurocontrol Manual for AFIS should be used: 'Aerodrome flight information service (AFIS) units shall be established to provide flight information service and alerting service for aerodrome traffic at AFIS aerodromes. and within the portion of airspace associated with such aerodromes.'</p> <p>Note: aerodrome traffic is defined in Art. 2 No 9 Regulation (EU) No 923/2012: 'aerodrome traffic' means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome. An aircraft operating in the vicinity of an aerodrome includes but is not limited to aircraft entering or leaving an aerodrome traffic circuit.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #45 and #970.</p> <p>It shall be noted that the regulatory proposal is aligned with the principle of designation of ATS providers in certain blocks of airspace and the establishment of the relevant ATS units' area of responsibility (Reference to Article 8.1 of Regulation (EC) No 550/2004).</p>   |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.115

p. 27-28

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| comment  | <p>111 <span style="float: right;">comment by: <i>Frédéric BOISARD</i></span></p> <p>Currently in several countries, the same suffix "INFO" is used for AFIS units and FIS units.</p> <p>I fully agree with this proposal to add the suffix "AFIS" to AFIS unit. This will help pilots to clearly separate AFIS and FIS, and thus will help harmonization of different ATS in Europe, and improve safety.</p> |
| response | <p>Noted</p> <p>See the response to comment #257 in CRD 2016-09(A).</p>   |



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| comment  | 116   | comment by: <i>UAF (Union des Aéroports Français)</i>                    |
|          | <b><u>UAF comments</u></b>  |  |
|          | · <b>ATS.TR.115 Identification of ATS units and airspaces (b) (6)</b>   |  |
|          | UAF fully support this provision in order to harmonized practices for users and so to improve safety.   |  |
| response | Noted<br>See the response to comment #111.  |  |
| comment  | 117   | comment by: <i>ACR AB</i>  |
|          | ATS.TR.115 (b) 6 - ACR support the introduction of AFIS unit naming   |  |
| response | Noted<br>See the response to comment #111.  |  |
| comment  | 161   | comment by: <i>Civil Aviation Authority Norway</i>                       |
|          | According to the headline this paragraph should be about identification of airspaces, but we cant find it. Should "and airspaces" be deleted from the headline?   |  |
| response | Accepted<br>The title of the provision has been modified accordingly.   |  |
| comment  | 476   | comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i> |
|          | <b>Page No: 28</b>  |  |
|          | <b>Paragraph No: ATS.TR.115</b>   |  |
|          | <b>Comment:</b> We support the inclusion of AFIS as sub-paragraphs (a)(3) and (b)(6).   |  |
|          | <b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS. |  |
| response | Noted<br>See the response to comment #111.  |  |
| comment  | 746   | comment by: <i>Maciej Drózdź</i>   |



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|          | <p>Proposal: If Aerodrome FIS Unit suffix is defined as AFIS, we suggest to change the en-route FIS (Flight information centre) radio suffix to INFO, instead of INFORMATION.</p> <p>There are to benefits:</p> <ol style="list-style-type: none"> <li>1. Is shorter</li> <li>2. Sounds simily in many languages</li> </ol>   |
| response | <p>Not accepted</p> <p>The use of the suffix 'INFORMATION' for naming of FIC is in accordance with the ICAO Standard in Section 5.2.1.7.1 of Annex 10 Volume II.</p> <p>See also the response to comment #111.</p>  |
| comment  | <p>757 <span style="float: right;">comment by: DTCA</span></p> <p>Ad ATS.TR.115 (b)(6)<br/>DTCHA fully supports that AFIS-units are complemented by the pronounced phrase "AFIS".</p>   |
| response | <p>Noted</p> <p>See the response to comment #111.</p>   |
| comment  | <p>775 <span style="float: right;">comment by: Kamila GRABOWSKA</span></p> <p>In point (a) (1) after 'flight information centre' should be added 'or flight information unit'<br/>In point (b) (6) after '-AFIS' should be added 'or INFORMATION'</p>   |
| response | <p>Partially accepted</p> <p>See the response to comment #111.</p>  |
| comment  | <p>820 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>The requirement i (a) states:<br/><i>(a) ATS units shall be unambiguously named by the competent authority, as follows: (1)..., (2)... and (3)...</i></p> <p>In Annex 11 (1) and (2) are recommendations and therefore “should” not “shall”. The phrase “unambiguously” is also added to the requirement.</p> <p>The requirement is a requirement on competent authority stated as ATS.TR.</p> <p>Proposal: Regulate this as a requirement on ATS provider and let the competent authority verify that the ATS providers are following the requirement via oversight.</p> <p>The requirements in (b) (5) and (6) states:<br/>(b) The name of the ATS units shall be complemented by one of the following, as appropriate:<br/>(5) flight information centre — INFORMATION; and<br/>(6) aerodrome flight information unit — AFIS.</p> <p>ICAO Annex 10 vol II states:<br/>5.2.1.7.1.2 The unit or service shall be identified in</p> |

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| response | <p>accordance with the table below except that the name of the location or the unit/service may be omitted provided satisfactory communication has been established.<br/> <i>Unit/service available Call sign suffix</i><br/> flight information service INFORMATION</p> <p>According to ICAO all FIS shall be identified as INFORMATION, both FIC and AFIS. This is the requirement followed today. To change the identification INFORMATION to AFIS will take effort in time and costs. For example: a lot of pages for every AFIS aerodrome in the AIP have to be changed.<br/> Proposal: Do not introduce a EU requirement for identification of AFIS. Change the requirement according to ICAO and use the identification INFORMATION for all FIS.</p> <p>Partially accepted</p> <p>The text of ATS.TR.115(a) has been amended to remove the direct responsibility for the competent authority.</p> <p>With regard to the naming of the FIS and AFIS units, accepted.</p> <p>See the response to comment #111.</p>   |
| comment  | <p>971 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.TR.115 point (b)(6)</p> <p><b>Comment:</b> ATS.TR.115 point (b)(6) is not consistent with ICAO Annex 10 Vol II 5.2.1.7.1.2 in that it states that a Flight Information Service shall be identified by the use of the RTF callsign 'INFORMATION'. This inconsistency from the source ICAO text could cause confusion amongst flight crews. Whilst acknowledging that the abbreviation 'AFIS' appears in the encode section of ICAO Doc 8400 PANS-ABC, the UK CAA would argue that the abbreviation is not 'generally understood by aeronautical personnel' in accordance with Annex 10 Vol II 5.2.1.6.2.2. The UK CAA believes that, in part, EASA's rationale for this proposal was to better highlight to flight crews the different nature of the ATS being provided. However, this points to a lack of knowledge and understanding by flight crews which should be addressed through improved training, examination and assessment, rather than through the introduction of a difference to ICAO which is unlikely to achieve EASA's proposed outcome. Finally, the use of a callsign that is unique to the provision of aerodrome FIS appears to try to establish it as an ATS that is separate from FIS (see UK CAA comments on the proposed amendment to the definition of aerodrome FIS and ATS.TR.105 point (b)). The UK CAA does not support the proposal to introduce "AFIS" as the RTF callsign for aerodrome FIS units. See also additional UK CAA comment on ATS.TR.115(b)</p> <p><b>Justification:</b> Consistency of EU Regulatory materials with source ICAO text.</p> |
| response | <p>Accepted</p> <p>See the response to comment #111.</p>  |
| comment  | <p>973 <span style="float: right;">comment by: UK CAA</span></p>  |

**Paragraph No:** ATS.TR.115 point (b)

**Comment:** EASA have not completely transposed ICAO Annex 10 Vol II 5.2.1.7.1.2 in that the following names of unit or service available have been omitted:

ARRIVAL  
DEPARTURE  
RADAR  
PRECISION  
HOMER  
DELIVERY  
APRON  
DISPATCH  
RADIO

Of particular concern is the omission of the RTF callsigns 'ARRIVAL', 'DEPARTURE' and 'RADAR' which can assist pilots in differentiating between surveillance and non-surveillance environments. This is particularly useful in uncontrolled airspace when in receipt of a FIS and being able to determine whether or not the FIS is supplemented by surveillance based information. Knowing the ATS environment in which the pilot is operating can affect their decision making process on the conduct of their flight. No rationale has been provided for this incomplete transposition. Whilst acknowledging that the RTF callsigns "PRECISION" and "HOMER" may not be required within the EU Regulatory framework, the UK CAA wish to propose that EASA transpose additional elements of the content of ICAO Annex 10 Vol II 5.2.1.7.1.2. See also UK CAA comment on GM1 ATS.TR.115(b).

**Justification:** Incomplete transposition of source ICAO text.

**Proposed Text:** The UK CAA proposes that ATS.TR.115 point (b) is amended to read as follows:

(b) The name of the ATS units shall be complemented by one of the following, as appropriate:

- (1) area control centre — CONTROL;
- (2) approach control — APPROACH;
- (3) approach control radar arrivals — ARRIVAL;
- (4) approach control radar departures — DEPARTURE;
- (5) aerodrome control — TOWER;
- (6) surface movement control — GROUND;
- (7) radar (in general) — RADAR;
- (8) flight information service — INFORMATION;
- (9) clearance delivery — DELIVERY;
- (10) apron control — APRON;
- (11) company dispatch — DISPATCH; and
- (12) aeronautical station — RADIO.

response

Partially accepted

With regard to the proposal concerning the suffix for FIC and AFIS unit, see the response to comment #111.



The proposal to transpose additional contents of Section 5.2.1.7.1 of ICAO Annex 10 — Volume II, is accepted; the text of ATS.TR.115(b) is amended.

The call-signs included in Section 5.2.1.7.1 of Annex 10 — Volume II, which are not related to ATS provision, have not been transposed.

It shall be noted that the originating ICAO provision relates not only to ‘ATS units’, but also to ‘services’ provided by such units, such as ‘Arrival’, ‘Departure’, ‘Radar’.

comment 1290 comment by: Polish Air Navigation Services Agency

In (a) (1) after 'flight information centre' should be added 'or flight information unit'  
In point (b) (6) after '-AFIS' should be added 'or INFO'

response Not accepted  
See the response to comment #746.

comment 1337 comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| <b>(B) 1.1.4. Amendments to Annex IV - Subpart B - Technical requirements for providers of ATS (ATS.TR) Section 1 - General</b><br><br><b>ATS.TR.115</b> | <b>Section (b):</b> Annex 10 Volume II <b>section 5.2.7.1.2</b> considers more options. | Some of the options are clearly not ATS (as Radio, Dispatch, ...), but some others could be considered as such (Delivery, Apron, Radar...). Besides, for approach, there are 3 options in total (Approach, Arrival and Departure) instead of one (Approach). |

response Accepted  
See the response to comment #973.

comment 1445 comment by: Finnish Transport Safety Agency

Finnish Transport Safety Agency proposes to edit the requirement as follows: "ATS units shall be unambiguously named, as follows".  
Reasoning for this is that it would be in line with the ICAO provision, and we find that there is no need to specify the body that names ATS units.

response Accepted  
See the response to comment #820.

## 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.120

p. 28

comment

777

comment by: ENAV

**ATS.TR.120 Coordination between military authorities and ATS**

The modified transposition of the original ICAO provision alters the nature and content of the requirement:

Annex 11 § 2.17.3.1 sets a requirement for ATS authorities to designate areas and routes; by doing so, it also sets a requirement for all flights in those areas and routes to apply Annex 2 on flight plans, two-way communications and position reporting.

In the transposed wording, the requirement to designate areas and routes is allocated to the competent authority, and the requirement to ensure data availability is allocated to the ATSP.

The allocation to the competent authority appears inconsistent with SERA.8025, which sets reporting requirements either as directly applicable or with reference both to prescriptions by the authority, and to specifications by the ATS unit.

Furthermore, the reason for splitting Annex 11 § 2.17.3.1 into two separate sentences is not clear. The first sentence adds meaning to the second one

**PROPOSAL**

Do not establish new general requirements.

Review the selection and transposition of requirements from ICAO.

response

Partially accepted

ATS.TR.120 (transposing the second sentence of the Standard in Section 2.18.3.1 of ICAO Annex 11) has been removed, as it is considered that the principle is addressed by point (b) of Article 3b. In order to clarify, even partially, the requirement in point (b) of Article 3b which is of a general nature, GM1 to Article 3b(b), explaining the intent of the aforementioned ICAO Standard, is introduced.

See also the response to comment #50.

comment

821

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)**Coordination between military authorities and ATS**

This is requirements on ATS and not on military authorities. Therefore the heading should be reversed like this:

Coordination between ATS and military authorities.

response

Not accepted

See the response to comment #777.

It shall be noted that the title of the ATS provisions transposed from Chapter 2.18 of ICAO



Annex 11 (Article 3b and ATS.OR.120) are named with the same title as the originating ICAO provisions. The same principle is applied throughout the various provision in Part-ATS addressing coordination between ATS provider and other entities.

comment

895

comment by: *CANSO*

ATS.TR.120 Coordination between military authorities and ATS

#### **CANSO Comment**

The modified transposition of the original ICAO provision alters the nature and content of the requirement:

Annex 11 § 2.17.3.1 sets a requirement for ATS authorities to designate areas and routes; by doing so, it also sets a requirement for all flights in those areas and routes to apply Annex2 on flight plans, two-way communications and position reporting.

In the transposed wording, the requirement to designate areas and routes is allocated to the competent authority, and the requirement to ensure data availability is allocated to the ATSP.

The allocation to the competent authority appears inconsistent with SERA.8025, which sets reporting requirements either as directly applicable or with reference both to prescriptions by the authority, and to specifications by the ATS unit.

Furthermore, the reason for splitting Annex 11 § 2.17.3.1 into two separate sentences is not clear. The first sentence adds meaning to the second one.

#### **Impact**

Potentially undesired alteration of ICAO.

Potential inconsistency within the EU regulatory framework.

Uncertainty on applicability and demonstration of compliance.

#### **Suggested Resolution**

Do not establish new general requirements.

Review the selection and transposition of requirements from ICAO.

response

Partially accepted

See the response to comment #777.

comment

1458

comment by: *Icetra*

Concerning the reference to Commission Regulation (EU) 923/2012, it should be kept in mind that over the high seas ICAO Annex 2 shall be adhered to at all times.

response

Noted

The mentioned obligation stemming from the Chicago Convention is duly reflected in



SERA.1001 of Regulation (EU) No 923/2012 (SERA).

**1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.125**

p. 28

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| comment                     | <p><b>1</b> <span style="float: right;">comment by: <i>Interactive Aviation English</i></span></p> <p>Recognising that English is the main language of non-native to native speakers in ATS and considering of the importance of the effective communication in ATS the Agency should mandate a minimum acceptable level of language proficiency. A regulation without a specific requirement of performative ability is unfair to service providers.</p> <p>add</p> <p>(b) An air traffic services provider shall ensure that air traffic controllers meet Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR) level B1 for English language communication.</p> |  |  |  |
| response                    | <p>Not accepted</p> <p>The requirements for ATCO language proficiency are already established in Regulation (EU) 2015/340.</p>   |  |  |  |
| comment                     | <p><b>139</b> <span style="float: right;">comment by: <i>IFATCA</i></span></p> <table border="1" data-bbox="354 1167 1498 1361"> <tr> <td data-bbox="354 1167 507 1361"> <p>1.1.4<br/>ATS.TR.125</p> </td> <td data-bbox="507 1167 1007 1361"> <p>Except when communications between ATS units are conducted in a mutually agreed language, the English language shall be used for such communications.</p> </td> <td data-bbox="1007 1167 1498 1361"> <p>Since IFR operations have to be conducted in the English language, communications between ATS units should be conducted in English as well.</p> </td> </tr> </table>   | <p>1.1.4<br/>ATS.TR.125</p>  | <p>Except when communications between ATS units are conducted in a mutually agreed language, the English language shall be used for such communications.</p> | <p>Since IFR operations have to be conducted in the English language, communications between ATS units should be conducted in English as well.</p> |
| <p>1.1.4<br/>ATS.TR.125</p> | <p>Except when communications between ATS units are conducted in a mutually agreed language, the English language shall be used for such communications.</p>   | <p>Since IFR operations have to be conducted in the English language, communications between ATS units should be conducted in English as well.</p> |  |  |
| response                    | <p>Not accepted</p> <p>The requirement addresses the communications between ATS units, and not the air-ground communications. It is not understood how IFR operations could be related to the language to be used between ATS units.</p>   |  |  |  |
| comment                     | <p><b>1541</b> <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>This implies the need for an English proficiency certificate of personnel providing FIS/AFIS, why hasn't it been proposed ?</p>  |  |  |  |
| response                    | <p>Not accepted</p> <p>The requirement provides the necessary flexibility for ground-ground communications to be performed in accordance with the languages used in the ATS units. There is no requirement,</p>  |  |  |  |

either explicit or implicit, for language proficiency of FISO/AFISO.

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| comment  | 1542   | comment by: <i>European Transport Workers Federation - ETF</i> |
|          | A GM to clarify further who mutually agrees to using another language is needed (to be tackled in the LoA, is ATS personnel to ATS personnel agreement ok ? Our view is that it should be sufficient.) |  |
| response | Noted  |  |
|          | Since the provision is addressing communications between ATS units, it is implicit that the agreement shall be established between the ATS units concerned.  |  |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.130

p. 28-29

|          |   |                                       |
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| comment  | 9   | comment by: <i>Humberside Airport</i> |
|          | Page No: 28<br>Para No: 1.1.4   |                                       |
|          | <b>ATS.TR.130 (a)</b>   |                                       |
|          | Comment:<br>At times, HUY provides an ATS, using 'UK FIS', to manoeuvring aircraft that operate below and above the TL. Such aircraft often request to operate on the Regional QNH throughout their manoeuvres. How can this be addressed given this regulation?  |                                       |
|          | <b>Suggested Test to be added after last sentence of ATS.TR.130 (a):</b>  |                                       |
|          | "ANSPs providing a service to manoeuvring aircraft may operate below and above the TL on the Regional QNH."   |                                       |
| response | Not accepted  |                                       |
|          | It is not understood what the term 'manoeuvring aircraft' refers to. For certain flights, e.g. acrobatic flights, it might not be practicable to continuously switch from QNH and standard altimeter setting (1013.2hpa). However, this specific case does not justify the introduction of a binding requirement, as proposed in the comment. Concerning the usage of the reference, it is a responsibility of the Member States (Chapter 1 and Chapter 2 of Volume I – ICAO PANS OPS) to establish the transition altitude together with the applicable reference (local and/or regional QNH, etc.). |                                       |
| comment  | 383   | comment by: <i>DGAC</i>               |
|          | Caution, here is missing the APV Baro-VNAV and the LPV approach procedures which are referenced to the threshold and therefore to the QFE.  |                                       |



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|          | <p>Proposition :</p> <p>1) for instrument runways if the threshold is 2 m (7 ft) or more below the aerodrome elevation; <del>and</del></p> <p>(2) for precision approach runways; and</p> <p>(3) runways served by 3D approaches (APV Baro-VNAV or LPV).</p>  |
| response | <p>Not accepted</p> <p>In accordance with Chapter 4 of Section 2 of Volume I of ICAO PANS-OPS, the 3D approaches with vertical baro-guidance could be published either with DA/DH and shall be flown using the appropriate local altimeter setting, either QNH or QFE. EASA has performed an analysis of the relevant ICAO and EU provisions and could not find any argument which could justify the expression of the vertical position of the aircraft in terms of height above the runway threshold for 3D approaches.</p>   |
| comment  | <p>824 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The proposed requirement is limited to ATC (<i>'.. given clearance to land ..'</i>) but even when it comes to operating in uncontrolled airspace at any phase of flight there is a need to express and refer the vertical position of an aircraft in accordance with relevant air pressure – mean sea level (QNH) or height in relation to ground (QFE) regardless of type of ATS service provided.</p> <p>Proposal:<br/>Complement the regulatory text as follows<br/><i>'.. given clearance to land or given the information Runway free ..'</i></p> |
| response | <p>Partially accepted</p> <p>The provision has been amended to extend its application to the AFIS aerodromes, when the aircraft is informed that the runway is available for landing.</p>   |

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| <b>1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.135</b> | p. 29 |
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| comment | 98 | comment by: <i>Belgocontrol</i> |
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| <p>ATS.TR.135<br/>Determination of the transition level</p> | <p>Applying this provision regarding minimum flight level would lead to an important change in airspace structure.<br/>To avoid losing (at least) one level in approach environment for EBBR the transition altitude should be lowered or raised to 4000FT/5000FT.</p> <p>Training of all ATCOs is required, as well as the necessary system changes</p> <p>As a minimum we should support the ‘nominal’ solution but this should be subject to further discussion on the issue.</p> | <p>Risk of losing one level in apch. Change in airspace structure is required.</p> <p>Lot of resources required</p> | <p>Belgian CAA has filed a difference with ICAO, deviating from DOC 7030 Section 6.3.1.2.<br/>Since a complete change in airspace structure is required in order to be compliant, it was agreed with BCAA to align with the outcome of the Common Transition Level Project within FABEC.</p> <p>Depending on the status of this Common Transition Level Project, the agency should consider the high impact of the change in airspace structure in order to be compliant with this provision (ATS.TR.135).</p> |
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response

Noted

The difference from Section 6.3.1.2 of ICAO Doc 7030 EUR filed by Belgium does not specify in detail what is implemented for the determination of the transition level. It shall be noted that one of the main objectives of the regulatory proposal for Part-ATS is to harmonise the implementation of ATS throughout the Member States.

On the subject of the comment, a focused meeting was held in March 2018 between representatives of EASA, the Belgian CAA and Belgocontrol, in order to clarify the practices applied in Belgium and how they would fit with the regulatory proposal in Part-ATS. It seems that the Belgian practices ensure a vertical separation minimum of 1 000 ft between the last usable cruising altitude and the transition level. A formal compliance with the proposed provision could be ensured by a slight adjustment of the transition altitude.

See the response to comment #26 in CRD 2016-09(A).

comment

142

comment by: IFATCA

IFATCA supports the text proposed in ATS TR 135

response

Noted

See the response to comment #26 in CRD 2016-09(A).



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| comment  | <p data-bbox="360 241 411 271">293</p> <p data-bbox="810 241 1477 271" style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="360 300 943 367">ATS.TR.135 Determination of the transition level<br/>(b)</p> <p data-bbox="360 409 1485 544">The word “nominal”, introduced in SERA is not included in requirement to locate the transition level at least 300m (1000ft) above the transition altitude. The omission of the word “nominal” will potentially result in the loss of levels at minimum stack level when the QNH is 1013.</p> <p data-bbox="360 586 580 616"><b><u>Recommendation</u></b></p> <p data-bbox="360 622 603 651">Amend text to read:</p> <p data-bbox="360 658 1485 757">“The transition level shall be located a nominal 300m (1000ft) above the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.”</p>   |
| response | <p data-bbox="360 786 576 815">Partially accepted</p> <p data-bbox="360 844 1007 873">See the response to comment #26 in CRD 2016-09(A).</p>   |
| comment  | <p data-bbox="360 956 411 985">384</p> <p data-bbox="1238 956 1477 985" style="text-align: right;">comment by: <i>DGAC</i></p> <p data-bbox="360 1016 1398 1046">DGAC supports the option proposed by the RMT 0464 and suggests to add 'a nominal'.</p> <p data-bbox="360 1088 1485 1187">(b) The transition level shall be located at least a nominal 300 m (1 000 ft) above the transition altitude to permit the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.</p>   |
| response | <p data-bbox="360 1220 576 1249">Partially accepted</p> <p data-bbox="360 1279 1007 1308">See the response to comment #26 in CRD 2016-09(A).</p>   |
| comment  | <p data-bbox="360 1391 411 1420">778</p> <p data-bbox="1238 1391 1477 1420" style="text-align: right;">comment by: <i>ENAV</i></p> <p data-bbox="360 1451 959 1518"><b>ATS.TR.135 Determination of the transition level</b><br/><b>Page 29</b></p> <p data-bbox="360 1561 1485 1628">The word “nominal”, introduced in SERA is not included in requirement to locate the transition level at least 300m (1000ft) above the transition altitude.</p> <p data-bbox="360 1671 1485 1738">The omission of the word “nominal” will potentially result in the loss of levels at minimum stack level when the QNH is 1013.</p> <p data-bbox="360 1780 1038 1809">This should be subject to further discussion on the issue.</p> <p data-bbox="360 1816 496 1845"><b>PROPOSAL</b></p> <p data-bbox="360 1852 603 1881">Amend text to read:</p> <p data-bbox="360 1888 1485 1986">“The transition level shall be located a nominal 300m (1000ft) above the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.”</p> <p data-bbox="360 2029 1485 2058">Depending on the status of this Common Transition Level Project, the agency should</p> |

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| response | <p>consider the high impact of the change in airspace structure in order to be compliant with this provision (ATS.TR.135).</p> <p>Partially accepted</p> <p>See the response to comment #26 in CRD 2016-09(A).</p>   |
| comment  | <p>896 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.TR.135 Determination of the transition level<br/>Page 29</p> <p><b>CANSO Comment</b><br/>The word “nominal”, introduced in SERA is not included in requirement to locate the transition level at least 300m (1000ft) above the transition altitude.</p> <p>The omission of the word “nominal” will potentially result in the loss of levels at minimum stack level when the QNH is 1013.</p> <p>This should be subject to further discussion on the issue.</p> <p><b>Impact</b><br/>Risk of losing one level in approach.</p> <p>A lot of resource and cost would be required for no perceivable safety benefit.</p> <p>Applying this provision regarding minimum flight level would lead to an important change in airspace structure.</p> <p>Training of all ATCOs is required, as well as the necessary system changes.</p> <p><b>Suggested Resolution</b><br/>Amend text to read:<br/>“The transition level shall be located a nominal 300m (1000ft) above the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.”</p> <p>Depending on the status of this Common Transition Level Project, the agency should consider the high impact of the change in airspace structure in order to be compliant with this provision (ATS.TR.135).</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #26 in CRD 2016-09(A).</p>  |
| comment  | <p>974 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.TR.135 point (b)</p> <p><b>Comment:</b> ATS.TR.135 point (b) states that “The transition level shall be located at least 300</p>   |

m (1 000 ft) above the transition altitude to permit the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.” As such, ATS.TR.135 is related to ATS.TR.210 point (c)(1) regarding the vertical separation minimum of a “nominal 300 m (1 000 ft)”. Consequently, for the purposes of consistency, ATS.TR.135 point (b) should be amended to reflect the ‘nominal’ nature of the 300 m (1 000 ft) which is to be established between the transition altitude and the transition level. There are additional detailed, technical arguments related to the importance of the inclusion of the term ‘nominal’ which the UK CAA would be pleased to present separately to the Agency but which were not considered appropriate to be included within our consultation response.

**Justification:** Consistency of EU Regulatory materials with source ICAO text and flexibility of application in all ATS environments.

**Proposed Text:** The UK CAA proposes the following amendment to ATS.TR.135 point (b):

“(b) The transition level shall be located, at a **nominal, at least** 300 m (1 000 ft) above the transition altitude to permit the transition altitude and the transition level to be used concurrently in cruising flight, with vertical separation ensured.”

response Partially accepted

See the response to comment #26 in CRD 2016-09(A).

comment 1470

comment by: *Icetra*

ICAO Doc 7030, EUR section is being transposed - should not cause problems for Iceland where currently provision 4.10.2.2 in PANS-ATM is applied:

4.10.2.2 The transition level shall be the lowest flight level available for use above the transition altitude established for the aerodrome(s) concerned.

Concerning the question if the addition of the phrase "a nominal" would be acceptable, it is our view that for non-native english speakers, this is likely to cause confusion and we do not support that. For the sake of "not losing a whole flight level for the sake of 7 ft (quarter of an hPa)" we would rather support detailed guidance in AMC or GM.

response Accepted

See the response to comment #26 in CRD 2016-09(A).

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.140

p. 29

comment 118

comment by: *ACR AB*

(b) (1) - ACR opinion is that the sentence should be transposed containing the wordings "when circumstances warrant it".

response Not accepted

When transposing Sections 4.10.3.1 and 4.10.3.2 of ICAO PANS ATM, EASA realised that the



wording of Section 4.10.3.2 (transposed as ATS.TR.140(b)) in fact contradicts the content of Section 4.10.3.1, transposed as ATS.TR.140(a). By using the expression ‘when circumstances warrant it’, within PANS ATM ICAO acknowledged that Contracting States may not have published the minimum flight altitudes. This is not the case for the EU legislation, as Regulation (EU) 2017/373 currently makes reference to ICAO Annex 15, where the obligation to publish minimum flight altitudes is established. In EASA Opinion No 02/2018, including Part-AIS (Annex VI to Regulation (EU) 2017/373), the same obligation to always publish the minimum flight altitudes is proposed to be further strengthened.

On these grounds, EASA transposed Section 4.10.3.1 and 4.10.3.2 of ICAO PANS ATM in a way that makes the ATC units always responsible to determine the lowest usable flight levels for their areas of responsibility.

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| comment  | <p>296 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.TR.140 Minimal cruising level for IFR flights<br/>(a) and (b)</p> <p>States may not have published minimum flight altitudes. PANS ATM DOC 4444 para 4.10.3.2 recognises this with the words “when circumstances warrant it” but this has been removed here.</p> <p><b><u>Recommendation</u></b><br/>Amend text to include original text from PANS ATM as follows:</p> <p>“ATC units shall, when circumstances warrant it, determine the lowest usable flight level or levels for the whole or parts of the control area for which they are responsible, use it when assigning flight levels and pass it to pilots on request.”</p> <p>OR</p> <p>Add AMC text as follows:<br/>“where minimum flight altitudes have not been established by the State, the lowest usable level (flight level, altitude or height) may be determined as the first level above the base of controlled airspace in accordance with the cruising levels in EU 923/2012 Appendix 3”</p> |
| response | <p>Not accepted</p> <p>See the response to comment #118.</p>  |
| comment  | <p>509 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p>  |



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| <p>ATS.TR.140<br/>Minimal<br/>cruising level<br/>for IFR flights<br/>(a) and (b)</p> | <p>State may not have published minimum flight altitudes.<br/><br/>PANS ATM DOC 4444 para 4.10.3.2 recognises this with the words “when circumstances warrant it” this has been removed here.</p> | <p>Problematic application</p> | <p>Re-insert PANS ATM words: “when circumstances warrant it”<br/>OR<br/>Suggest AMC to say that where minimum flight altitudes have not been established by the State, the lowest usable level (flight level, altitude or height) may be determined as the first level above the base of controlled airspace in accordance with the cruising levels in EU 923/2012 Appendix 3</p> |
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response Not accepted  
See the response to comment #118.

comment 779 comment by: ENAV

**ATS.TR.140 Minimal cruising level for IFR flights (a) and (b)**  
**Page 29**

States may not have published minimum flight altitudes. PANS ATM DOC 4444 para 4.10.3.2 recognises this with the words “when circumstances warrant it” this has been removed here.

**PROPOSAL**

Amend text to include original text from PANS ATM as follows:

“ATC units shall, when circumstances warrant it, determine the lowest usable flight level or levels for the whole or parts of the control area for which they are responsible, use it when assigning flight levels and pass it to pilots on request.”

OR

Add AMC text as follows:

“where minimum flight altitudes have not been established by the State, the lowest usable level (flight level, altitude or height) may be determined as the first level above the base of controlled airspace in accordance with the cruising levels in EU 923/2012 Appendix 3”

- GM should be developed in order to clarify circumstances which warrant certain actions.

response Not accepted  
See the response to comment #118.

comment 898 comment by: CANSO



ATS.TR.140 Minimal cruising level for IFR flights  
(a) and (b)  
Page 29

#### CANSO Comment

States may not have published minimum flight altitudes.

PANS ATM DOC 4444 para 4.10.3.2 recognises this with the words “when circumstances warrant it” this has been removed here.

#### Impact

Implications on having to publish minimum flight altitudes with no perceivable safety benefit.

Not transposing "when circumstances warrant it" implies that at least one lowest usable flight level shall be determined for at least part of the control area.

#### Suggested Resolution

Amend text to include original text from PANS ATM as follows:

“ATC units shall, when circumstances warrant it, determine the lowest usable flight level or levels for the whole or parts of the control area for which they are responsible, use it when assigning flight levels and pass it to pilots on request.”

OR

Add AMC text as follows:

“where minimum flight altitudes have not been established by the State, the lowest usable level (flight level, altitude or height) may be determined as the first level above the base of controlled airspace in accordance with the cruising levels in EU 923/2012 Appendix 3”

GM should be developed in order to clarify circumstances which warrant certain actions.

response

Not accepted

See the response to comment #118.

comment

976

comment by: UK CAA

**Paragraph No:** ATS.TR.140, point (b)(1)

**Comment:** ATS.TR.140(a) precludes the possibility that Member States may not establish minimum flight altitudes; or could imply a requirement for Member States to establish minimum flight altitudes when there is no perceivable safety benefit in doing so. However, this is addressed in the original PANS-ATM text (4.10.3.2) which states that “ATC units shall, *when circumstances warrant it*, determine the lowest usable flight level or levels for the whole or parts of the control area for which they are responsible, use it when assigning flight levels and pass it to pilots on request.” The italicised text above has not been transposed into ATS.TR.140 point (b)(1) which may cause a safety issue where Member States do not



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|          | <p>establish minimum flight altitudes. The UK CAA strongly advocates the transposition of the source ICAO text without amendment.</p> <p><b>Justification:</b> Incomplete transposition of source ICAO text without justification.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #118.</p>  |
| comment  | <p>1543 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>The provision only refers to ATC units while most of the time the lowest cruising level for IFR is below controlled airspace, we believe that ATS units is more appropriate, especially for (b) (3).</p> |
| response | <p>Not accepted</p> <p>The provisions are about the assignment of the cruising levels, which is a responsibility of ATC units, and not of FIS units.</p>  |

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| <b>1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.145</b> | p. 29-30 |
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| comment  | <p>99 <span style="float: right;">comment by: <i>Belgocontrol</i></span></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 70%;"> <p>ATS.TR.145 provisions of altimeter setting information</p> <p>Point (b): Flight information centres and ACCs shall have available for transmission to aircraft, on request, an appropriate number of QNH reports or forecast pressures for the FIRs and control areas for which they are responsible, and <b><u>for those adjacent.</u></b></p> </td> <td style="width: 30%;"> <p>QNH reports of adjacent FICs and ACCs are currently not available. Mutual agreements have to be established.</p> </td> </tr> </table> | <p>ATS.TR.145 provisions of altimeter setting information</p> <p>Point (b): Flight information centres and ACCs shall have available for transmission to aircraft, on request, an appropriate number of QNH reports or forecast pressures for the FIRs and control areas for which they are responsible, and <b><u>for those adjacent.</u></b></p> | <p>QNH reports of adjacent FICs and ACCs are currently not available. Mutual agreements have to be established.</p> |
| <p>ATS.TR.145 provisions of altimeter setting information</p> <p>Point (b): Flight information centres and ACCs shall have available for transmission to aircraft, on request, an appropriate number of QNH reports or forecast pressures for the FIRs and control areas for which they are responsible, and <b><u>for those adjacent.</u></b></p> | <p>QNH reports of adjacent FICs and ACCs are currently not available. Mutual agreements have to be established.</p>   |  |   |
| response   | <p>Not accepted</p> <p>QNH reports and forecast pressure for adjacent FIRs and Control Areas are normally distributed by the relevant METARs and TAFs (in accordance with ANNEX V (Part-MET) to Regulation (EU) 2017/373) and can be easily retrieved. EASA does not deem the establishment of mutual agreements necessary to fulfil this requirement.</p>  |  |   |
| comment  | <p>780 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATS.TR.145 provisions of altimeter setting information</b><br/><b>Page 29</b></p>   |  |   |



|          |   |
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| response | <p>QNH reports of adjacent FICs and ACCs are currently not available. Mutual agreements have to be established.</p> <p>Not accepted</p> <p>See the response to comment #99.</p>   |
| comment  | <p>899 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.TR.145<br/>provisions of altimeter setting information<br/>Page 29</p> <p><b>CANSO Comment</b><br/>QNH reports of adjacent FICs and ACCs are currently not available.</p> <p>Mutual agreements have to be established.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #99.</p>   |
| comment  | <p>977 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.TR.145 point (d)</p> <p><b>Comment:</b> ATS.TR.145(d) states that “A QNH altimeter setting shall be included in the descent clearance when first cleared <del>-at</del> an altitude below the transition level”. The UK CAA believes that the inclusion of the word ‘at’ is a typographical error.</p> <p>Moreover, ATS.TR.145 point (d) goes on to state “...in approach clearances or clearances to enter the traffic circuit, <i>and in taxi clearances for departing aircraft except when it is known that the aircraft has already received the information in a directed transmission.</i>”</p> <p>The UK CAA believes that the italicised text could be misinterpreted as a condition (“except when it is known that...”) that is able to be applied to all instances where a QNH altimeter setting is passed to an aircraft. However, the condition only applies to “taxi clearances for departing aircraft.” Whilst acknowledging that the text presented in ATS.TR.145 point (d) is transposed directly from PANS-ATM 4.10.4.5 – which thus poses the same possibility of misinterpretation – the UK CAA proposes that this is an opportunity to resolve this safety issue.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes that ATS.TR.145 point (d) is amended to read as follows:</p> <p>“(d) A QNH altimeter setting shall be included in the descent clearance when first cleared to an altitude below the transition level, in approach clearances or clearances to enter the traffic circuit, and, except when it is known that the aircraft has already received the</p> |

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|          | information in a directed transmission, in taxi clearances for departing aircraft.”   |
| response | <p>Accepted</p> <p>In point (d), the word ‘at’ has been replaced with the word ‘to’, as in the originating ICAO PANS ATM provision. The cases where the QNH altimeter setting is to be included in the clearance have been clearly distinguished by separating them in different bullet points, hence making the exemption in the originating PANS ATM provision only to one of the cases.</p> <p>The corresponding requirement in SERA.8015(eb)(3) is amended accordingly.</p> |
| comment  | <p>1476 <span style="float: right;">comment by: <i>German NSA (BAF)</i></span></p> <p>ATS.TR.145 (b)</p> <p>Note: 'ACC' is not defined in the abbreviations.</p>  |
| response | <p>Not accepted</p> <p>The definition of ‘area control centre’ (including the acronym ‘ACC’) is established within Annex I to Regulation (EU) 2017/373.</p>   |
| comment  | <p>1501 <span style="float: right;">comment by: <i>ESSP-SAS</i></span></p> <p>QNH info is essential for LPV approaches. In case there is no ATS in place, there is a lack of guidance material to determine how this info could be provided to users, since no formal agreement is required with other entity different form ATSP.</p>  |
| response | <p>Noted</p> <p>The regulatory proposal delivered by EASA under RMT.0464 addresses the provision of ATS, including the information to be provided to users operating within the airspace under the responsibility of the various ATS units. The airspace users which operate at aerodromes without ATS provision should consider the suitability of aerodromes for their operations, including the availability of the information needed for their operations.</p>             |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.150

p. 30

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| comment | <p>10 <span style="float: right;">comment by: <i>Humberside Airport</i></span></p> <p>Page No: 30<br/>Para No: 1.1.4<br/><b>ATS.TR.150</b></p> <p>Comment:<br/>How does ATS.TR.150 apply to Class G ‘uncontrolled’ airspace operations as this airspace could be ‘in the vicinity of an aerodrome’? Can we suspend VFR in Class G airspace? We can apply this regulation within a Class G ATZ as permission is required to enter but what about</p> |
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|          | outside the ATZ?  |  |
|          | Note that the UK authorises some licenced or EASA Certified aerodromes that are situated within Class G airspace, to provide a control service by EU 2015/340 Certified air traffic controllers. These aerodromes are not 'Controlled aerodromes' as 'Controlled aerodromes' must have CAS to meet the EU 923/2012, Appendix 4, 'requirement of airspace within which air traffic control service can be provided'.   |  |
| response | Noted   |  |
|          | The provision of ATC service within Class G airspace seems to be unusual in consideration of the variety of airspace Classes which are available in Regulation (EU) No 923/2012 (SERA) for the selection when deciding the appropriate service to be provided. Since the provision in ATS.TR.150(a) foresees that the competent authority could suspend the VFR operations in the vicinity of an aerodrome, that would mean that this possibility implicitly exists also for uncontrolled aerodromes. |  |
| comment  | 199   | comment by: <i>Slawomir BALAZY</i>                       |
|          | Sugget to add "controled" before "aerodrome".   |  |
| response | Not accepted  |  |
|          | See the response to comment #10.  |  |
| comment  | 1292  | comment by: <i>Polish Air Navigation Services Agency</i> |
|          | Suggestion to add "controlled" before word "aerodrome".   |  |
| response | Not accepted  |  |
|          | See the response to comment #10.  |  |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 1 - ATS.TR.160

p. 30-31

|          |   |                                       |
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| comment  | 11  | comment by: <i>Humberside Airport</i> |
|          | Page No: 30<br>Para No: 1.1.4   |                                       |
|          | <b>ATS.TR.160</b>   |                                       |
|          | Comment:<br>It is not clear whether or not these Services can be provided by both ATC and AFIS controllers. For clarity, it should be stated both who can provide the service and in what airspace. |                                       |
| response | Noted   |                                       |



Unless specifically addressing only ATC and/or FIS, the requirements for ATS surveillance services apply to ATS which, as explicit in the text, are defined in ATS.TR.105.

comment

41

comment by: *Harald GERBAUTZ*

ATS.TR.160 (c):

This provision is unworkable for (en-route)-FISOs serviceing VFR-aircraft operating at low levels in flight information regions with limited surveillance coverage in mountainous terrain (e.g. along the Alps). It is quite often the case, that one and the same aircraft fades away from surveillance more than once during a flight across/along the Alps. Hence radio transmissions in dense traffic situations would rise to an inappropriate extent, if every pilot has to be informed about the loss of identification.

Therefore the following rewording/reformulation of this provision/regulation is proposed:

"Before providing an ATS surveillance service to an aircraft, identification shall be established. Controlled flights shall be informed thereof. Uncontrolled flights may be informed thereof. Thereafter, identification shall be maintained until the termination of the ATS surveillance service. If identification is subsequently lost, controlled flights shall be informed accordingly and, when applicable, appropriate instructions shall be issued. If identification of uncontrolled flights is subsequently lost, the pilot may be informed accordingly and, when applicable, appropriate instructions shall be issued."

response

Not accepted

The identification of the aircraft is a prerequisite for the use of ATS surveillance in the provision of the FIS. The loss of identification will make it impossible to use surveillance information to provide FIS to that aircraft, obviously. However, like in case for ATC service, the provision of ATS may continue to be provided without the use of surveillance information. Maintaining the identification and informing the flight crew when the identification is lost is a requirement to ensure that the flight crew is aware that the ATS unit is no longer in position to provide the same level of service.

For areas where the surveillance coverage is known to be limited, one may consider whether or not a temporary loss of identification would require re-identification of the aircraft (similar to situations where the aircraft is flying through the shadow cone of the radar antenna). However, such arrangements should have clearly defined limitations as regards the size and the duration of such events.

See also the response to comment #398 concerning the identification of aircraft.

comment

44

comment by: *GdF Gewerkschaft der Flugsicherung*

ATS.TR.160 (e) (1) (e) When an identified controlled flight is observed to be on a conflicting path with an unknown aircraft, deemed to constitute a collision hazard, the pilot of the controlled flight shall, whenever practicable:

(1) be informed of the unknown aircraft, and, if the pilot so requests or if the situation so



warrants in the opinion of the controller, avoiding action shall be suggested; and (2) be notified when the conflict no longer exists. **must be amended to read** (e) When an identified controlled flight is observed to be on a conflicting path with an unknown aircraft, deemed to constitute a collision hazard, the pilot of the controlled flight shall, whenever practicable: (1) be informed of the unknown aircraft, and **IN AIRSPACE CLASSES A TO D**, if the pilot so requests or if the situation so warrants in the opinion of the controller, avoiding action shall be suggested; and (2) be notified when the conflict no longer exists. Rationale: SERA.6001 (e) for airspace E only requires traffic information, not conflict resolution advisories, even for controlled (read: IFR) flights.

response Not accepted

The requirement applies to all identified controlled aircraft (operating in controlled airspace). It is not understood why class E airspace should be omitted. Inasmuch as the requirements for ATS airspace classification listed in SERA.6001 in Regulation (EU) No 923/2012 (SERA) are enacted based on minimum requirements (flight rules and communication requirements), the availability of information from an ATS surveillance system has to be used to provide traffic information, including collision hazard, whenever practicable.

comment 140

comment by: IFATCA

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| <p>1.1.4.<br/>ATS.TR<br/>160</p> | <p>e) When an identified controlled flight is observed to be on a conflicting path with an unknown aircraft, deemed to constitute a collision hazard, the pilot of the controlled flight shall, whenever practicable:</p> <p>(1) be informed of the unknown aircraft, and, <b>IN AIRSPACE CLASSES A TO D</b>, if the pilot so requests or if the situation so warrants in the opinion of the controller, avoiding action shall be suggested; and</p> <p>(2) be notified when the conflict no longer exists.</p> | <p>Rationale: SERA for airspace E only requires traffic information, not conflict resolution advisories, even for controlled (read: IFR) flights</p> |
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response Not accepted

See the response to comment #44.

comment 141

comment by: IFATCA



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| 1.1.4<br>ATS.TR.160 | <p>c) "Before providing an ATS surveillance service to an aircraft, identification shall be established. Controlled flights shall be informed thereof. Uncontrolled flights may be informed thereof. Thereafter, identification shall be maintained until the termination of the ATS surveillance service. If identification is subsequently lost, controlled flights shall be informed accordingly and, when applicable, appropriate instructions shall be issued. If identification of uncontrolled flights is subsequently lost, the pilot may be informed accordingly and, when applicable, appropriate instructions shall be issued."</p> | <p>This provision is unworkable for (En-Route)-FISOs servicing VFR-aircraft operating at low levels in flight information regions with limited surveillance coverage in mountainous terrain (e.g. along the Alps). It is quite often the case, that one and the same aircraft fades away from surveillance more than once during a flight across/along the Alps. Hence radio transmissions in dense traffic situations would rise to an inappropriate extent, if every pilot has to be informed about the loss of identification. Therefore the following rewording/reformulation of this provision/regulation is proposed:</p> |
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response Not accepted  
See the response to comment #41.

comment 202 comment by: *Slawomir BALAZY*  
(d) (3) "vectoring aircraft" shall be limited to ATC procedure

response Accepted  
The requirement has been further clarified by rewording the leading text of point (d).

comment 297 comment by: *NATS National Air Traffic Services Limited*  
ATS.TR.160 ATS surveillance services  
(a)

This requirement uses "may" and as such is non-binding; however "shall" is not appropriate as it is possible to provide an ATS without an ATS surveillance system. Therefore, as currently written, the requirement is non binding.

**NATS suggestion**

Whilst this requirement is believed to be unnecessary (as it is covered by (b)); it is understood that it is sourced from ICAO and if it is to be retained, it would be more



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| response | <p>appropriate to be AMC or GM</p> <p>Partially accepted</p> <p>Point (a) has been amended to clarify the responsibilities of the ATS provider as regards the provision of ATS surveillance services.</p>  |
| comment  | <p>298 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.TR.160 ATS surveillance services<br/>(b) (3) i and iii</p> <p>Not all ATS providers foresee the possibility or necessity of temperature corrections. It is noted that this requirement is not in original PANS ATM DOC 4444 8.6.8.1. We note that where temperature corrections are not used, their introduction would significantly increase workload for the ATS Unit for no perceivable safety benefit.</p> <p><b><u>Recommendation</u></b><br/>Remove text relating to temperature corrections.</p> <p>OR<br/>Amend text to read: “...including any necessary temperature corrections”.</p> |
| response | <p>Partially accepted</p> <p>The responsibility for cold temperature corrections has been recently discussed and agreed to at ICAO EUR level. The text of points (b)(i) and (iii) has been amended accordingly.</p>  |
| comment  | <p>299 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.TR.160 ATC surveillance services<br/>(d)</p> <p>Procedures for providing surveillance services are established by the competent authority to ensure consistency across ATS Providers. If individual ATS Providers establish procedures, there will be a lack of consistency.</p> <p><b><u>Recommendation</u></b><br/>Remove</p> <p>OR<br/>Assign to competent authority.</p>  |
| response | <p>Noted</p> <p>The expected consistency is ensured through the associated AMC addressing the procedures to be established. The possibility that a Member State decides to develop and implement an</p>  |

alternative means of compliance is equivalent to the flexibility available for the implementation of ICAO PANS ATM.

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| comment  | 353  | comment by: <i>Michal SLOJEWSKI</i>                               |
|          | <p>ATS.TR.160<br/>(b)(3) - suggestion to change for "ATCO or FISO"</p>   |   |
| response | <p>Not accepted</p> <p>EASA has reconsidered the transposition of these ICAO PANS ATM provisions also on the basis of the comments received and of the discussions held with stakeholders during thematic review meetings. The provisions in points (b)(2) and (3) are considered, due to their nature, applicable to ATC service provision only. Therefore, the text of point (b) has been amended and reorganised to clarify its applicability accordingly.</p>  |   |
| comment  | 355  | comment by: <i>Michal SLOJEWSKI</i>                               |
|          | <p>ATS.TR.160 (e) is applicable for uncontrolled airspace as well.</p> <p>Proposed solution - to remove word " controlled".</p>  |   |
| response | <p>Not accepted</p> <p>It is considered that the provision is applicable only in the context of ATC service provision.</p>   |   |
| comment  | 386  | comment by: <i>DGAC</i>   |
|          | <p>This requirement (b)(2) is not strictly applicable because the measures used to achieve the goal are generally flow control measures or holdings and are adjusted appropriately in real time by ATS units.</p> <p>DGAC proposes to comply with doc 4444 § 8.4.2 and to modify the TR.160 (2) as follows:</p> <p>(2) the number of aircraft simultaneously provided with ATS surveillance services shall not exceed that which can be safely handled under the prevailing circumstances is determined;</p> <p>This modification requires to change also AMC1 ATS.TR.160(b)(2) ATS surveillance services.</p> |   |
| response | <p>Partially accepted</p> <p>Point (b) has been amended to promote clarity and readability. With such amendment, no modification to the content has been deemed necessary to the referred AMC.</p> <p>See also the response to comment #353.</p>   |   |
| comment  | 447  | comment by: <i>EASA Focal Point for AustroControl ANSP-issues</i> |
|          | <p>Page 31, ATS.TR.160 ATS surveillance services, Par (c):</p>   |   |

If identification is subsequently lost, the pilot shall be informed accordingly and, when applicable, appropriate instructions shall be issued.

Remark:

This provision is unworkable for (En-Route)-FISOs servicing VFR-aircraft operating at low levels in flight information regions with limited surveillance coverage in mountainous terrain.

It is quite often the case that one and the same aircraft fades away from surveillance more than once during a flight across/along the Alps. Hence radio transmissions in dense traffic situations would rise to an inappropriate extent, if every pilot has to be informed about the loss of identification.

Therefore the rewording of this provision/regulation is proposed as to be seen as following:

Proposed resolution:

Before providing an ATS surveillance service to an aircraft, identification shall be established. Controlled flights shall be informed thereof. Uncontrolled flights may be informed thereof. Thereafter, identification shall be maintained until the termination of the ATS surveillance service. If identification is subsequently lost, controlled flights shall be informed accordingly and, when applicable, appropriate instructions shall be issued. If identification of uncontrolled flights is subsequently lost, the pilot may be informed accordingly and, when applicable, appropriate instructions shall be issued."

response

Not accepted

See the response to comment #41.

comment

477

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

**Page No:** 30

**Paragraph No:** ATS.TR.160

**Comment:** We suggest to replace the word "controller" in sub-paragraph (b)(3) with "ATS personnel utilising ATS surveillance systems".

**Justification:** As surveillance systems may be used also in the provision of AFIS/FIS, the need for available up-to-date information regarding established minimum flight altitudes would also be required for AFIS/FIS in order to support the requirements in ATS.TR.305 (a)(8)

response

Not accepted

See the response to comment #353.

comment

499

comment by: *Dimitris ARVANITIS*

**Reference ATS.TR.160 (c):** This provision is unworkable for servicing VFR aircraft operating at low levels in flight information regions with limited surveillance coverage in mountainous terrain (e.g. along the Alps). It is quite often the case, that one and the same aircraft fades away from surveillance more than once during a flight across/along the Alps. Hence radio



transmissions in dense traffic situations would rise to an inappropriate extent, if every pilot had to be informed about the loss of identification. Therefore the following rewording/reformulation of this provision/regulation is proposed:

"Before providing an ATS surveillance service to an aircraft, identification shall be established. Controlled flights shall be informed thereof. Uncontrolled flights may be informed thereof. Thereafter, identification shall be maintained until the termination of the ATS surveillance service. If identification is subsequently lost, controlled flights shall be informed accordingly and, when applicable, appropriate instructions shall be issued. If identification of uncontrolled flights is subsequently lost, the pilot may be informed accordingly and, when applicable, appropriate instructions shall be issued."

response Not accepted

See the response to comment #41.

comment

511

comment by: ATC the Netherlands

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| ATS.TR.160 ATS surveillance services (a) | This is a “may” and not binding. It shouldn’t be here. | Inconsistent application | Suggest becomes AMC |
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response Not accepted

See the response to comment #297.

comment

652

comment by: ATC the Netherlands



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| <p>ATS.TR.160(c)<br/>ATS<br/>Surveillance<br/>services</p> | <p>Regarding “(c) Before providing an ATS surveillance service to an aircraft, identification shall be established and the pilot informed.”</p> <p>There is an ambiguity in this requirement in combination with AMC1 ATS.TR.160(d)(6) and AMC3 ATS.TR.160(d)(1). The question is whether or not the pilot should be informed after transfer of control or transfer of identification . On the one hand, transfer of identification is a means of identification after which the pilot shall be informed. On the other hand, transfer of control and transfer of identification are means of continuing ATS surveillance service and therefore there is no need to inform the pilot again that he is identified.</p> | <p>Currently LVNL interprets the original doc 4444-8.6.2.1.1 procedure that informing the pilot after transfer of identification and transfer of control is not required.</p> <p>The other interpretation will result in an unnecessary high RT load.</p> | <p>Clarify requirement or related AMC’s. For instance add “except after transfer of identification or transfer of control”</p> |
| <p>response</p>  | <p><b>Noted</b></p> <p>The interpretation of the originating ICAO provisions in the comment is correct. Once established, the identification of an aircraft shall be maintained as long as provided with surveillance-based ATS. A successful transfer of identification will ensure that, and it will not be necessary to inform the flight crew. In practice, at the radar handover, the controller normally uses phrases like ‘radar contact’ or ‘identified on radar handover’ to fulfil the requirement.</p>  |   |  |
| <p>comment</p>   | <p><b>682</b> <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>in (b) (3)<br/>suggestion to add "and FISOs" after "controllers"</p> <p>Although, it is sometimes not clear from the whole document, whether "controllers" are "air traffic controllers" or "ATS personnel that have the aircraft in their area of responsibility"...</p>   |   |  |
| <p>response</p>  | <p><b>Not accepted</b></p> <p>See the response to comment #353.</p>  |   |  |

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| comment  | <p>747 <span style="float: right;">comment by: <i>Maciej Drózdź</i></span></p> <p>(d) As providing ATS surveillance services is not limited to ATC, but also FIS do it, it should be stated that "vectoring aircraft" concerns ATC only</p>  |
| response | <p>Noted</p> <p>See the response to comment #202.</p>  |
| comment  | <p>771 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>in (c)<br/>Suggestion to specify, that if the identification is made using mode- S and/or ADSB and/or MLAT, and ONLY for coordination purposes, the pilot may not be informed.</p> <p>In Poland, in class G, FISOs sometimes have short distances between one aerodrome and another, have mode S coverage, and proceeding the whole identification process (with first informing the pilot of identification, announcing the flight to the next AFIS unit, and telling the pilot that radar service terminated) takes too long, causes frequency congestion, and brings no added value. The pilot doesn't need to be informed of the identification in this case and of termination of the radar service either.</p>   |
| response | <p>Not accepted</p> <p>The option to not identify an aircraft already exists. One can provide ATS without using the ATS surveillance. However, if a FISO is using the ATS surveillance system to provide a service, the aircraft must be and remain identified. All the elements related to the need to identify, maintain the identification and inform that the identification is lost are the results of years of operational experience and safety occurrences. It should be noted that the direct recognition of the aircraft identification in the surveillance system display label is based on the verification that the aircraft identification downlinked from the aircraft is correct.</p>  |
| comment  | <p>781 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATS.TR.160 ATS surveillance services</b></p> <p>The adopted principle of transposing some procedures from PANS-ATM – that are AMC to SARPS by nature – as requirements, and other as AMC of those requirements, leads to lose the consistency and effectiveness of the ICAO framework as a whole.<br/>The following example aims to substantiate such concern.</p> <p>(b) (2) and relevant AMC1</p> <p>In Doc 4444, § 8.4.2 is a single piece of procedural provision, expressed through one sentence and four related bullets. The subject of the sentence is “the number of aircraft” and the list of bullets is exhaustive.</p> <p>In the proposed regulatory text, the sentence becomes a requirement, where the doer of the action is the ATSP – which “shall ensure” that the number of aircraft “is determined” by someone indefinite. The list of bullets becomes non-exhaustive AMC (“as a minimum”), applicable to the case where the ATSP itself determines the number of aircraft.</p> |

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|          | <p>As a result, a general requirement is created for the ATSP to ensure that an indefinite subject performs a certain action, with reference to the whole of the aircraft provided with surveillance at any moment.</p> <p>PROPOSAL<br/>Do not establish new general requirements. Review the selection and transposition of requirements from ICAO. Revert to original text and meaning.</p>  |
| response | <p>Partially accepted</p> <p>See the responses to comments #353 and #386.</p>  |
| comment  | <p>782 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.160 ATS surveillance services (b) (3) i and iii</b><br/><b>Page 30</b></p> <p>Not all ATS providers foresee the possibility or necessity of temperature corrections. It is noted that this requirement is not in original PANS ATM DOC 4444 8.6.8.1</p> <p>PROPOSAL<br/>Remove text relating to temperature corrections.</p> <p>OR<br/>Amend text to read: "...including any necessary temperature corrections".</p>   |
| response | <p>Partially accepted</p> <p>See the response to comment #298.</p>   |
| comment  | <p>783 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.160(c) ATS Surveillance services</b><br/><b>Page 31</b></p> <p><i>Regarding "(c) Before providing an ATS surveillance service to an aircraft, identification shall be established and the pilot informed."</i></p> <p>There is an ambiguity in this requirement in combination with AMC1 ATS.TR.160 (d) (6) and AMC3 ATS.TR.160 (d) (1). The question is whether or not the pilot should be informed after transfer of control or transfer of identification. On the one hand, transfer of identification is a means of identification after which the pilot shall be informed. On the other hand, transfer of control and transfer of identification are means of continuing ATS surveillance service and therefore there is no need to inform the pilot again that he is identified.</p> <p>PROPOSAL<br/>Clarify requirement or related AMC's. For instance add "except after transfer of identification or transfer of control"</p> |
| response | <p>Noted</p>   |



See the response to comment #652.

|          |   |                  |
|----------|---|------------------|
| comment  | 784   | comment by: ENAV |
|          | <p><b>ATS.TR.160 ATC surveillance services (d)</b><br/> <b>Page 31</b></p> <p>Procedures for providing surveillance services are established by the competent authority to ensure consistency across ATS Providers.<br/>         PROPOSAL<br/>         Remove<br/>         OR<br/>         Assign to competent authority.</p> |                  |
| response | <p>Noted</p> <p>See the response to comment #299.</p>   |                  |

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| comment  | 785  | comment by: ENAV |
|          | <p><b>AMC1 ATS.TR.160(d)(4) ATS surveillance services</b><br/> <b>NAVIGATION ASSISTANCE</b></p> <p>It is not clear what appropriate action could be taken by a FISO/AFISO, besides advising the deviating aircraft.<br/>         PROPOSAL<br/>         Delete the reference to FIS officer/AFIS officer.</p> |                  |
| response | <p>Not accepted</p> <p>Beside advising an aircraft that it is deviating, a FISO or an AFISO could also issue advice or suggestions to an aircraft to get to the intended place or to remain within the airspace of responsibility of the FISO or the AFISO.</p>  |                  |

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| comment  | 825  | comment by: Swedish Transport Agency, Civil Aviation Department<br>(Transportstyrelsen, Luftfartsavdelningen) |
|          | <p>All parts from "Situation Displays (8.2.1 – 8.2.9)" in PANS-ATM shall be transposed, why did EASA only transpose 8.2.2?</p>   |   |
| response | <p>Noted</p> <p>The general principle to provide a continuously updated presentation of surveillance information is already established in the proposed ATS.TR.160(b)(1). The minimum requirements for the availability, the interoperability and the performance of ATS surveillance systems, including situation displays, are defined in Regulation (EU) No 1207/2011.</p> <p>The new GM2 to point (b)(1) providing reference to the aforementioned Regulation has been introduced.</p> |   |



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| comment  | <p data-bbox="363 271 411 309">900</p> <p data-bbox="1225 271 1493 309" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="363 331 801 439">ATS.TR.160 ATS surveillance services<br/>(a)<br/>Page 30</p> <p data-bbox="363 472 577 506"><b>CANSO Comment</b></p> <p data-bbox="363 510 1493 577">This requirement uses “may” and as such is non-binding; however “shall” is not appropriate as it is possible to provide an ATS without an ATS surveillance system.</p> <p data-bbox="363 618 450 651"><b>Impact</b></p> <p data-bbox="363 656 992 689">As currently written, the requirement is non binding.</p> <p data-bbox="363 723 625 757"><b>Suggested Resolution</b></p> <p data-bbox="363 761 1493 869">Whilst this requirement is believed to be unnecessary (as it is covered by (b)); it is understood that it is sourced from ICAO and if it is to be retained, it would be more appropriate to be AMC or GM.</p>  |
| response | <p data-bbox="363 880 523 918">Not accepted</p> <p data-bbox="363 947 801 981">See the response to comment #297.</p>   |
| comment  | <p data-bbox="363 1059 411 1097">901</p> <p data-bbox="1225 1059 1493 1097" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="363 1120 801 1153">ATS.TR.160 ATS surveillance services</p> <p data-bbox="363 1193 577 1227"><b>CANSO Comment</b></p> <p data-bbox="363 1232 1493 1370">The adopted principle of transposing some procedures from PANS-ATM – that are AMC to SARPS by nature – as requirements, and other as AMC of those requirements, leads to lose the consistency and effectiveness of the ICAO framework as a whole.<br/>The following example aims to substantiate such concern.</p> <p data-bbox="363 1406 673 1440">(b) (2) and relevant AMC1</p> <p data-bbox="363 1444 1493 1552">In Doc 4444, § 8.4.2 is a single piece of procedural provision, expressed through one sentence and four related bullets. The subject of the sentence is “the number of aircraft” and the list of bullets is exhaustive.</p> <p data-bbox="363 1556 1493 1695">In the proposed regulatory text, the sentence becomes a requirement, where the doer of the action is the ATSP – which “shall ensure” that the number of aircraft “is determined” by someone indefinite. The list of bullets becomes non-exhaustive AMC (“as a minimum”), applicable to the case where the ATSP itself determines the number of aircraft.</p> <p data-bbox="363 1731 1493 1839">As a result, a general requirement is created for the ATSP to ensure that an indefinite subject performs a certain action, with reference to the whole of the aircraft provided with surveillance at any moment.</p> <p data-bbox="363 1874 450 1908"><b>Impact</b></p> <p data-bbox="363 1912 849 1946">Potentially undesired alteration of ICAO.</p> <p data-bbox="363 1951 922 1984">Legal expansion of the responsibility of ANSPs.</p> <p data-bbox="363 2020 1114 2054">Uncertainty on applicability and demonstration of compliance.</p> |

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|          | <p><b>Suggested Resolution</b><br/>Do not establish new general requirements.</p> <p>Review the selection and transposition of requirements from ICAO.</p> <p>Revert to original text and meaning.</p>   |
| response | <p>Partially accepted</p> <p>See the responses to comments #353 and #386.</p>  |
| comment  | <p>902 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.TR.160 ATS surveillance services<br/>(b) (3) i and iii<br/>Page 30</p> <p><b>CANSO Comment</b><br/>Not all ATS providers foresee the possibility or necessity of temperature corrections.</p> <p>It is noted that this requirement is not in original PANS ATM DOC 4444 8.6.8.1</p> <p><b>Impact</b><br/>Where temperature corrections are not used, their introduction would significantly increase workload for the ATS Unit for no perceivable safety benefit.</p> <p><b>Suggested Resolution</b><br/>Remove text relating to temperature corrections.</p> <p>OR<br/>Amend text to read: "...including any necessary temperature corrections".</p> |
| response | <p>Partially accepted</p> <p>See the responses to comments #298 and #353.</p>  |
| comment  | <p>903 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.TR.160(c) ATS Surveillance services<br/>Page 31</p> <p><b>CANSO Comment</b><br/>Regarding "(c) Before providing an ATS surveillance service to an aircraft, identification shall be established and the pilot informed."</p> <p>There is an ambiguity in this requirement in combination with AMC1 ATS.TR.160 (d) (6) and AMC3 ATS.TR.160 (d) (1). The question is whether or not the pilot should be informed after transfer of control or transfer of identification. On the one hand, transfer of identification is a means of identification after which the pilot shall be informed. On the other hand, transfer</p>                             |

of control and transfer of identification are means of continuing ATS surveillance service and therefore there is no need to inform the pilot again that he is identified.

**Impact**

Currently CANSO interprets the original doc 4444-8.6.2.1.1 procedure that informing the pilot after transfer of identification and transfer of control is not required.

The other interpretation will result in an unnecessary high RT load.

**Suggested Resolution**

Clarify requirement or related AMC's. For instance add "except after transfer of identification or transfer of control".

response

Noted

See the response to comment #652.

comment

904

comment by: CANSO

ATS.TR.160 ATC surveillance services  
(d)  
Page 31

**CANSO Comment**

Procedures for providing surveillance services are established by the competent authority to ensure consistency across ATS Providers.

**Impact**

If individual ATS Providers establish procedures, there will be a lack of consistency.

**Suggested Resolution**

Remove

OR

Assign to competent authority.

response

Noted

See the response to comment #299.

comment

905

comment by: CANSO

AMC1 ATS.TR.160(d)(4) ATS surveillance services  
NAVIGATION ASSISTANCE

**CANSO Comment**

It is not clear what appropriate action could be taken by a FISO/AFISO, besides advising the deviating aircraft.



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|          | <p><b>Impact</b><br/>The proposed wording might imply elements of service provision inconsistent with the nature of FIS/AFIS.</p> <p><b>Suggested Resolution</b><br/>Delete the reference to FIS officer/AFIS officer.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #785.</p>   |
| comment  | <p>906 <span style="float: right;">comment by: CANSO</span></p> <p>AMC# AT.S.TR.160(d)(1)<br/>GM# AT.S.TR.160(d)(1), etc</p> <p><b>CANSO Comment</b><br/>It is suggested that an AFIS officer may also provide ATS surveillance services. This contradicts Eurocontrol guidelines (EATCHIP 1996??) which does not provide the possibility for radar endorsements for ASO/ADR and FISO/ADR licences. Apart from controllers only FISO/AER licenses may have a radar endorsement.</p> <p>With the current legislation, ASO/ADR and FISO/ADR are not allowed to provide ATS surveillance services. The EU 2015/340 only addresses ATCO licensing.</p> <p><b>Impact</b><br/>Inconsistent legislation.</p> <p><b>Suggested Resolution</b><br/>Include FISO, AFISO and ASO ratings including (radar) endorsements into EU 2015/340.</p>  |
| response | <p>Not accepted</p> <p>Regulation (EU) 2015/340 only concerns the licensing of air traffic controllers; this Regulation has been developed to implement a specific regulatory mandate in the EASA Basic Regulation, in particular the provisions in Articles 8c, 22b and in the Essential Requirements in paragraph 4. of Annex Vb.</p> <p>The proposed ATS requirements do not address in detail the recruitment, competency and training of personnel providing FIS and AFIS, since such subjects are not in the scope of RMT.0464 as defined in its Terms of Reference; furthermore, it is to be noted that this subject is not specifically addressed in the EASA Basic Regulation. EASA could consider developing requirements for such personnel based on the advice of its Advisory Bodies.</p> <p>However, it shall be noted that with provision ATM/ANS.OR.B.005 in Regulation (EU) 2017/373, ATM/ANS providers (including FIS and AFIS) are required to ensure that personnel are trained and competent to perform their duties in a safe, efficient, continuous and sustainable manner.</p> <p>See also the responses to comments #257 and #98 in CRD 2016-09(A).</p> |

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| comment  | <p data-bbox="363 271 411 309">979</p> <p data-bbox="1217 271 1477 309" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="363 331 831 369"><b>Paragraph No:</b> ATS.TR.160 point (b)(3)</p> <p data-bbox="363 405 1485 618"><b>Comment:</b> The use of the term “in possession” in ATS.TR.160 point (b)(3) suggests a level of cognitive processing, awareness and understanding on the part of the controller which cannot be assured by the ATS provider. Consequently, it would be more appropriate to state that controllers were “at all times provided with full and up-to-date information.” Whilst acknowledging that the text is transposed directly from PANS-ATM text 8.6.8.1, the UK CAA proposes that this is an opportunity to resolve the inappropriate utilisation of this verb.</p> <p data-bbox="363 654 975 692"><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p data-bbox="363 728 1353 766"><b>Proposed Text:</b> The UK CAA proposes ATS.TR.160 point (b)(3) is amended to read:</p> <p data-bbox="363 801 1425 840">“(3) controllers are at all times provided with full and up-to-date information regarding:”</p>   |
| response | <p data-bbox="363 860 475 891">Accepted</p> <p data-bbox="363 913 1281 952">The provision has been amended to enhance clarity and improve readability.</p> <p data-bbox="363 974 850 1012">See also the response to comment #353.</p>  |
| comment  | <p data-bbox="363 1081 411 1117">981</p> <p data-bbox="1217 1081 1477 1120" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="363 1149 954 1187"><b>Paragraph No:</b> ATS.TR.160 point (b)(3)(i) and (iii)</p> <p data-bbox="363 1223 1485 1541"><b>Comment:</b> In using the phrase “<b>the</b> necessary temperature correction”, in ATS.TR.160 points (b)(3)(i) and (iii), incorrectly pre-supposes that a temperature correction is necessary. It would be more appropriate for ATS.TR.160 points (b)(3)(i) and (iii) to refer to “<b>any</b> necessary temperature correction”. Furthermore, no AMC or GM has been provided within the NPA on a methodology to determine any necessary temperature correction to be applied by controllers. EASA is invited to provide clarification on the methodology to be used by ATS providers to determine any necessary temperature correction. If it is not possible to provide such clarification, EASA is invited to indicate whether they have any intention to develop such methodology.</p> <p data-bbox="363 1576 1198 1615"><b>Justification:</b> Accuracy and completeness of EU Regulatory materials.</p> <p data-bbox="363 1650 1485 1720"><b>Proposed Text:</b> The UK CAA proposes the following amendment to ATS.TR.160 points (b)(3)(i) and (iii):</p> <p data-bbox="363 1756 1485 1825">“(i) established minimum flight altitudes within the area of responsibility, including <b>any</b> necessary temperature correction;</p> <p data-bbox="363 1839 384 1868">...</p> <p data-bbox="363 1868 1485 1937">(iii) established minimum altitudes applicable to procedures based on tactical vectoring, including <b>any</b> necessary temperature correction.”</p> |
| response | <p data-bbox="363 1957 576 1989">Partially accepted</p>  |

See the responses to comments #298 and #353.

comment 983

comment by: UK CAA

**Paragraph No:** ATS.TR.160 point (e)

**Comment:** Section 1 is related to the general provision of ATS; however, ATS.TR.160 point (e) relates specifically to the provision of an ATC service based on ATS surveillance. Set alongside ATS.TR.160 points (a) to (d), point (e) appears incongruous. Moreover, GM to this provision (GM1 ATS.TR.160(e)) relates to the provision of a FIS based on ATS surveillance. Where this text has been transposed from PANS-ATM into SERA.7002, given that the purpose of SERA is to provide a rule-set to pilots, it is appropriate to provide both pieces of text within the same rule to inform pilots' expectations on the provision of traffic avoidance. However, the purpose of Part-ATS is to provide a rule-set for ATS providers and as such, how traffic avoidance is effected in uncontrolled and controlled airspace is of equal importance. Consequently, the UK CAA is of the view that it is more appropriate to associate the text from GM1 ATS.TR.160(e) as AMC to ATS.TR.305(b)(2)) and for ATS.TR.160(e) to be deleted and placed as a new provision within Section 2. See also later comment on GM1 ATS.TR.160(e) by UK CAA.

**Justification:** Consistency and accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that ATS.TR.160(e) be deleted and inserted as a new provision within section 2 as detailed below. The UK CAA further proposes that GM1 ATS.TR.160(e) should be deleted and, following minor amendment, be inserted as AMC to ATS.TR.305(b)(2):

**“ATS.TR.2XX Collision Hazard Information Based on ATS Surveillance**

When an identified controlled flight is observed to be on a conflicting path with an unknown aircraft, deemed to constitute a collision hazard, the pilot of the controlled flight shall, whenever practicable:

- (1) be informed of the unknown aircraft, and, if the pilot so requests or if the situation so warrants in the opinion of the controller, avoiding action shall be suggested; and
- (2) be notified when the conflict no longer exists.”

**“AMCXX ATS.TR.305(b)(2) Collision Hazard Information Based on ATS Surveillance**

When an identified IFR flight operating outside controlled airspace is observed to be on a conflicting path with another aircraft, the pilot should:

- (1) be informed of the conflicting aircraft and, if the pilot requests or if, in the opinion of the controller/FIS officer, the situation warrants, traffic avoidance advice should be suggested; and
- (2) be notified when the conflict no longer exists.”

response Partially accepted

The proposed ATS.TR.155 has been rearranged to better cluster ATS providers' requirements



and operational requirements.

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| comment  | 1291  | comment by: <i>Polish Air Navigation Services Agency</i> |
|          | in (b) (3)<br>suggestion to add "and FISOs" after "controllers" |  |
| response | Not accepted<br><br>See the response to comment 353.            |  |

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| comment  | 1293   | comment by: <i>Polish Air Navigation Services Agency</i> |
|          | ATS.TR.160 (e) is applicable for uncontrolled airspace as well.<br>Proposed solution - "When an identified <del>controlled</del> flight is observed to be (...), the pilot of the <del>controlled</del> identified flight shall(...):<br>(1) (...) in the opinion of the controller or FISO (...);<br>(2) (...)" |  |
| response | Not accepted<br><br>See the response to comment 353.   |  |

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| comment  | 1336   | comment by: <i>Naviair</i> |
|          | Naviair suggests that the text is changed to "vectoring aircraft in controlled airspace" to clarify that only ATC is allowed to vectoring  |                            |
| response | Noted<br><br>By design, only ATC service is entitled to vector aircraft, and with the associated AMC the vectoring is limited to controlled airspace only, except in the case of special weather conditions. |                            |

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| comment | 1463  | comment by: <i>HungaroControl</i> |
|         | ATS.TR.160 (d) - delete this point<br><br><del>d) When providing ATS surveillance services, the ATS provider shall, when relevant, establish procedures for:<br/>(1) establishing identification of aircraft;<br/>(2) providing position information to aircraft;<br/>(3) vectoring aircraft;<br/>(4) providing navigation assistance to aircraft;<br/>(5) providing information regarding adverse weather, if applicable;<br/>(6) transferring of control of aircraft;<br/>(7) failure of ATS surveillance system(s);<br/>(8) SSR transponder failure, in accordance with the provisions of Section 13 of Commission</del> |                                   |



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| response | <p><del>Implementing Regulation (EU) No 923/2012;</del><br/> <del>(9) ATS surveillance-based safety-related alerts and warnings, when implemented.</del></p> <p>Justification:<br/> Lack of consistency will occur, if these procedures are established by the ATSPs.</p> <p>Not accepted</p> <p>See the response to comment #299.</p>  |
| comment  | <p>1544 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>about point (b)(3) : Why only controllers ?<br/> What about FISOs and AFISOs ?</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #353.</p>  |
| comment  | <p>1562 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>point (c) : The section shall read:</p> <p>"Before providing an ATS surveillance service to an aircraft, identification shall be established. Controlled flights shall be informed thereof. Uncontrolled flights may be informed thereof. Thereafter, identification shall be maintained until the termination of the ATS surveillance service. If identification is subsequently lost, controlled flights shall be informed accordingly and, when applicable, appropriate instructions shall be issued. If identification of uncontrolled flights is subsequently lost, the pilot may be informed accordingly and, when applicable, appropriate instructions shall be issued."</p> <p>Justification: The provision as-is is unworkable for (En-Route)-FISOs servicing VFR aircraft operating at low levels in flight information regions with limited surveillance coverage in mountainous terrain (e.g. along the Alps). It is quite often the case, that one and the same aircraft fades away from surveillance more than once during a flight across/along the Alps. This is also the case for aircraft flying in the boundary layer within surveillance coverage and below surveillance coverage. Hence radio transmissions in dense traffic situations would rise to an inappropriate extent, if every pilot has to be informed about the loss of identification. Therefore, the above mentioned rewording/reformulation of this provision/regulation is proposed.</p> |
| response | <p>Not accepted</p>   |

See the response to comment #41.

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| comment  | <p>1585 comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></p> <p>ATCEUC considers that this whole provision, together with the related AMC/GM should not be in “Section 1 – General”, but in “Section 2 – ATC Service”, since the procedures related to vectoring, transfer of identification, etc. are ATC related, not ATS related (which includes AFIS)</p> <p>We agree that, in order to enhance safety, any unit may have surveillance equipment, but only for the purpose of informing or assessing the position of the traffic</p> <p>The use of surveillance by AFIS, as an aid, is already covered in <b>GM1 ATS.TR.160 (b)(1)</b></p> <p><i>(b) The ATS personnel utilising ATS surveillance systems should be satisfied that the available functional capabilities of the ATS surveillance system as well as the information presented on the situation display(s) is adequate for the functions to be performed.</i></p> |
| response | <p>Not accepted</p> <p>ATS surveillance services may be provided for both ATC service and FIS (including AFIS). See also the response to comment #297.</p>  |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.200

p. 32

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| comment  | <p>12 comment by: <i>Humberside Airport</i></p> <p>Page No: 32<br/>Para No: 1.1.4</p> <p><b>ATS.TR.200</b></p> <p>Comment:<br/>The UK authorises some licenced or EASA Certified aerodromes that are situated within Class G airspace, to provide an ATS by EU 2015/340 Certified air traffic controllers in accordance with ‘UK FIS’ to IFR and VFR flights within the surrounding airspace and a full ‘control’ service in the direct vicinity of the aerodrome and on the aerodrome. To meet the requirements of this regulation CAS would have to be established or the service no longer provided. It is noted that any review and associated airspace change will take time to complete and a derogation to enable operations to continue as authorised today should be granted until any decision is made.</p> |
| response | <p>Noted</p> <p>See the response to comment #10.</p>  |
| comment  | <p>32 comment by: <i>HIAL</i></p>   |



**ATS.TR.200 ATC Service - Application**

We note that an ATC service is proposed defined as that provided at a Controlled Aerodrome (revised definition). The Proposal identifies those categories of CAS where IFR and VFR flight may be provided with an ATC service. Class G is excluded. HIAL would support the introduction of CAS in the form of CTRs and associated CTAs at all controlled aerodromes where the CAS is of sufficient dimensions and category to protect:

- IFR departures and arrivals;
- Transiting aircraft;
- Instrument Approach Procedures (conventional and space based);
- Missed Approach Procedures;
- Large aircraft circling to land.

HIAL have been voicing concerns now for some considerable time regarding the risk of airborne conflict occurring in Class G airspace between aircraft flying under IFR in receipt of a Procedural Service or a Basic Service (UK-FIS) and other participating and/or non-participating aircraft. Evidence gathered through our SMS reporting system, demonstrates a quantifiable risk of airborne conflict for commercial aircraft “during all stages of flight” within Class G airspace, particularly so during the process of integrating them in the vicinity of the aerodrome without the benefit of surveillance.

HIAL do not consider Class F and G appropriate to ATC service, including aerodrome traffic and would support any proposal to introduce CTR/A of sufficient size and airspace category to protect IFR departures and arrivals utilising conventional and space based instrument Approach Procedures in the vicinity of all controlled aerodromes.

response

Noted

See the response to comment #10.

comment

985

comment by: UK CAA

**Paragraph No: ATS.TR.200**

**Comment:** At present, the UK permits elements of an ATC service to be provided outside controlled airspace by air traffic controllers. Historically, the UK’s stance has been that the requirement for controlled airspace was required to be proven based on the nature of the operation and its associated risks. This stance was supported by the UK’s codification of ICAO FIS requirements through the development and application of ATS outside controlled airspace and the performance-based safety oversight by the competent authority. Consequently, from the UK’s perspective, Part-ATS represents a paradigm-shift in ATS provision and the application of the airspace classification system.

The UK CAA supports the principle that ATC service is provided by air traffic controllers within controlled airspace and aspires to move towards this position. However, implementation of these provisions represents a significant challenge – specifically in terms of our operations within uncontrolled airspace – which we believe will require considerable time to bring to a conclusion.

The UK CAA assesses that this implementation period will extend well beyond the traditional timescales applied by EASA and the Commission for transitional arrangements, given the



need to address and mitigate structural, procedural and resource impacts. As such, the UK CAA seeks to engage further with the Agency and the Commission to determine how that transition can be safely managed.

**Justification:** UK implementation of Part-ATS proposals concerning the provision of air traffic services in uncontrolled airspace represents a significant challenge which the UK CAA believes will require considerable State, Competent Authority and industry resource to bring to a conclusion. The impacts and potential ways forward cannot yet be definitively identified nor costed; however the cost impacts are currently considered to be considerable. Transition must be undertaken in a safe and efficient manner and cannot be undertaken in haste; hence the UK CAA's firm belief that an extended transition period is required in this regard.

response

Partially accepted

The ATS organisation in the UK and the challenges relevant to the implementation of Part-ATS are duly noted. EASA is prepared, during the transitional period, to allocate the necessary resources needed to support its implementation in the Member States. The intent is to organise various implementation workshops and, when necessary, bilateral consultation events.

The proposed date for entry into force of the amendments to Regulation (EU) 2017/373 concerning Part-ATS is 27 January 2022. EASA also proposes a flexibility in the applicability date by proposing the possibility to derogate from the application or requirements concerning the provision of services in Class G airspace, up to 22 January 2025, under specified conditions.

comment

1444

comment by: *Airport Operators Association (UK)*

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

response

Noted

See the response to comment #10.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.205

p. 32

comment

13

comment by: *Humberside Airport*

Page No: 32  
Para No: 1.1.4



**ATS.TR.205**

Comment:

The UK authorises some licenced and EASA Certified aerodromes that are situated within Class G airspace to provide a 'control' service to all aircraft, to IFR and VFR flights, vehicles and pedestrians. By definition within this regulation and EU 923/2012 a control service can only be provided at a 'Controlled Aerodrome' that must have associated CAS. To meet the requirements of this regulation CAS would have to be established or the service no longer provided. It is noted that any review and associated airspace change will take time to complete and a derogation to enable operations to continue as authorised today should be granted until any decision is made.

response

Noted

See the response to comment #10.

comment

300

comment by: *NATS National Air Traffic Services Limited*

ATS.TR.205 Provision of ATC Service  
(b) (1) and (2)

This section on Approach control service is similar to the section above on Area control Service. The bullet points outlining the provisions below each section have been ordered differently.

**Recommendation**

Amend order of text so that the current (b) (i) comes after the current (b) (ii)

response

Accepted

The provision has been amended accordingly.

comment

551

comment by: *AIRBUS***Comments**

The requirements for provision of ATC service: ATS.TR.205 are too "solution oriented" for being placed at IR level.

**Proposal**

ATS.TR.205 shall be put at AMC level associated to ATS.TR.105 (a).

response

Not accepted

These fundamental ATS requirements are transposed, without modifications, from Standards in ICAO Annex 11. EASA does not consider appropriate that these Standards are transposed as AMC.

comment

786

comment by: *ENAV*

**ATS.TR.205 Provision of ATC Service (b) (1) and (2)****Page 32**

This section on Approach control service is similar to the section above on Area control Service. The bullet points outlining the provisions below each section have been ordered differently

PROPOSAL

Amend order of text so that the current (b) (i) comes after the current (b) (ii)

response

Accepted

See the response to comment #300.

comment

907

comment by: *CANSO*

ATS.TR.205 Provision of ATC Service  
(b) (1) and (2)  
Page 32

**CANSO Comment**

This section on Approach control service is similar to the section above on Area control Service. The bullet points outlining the provisions below each section have been ordered differently.

**Impact**

The provision is less easy to understand than is optimal.

**Suggested Resolution**

Amend order of text so that the current (b) (i) comes after the current (b) (ii).

response

Accepted

See the response to comment #300.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.210**

p. 32-33

comment

14

comment by: *Humberside Airport*

Page No: 32

Para No: 1.1.4

**ATS.TR.210**

Comment:

The UK authorises some licenced and EASA Certified aerodromes that are situated within Class G airspace to provide a 'control' service to all aircraft, to IFR and VFR flights, vehicles and pedestrians. By definition within this regulation and EU 923/2012 a control service can only be provided at a 'Controlled Aerodrome' that must have associated CAS. To meet the



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| response | <p>requirements of this regulation CAS would have to be established or the service no longer provided. It is noted that any review and associated airspace change will take time to complete and a derogation to enable operations to continue as authorised today should be granted until any decision is made.</p> <p>Not accepted</p> <p>See the response to comment #10.</p> |
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| comment | <p>80 <span style="float: right;">comment by: HIAL</span></p> <p><b>ATS.TR.210 Operation of ATC Service</b></p> <p>HIAL has significant concern with the proposals associated with adjusting most elements of Procedural Separation, Procedural Control and of amended Runway Separations as outlined in a raft of AMC and GM:</p> <p><b>Procedural Separation</b><br/> Reduction in Lateral and Longitudinal Separation Minima;<br/> Longitudinal Separation Application;<br/> Longitudinal Separation Minima based on time – Aircraft maintaining same level;<br/> Longitudinal Separation Minima based on time – Aircraft Climbing or Descending;<br/> Longitudinal Separation Minima based on Distance Using DME and/or GNSS; aircraft at the same cruising level;<br/> Longitudinal Separation Minima based on Distance Using DME and/or GNSS; Aircraft Climbing or Descending;<br/> Longitudinal Separation Minima based on Distance Using DME and/or GNSS; Application</p> <p><b>Runway Separation</b><br/> Minima between Departing aircraft and other aircraft using the same runway.</p> <p><b>Reduced Runway Separation</b><br/> Minima between aircraft using the same runway</p> <p><b>Procedural Control</b><br/> Minima separation between Departing aircraft<br/> Separation of Departing aircraft from Arriving aircraft<br/> Lateral Separation Criteria and Minima</p> <p>Whilst there is no objection to moving wholesale to ICAO standard provisions, adjustment to the revised procedural elements listed above will require a complete revamp of the current procedural separations as detailed in UK CAP493 and will have a significant impact on HIAL, whose ATC operations, with the exception of 1 ATC Unit, are based exclusively on procedural services to IFR aircraft in a completely non surveillance environment where the use of an ATM as a situational awareness tool is not available.</p> <p>Without closer analysis they appear more stringent (thus impacting on flow rates) than those currently detailed in CAP493. Changes in provisions, some significant, have been made to speed, time, distance, longitudinal and lateral separation requirements and introduce additional departure categories. Critically, the provisions include the mixed and combined</p> |
|---------|---|



use of separation based on space based (GNSS) and conventional (VOR, NDB etc). No such separation currently exists and controllers will require a significant amount of training before the full suite of provisions can be identified, understood and applied.

HAL do not have the subject matter expertise to conduct in depth Gap analysis of the changes to separation requirements brought about by the proposal. Such a Training Needs Analysis (TNA) and associated training will be significant; those endorsements affected by the changes, namely ADI and APP (throughout the UK) may need a lead in time in excess of Jan 19 if competent authorities, ANSPs and ITOs are to manage and implement the requisite training associated with the change.

response

Noted

The separation methods and minima listed in the comment have been transposed from the relevant provisions of PANS ATM as AMC, and where necessary complemented by associated GM, without modifications.

comment

444

comment by: *Simon Rhodes*

There seems to be no provision here for Air Traffic services outside controlled airspace, i.e. in class G. Only FIS is available. CAP774 details these services as operated in the UK and at a regional airport like newcastle we depend on these to help us establish routes and give airlines an ability to route directly to destinations. Risk assessments are carried out by airlines and these depend on us being able to give services outside Controlled Airspace. With the CAA's involvement these services are well established and expected in certain areas of the UK. I guess we would keep these under development rather than establish more CAS or extend the routes of some airlines which would make the operation less viable.

Thanks  
Simon Rhodes

response

Noted

ATS.TR.210 addresses the operation of ATC service and that is why Class G airspace is not mentioned. Moreover, the airspace classification and the associated services are already addressed in Regulation (EU) No 923/2012 (SERA).

comment

659

comment by: *ATC the Netherlands*

|   |   |                                       |               |
|---|---|---------------------------------------|---------------|
| <p>ATS.TR.210(c)<br/>Operation of<br/>ATC service</p> | <p>This IR:</p> <p><i>c) Except for cases of operations on parallel or near-parallel runways as in ATS.TR.255, or when a reduction in separation minima in the vicinity of aerodromes can be applied, separation by an ATC unit shall be obtained by at least one of the following:</i></p> <p><i>(1) vertical separation, ....</i></p> <p><i>(2) horizontal separation, ....</i></p> <p>Suggests that reduction in separation minima in the vicinity of aerodromes is applicable for both horizontal and vertical separation. However doc 4444-6.1 and AMC3 ATS.TR.210(c)(2) describes only the possibility to reduce horizontal separation minima in the vicinity of aerodrome. Reduction of vertical separation is not an option.</p>  | <p>Inconsistent with<br/>AMC/ICAO</p> | <p>Reword</p> |
| <p>response</p>                                       | <p>Not accepted</p> <p>ATS.TR.210(c) establishes the principle that aircraft shall be separated by the application of either vertical or horizontal separation by the ATC unit. The mentioned AMC describes the options to reduce the horizontal separation. The reduction of the vertical separation is foreseen only as an emergency measure, as described in AMC1 ATS.TR.210(c).</p>   |                                       |               |
| <p>comment</p>  | <p>787 <span style="float: right;">comment by: ENAV</span></p> <p>ATS.TR.210 Operation of ATC service<br/>Page 32</p> <p>(a) (1) The expression “shall be provided” indicates that the requirement is not on the ATC unit; furthermore, this requirement is only partially consistent with ATS.OR.145, so that the issue remains open.</p> <p>(a) (3) Compliance with this requirement and, at the same time, with those in (c), appears difficult to achieve by applying conflicting AMC (e.g. see AMC "Visual approach" against other AMCs transposing separations). The provision of separation is normally the means to prevent collisions.</p> <p>(a) (4) The requirement overlaps with ATS.TR.235 (h) with potential inconsistencies.</p> <p>(c) Though this is a duplication of SERA, and reasonably beyond intentions, the mix of ICAO standards and procedures leads to confusion.</p> <p>(d): in the ICAO framework this has the status of a PANS, turning it into a requirement creates ambiguity, while the associated GM could even be misleading; in fact what in (d)</p> |                                       |               |

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|          | <p>derives from the requirement of providing ATC and separation to aircraft according to airspace classification.</p> <p>PROPOSAL<br/>Transpose Annex 11 as requirement and PANS-ATM as AMC.</p>   |
| response | <p>Not accepted</p> <p>With regard to the comment on point (a)(1): ATS.TR.210(a) defines the preconditions for the provision of ATC service, while ATS.OR.145 stipulates the obligation for the ATS provider to make available such information to the ATC units for the provision of the relevant services. Hence, EASA does not identify any inconsistency between the two provisions.</p> <p>With regard to the comment on point (a)(3): the issuance of clearances is a means to establish and maintain the required separation. Numerous AMC in this regard are provided to ATS.TR.210(a)(3). Point (d) of AMC9 ATS.TR.210(a)(3) stipulates the conditions and the responsibilities for the controller to establish separation between aircraft performing successive visual approaches. This obligation remains until the pilot takes the responsibility for maintaining own separation from the preceding aircraft. In this way, the controller is no longer responsible for ensuring the separation between the aircraft concerned. However, point (e) in the same AMC assigns to the controller the responsibility to issue a caution of possible wake turbulence when the maintained own separation by the pilot is less than the wake turbulence minimum.</p> <p>With regard to the comment on point (a)(4): the requirement in ATS.TR.210(a)(4) determines that coordinating clearances is necessary to provide ATC service, while ATS.TR.235 establishes the provisions relevant for the application of such coordination. EASA has not detected any inconsistency between the two aforementioned provisions.</p> <p>With regard to the comment on point (c): the comment does not clarify where the confusion is coming from. Although the mentioned point (c) transposes provisions from ICAO Annex 11 and PANS ATM, the originating provisions are connected, relevant and complementary.</p> <p>With regard to the comment on point (d): EASA considers the transposition of this PANS ATM provision necessary to ensure safety, in any context. Please consult the NPA 2016-09(A), Section 2.4 for the description of the approach undertaken in the transposition of PANS provisions into implementing rules. EASA does not consider that GM1 to ATS.TR.210(d) is misleading since it describes one particular case (transfer of aircraft control between a unit providing ATS surveillance services and a unit providing procedural control) when the type of the (minimum) separation is to be changed.</p> |
| comment  | <p>788 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.210(c) Operation of ATC service</b><br/><b>Page 33</b></p> <p>This IR Suggests that reduction in separation minima in the vicinity of aerodromes is applicable for both horizontal and vertical separation. However doc 4444-6.1 and AMC3 ATS.TR.210(c)(2) describes only the possibility to reduce horizontal separation minima in the</p>  |

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|          | vicinity of aerodrome. Reduction of vertical separation is not an option. |
|          | PROPOSAL<br>Reword  |
| response | Not accepted<br><br>See the response to comment #659.                     |

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| comment | <p>908 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.TR.210 Operation of ATC service</p> <p>Page 32</p> <p><b>CANSO Comment</b></p> <p>(a) (1) The expression “shall be provided” indicates that the requirement is not on the ATC unit; furthermore, this requirement is only partially consistent with ATS.OR.145, so that the issue remains open.</p> <p>(a) (3) Compliance with this requirement and, at the same time, with those in (c), appears difficult to achieve by applying conflicting AMC (e.g. see AMC "Visual approach" against other AMCs transposing separations). The provision of separation is normally the means to prevent collisions.</p> <p>(a) (4) The requirement overlaps with ATS.TR.235 (h) with potential inconsistencies.</p> <p>(c) Though this is a duplication of SERA, and reasonably beyond intentions, the mix of ICAO standards and procedures leads to confusion.</p> <p>(d): in the ICAO framework this has the status of a PANS, turning it into a requirement creates ambiguity, while the associated GM could even be misleading; in fact what in (d) derives from the requirement of providing ATC and separation to aircraft according to airspace classification.</p> <p><b>Impact</b><br/>Uncertainty on applicability and demonstration of compliance.</p> <ul style="list-style-type: none"> <li>• within ICAO reduction of separation minima in the vicinity of aerodromes is not applicable to vertical separation. Furthermore, it is covered in the NPA as AMC (AMC3 ATS.TR.210(c)(2)) so that the reduced minima will possibly fall under the application of SERA 8010;</li> <li>• SERA 8010 prescribes that selection of separation minima for application within a given portion of airspace shall be made by the ATSP and approved by the competent authority. Since separation minima are transposed as AMC to the present requirements it is not clear what the authority should approve in the end (the application of an AMC?);</li> </ul> <p>(c) (2): there is no reference to any minima and so no link to any separation minima. This is because pertinent parts of 4444 are missing (covered in the GM only). For example (the bold part is missing in the proposed rule but is in 4444 para 5.4.1.1.1): horizontal separation is obtained by maintaining aircraft on different route so that the distance between those</p> |
|---------|--|



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|          | <p>portions of the intended routes[...] is never less than an established distance [...] (GM ATC.210(c)(2)(ii))</p> <ul style="list-style-type: none"> <li>• AMC to (c)(2)(i): some separations and methods included as AMC are not in the ICAO family of horizontal separation (e.g. AMC10 ATC.210(c)(2)(i)).</li> </ul> <p><b>Suggested Resolution</b><br/>Transpose Annex 11 as requirement and PANS-ATM as AMC.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #787.</p> <p>Additionally, with regard to the impact evaluation in the comment:</p> <ul style="list-style-type: none"> <li>— SERA.8010 in Regulation (EU) No 923/2012, mirrored in ATC.215, prescribes that the selection of the separation minima for any circumstance where separation is required is a responsibility of the ATC provider, and that the appropriateness of such selection has to be approved by the competent authority. A typical example of this arrangement is the selection of the horizontal separation minima when ATC surveillance services (in this case ATC service) are provided. The proposed AMC to ATC.210 establish mainly the requirements for the procedural separation which may be reduced under the circumstances described in ATC.210(c)(2). The approval of the selection of the procedural separation(s) is regarded necessary due to the fundamental safety implications of ensuring at all times the adequate separation between aircraft in any given operational context (e.g. procedural separation between neighbouring ATC units are aligned to ensure safe and expeditious operations). Being AMC, these provisions may have alternative means of compliance, if approved by the competent authority in accordance with ATM/ANS.AR.A.015 'Means of compliance' in Annex II to Regulation (EU) 2017/373.</li> <li>— With regard to your comment referring to AMC10 ATC.210(c)(2)(i), it shall be noted that the AMC related to ATC.210(c)(2)(i) transpose various provisions from PANS ATM which may not all belong to Chapter 5.4 'Horizontal separation' therein. The analysis performed by EASA showed that additional PANS ATM provisions including separation methods and minima are relevant for separation in the horizontal plane and this is the reason why they have been transposed accordingly.</li> </ul> |

comment

909

comment by: *CANSO*

ATC.210(c) Operation of ATC service  
Page 33

**CANSO Comment**

This IR Suggests that reduction in separation minima in the vicinity of aerodromes is applicable for both horizontal and vertical separation. However doc 4444-6.1 and AMC3 ATC.210(c)(2) describes only the possibility to reduce horizontal separation minima in the vicinity of aerodrome. Reduction of vertical separation is not an option.

**Impact**

|          |   |
|----------|---|
|          | Inconsistent with AMC/ICAO.                           |
|          | <b>Suggested Resolution</b><br>Reword.                |
| response | Not accepted<br><br>See the response to comment #659. |

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.215**

p. 33-34

|          |   |   |
|----------|---|---|
| comment  | 823   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | <p>The proposal in this NPA suggests that the selection of separation minima for application within a given portion of airspace shall be made by the ATS provider responsible for the provision of ATS and approved by the competent authority concerned.</p> <p>The proposal does not match the text in Annex 11 which refers to the separation minima prescribed in provisions of the PANS-ATM. It is difficult to understand why the competent authority has to approve matters like this while it already is described in the proposed IR (AMC/GM) To introduce such a system that the competent authority has to approve already published separation minima will create an extra administrative burden for all concerned.</p> |   |
| response | <p>Noted</p> <p>The principle is already established in the EU regulatory context by SERA.8010 in Regulation (EU) No 923/2012 (SERA). This is a mirroring provision within Part-ATS which mainly concerns the selection of the minima when ATS surveillance services are provided.</p> <p>See also the response to comment #908.</p>  |   |

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.220**

p. 34

|         |  |                         |
|---------|--|-------------------------|
| comment | 82   | comment by: <i>HIAL</i> |
|         | <p><b>ATS.TR.220 Application of Wake Turbulence Separation</b></p> <p>HIAL concur with the UK CAA that whilst these wake turbulence categorisations pose a difference to the UK model detailed in CAP493. It may be opportune to consider the replacement of the UK bespoke scheme with those developed by EUROCONTROL. EUROCONTROL, in consultation with its Stakeholders, have developed a re-categorisation of ICAO wake turbulence longitudinal separation minima on approach and departure, called "RECAT-EU".</p> <p>Existing ICAO Wake Vortex separation (and therefore Part ATS) rules (based upon the Heavy, Medium and Light categorisation) were implemented over 40 years ago and have in some respect become outdated and lead to over separations in many instances. RECAT-EU is a new much more precise categorisation of aircraft for the traditional ICAO, whose aim is to safely increase capacity at airports by redefining wake turbulence categories and their associated</p> |                         |

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| response | <p>separation minimum.</p> <p>Noted</p> <p>In recognition of the content of the EASA Executive Director’s letter to the EASA Management Board dated 10 October 2014 titled ‘Aircraft Wake Turbulence Separation scheme ‘RECAT-EU’, EASA has introduced the new AMC7 ATS.TR.220 which allows, and an alternative to the ICAO-derived wake turbulence separation minima, the possibility to apply such scheme for the provision of wake turbulence separation.</p>  |
| comment  | <p>387 <span style="float: right;">comment by: DGAC</span></p> <p>It would be appropriate to recall RECAT-EU.</p>   |
| response | <p>Accepted</p> <p>See the response to comment #82.</p>   |
| comment  | <p>790 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.220 Application of wake turbulence separation</b></p> <p>The provision – already in SERA – was taken from various ICAO PANS, and condensed in a single item. The result is a general requirement, establishing the obligation to apply wake turbulence separation minima to any aircraft pair under a set of circumstances. Such a requirement is inevitably inconsistent with the corresponding AMC/GM, e.g. no WT separation minima are established between two light aircraft using the same runway. Nor could it be argued that the requirement is intended only for the cases detailed in AMC/GM, as such principle should then be applied to all cases where AMC/GM do not cover every possible application of a requirement. Moreover, what would be of requirements to which no AMC is established?</p> <p><b>PROPOSAL</b><br/>Transpose PANS-ATM as AMC.<br/>Revert to original text and meaning</p> |
| response | <p>Not accepted</p> <p>ATS.TR.220 specifies the circumstances when wake turbulence separation is applicable. In other circumstances, the separation between aircraft is to be provided according to the applicable horizontal and vertical separation minima, as specified in ATS.TR.215.</p>   |
| comment  | <p>910 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.TR.220 Application of wake turbulence separation</p> <p><b>CANSO Comment</b></p> <p>The provision – already in SERA – was taken from various ICAO PANS, and condensed in a single item. The result is a general requirement, establishing the obligation to apply wake</p>   |

turbulence separation minima to any aircraft pair under a set of circumstances. Such a requirement is inevitably inconsistent with the corresponding AMC/GM, e.g. no WT separation minima are established between two light aircraft using the same runway. Nor could it be argued that the requirement is intended only for the cases detailed in AMC/GM, as such principle should then be applied to all cases where AMC/GM do not cover every possible application of a requirement. Moreover, what would be of requirements to which no AMC is established?

**Impact**

Legal expansion of the responsibility of ANSPs/ATCOs beyond what operationally necessary.

Uncertainty on applicability and demonstration of compliance.

**Suggested Resolution**

Transpose PANS-ATM as AMC.

Revert to original text and meaning.

response Not accepted

See the response to comment #790.

comment 1338

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <b>(B) 1.1.4. Amendments to Annex IV - Subpart B - Technical requirements for providers of ATS (ATS.TR)</b><br><i>Section 2 - ATC service</i><br><br><b>ATS.TR.220</b> | The text of <b>ATS.TR.220</b> exception should be completed. | Doc 4444 section 5.8.1.1.a) considers the exception in ATS.TR.220, but not only for landing VFR, but besides it must be on the "same runway as a preceding landing HEAVY or MEDIUM aircraft". |

response Not accepted

Section 5.8.1.1 of ICAO PANS ATM has been transposed with rephrased to ensure clarity in the provision. The extract quoted in the justification to the comment was considered not clear and hence it was edited.

See also the response to comment #1377.

comment 1366

comment by: AESA / DSANA

| PART  | COMMENT                 | JUSTIFICATION  |
|---|-------------------------|--|
| <b>(B) 1.3. Amendments to the upcoming ED</b> | RECAT-EU should as well | Time-based and distance-based separation criteria and minima are |

|  |  |  |
|--|--|--|
| <p><b>Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC ATS.TR.220</i></p> | <p>be explicitly included as AMC to <b>ATS.TR.220</b>.</p>   | <p>included in AMC, as well as SUPER category (in accordance with ICAO), in order to leave flexibility for other schemes according to the <b>NPA 2016-09 Consultation Workshop</b> and <b>NPA 2016-09(A)</b>. This re-categorization is not limited to SUPER category, but implies a much more precise categorization of aircraft than traditional ICAO one.</p> <p>The re-categorization of wake turbulence (RECAT-EU) scheme was jointly developed by EUROCONTROL, EASA and the European Commission. Additionally, The EANPG addressed a proposal for amendment to <b>ICAO Doc 7030</b> allowing implementing this separation scheme with the expectation to increase the efficiency and underline the importance of the <b>ICAO WTSG</b> work. The proposed amendment was agreed (<b>EANPG Conclusion 58/05</b>). The explicit inclusion of these separation criteria is thus necessary for the sake of harmonization. Including RECAT-EU as AMC also leaves flexibility as well as a common framework within the States of the European Union.</p> |
| <p>response</p>  | <p>Accepted</p> <p>See the response to comment #82.</p>  |  |
| <p>comment</p>   | <p>1518 <span style="float: right;">comment by: <i>René Meier, Europe Air Sports</i></span></p> <p>Annex 11<br/>ATS.TR.220<br/>page 34/193</p> <p>Many thanks for the last sentence of this paragraph. We see that the texts of SERA.8012 and this ATS.TR.220 are not identical.</p> <p>Question: What does this mean to the flight crews addressed by this last sentence?</p> |  |
| <p>response</p>  | <p>Noted</p> <p>The proposal harmonises the provisions in SERA.8012 and in ATS.TR.220. There are specificities since ATS.TR.220 explicitly addresses the ATC units that are responsible for the</p>  |  |

application of the wake turbulence separation. When the provision was considered for transposition within SERA, it was acknowledged that the crew need to be aware of the cases when the wake turbulence separation should be applied. The proposed amendment to SERA.8012 describes the cases when such separation is not to be applied because the aircraft maintains own separation from the preceding aircraft. However, it shall be noted that the crew are supposed to have a certain awareness of the risks of wake turbulence.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.225** p. 34

comment

15

comment by: *Humberside Airport*

Page No: 34  
Para No: 1.1.4

**ATS.TR.225**

Comment:

The UK authorises some licenced and EASA Certified aerodromes that are situated within Class G airspace to provide a ‘control’ service to all aircraft, to IFR and VFR flights, vehicles and pedestrians. By definition within this regulation and EU 923/2012 a control service can only be provided at a ‘Controlled Aerodrome’ that must have associated CAS. To meet the requirements of this regulation CAS would have to be established or the service no longer provided. It is noted that any review and associated airspace change will take time to complete and a derogation to enable operations to continue as authorised today should be granted until any decision is made.

response

Noted

See the response to comment #985.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.230** p. 34-36

comment

521

comment by: *ATC the Netherlands*

|  |  |   |                        |
|--|--|---|------------------------|
| ATS.TR.230(a)(3)(ii)<br>Transfer of responsibility for control | Unnecessary requirement to transfer departing aircraft solely in accordance with the met conditions. | Unnecessary restriction on development of local procedures. | Remove or change to GM |
|--|--|---|------------------------|

response

Not accepted

The provision referred to in the comment covers both visual and instrumental meteorological conditions, as for each of them it establishes a certain number of options to be followed when transferring departing aircraft. The provision is a transposition of the



Standard in Section 3.6.1.3.2 of ICAO Annex 11 which shows how important the meteorological conditions are for the aviation operations, in particular for the arrival and departure phases of flight. EASA also considers this relevant for safety. It shall be noted that the analysis of differences to ICAO Annex 11 Standards filed by the EU Member States did not evidence the need for amending or downgrading (from Standard to Guidance Material) its regulatory force under the EU legislation.

comment

791

comment by: ENAV

**ATS.TR.230(a)(3)(ii) Transfer of responsibility for control  
Page 35**

Unnecessary requirement to transfer departing aircraft solely in accordance with the met conditions

**PROPOSAL**  
Remove or change to GM

response

Not accepted

See the response to comment #521.

comment

911

comment by: CANSO

ATS.TR.230(a)(3)(ii) Transfer of responsibility for control  
Page 35

**CANSO Comment**

Unnecessary requirement to transfer departing aircraft solely in accordance with the met conditions.

**Impact**

Unnecessary restriction on development of local procedures.

**Suggested Resolution**

Remove or change to GM.

response

Not accepted

See the response to comment #521.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.235**

p. 36-39

comment

79

comment by: HIAL



**ATS.TR.235 ATC clearances**

*Considering the definitions of 'ATC service', 'ATC clearance', 'ATC instruction' and 'aerodrome control tower', It is clear that the UK's current practise of permitting aerodrome FIS officers to issue instructions to aircraft, vehicles and persons on the ground is precluded by Part-ATS. This position has been confirmed by the CAA's Office of the General Counsel (OGC).*

**HIAL Position**

Removing the authority to provide GMC from AFISOs who provide AFIS at nine of our eleven airports would be a retrograde step which neither maintains nor enhances safety; it will result in reduced safety at AFIS only airports and at other airports where AFIS is provided outside of normal operational hours for Emergency Flights and Risk to Life Operations.

HIAL would support the CAA intent to gain agreement for the provision of control instructions to persons and vehicles on the manoeuvring area; having been advised by the CAA that ICAO's ATM Ops Panel are seeking to delete Circular 211-AN/128 (which supports the NPA proposal) and develop a manual which will be based upon the EUROCONTROL manual of Aerodrome FIS (which permits the 'movement of persons or vehicles including towed aircraft on the manoeuvring area...[to] be subject to authorization by the AFIS unit. '), HIAL supports CAA intent to engage with EASA and delay the implementation of any technical provisions relating to aerodrome FIS until the ICAO ATM Ops Panel concludes its work.

Specifically, HIAL agrees with the need to retain the concept and rationale for GMC under AFIS control as prescribed in the EUROCONTROL manual of Aerodrome FIS. This is a welcome development; as an ANSP we are supportive of any initiative, UK or otherwise, that introduces a level of standardisation, professional enhancement, and proportionate oversight within the AFISO qualification.

response

Noted

With regard to the management of vehicles and persons on the manoeuvring area at AFIS aerodromes, see the response to comment #239 in CRD 2016-09(A).

With regard to the ground control of aircraft at AFIS aerodromes, see the response to comment #234 in CRD 2016-09(A).

comment

175

comment by: *Civil Aviation Authority Norway*

To point (g)(1):

SERA.8015(e) specifies that clearances should be read back to "the air traffic controller" and ATS.TR.235(g) say that "The controller shall listen to the read-back..."

ATC clearances can be relayed by e.g. a FISO, AFISO or a Radio-operator. Since SERA.8015(e) and ATS.TR.235(g) only addresses "The controller", is it then obvious and clear that the requirement to read-back for the pilot also applies when clearances are relayed (without taking into account the transmitting unit) and that the requirement to "listen to the read-back...to ascertain that the clearance and/or instruction has been correctly acknowledged" also applies to those who relays the clearance or should this be stated somewhere? A reference here is the EUROCONTROL AFIS Manual para 3.7.4.



|          |   |
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|          | <p>As a follow up to this we propose to include a requirement (somewhere in Part ATS and/or SERA) for read back of safety related parts in the AFIS environment and we suggest that the following items always should be read back by the pilot:</p> <ul style="list-style-type: none"> <li>a. - All parts of a relayed ATC clearance</li> <li>b. - RWY in use</li> <li>c. - Altimeter setting</li> <li>d. - SSR-code</li> <li>e. - Transition level</li> </ul> <p>- And when European phraseology has been developed for AFIS, also the availability of the RWY like for instance "RWY FREE/OCCUPIED/AVAILABLE".</p> <p>See also the AFIS Manual para 3.7.4.</p>   |
| response | <p>Accepted</p> <p>Under the activities of RMT.0476, EASA is preparing an Opinion to introduce amendments to Regulation (EU) No 923/2012 (SERA). It includes a proposal for amendment to SERA.8015(e)(1), where the expression 'read back to air traffic controller' will be replaced with 'read back to ATS units'. With this amendment, the flight crew will have an obligation to read back safety-related parts of clearances to all transmitting units, including FIC and AFIS units.</p> <p>Moreover, it shall be noted that in Regulation (EU) 2016/1185 (SERA Part C) amending Regulation (EU) No 923/2012 the requirements in point (f) of SERA.14075 'Exchange of communications' mandate checking the correctness of the read-back with the communication procedure to be followed. These requirements are also applicable to the units providing FIS (i.e. FIC and AFIS unit).</p> <p>See also the response to comment #991 with regard to the relay of messages including clearances and instructions issued by other ATC units.</p> |
| comment  | <p>356 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>(5) (...) for flight in an uncontrolled airspace(...)"</p>   |
| response | <p>Not accepted</p> <p>ATS.TR.235 includes numerous point (5); it is not understood to which the comment refers. It shall also be noted that ATS.TR.235 concerns ATC clearances.</p>  |
| comment  | <p>411 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>NPA 2016-09(B) Page36</b><br/> <b>ATS.TR.235 ATC clearances</b><br/> <i>Comment: NPA 2016-09 neither relevant AMC cover requirement to include slot (CTOT) as a part of the air traffic control clearance according to CR (EU) 255/2010</i></p> </div> <p><b>(Article 6 General obligations of ATS units, 6) a) (a) where a flight is subject to an ATFM departure slot, that slot is included as part of the air traffic control clearance;</b></p>   |

response

Accepted

In order to ensure consistency with Article 6.6 of Regulation (EU) No 255/2010, the provision of point(b)(5) has been amended to explicitly mention the ATF departure slot within the 'any necessary instructions or information on other matters' to be indicated in the ATC clearances. It shall be noted that this requirement also exists in Chapter 8 of ICAO Doc 7030 EUR.

comment

501

comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)***Page No: 38****Paragraph No: ATS.TR.235**

**Comment:** In order to remove any doubt as to whether clearances should be read back when AFIS relay clearances from ATC, we suggest to add GM to the SERA provision (SERA.8015(e)) regarding read-back of clearances clarifying for the pilots the need for read-back without taking into account the transmitting unit. Also, as ATS.TR.235(g)(1) only applies to controllers, we suggest to add GM to this provision stating that special attention should be given to ensure that when clearances are not communicated directly from controller to pilot, the ATS provider should develop appropriate procedures to ensure that the requirements in ATS.TR.235(g)(1) are met.

In addition, we suggest separate provisions to be made in SERA section 7 Air traffic service regarding read-back of certain safety-related information such as;  
Runway-in-use,  
altimeter setting,  
SSR-code,  
transition level, and  
availability of the RWY at AFIS aerodromes as appropriate.

**Justification:** AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. AFIS would normally relay clearances from ATC to aircraft. Given the emphasis put on the issue read-back/hear-back in the above mentioned provisions we think the provisions should also encompass the whole chain of communication regarding clearances.

The provisions in SERA regarding read-back is to be found in Section 8 ATC service, and can then be said to be limited only to that service. As safety-related information is also transmitted from AFIS to aircraft, the need for provisions regarding read-back should also be found in the ATS section.

response

Accepted

See the response to comment #175.



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| comment  | <p>826 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>ATC clearances</p> <p>In the proposal the are requirement about ATC clearances. But the requirement on readback of clearances in PANS-ATM 4.5.7.5.1, 4.5.7.5.1.1 and 4.5.7.5.2 are excluded “Not transposed” without any explanation at all.</p> <p>Requirements without, for example:</p> <p>The controller shall listen to the readback to ascertain that the clearance or instruction has been correctly acknowledged by the flight crew and shall take immediate action to correct any discrepancies revealed by the readback.</p> <p>Are not safe.</p> <p>Proposal: Complement the requirement with requirements regarding readback.</p>  |
| response | <p>Not accepted</p> <p>As the referred ICAO PANS ATM provisions address the flight crew, and not the ATS, they were transposed into the EU legislation within point (e) of SERA.8015 in Regulation (EU) No 923/2012. Section 4.5.7.5.2.1 of ICAO PANS ATM, stipulating the responsibilities for the air traffic controller in this context are transposed as points (3) and (4) within the same point (e) of SERA.8015, and, as they address the ATS, duplicated in Part-ATS as points (1) and (2) of ATS.TR.235(g).</p> <p>See also the responses to comment #175 and to comment #104 in CRD 2016-09(A).</p>   |
| comment  | <p>1272 <span style="float: right;">comment by: <i>AUKFISO</i></span></p> <p>The Association of UK FISO’s welcomes the start of the process of bringing AFIS into regulation.</p> <p>Established 6 years ago, AUKFISO represents the interests of ALL AFIS units in the UK, and as such, all units are members of the association.</p> <p>Standardisation of regulation across Europe makes a lot of sense, and this first step is both long overdue, and a good starting point.</p> <p>Some recent in-depth work with the UK Civil Aviation Authority has highlighted one very important issue with the NPA (ATS.TR.235) is the potential removal of control on the ground of vehicles, personnel and in the case of the UK, aircraft to AFIS units.</p> <p>Since ground movement was introduced in the UK over 16 years ago, the is no Mandatory Occurrence Report (MOR) evidence of any accidents or incidents involving AFISO’s and aircraft whilst under the ‘control’ of the AFISO. What has come out of the work is the number of incidence of AFISO’s stopping runway incursions by both aircraft and vehicles. Whilst AUKFISO appreciates that ‘GMC’ is not needed at all aerodromes in Scandinavia/Northern Europe due to the layout of units built in the prolific building period of the 1960/70’s, the UK’s aerodromes were all built pre/during World War 2, and do not lend themselves to operate safely without GMC.</p> <p>Units have with guidnace from the CAA established robust procedures which, through unit</p> |

training plans and training, gives the pilot a safe environment in to which maneuvering on the aerodrome can be done safely.

If enforced, the implication of loss of GMC will have a major safety negative impact. Bringing in regulation which will reduce safety in a time of increased litigation and insurance claims will force many units to either drop to safety-com or in the worst cases quoted, close. This is not a sensible approach to improving flight safety!

The current Eurocontrol AFIS manual allows for the movement of vehicles and personnel, and as this is the base document for the upcoming ICAO replacement for Circular 22-1AN/128, it would make sense for the whole issue of GMC to be put on hold pending the outcome of this work.

AUKFISO looks forward to reading the results of this NPA, and we also look forward to the following stages which will hopefully include phraseology, licensing and training.

Kind regards

The 32 AFIS units of the United Kingdom

response

Noted

With regard to the management of vehicles and persons on the manoeuvring area at AFIS aerodromes, see the response to comment #239 in CRD 2016-09(A).

With regard to the ground control of aircraft at AFIS aerodromes, see the response to comment #234 in CRD 2016-09(A).

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.240

p. 39-40

comment

34

comment by: *Flughafen Berlin Brandenburg GmbH*

This wording within para (d)(1) implies a kind of circular reference as "[...] vehicles towing aircraft shall give way to aircraft [...] being towed."

The wording contained in ICAO Annex 11, section 3.8.4 a) describes the intention of that requirement more precisely:

"Vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing"

response

Accepted

The expression 'or being towed' has been removed from the provision. By this, coherence with the originating Standard in Section 3.8.4 of ICAO Annex 11 is established. EASA has ensured appropriate coordination with the activities undertaken by RMT.0476 to ensure that the same amendment is introduced in SERA.3210(d)(4).

comment

89

comment by: *HIAL*



**ATS.TR.240 Control of persons and vehicles at controlled aerodromes**

*Considering the definitions of 'ATC service', 'ATC clearance', 'ATC instruction' and 'aerodrome control tower', It is clear that the UK's current practise of permitting aerodrome FIS officers to issue instructions to aircraft, vehicles and persons on the ground is precluded by Part-ATS. This position has been confirmed by the CAA's Office of the General Counsel (OGC).*

**HIAL Position**

Removing the authority to provide GMC from AFISOs who provide AFIS at nine of our eleven airports would be a retrograde step which neither maintains nor enhances safety; it will result in reduced safety at AFIS only airports and at other airports where AFIS is provided outside of normal operational hours for Emergency Flights and Risk to Life Operations.

HIAL would support the CAA intent to gain agreement for the provision of control instructions to persons and vehicles on the manoeuvring area; having been advised by the CAA that ICAO's ATM Ops Panel are seeking to delete Circular 211-AN/128 (which supports the NPA proposal) and develop a manual which will be based upon the EUROCONTROL manual of Aerodrome FIS (which permits the 'movement of persons or vehicles including towed aircraft on the manoeuvring area...[to] be subject to authorization by the AFIS unit. '), HIAL supports CAA intent to engage with EASA and delay the implementation of any technical provisions relating to aerodrome FIS until the ICAO ATM Ops Panel concludes its work.

Specifically, HIAL agrees with the need to retain the concept and rationale for GMC under AFIS control as prescribed in the EUROCONTROL manual of Aerodrome FIS. This is a welcome development; as an ANSP we are supportive of any initiative, UK or otherwise, that introduces a level of standardisation, professional enhancement, and proportionate oversight within the AFISO qualification.

response

Noted

With regard to the management of vehicles and persons on the manoeuvring area at AFIS aerodromes, see the response to comment #239 in CRD 2016-09(A).

With regard to the ground control of aircraft at AFIS aerodromes, see the response to comment #234 in CRD 2016-09(A).

comment

100

comment by: *Belgocontrol*

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| <p>ATS.TR.240<br/>Control of persons and vehicles at controlled aerodromes</p> <p>Point (b)(2):<br/>minimum separation between vehicles and taxiing aircraft</p> | <p>During audits (BCAA) it is still observed that it is not always clear what exactly is understood under “minimum separation” (shall it be expressed in meters or is geographical separation by using taxi lights as a visual reference enough).<br/>Despite the fact that GM1 SERA 3210(d)(4)(ii)(b) gives clear guidance</p> | <p>Ambiguity about the implementation of this provisions, despite published GM</p> |
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response Noted  
See the response comment #301.

comment **119** comment by: *ACR AB*  
ACR suggest that the provision also should be applicable to AFIS under condition that control of persons and vehicles is conducted on a separate frequency. If not regulated by EASA, we suggest it should be possible for the states to decide.

response Accepted  
See the response to comment #239 in CRD 2016-09(A).

comment **301** comment by: *NATS National Air Traffic Services Limited*  
ATS.TR.240 Control of person and vehicles at controlled aerodromes (b)(2)  
Separation between vehicle and aircraft is not based on a separation standard so a minimum can't be defined.

**Recommendation**

Amend “minimum separation” to read:  
“the methods for separating vehicles and taxiing”

response Accepted  
In consideration of the practical difficulties with the interpretation of the current wording of the originating Standard in point (b) of Section 3.8.2 of ICAO Annex 11, EASA considers the proposal in the comment acceptable; therefore the text has been amended accordingly. Consequently, the text of SERA.3210(d)(4) is also proposed for amendment. It shall be noted that at this time such an amendment would constitute a common difference to the

originating ICAO Standard.

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| comment  | <p>302 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.TR.240 Control of persons and vehicles at controller aerodromes<br/>(b) (3)</p> <p>The use of the protection of the more restrictive ILS or MLS critical and sensitive areas does not align with 'Optimised Operations' as defined by Eurocontrol which permits the dynamic use of the smaller sensitive and critical areas if suitable for the pair of aircraft – aircraft on runway (size/effect on sensitive and critical areas) and aircraft on approach (type of approach being flown); this negates any benefit of MLS, and enhanced ILS procedures for no perceived safety benefit.</p> <p><b><u>Recommendation</u></b></p> <p>Add text:<br/>"Subject to approval by the competent authority, less restrictive critical and sensitive areas may be used provided they ensure the required level of protection".</p> |
| response | <p>Not accepted</p> <p>The requirement, which is already applicable as duplicated from SERA.3210(d)(4), does not include in its scope the exact size of 'sensitive areas', nor whether such size can be 'dynamic'. EASA recalls that in accordance with Annex VIII (Part-CNS) to Regulation (EU) 2017/373, such sensitive areas shall be established in accordance with relevant Standards in ICAO Annex 10. The wording in the requirement implies that during mixed ILS/MLS operations, always the more restrictive sensitive and critical area shall be protected. The proposal in the comment aims at putting the emphasis on the less restrictive areas, which EASA does not consider appropriate. Definitions of 'critical area' and 'sensitive area', identical to those in CS-ADR-DNS Issue 4, have been introduced to Part-ATS and to Regulation (EU) No 923/2012.</p> <p>See also the response to comment #567.</p>                 |
| comment  | <p>303 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>ATS.TR.240 Control of person and vehicles at controlled aerodromes<br/>(d)(1)</p> <p>There is a typographical error in here as the text effectively states</p> <p>"vehicles and <b>vehicles towing aircraft</b> shall give way to aircraft which are landing, taking off, taxiing <b>or being towed</b>"</p> <p>In other words, vehicles towing aircraft have to give way to aircraft being towed. it is unclear as to who gives way to whom.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to say:</p>  |

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| response | <p>"vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing".</p> <p>Accepted</p> <p>See the response to comment #34.</p>  |
| comment  | <p>388 <span style="float: right;">comment by: DGAC</span></p> <p>(1) vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off, taxiing or being towed;</p> <p>(2) vehicles shall give way to other vehicles towing aircraft;</p> <p>This formula is not conforming to ICAO; the text highlighted is not coherent with the following paragraph.<br/>In paragraph (1) DGAC requests the removal of "being towed" and proposes:<br/>(1) vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing;</p>   |
| response | <p>Accepted</p> <p>See the response to comment #34.</p>  |
| comment  | <p>479 <span style="float: right;">comment by: Avinor Air Navigation Services (Avinor Flysikring AS)</span></p> <p><b>Page No:</b> 39</p> <p><b>Paragraph No:</b> ATS.TR.240</p> <p><b>Comment:</b> We do not see any need to expand the text from ICAO Annex 11, section 3.8.4 a) with the additional words "or being towed" as in ATS.TR.240 (d)(1). The only circumstance this new provision covers, and which is not already covered in the other provisions, would be that vehicles towing aircraft shall give way to vehicles towing aircraft. We suggest to remove the new text.</p> <p><b>Justification:</b> This new text gives no guidance as how two vehicles towing aircraft should behave when meeting, and is thus regarded superfluous.</p> |
| response | <p>Accepted</p> <p>See the response to comment #34.</p>  |
| comment  | <p>522 <span style="float: right;">comment by: ATC the Netherlands</span></p>  |

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| <p>ATS.TR.240(b)(2)<br/>Control of person and vehicles at controlled aerodromes</p>  | <p>Separation between vehicle and aircraft is not based on a separation standard so a minimum can't be defined.</p> | <p>Problematic application.</p> | <p>APDSG WP68-06 reviewing source Annex 11 provision to assess practicality of a minimum standard. Replace words minimum separation with "the methods for separating vehicles and taxiing"</p> <p>Also to be adapted in SERA.3210(d)(4)(ii)(b)</p> |
| <p>Separation between vehicle and aircraft is either visual separation applied by the driver, or procedural separation denying the access of the vehicle to certain parts of the manoeuvring area.</p> |   |                                 |  |

response

Accepted  
See the response to comment #301.

comment

523

comment by: ATC the Netherlands

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| <p>ATS.TR.240(b)(3)<br/>Control of persons and vehicles at controlled aerodromes</p> | <p>'Optimised Operations' as defined by Eurocontrol permits the dynamic use of the smaller sensitive and critical areas if suitable for the pair of aircraft – aircraft on runway (size/effect on sensitive and critical areas) and aircraft on approach (type of approach being flown).</p> | <p>Would negate any benefit of MLS, and enhanced ILS procedures.</p> | <p>Suggest adding: "Subject to approval by competent authority, less restrictive critical and sensitive areas may be used provided they ensure the required level of protection".</p> |
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response

Not accepted  
See the response to comment #302.

comment

524

comment by: ATC the Netherlands

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| ATS.TR.240(d)(1) Control of person and vehicles at controlled aerodromes | Vehicles towing aircraft shall give way to aircraft being towed? | Problematic application. Remove “vehicles towing aircraft”. | Suggest: “vehicles shall give way to aircraft which are ...”.<br><br>Also to be adapted in SERA.3210(d)(4)(iv)(a) |
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response Accepted  
See the response to comment #34.

comment 525 comment by: *ATC the Netherlands*

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| ATS.TR.240(d) Control of person and vehicles at controlled aerodromes | This is a copy of the rules of the air on the manoeuvring area. These rules apply for drivers unless ATC instructs otherwise. These rules are not targeting ATC or ATS, so they shouldn't be transposed into part-ATS.<br><br>Furthermore, these rules also apply for uncontrolled aerodromes. | Inconsistent approach legislation | Remove from part-ATS |
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response Not accepted  
As explained, in Section 2.5 of NPA 2016-09(A), some provisions have been duplicated from relevant SERA requirements to ensure completeness of the text and to improve readability. The provisions in point (d) of ATS.TR.240 are considered to follow this principle. Removing only such point (d) from Part-ATS and leaving it only in Regulation (EU) No 923/2012 (SERA) might create legal uncertainty and confusion as to which principles are to be applied in the given context.  
See also the response to comment #34.

comment 567 comment by: *EUROCONTROL*

**ATS.TR.240 Control of persons and vehicles at controlled aerodromes - Page 39**

Section (b)(1)

The provision currently proposed in the NPA does not protect for LTS and OTS operations. Other low visibility operations such as SA CAT I and EFVS to touchdown, as currently discussed under the AWO RMT, would also be accommodated with the amendment



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|          | <p>proposed below.</p> <p>The EUROCONTROL Agency recommends to amend (b)(1) as follows:<br/>‘persons and vehicles operating on the manoeuvring area of an aerodrome shall be restricted to the essential minimum, and particular regard shall be given to the requirements to protect the ILS/MLS sensitive area(s) when low visibility approach operations are in progress;’</p> <p>Please note that the term ‘approach’ is included in the proposal to avoid protections during low visibility take off which do not request ILS or MLS.</p> <p><u>Section (b)(3)</u></p> <p>The EUROCONTROL Agency would like to add that, in its opinion, for SBAS EVS or for GBAS there is no additional low visibility protection to be added under low visibility conditions. This section of the NPA therefore fulfills the need.</p> |
| response | <p>Partially accepted</p> <p>Point (b)(1) has been amended in a way that to a great extent covers the proposal in the comment. The reference to ILS and MLS has been replaced by a general reference to radio navigation aids to cover all possible future operations based on technological developments. In addition, a new definition of ‘low-visibility operations’ has been added. Such a definition is identical to that developed by EASA under the activities of RMT.0379 ‘All-weather operations’. It has been consulted with the stakeholders within the activities of said RMT. Additionally, definitions for ‘sensitive area’ and ‘critical area’ have been added. See the response to comment #302.</p> <p>EASA notes the comment related to point (b)(3).</p>   |
| comment  | <p>709 <span style="float: right;">comment by: DTCA</span></p> <p>Ad ATS.TR.240, (b), (2)</p> <p>This requirement is one of the examples of double regulation (SERA and CRO), reference to SERA.3210(d)(4)(ii)(B).</p> <p>DTCHA propose that the very same requirement in the SERA-regulation (SERA.3210(d)(4)(ii)(B)) is deleted, for the reason that this requirement is directed towards and is the sole responsibility of the ATS-provider.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #525.</p>  |
| comment  | <p>789 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.240 Control of person and vehicles at controlled aerodromes (b)(2)</b><br/><b>Page 39</b></p> <p>Separation between vehicle and aircraft is not based on a separation standard so a minimum</p>   |

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|          | <p>can't be defined.</p> <p>Separation between vehicle and aircraft is either visual separation applied by the driver, or procedural separation denying the access of the vehicle to certain parts of the manoeuvring area.</p> <p>PROPOSAL</p> <p>APDSG WP68-06 reviewing source Annex 11 provision to assess practicality of a minimum standard.<br/>Replace words minimum separation with “the methods for separating vehicles and taxiing”</p> <p>Also to be adapted in SERA.3210(d)(4)(ii)(b)</p>   |
| response | <p>Accepted</p> <p>See the response to comment #301.</p>   |
| comment  | <p>792 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.240 Control of persons and vehicles at controller aerodromes (b) (3)</b><br/><b>Page 39</b></p> <p>‘Optimised Operations’ as defined by Eurocontrol permits the dynamic use of the smaller sensitive and critical areas if suitable for the pair of aircraft – aircraft on runway (size/effect on sensitive and critical areas) and aircraft on approach (type of approach being flown).</p> <p>PROPOSAL</p> <p>Add text:<br/>“Subject to approval by competent authority, less restrictive critical and sensitive areas may be used provided they ensure the required level of protection”.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #302.</p>   |
| comment  | <p>793 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.240(d) Control of person and vehicles at controlled aerodromes</b><br/><b>Page 39</b></p> <p>This is a copy of the rules of the air on the manoeuvring area. These rules apply for drivers unless ATC instructs otherwise. These rules are not targeting ATC or ATS, so they shouldn't be transposed into part-ATS.</p> <p>Furthermore, these rules also apply for uncontrolled aerodromes.</p> <p>PROPOSAL<br/>Remove from part-ATS</p>   |

response Not accepted  
See the response to comment #525.

comment 794 comment by: ENAV  
**ATS.TR.240(d)(1) Control of person and vehicles at controlled aerodromes**  
**Page 39**  
Vehicles towing aircraft have to give way to aircraft being towed.  
Amend text to say: “vehicles shall give way to aircraft which are ...”. Also to be adapted in SERA.3210(d)(4)(iv)(a)

response Accepted  
See the response to comment #34.

comment 827 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)  
The headline and the proposal in (a) is limited to ATC.  
However, as it comes to provide instructions and information from a AFIS unit this is certainly beneficial for the safety of movements on the manoeuvre area preventing hazards to them or aircraft landing, taxiing or taking off.  
Proposal:  
Either to change the headline and (a) or to include a new paragraph regarding the provision of AFIS and its task to prevent incidents and accidents on the manoeuvre area.

response Accepted  
See the response to comment #239 in CRD 2016-09(A).

comment 887 comment by: AIRBUS  
Airbus suggests to replace “Category II or Category III precision instrument operations” by “Low Visibility Operations” . This will cover SA-CAT 1 as per LVO definitions ( operations with RVR < 550m).  
For example, ATS.TR.240 (b)(1), we suggest to have the following wording:  
persons and vehicles operating on the manoeuvring area of an aerodrome shall be restricted to the essential minimum and in particular regard shall be given to the requirements to protect the ILS/MLS sensitive area(s) when **low visibility operations** are in progress.

We suggest the same changes for (b)(2) and (b)(3).

response Partially accepted



See the response #567.

comment 912

comment by: CANSO

ATS.TR.240 Control of person and vehicles at controlled aerodromes  
(b)(2)  
Page 39

**CANSO Comment**

Separation between vehicle and aircraft is not based on a separation standard so a minimum can't be defined.

Separation between vehicle and aircraft is either visual separation applied by the driver, or procedural separation denying the access of the vehicle to certain parts of the manoeuvring area.

**Suggested Resolution**

APDSG WP68-06 reviewing source Annex 11 provision to assess practicality of a minimum standard.

Replace words minimum separation with “the methods for separating vehicles and taxiing”

Also to be adapted in SERA.3210(d)(4)(ii)(b)

response

Accepted

See the response to comment #301.

comment 913

comment by: CANSO

ATS.TR.240 Control of persons and vehicles at controller aerodromes  
(b) (3)  
Page 39

**CANSO Comment**

‘Optimised Operations’ as defined by Eurocontrol permits the dynamic use of the smaller sensitive and critical areas if suitable for the pair of aircraft – aircraft on runway (size/effect on sensitive and critical areas) and aircraft on approach (type of approach being flown).

**Impact**

Would negate any benefit of MLS, and enhanced ILS procedures.

**Suggested Resolution**

Add text:

“Subject to approval by competent authority, less restrictive critical and sensitive areas may be used provided they ensure the required level of protection”.

response

Not accepted

See the response to comment #302.



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| comment  | <p>914</p> <p>ATS.TR.240(d) Control of person and vehicles at controlled aerodromes<br/>Page 39</p> <p><b>CANSO Comment</b><br/>This is a copy of the rules of the air on the manoeuvring area. These rules apply for drivers unless ATC instructs otherwise. These rules are not targeting ATC or ATS, so they shouldn't be transposed into part-ATS.</p> <p>Furthermore, these rules also apply for uncontrolled aerodromes.</p> <p><b>Impact</b><br/>Inconsistent approach legislation</p> <p><b>Suggested Resolution</b><br/>Remove from part-ATS.</p> | comment by: <i>CANSO</i> |
| response | <p>Not accepted</p> <p>See the response to comment #525.</p>   |                          |

|          |   |                          |
|----------|---|--------------------------|
| comment  | <p>915</p> <p>ATS.TR.240(d)(1) Control of person and vehicles at controlled aerodromes<br/>Page 39</p> <p><b>CANSO Comment</b><br/>Vehicles towing aircraft have to give way to aircraft being towed.</p> <p><b>Impact</b><br/>It is unclear as to who gives way to whom.</p> <p><b>Suggested Resolution</b><br/>Amend text to say: "vehicles shall give way to aircraft which are ....".<br/>Also to be adapted in SERA.3210(d)(4)(iv)(a).</p> | comment by: <i>CANSO</i> |
| response | <p>Accepted</p> <p>See the response to comment #34.</p>   |                          |

|         |  |                                   |
|---------|--|-----------------------------------|
| comment | <p>1466</p> <p>ATS.TR.240 (d)<br/>Not clear who shall give way to whom.</p> <p>Suggestion: revert to Annex 11 wording.<br/><a href="#">Annex 11. 3.8.4</a></p> | comment by: <i>HungaroControl</i> |
|---------|--|-----------------------------------|

a) vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing;

b) vehicles shall give way to other vehicles towing aircraft;

c) vehicles shall give way to other vehicles in accordance with ATS unit instructions;

d) notwithstanding the provisions of a), b) and c), vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome control tower.

response

Accepted

See the response to comment #34.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.245**

p. 40

comment

596

comment by: EUROCONTROL

**ATS.TR.245 Use of surface movement surveillance equipment at aerodromes - Page 40**

The EUROCONTROL Agency highlights the following point: although ATS.TR.245 corresponds to a requirement, the use of the expression 'where deemed necessary' suggests the contrary. It is therefore suggested to remove this condition.

Referring to the statement 'in the absence of visual observation of all or part of the manoeuvring area, or to supplement visual observation, advanced surface movement guidance and control systems (A-SMGCS), or other suitable surveillance equipment, shall be utilised by the ATS provider', the EUROCONTROL Agency is of the opinion that an inconsistency is created with the ADR rule which does not refer to A-SMGCS. It is proposed to consider this comment as part of the AWO RMT consultation.

response

Not accepted

The rationale behind the introduction of this requirement is provided in Section 2.7.1.4.2 of NPA 2016-09(A), with an emphasis on the implementation of the A-SMGCS technology, as also foreseen in Regulation (EU) No 716/2014 (Pilot Common Project).

EASA is in the process of considering alignment between Part-ATS and Regulation (EU) No 139/2014 on this subject.

comment

795

comment by: ENAV

**ATS.TR.245 Use of surface movement surveillance equipment at aerodromes  
Page 40**

There is no reason to substitute the ICAO reference to SMR with A-SMGCS:

Reg 2014/139 ADR.OPS.B.030 applies to certain aerodromes only and is about SMGCS, not A-SMGCS. A-SMGCS is not only a surveillance equipment, but the combination of many constituents;

- Guidance material is about SMR and not A-SMGCS. GM is not sufficient to consider the SMR as a suitable surveillance equipment as required by the proposed rule, so



|          |   |
|----------|---|
|          | <p>that the usage of SMR for what in (a), (b) and (c) becomes debatable;<br/>With reference to the expression “other suitable surveillance equipment”, SMR is still the main pillar of the surveillance functions that can be performed with A-SMGCS. AMC is required to define what type of surveillance can be used (Multilateration?);</p> <p>The procedures included in GM (and not in AMC) come from PANS-ATM Chapter 8 ATS Surveillance Services. Here such scope is lost, with significant side effects: for example, it is not clear whether identification procedures apply.</p> <p>PROPOSAL<br/>Reinstate original ICAO wording.<br/>Transpose PANS-ATM as AMC.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #596.</p>  |
| comment  | <p>829 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The requirement states:<br/>Where deemed necessary, in the absence of visual observation of all or part of the manoeuvring area, or to supplement visual observation, <b>advanced surface movement guidance and control systems (A-SMGCS)</b>, or other suitable surveillance equipment, shall be utilised by the ATS provider in order to:...</p> <p>The recommendation in Annex 11 states<br/><b>surface movement radar (SMR)</b> or other suitable surveillance equipment, should be utilized to:...</p> <p>SMR is a source just like other suitable surveillance equipment. A-SMGCS is a specific surveillance system that can use several different sources. The change in the text leads to a extensive change in the requirement that costs money because all ATS providers using surface movement surveillance equipment at aerodromes have to install A-SMGCS.</p> <p>Proposal: Change the requirement to an AMC with “should” and use the ICAO text surface movement radar (SMR) in the AMC.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #596.</p>  |
| comment  | <p>890 <span style="float: right;">comment by: <i>AIRBUS</i></span></p> <p><u>Comment</u><br/>The requirements for use of surface movement surveillance equipment at aerodrome: must clearly describe the conditions for the use of A-SMGCS, in particular when low visibility operations and no specific procedure for uncontrolled surface movement is applied.</p> <p><u>Proposal</u></p>  |

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|          | <p>Please make the following changes:</p> <p><del>When deemed necessary</del>, in the absence of visual observation of all or part of the manoeuvring area <b>and no procedure ensuring uncontrolled surface movement</b>, or to supplement visual observation, advance surface movement guidance and control systems (A-SMGCS), or other suitable surveillance equipment shall be utilised by ATS provider in order to:</p>  |
| response | <p>Not accepted</p> <p>The proposed amendment in the comment implies that aerodromes where there is no visual observation of parts of the manoeuvring areas would be obliged to install A-SMGCS, or other suitable surveillance equipment. This would likely bring a significant impact to aerodromes with low or medium traffic density. In this context, EASA deems appropriate to allow a certain level of flexibility.</p> <p>It shall also be noted that ATS.TR.240 is applicable at all aerodromes where ATC service is provided, and that the control of vehicles and persons on the manoeuvring area is required at all times, in accordance with point (a) of such provision.</p>  |
| comment  | <p>917 <span style="float: right;">comment by: CANSO</span></p> <p>ATS.TR.245 Use of surface movement surveillance equipment at aerodromes<br/>Page 40</p> <p><b>CANSO Comment</b></p> <p>There is no reason to substitute the ICAO reference to SMR with A-SMGCS:</p> <p>Reg 2014/139 ADR.OPS.B.030 applies to certain aerodromes only and is about SMGCS, not A-SMGCS. A-SMGCS is not only a surveillance equipment, but the combination of many constituents;</p> <ul style="list-style-type: none"> <li>• Guidance material is about SMR and not A-SMGCS. GM is not sufficient to consider the SMR as a suitable surveillance equipment as required by the proposed rule, so that the usage of SMR for what in (a), (b) and (c) becomes debatable;</li> </ul> <p>With reference to the expression “other suitable surveillance equipment”, SMR is still the main pillar of the surveillance functions that can be performed with A-SMGCS. AMC is required to define what type of surveillance can be used (Multilateration?);</p> <p>The procedures included in GM (and not in AMC) come from PANS-ATM Chapter 8 ATS Surveillance Services. Here such scope is lost, with significant side effects: for example, it is not clear whether identification procedures apply.</p> <p><b>Impact</b><br/>Uncertainty on applicability and demonstration of compliance.</p> <p><b>Suggested Resolution</b><br/>Reinstate original ICAO wording.<br/>Transpose PANS-ATM as AMC.</p> |

response Not accepted  
See the response to comment #596.

comment 1545 comment by: *European Transport Workers Federation - ETF*  
It is not limited to ATC and it should be moved to another section. AFIS units could also use surface movement surveillance.

response Noted  
Nothing prevents AFIS units from using surveillance equipment (including A-SMGCS) for the purposes of providing FIS. See point (d)(1) of AMC1 ATS.TR.160(a) ATS surveillance services - FUNCTIONS OF THE ATS SURVEILLANCE SYSTEMS IN ATS as proposed in NPA 2016-09(B).

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.250** p. 40

comment 1339 comment by: *AESA / DSANA*

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.1.4. Amendments to Annex IV - Subpart B - Technical requirements for providers of ATS (ATS.TR) Section 2 - ATC service</b><br><b>ATS.TR.250</b> | In ATS.TR.250(b) the words "without delay" from Doc 4444 section 6.2.1 have been deleted and this can be important because the idea of providing that information immediately has disappeared. | As already said, this can be important because the idea of providing that information immediately has disappeared. |

response Accepted  
The provision has been amended accordingly.

comment 1468 comment by: *HungaroControl*  
ATS.TR.250: Essential traffic and essential local traffic are different, it should be regulated in 2 different points or the title of this point should be amended to 'Essential traffic and essential local traffic'.  
  
Rationale: According to PANS ATM, essential traffic information is a communication transmission to controlled flights, which are not separated or there is reasonable assurance that they will not be separated according to the defined minimum. On the other hand, essential local traffic is a traffic situation unique to an aerodrome environment not implying loss of separation by any means. Therefore, essential traffic information is not applicable to



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|          | essential local traffic. Because the title says Essential traffic information, we recommend splitting there two points to separate IR's.   |
| response | <p>Partially accepted</p> <p>It shall be noted that point (a) of ATS.TR.250 addresses essential traffic, while point (b) addresses information on essential local traffic. The associated AMC and GM to ATS.TR.250 provide a description of the meaning of 'essential traffic' and 'essential local traffic', as well as the description of the elements for the provision of such information.</p> <p>In order to emphasise the differences between the two, the title of the provision has been amended.</p> |

## 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.255

p. 40

|          |  |
|----------|--|
| comment  | <p>420 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>General point with Parallel runway operations ATS.TR.255: A lot of changes were proposed by the ICAO Europe Parallel Runway Task Force (IPAO TF), which was set up a few years ago to update the ICAO docs on this matter in order to enable parallel runway operations in a more suitable way and adapt the rules to the technological and operational progress and state of the art. They have already been extensively discussed among experts from across Europe.</p> <p>ATS.TR.255 is a good hook in the IR, however for the AMC a more flexible approach should be made feasible in EU-law than just copy-pasting the PANS-ATM. Germany has filed some differences to the relevant ICAO PANS-ATM chapters and will not be in a position to keep them with this way of transposition into EU-law. This will - among other - cause severe effect to the traffic capacity to be handled.</p> <p>Within the explicit comments to the AMC we point out where beneficial adaptation should be made, that were also brought to EANPG COG Independent Parallel Approach Operations Task Force and SASP WG. The relevant ICAO State Letter will be issued in the coming months and changes will be available by 2018. DFS requests EASA to reflect this when updating the draft regulatory measures.</p> |
| response | <p>Noted</p> <p>RMG.0464 was fully aware of the outcome of the ICAO IPAO TF and that their proposals were supported by the EANPG and forwarded to ICAO SASP. At the time the transposition from ICAO provisions was conducted for the purposes of NPA 2016-09, the discussions in the ICAO SASP on the subject were not close to conclusion. While acknowledging that implementation in some States may be affected by using as a baseline the ICAO provisions at the time of the transposition, the RMG underlined that options exist for those States to file alternative means of compliance, if need be.</p> <p>On 3 August, ICAO published State Letter AN 13/2.5-17/85 which includes, inter alia, proposed amendments to various provisions included in PANS ATM Section 6.7 'Operations on parallel or near-parallel operations'. With NPA 2016-09, many of such provisions were</p>   |



proposed for transposition as AMC and GM to ATS.TR.255. EASA will closely monitor the processes in ICAO and will timely amend Part-ATS and the related AMC and GM to ensure synchronisation with the amended ICAO provisions, as necessary. Depending on the timing, this might be done within the context of the RMT.0464 activities or, should ICAO delay the adoption of these amendments, the changes could be accommodated through the maintenance mechanism (RMT.0719).

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| comment  | <p>481 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 40</p> <p><b>Paragraph No:</b> ATS.TR.255</p> <p><b>Comment:</b> We generally support the inclusion of this new provision. However, as we think the wording could possibly be interpreted as to meaning standard arrival or departure routes, we suggest to add the words "Operational procedures for independent or dependent approaches or departures to/from.....etc" for clarifications.</p> <p><b>Justification:</b> If there is a possibility that the text of the suggested provision is unclear, additional text for the sake of clarification should be added.</p>     |
| response | <p>Partially accepted</p> <p>Inasmuch as the concern is understood, the emphasis should nevertheless remain on 'operations'.</p> <p>The text of ATS.TR.255 has been amended as follows:</p> <p>'When independent or dependent operations on instrument approach or departure procedures to/from parallel or near-parallel runways are used, procedures shall be established by the ATS provider and approved by the competent authority'.</p>   |
| comment  | <p>830 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>This new requirement states:<br/>Independent or dependent approaches or departures to/from parallel or near-parallel runways shall be established by the ATS provider <b>and approved by the competent authority</b>. There is no safety need that this shall be approved by the competent authority. ICAO does not state that the competent authority shall approve this.<br/>Proposal: Regulate this as a requirement on ATS provider and let the competent authority verify that the ATS providers are following the requirement via oversight.</p> |
| response | <p>Not accepted</p> <p>The use of the expression is consistent with the transposition of the requirements stemming from the use of the ICAO term 'appropriate ATS authority' in other ATM-related EU legislation. In addition, in accordance with provisions on assessment of changes to the ANS provider's functional system in Annex II (Part-ATM/ANS.AR) to Regulation (EU) 2017/373, the</p>  |



competent authority has specific responsibilities, which are applicable also to this requirement.

**1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.260**

p. 40-41

|          |   |  |
|----------|---|--|
| comment  | <p>16</p> <p>Page No: 40<br/>Para No: 1.1.4</p> <p><b>ATS.TR.260</b><br/>Comment:</p> <p>Even though HUY only has a Class G ATZ and is situated within Class G airspace, HUY is a UK authorised EASA Certified Aerodrome and the HUY Certified ANSP, with EU 340/2015 certified air traffic controllers, always selects the runway in use.</p>  | comment by: <i>Humberside Airport</i>                                    |
| response | Noted   |  |
| comment  | <p>120</p> <p>ACR suggest that the selection of runway in use should be applicable for both ATC and AFIS.</p>   | comment by: <i>ACR AB</i>  |
| response | <p>Partially accepted</p> <p>See the responses to comments #162 in CRD 2016-09(A) and #274.</p>   |  |
| comment  | <p>482</p> <p><b>Page No:</b>40</p> <p><b>Paragraph No:</b> ATS.TR.260</p> <p><b>Comment:</b> We suggest to move this provision to section 1 in order for the provision to be applicable not only to ATC, but also to AFIS. The text should subsequently be amended to include AFIS.</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> <p>Although it will be the responsibility of the pilot to select the runway for landing at AFIS airports, the unit providing AFIS will normally select a runway-in-use and inform the pilot. This would also be in line with the proposed provision in ATS.TR.305 (c)(2).</p> | comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i> |
| response | Partially accepted  |  |



See the response to comment #274.

comment 988

comment by: UK CAA

**Paragraph No:** ATS.TR.260 point (e)

**Comment:** ATS.TR.260 point (e) refers to ‘air traffic conditions’ but it is not clear as to what this term means and its inclusion is not consistent with the source ICAO PANS-ATM text (7.2.2). Traffic complexity, task complexity, traffic density, airspace density and/or complexity, airspace classification considerations are all factors that could be interpreted as forming part of ‘air traffic conditions’. Whilst the UK CAA can see the benefit of including ‘air traffic conditions’ as one of the considerations in runway selection, we believe that EASA should provide GM to better explain what is meant by this term.

**Justification:** Clarity and completeness of EU Regulatory materials.

response Accepted

GM1 ATS.TR.260(e) has been introduced to indicate factors to be considered when evaluating air traffic conditions.

comment 1546

comment by: European Transport Workers Federation - ETF

It is not limited to ATC and it should be moved to another section.

response Noted

See the response to comment #274.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.265

p. 41

comment 526

comment by: ATC the Netherlands



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|--|---|---|--|
| <p>ATS.TR.265(a)(1)<br/>Control of aerodrome surface traffic in conditions of low visibility</p> | <p>It is unclear how to interpret this rule at airports which taxiways intersections are not fully equipped with intermediate holding positions, stop bar or taxiway intersection markings.</p> <p>A modern A-SMGCS can be used as alternative as it is approved as a means to continue visual separation (ref. doc 7030 EU section, 6.5.7.1)</p> | <p>In case an A-SMGCS is not allowed to be used as alternative, this rule requires a lot of investment on airport infrastructure while the current operation is already safe and efficient.</p> | <p>Convert to AMC under ATS.TR.210 and allow for other possibilities for meeting the holding position limits of taxiways during LVP, thus without the extensive use of intermediate holding positions, stopbars and taxiway intersection markings.</p> <p>Otherwise delete “defined by intermediate holding positions, stop bar or taxiway intersection marking according to the applicable aerodrome design specifications”</p> |
|--|---|---|--|

response

Not accepted

The provision clearly stipulates that the holding positions, intermediate holding positions, stop bars or taxiway intersection markings are to be established in accordance with the applicable aerodrome design specifications. Such specifications are provided in:

- CS ADR-DSN.L.580 ‘Intermediate holding position marking’;
- CS ADR-DSN.M.730 ‘Stop bars’;
- CS ADR-DSN.M.735 ‘Intermediate holding position lights’,

of EASA ED Decision 2016/027/R ‘Certification Specifications and Guidance Material for Aerodromes Design (CS-ADR-DSN), which are related to Regulation (EU) No 139/2014.

comment

634

comment by: EUROCONTROL

**ATS.TR.265 Control of aerodrome surface traffic in conditions of low visibility - Page 41 Section (b)**

The EUROCONTROL Agency submits two proposals:

- to include the preparation phase in the low visibility procedures (such provision already exists in ICAO EUR Doc 013 and has been proposed in AWO RMT for the ADR rule);
- to replace ‘...precision approach category II/III operations as well as departure operations in RVR conditions less than a value of 550 m...’ by ‘...low visibility operations...’



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| response | <p>Partially accepted</p> <p>With regard to the proposal to include the preparation phase, EASA does not deem necessary to include it within the Part-ATS requirements since, as the comment correctly underlines, it is being dealt with under RMT.0379 ‘All-weather operations’. The Part-ATS provision addresses the service provision when low-visibility operations are conducted.</p> <p>With regard to the proposal to introduce the term ‘low-visibility operations’, see the response to comment #567.</p>  |
| comment  | <p>796 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.265(a)(1) Control of aerodrome surface traffic in conditions of low visibility</b><br/><b>Page 41</b></p> <p>It is unclear how to interpret this rule at airports which taxiways intersections are not fully equipped with intermediate holding positions, stop bar or taxiway intersection markings.</p> <p>A modern A-SMGCS can be used as alternative as it is approved as a means to continue visual separation (ref. doc 7030 EU section, 6.5.7.1)</p> <p>PROPOSAL</p> <p>Convert to AMC under ATS.TR.210 and allow for other possibilities for meeting the holding position limits of taxiways during LVP, thus without the extensive use of intermediate holding positions, stopbars and taxiway intersection markings.</p> <p>Otherwise delete “defined by intermediate holding positions, stop bar or taxiway intersection marking according to the applicable aerodrome design specifications”</p> |
| response | <p>Not accepted</p> <p>See the response to comment #526.</p>   |
| comment  | <p>897 <span style="float: right;">comment by: AIRBUS</span></p> <p><u>Comment</u></p> <p>This change is proposed to cover the longitudinal separation on ground when low visibility conditions for the operation with lower than standard aerodrome operating minima (RVR), e.g. operation with operational credit.</p> <p>in coordination with the aerodrome operator, provisions applicable to the start and the continuation of low-visibility operations shall be established by the ATS provider and approved by the competent Authority.</p> <p><u>Proposal</u></p> <p>(b) in coordination with the aerodrome operator, provisions applicable to the start and the continuation of <del>precision approach CAT II/III and as well as departure operations in RVR conditions less than a value of 550m</del> <b>low visibility operations</b> shall be established by the ATS provider and approved by the competent authority.</p>  |

response Accepted  
See the response to comment #567.

comment 918 comment by: CANSO  
ATS.TR.265(a)(1) Control of aerodrome surface traffic in conditions of low visibility  
Page 41

**CANSO Comment**  
It is unclear how to interpret this rule at airports which taxiways intersections are not fully equipped with intermediate holding positions, stop bar or taxiway intersection markings.

A modern A-SMGCS can be used as alternative as it is approved as a means to continue visual separation (ref. doc 7030 EU section, 6.5.7.1).

**Impact**  
In case an A-SMGCS is not allowed to be used as alternative, this rule requires a lot of investment on airport infrastructure while the current operation is already safe and efficient.

**Suggested Resolution**  
Convert to AMC under ATS.TR.210 and allow for other possibilities for meeting the holding position limits of taxiways during LVP, thus without the extensive use of intermediate holding positions, stopbars and taxiway intersection markings.

Otherwise delete “defined by intermediate holding positions, stop bar or taxiway intersection marking according to the applicable aerodrome design specifications” .

response Not accepted  
See the response to comment #526.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.270

p. 41-42

comment 17 comment by: Humberside Airport  
Page No: 41  
Para No: 1.1.4

**ATS.TR.270**

Comment:  
VFR and Special VFR flights are not allowed within to operate Class A CAS. Therefore, for accuracy, it is suggested that the first sentence of ATS.TR.270 (a) should be amended to state:

"Special VFR flights may be authorised to operate within a control zone with airspace classification B, C and D, subject to ATC clearance."



Justification:  
VFR and Special VFR flights are not allowed to operate within Class A CAS.

response Partially accepted

A definition of ‘control zone’, identical to the definition in ICAO PANS ATM and in Article 2(61) of Regulation (EU) No 923/2012 is proposed to be introduced to Regulation (EU) 2017/373 with Opinion No 02/2018 stemming inter alia from RMT.0445 on Part-ASD, thus clarifying the controlled airspace in the control zone. The same definition is proposed, for procedural reasons, also with Part-ATS. In addition, a definition of ‘controlled airspace’ is already included in Regulation (EU) 2017/373 which clarifies the concern expressed in the comment. EASA does not deem necessary to explicitly mention the airspace classes within this provision, since in the airspace classification established in SERA.6001 of and in Appendix 4 to Regulation (EU) No 923/2012, it is stipulated that VFR flights, including Special VFR flights, shall not operate within Class A airspace.

comment 101 comment by: *Belgocontrol*

|  |   |  |  |
|--|---|--|--|
| <p>ATS.TR.270<br/>Authorisation of special VFR</p> | <p>Point (c):<br/>Requests for Special VFR authorisation shall be handled <b>individually</b> could mean:<br/>-Depending ATC’s judgement to authorise a particular pilot to fly Special VFR or not , or<br/>-The authorisation is granted to 1 ACFT at the time</p> | <p>Ambiguous regulation<br/>(‘individually’)</p> | <p>Rephrase the provision in order to remove the ambiguity or define the term “individually”.</p> <p>In general, the application of SVFR remains not clear. CANSO/EASA should consider to set up a working group about SVFR application.</p> |
|--|---|--|--|

response Not accepted

The meaning of the term ‘individually’ in the context of the provision is clear; it implies that each VFR flight shall receive a clearance in order to operate as Special VFR flight in control zone.

comment 410 comment by: CAA CZ

**Comment:** Duplication of CR, for example requirements for „special VFR“:

See draft **ATS.TR.270 Authorisation of special VFR** versus **Regulation (EU) No 923/2012 SERA.5010 Special VFR in control zones**.

response Noted

See the response to comment #147 in CRD 2016-09(A).

comment 719

comment by: DTCA

Ad

- Part (A) Section 2 — ATC service, para 2.7.1.4.2, Page 43 mid, concerning SERA.5010, and
- Part (B) ATS.TR.270

The wording "textual modifications from Sections 7.14.1, 7.14.1.1, and 7.14.1.3 of PANS ATM" implies an interpretation of the PANS-ATM provisions. As the concrete example, PANS-ATM para 7.14.1.3 includes "cross a control zone". This specific part is not transferred to the SERA-regulations, but is dealt with in SERA GM.

DTCHA therefore propose that the content of the said GM regarding "cross a control zone" be incorporated into the SERA.5010 as a new para d), ref. Regulation 2016/1185 and ED Decision 2016/023/R:

"an air traffic control unit may issue a special VFR clearance for a flight crossing the control zone and not intending to take off or land at an aerodrome within a control zone, or enter the aerodrome traffic zone or aerodrome traffic circuit when the flight visibility reported by the pilot is not less than 1 500 m, or, for helicopters, not less than 800 m."

response Not accepted

The provision generally covers operations within a control zone, which includes all types of operations listed in the comment. The associated GM1 ATS.TR.270(a)(3), identical to GM1 SERA.5010(c), provides guidance for specific cases where the visibility reported at the aerodrome might be less than 1 500 m, but the in-flight visibility reported by the pilot is not less than 1 500 m. Such cases may occur in control zones with relatively large dimensions, for which EASA has provided such guidance on how to handle Special VFR when requesting to cross control zones.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 2 - ATS.TR.275

p. 42

comment 42

comment by: Harald GERBAUTZ

ad ATS.TR.275 (a):

for safety reasons this provision should also be applicable for (A)FISOs and not solely for controllers.

response Accepted

For consistency, the content of the proposed ATS.TR.275 has been moved to the requirements in Subpart B, Section 1, as the new points (f) and (g) of the IR addressing 'ATS surveillance services'. These requirements have been amended to extend their applicability



to ATS units providing ATS surveillance services, as well as to improve readability.

comment 143

comment by: *IFATCA*

|                           |  |  |
|---------------------------|--|--|
| <b>ATS<br/>TR<br/>275</b> | <b>ATS.TR.275 Pressure-altitude-derived level information</b><br>(a) Unless otherwise prescribed by the competent authority, verification of the pressure-altitude-derived level information displayed to <b>the controller</b> shall be effected at least once by each suitably equipped ATC unit on initial contact with the aircraft concerned or, if this is not feasible, as soon as possible thereafter. | For safety reasons is it enough to be displayed only for the controller. Could this provision as well be extended to other operators e.g. (A)FISOs |
|---------------------------|--|--|

response Accepted

See the response to comment #42.

comment 208

comment by: *Slawomir BALAZY*

(a) verification of the pressure-altitude-derived level information displayed is also relevant for ATS (FIS).

response Accepted

See the response to comment #42.

comment 357

comment by: *Michal SLOJEWSKI*

Relevant also for (enroute/area) FIS

response Accepted

See the response to comment #42.

comment 448

comment by: *EASA Focal Point for AustroControl ANSP-issues*

Page 42, ATS.TR.275, Par (a):.. displayed **to the controller** shall be effected .....

Remark:

For safety reasons this provision should also be applicable for (A)FISOs and not solely for controllers.

Proposed Resolution:

*For (A)FISOs and controllers...*

response Accepted



See the response to comment #42.

comment 483 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*

**Page No:**42

**Paragraph No:** ATS.TR.275

**Comment:** We suggest to move this provision to section 1 in order for the provision to be applicable not only to ATC, but also to AFIS. The text should subsequently be amended to include AFIS.

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

As surveillance systems may be used also in the provision of AFIS, the provisions should also be applicable to AFIS in order to support the requirements in ATS.TR.305 (a)(8). See also our comments to ATS.TR.160 on this issue.

response Accepted

See the response to comment #42.

comment 527 comment by: *ATC the Netherlands*

|   |  |                                   |                            |
|---|--|-----------------------------------|----------------------------|
| ATS.TR.275<br>Pressure-altitude-derived level information | This IR describes how to interpret level information gathered from an ATS surveillance system. Although this is ATC related, this IR clearly should be part of the ATS surveillance services (ATS.TR.160). Other ATC-specific items of ATS surveillance services, like vectoring, are also included in ATS.TR.160. | Inconsistent approach legislation | Move this IR to ATS.TR.160 |
|---|--|-----------------------------------|----------------------------|

response Accepted

See the response to comment #42.

comment 685 comment by: *Dimitris ARVANITIS*

**Reference ATS.TR.275 (a), "controller":** For safety reasons this provision should also be applicable to FISOs and AFISOs and not solely to controllers.

response Accepted



See the response to comment #42.

|          |   |                                  |
|----------|---|----------------------------------|
| comment  | 748   | comment by: <i>Maciej Drózdź</i> |
|          | (a) ATS instead of ATC. The term ATC doesn't cover Flight Information Service |                                  |
| response | Accepted  |                                  |
|          | See the response to comment #42.  |                                  |

|          |  |                         |
|----------|--|-------------------------|
| comment  | 797  | comment by: <i>ENAV</i> |
|          | <b>ATS.TR.275 Pressure-altitude-derived level information</b>  |                         |
|          | <b>Page 42</b>   |                         |
|          | This IR describes how to interpret level information gathered from an ATS surveillance system. Although this is ATC related, this IR clearly should be part of the ATS surveillance services (ATS.TR.160). Other ATC-specific items of ATS surveillance services, like vectoring, are also included in ATS.TR.160. |                         |
|          | PROPOSAL   |                         |
|          | Move this IR to ATS.TR.160   |                         |
| response | Accepted   |                         |
|          | See the response to comment #42.   |                         |

|          |  |                          |
|----------|--|--------------------------|
| comment  | 919  | comment by: <i>CANSO</i> |
|          | ATS.TR.275 Pressure-altitude-derived level information   |                          |
|          | Page 42  |                          |
|          | <b>CANSO Comment</b>   |                          |
|          | This IR describes how to interpret level information gathered from an ATS surveillance system. Although this is ATC related, this IR clearly should be part of the ATS surveillance services (ATS.TR.160). Other ATC-specific items of ATS surveillance services, like vectoring, are also included in ATS.TR.160. |                          |
|          | <b>Impact</b>  |                          |
|          | Inconsistent legislative approach.   |                          |
|          | <b>Suggested Resolution</b>  |                          |
|          | Move this IR to ATS.TR.160.  |                          |
| response | Accepted   |                          |
|          | See the response to comment #42.   |                          |

|         |  |  |
|---------|--|--|
| comment | 1065   | comment by: <i>Civil Aviation Authority Norway</i> |
|         | There seems to be a contradiction in terms between para (a) and (b) as para (a) refers to "the |  |



|          |   |
|----------|---|
|          | controller" and an "ATC unit" and para (b) refers to "ATS surveillance services". To include AFIS and FIS in para (a) we propose to change "controller" to "ATCO/AFISO/FISO" and "ATC unit" to "ATS unit". We are not sure if the consequence would be to move the para to Section 1?   |
| response | Accepted<br>See the response to comment #42.  |
| comment  | 1294 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span><br>Relevant also for (enroute/area) FIS   |
| response | Accepted<br>See the response to comment #42.  |
| comment  | 1469 <span style="float: right;">comment by: HungaroControl</span><br>ATS.TR.275: second sentence of PANS ATM — Section 8.5.5.1.2 should be transposed as well. ('The verification shall be effected by simultaneous comparison with altimeter-derived level information received from the same aircraft by radiotelephony. The pilot of the aircraft whose pressure-altitude-derived level information is within the approved tolerance value need not be advised of such verification. Geometric height information shall not be used to determine if altitude differences exist.') |
|          | Rationale: We suggest covering PANS ATM 8.5.5.1.2 as an IR. Changing the verification in AMC2 ATS.TR.275(a) from binding to non-binding defeats the purpose of level verification. As far as we are concerned, comparison of mode C/S level information with pilot report is the only viable way.   |
| response | Not accepted<br>The AMC to the provision is deemed to be appropriate. The provision itself already provides the necessary flexibility and the related AMC is considered appropriate as the proposal in the comment implies only the use of radiotelephony for verification purposes. The proposal offers the possibility for filing alternative means to comply with the requirement, when using different communication means (e.g. CPDLC).<br>See also the response to comment #42.   |
| comment  | 1547 <span style="float: right;">comment by: European Transport Workers Federation - ETF</span><br>Not only controller also FISO and AFISO.   |
| response | Accepted<br>See the response to comment #42.  |



## 1.1.4. Amendments to Annex IV — Subpart B — Section 3 - ATS.TR.300

p. 42

comment

64

comment by: *Harald GERBAUTZ*

ad Section 3 - Flight information service:

in this stage it should be clearly stated, that FISOs are only in the position to transmit/deliver information, suggestions or recommendations to aircraft-pilots. In a pre-text there should be a statement, that any "instruction" (e.g. frequency-change, RWY in use, vectors to avoid a specific portion of airspace/severe weather/traffic, ...) provided by any (A)FIS-unit needs to be considered as a suggestion to the pilot concerned. It is the pilot's choice whether to follow the instruction or not!

ICAO defines (see Doc4444, chapter 1, Definitions: "Air traffic control instruction") and uses the term "instruction" only in conjunction with ATC, neglecting that FIS-units deliver instructions to aircraft regularly (e.g. when instructing FRQ- and/or sqawk-changes, ...). The legal consequences of such European-wide (most probably world-wide) applied practices have always been unclear. This regulation would be THE chance to define the term "FIS-instruction", with clear allocation of responsibilities (FISO/pilot) and legal consequences. This gap in the present regulations needs to be closed very urgently!

ad ATS.TR.300 (a) (2)

This sentence is quite unprecise as the mere existence of a flight plan or the existence of a mode-S target on any surveillance-display of a flight gives evidence that a flight/aircraft is "otherwise known to the relevant air traffic service unit"! From a legal perspective an ATS-unit cannot be responsible to provide Flight Information Service to all aircraft which are likely to be affected by the information and which are otherwise known to the relevant ATS-units, so this sentence needs to be modified (even though it would constitute a difference with ICAO standards).

Rather a clear request from the pilot for FIS should commence the provision of this service (to have a clear indication that responsibility for the ATS-unit has begun). Furthermore there needs to be a mechanism assigning the ATS-unit the opportunity to cancel/terminate the provision of this service (e.g. due to lack of radio communication in certain remote areas, or because of radio congestion)! Another question is how to deal with alerting service at the same time? When does the provision of the service commence and when does it stop for flights without flight-plan (e.g. when calling an information frequency during flight)?

A minimum compromise to solve that issues could be the usage of the same text as stated for the application of Alerting Service:

"in so far as practicable, to all other aircraft having filed a flight plan or otherwise known to the ATS."

ad ATS.TR.300 (c)

What about the provision of relevant data necessary for the provision of flight information service? If this provision aims to state the necessary equipment for a FIS-unit, it would be better to refer to ICAO manual 9426 (ATS planning manual), e.g. chapter 4 (requirements for a flight information centre).

response

Partially accepted

With regard to the general comment on Section 3: the scope of the FIS is defined by its objectives in ATS.TR.100(d), which transposes the Standard in Section 2.2 of ICAO Annex 11.



As such, the FIS does not include the delivery of instructions to aircraft (except for identification purposes in the provision of ATS surveillance services – e.g. to change SSR code or to transmit IDENT), but only of information and advice. The services (including FIS) shall be provided in accordance with the airspace classification by certified ATS providers in the airspace in which they are designated by the relevant Member States, in accordance with Article 8.1 of Regulation (EC) No 550/2004.

With regard to the comment on ATS.TR.300(a)(2): the expression ‘otherwise known to the relevant air traffic service unit’, transposed from the Standard in Section 4.1 of ICAO Annex 11, covers the cases when the aircraft is operating within uncontrolled airspace, where there are no requirements for the submission of a flight plan or for a continuous air-ground two-way communication with the ATS unit in charge of providing services in that portion of airspace. This does not entitle the FIC or AFIS unit concerned to terminate the service provision at its discretion for any reason. It is to be noted that the provision in point (b) of SERA.4001 in Regulation (EU) No 923/2012 gives the possibility to the competent authority to establish areas or routes for which a flight plan shall be submitted prior to operating for the purposes of the FIS, alerting service, and search and rescue. Moreover, the requirement in point (a) of SERA.6005 gives the possibility to the competent authority to establish radio mandatory zones (RMZ) even in Class G airspace, where the aircraft are required to maintain continuous air-ground communication watch and to establish two-way communication as necessary. It also gives the possibility to the ATS provider to prescribe alternative communication procedures for that particular airspace. It is a responsibility of the Member States to define such zones. Additionally, the requirements in SERA.6001 concerning airspace classification stipulate that IFR and VFR flights receive FIS in Classes F and G airspace ‘if requested’. Therefore, EASA considers this regulatory approach, which substantially satisfies the request in the comment, to be proportionate and in line with good regulation practices. The new GM1 ATS.TR.300(a)(2) has been introduced to better clarify the meaning of ‘traffic otherwise known to the relevant air traffic service unit’.

With regard to the comment on ATS.TR.300(c): EASA considers that the requirements for the provision of data and information for the provision of FIS are already included in the organisational requirements in Annex III and Annex IV (including the amendments introduced with the Opinion on Part-ATS; particularly with the newly introduced Sections 4 and 5) to Regulation (EU) 2017/373.

comment 144

comment by: IFATCA



|                           |   |   |
|---------------------------|---|---|
| <p>ATS<br/>TR<br/>300</p> | <p><b>ATS.TR.300 Application</b><br/>(a) Flight information service shall be provided by the appropriate ATS units to all aircraft which are likely to be affected by the information and which are:</p> <p><del>(2) otherwise known to the relevant ATS units.</del></p> <p>-</p> <p>"in so far as practicable, to all other aircraft having filed a flight plan or otherwise known to the ATS</p> <p>and in two way communication</p> | <p>Does this sentence to be more precise as from a legal perspective an ATS-unit cannot be responsible to provide Flight Information Service to all aircraft which are likely to be affected by the information and which are otherwise known to the relevant ATS-units. It might be needed to modify to be modified (like the text for application of Alerting Service).</p> <p>If not in communication - how shall the ATS unit transmit the information?</p> |
|---------------------------|---|---|

response Not accepted  
See the response to comment #64.

comment 145 comment by: IFATCA

|                           |   |   |
|---------------------------|---|---|
| <p>ATS<br/>TR<br/>300</p> | <p><b>ATS.TR.300 Application</b><br/>(c) The flight information service provider shall establish arrangements for:</p> <p>(1) recording and transmission of information on the progress of flights;</p> <p>(2) coordination and transfer of responsibility for the provision of flight information service.</p> | <p>What about the provision of relevant data necessary for the provision of flight information service? If this provision aims to state the necessary equipment for a FIS-unit, it would be better to refer to ICAO manual 9426 (ATS planning manual), e.g. chapter 4 (requirements for a flight information centre). ?</p> |
|---------------------------|---|---|

response Noted  
See the response to comment #64.

|          |   |   |
|----------|---|---|
| comment  | 209   | comment by: <i>Slawomir BALAZY</i>                                |
|          | <p>It should be specified strictly that Flight Information Service is provided as far as practicable:</p> <ul style="list-style-type: none"> <li>- on pilot's request;</li> <li>- for general calls where it is necessary to disseminate essential information to several aircraft without delay eg. the sudden occurrence of hazards.</li> </ul>   |   |
| response | <p>Not accepted</p> <p>See the response to comment #64.</p>   |   |
| comment  | 358   | comment by: <i>Michal SLOJEWSKI</i>                               |
|          | <p>(a) FIS should be provided on request of the pilot "so far as practicable"</p>   |   |
| response | <p>Not accepted</p> <p>See the response to comment #64.</p>   |   |
| comment  | 449   | comment by: <i>EASA Focal Point for AustroControl ANSP-issues</i> |
|          | <p>Page 42, ATS.TR.300, Application:</p> <p>Remark:</p> <p>In this stage it should be clearly stated, that FISOs are only in the position to transmit/deliver information, suggestions or recommendations to aircraft-pilots.</p> <p>ICAO defines (see Doc4444, chapter 1 "Air traffic control instruction") and uses the term "instruction" only in conjunction with ATC, neglecting that FIS-units deliver instructions to aircraft regularly (e.g. when instructing FRQ- and/or sqawk-changes, ...).</p> <p>The legal consequences of such European-wide (most probably world-wide) applied practices have always been unclear. This regulation would be THE chance to define the term "FIS-instruction", with clear allocation of responsibilities (FISO/pilot) and legal consequences. This gap in the present regulations needs to be closed very urgently!</p> <p>Proposed Resolution:</p> <p>In a pre-text to the following provisions there should be a statement, that ...any "instruction" (e.g. frequency-change, RWY in use, vectors to avoid a specific portion of airspace/severe weather/traffic ...) provided by any (A)FIS-unit needs to be considered as a suggestion to the pilot concerned. It is the pilot's choice whether to follow the instruction or not!</p> |   |
| response | <p>Not accepted</p> <p>See the response to comment #64.</p>   |   |
| comment  | 450   | comment by: <i>EASA Focal Point for AustroControl ANSP-issues</i> |
|          | <p>Page 42, ATS.TR.300 Application, Par (a) (2)</p> <p>Related text:</p> <p>Otherwise known to relevant ATS units..</p>   |   |

|          |   |
|----------|---|
|          | <p>Remark:</p> <p>This sentence is quite unprecise as the mere existence of a flight plan or the existence of a mode-S target on any surveillance-display of a flight gives evidence that a flight/aircraft is “otherwise known to the relevant air traffic service unit”!</p> <p>From a legal perspective an ATS-unit cannot be responsible to provide Flight Information Service to all aircraft which are likely to be affected by the information and which are otherwise known to the relevant ATS-units , so this sentence needs to be modified (even though it would constitute a difference with ICAO standards).</p> <p>Rather a clear request from the pilot for FIS should commence the provision of this service (to have a clear indication that responsibility for the ATS-unit has begun).</p> <p>Furthermore there needs to be a mechanism assigning the ATS-unit the opportunity to cancel/terminate the provision of this service (e.g. due to lack of radio communication in certain remote areas, or because of radio congestion)!</p> <p>Another question is how to deal with alerting service at the same time? When does the provision of the service commence and when does it stop for flights without flight-plan (e.g. when calling an information frequency during flight)?</p> <p>Proposed solution:</p> <p>A minimum compromise to solve that issues could be the usage of the same text as stated for the application of Alerting Service: "In so far as practicable, to all other aircraft having filed a flight plan or otherwise known to the ATS."</p> |
| response | <p>Not accepted</p> <p>See the response to comment #64.</p>   |
| comment  | <p>451 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 42, ATS.TR.300 Application, Par (c)</p> <p>Remark:</p> <p>What about the provision of relevant data necessary for the provision of flight information service?</p> <p>If this provision aims to state the necessary equipment for a FIS-unit, it would be better to refer to ICAO manual 9426 (ATS planning manual), e.g. chapter 4 (requirements for a flight information centre).</p> <p>Proposed Solution:</p> <p>Refer to ICAO manual 9426 (ATS planning manual), e.g. chapter 4 (requirements for a flight information centre).</p>   |
| response | <p>Noted</p> <p>See the response to comment #64.</p>  |
| comment  | <p>686 <span style="float: right;">comment by: Dimitris ARVANITIS</span></p>  |

**Reference Section 3:** In this section of the regulation it should be clearly stated, that FISOs are only in the position to transmit/deliver information, suggestions or recommendations to aircraft-pilots. In a pre-text to the following provisions there should be a statement, that any "instruction" (e.g. frequency change, RWY in use, vectors to avoid a specific portion of airspace/severe weather/traffic ...) provided by any (A)FIS unit needs to be considered as a suggestion to the pilot concerned. It is the pilot's choice whether to follow the instruction or not! ICAO defines (see ICAO Doc 4444, chapter 1 "Air traffic control instruction") and uses the term "instruction" only in conjunction with ATC, neglecting that FIS units deliver instructions to aircraft regularly (e.g. when instructing FRQ- and/or squawk changes, ...). The legal consequences of such European-wide (most probably world-wide) applied practices have always been unclear. This regulation would be THE chance to define the term "FIS-instruction", with clear allocation of responsibilities (FISO/pilot) and legal consequences. This gap in the present regulations needs to be closed very urgently!

response Not accepted

See the response to comment #64.

comment 690

comment by: *Dimitris ARVANITIS*

**Reference ATS.TR.300 (a) (2), "otherwise known":** This sentence is quite unprecise as the mere existence of a flight plan or the existence of a mode-S target on any surveillance-display of a flight gives evidence that a flight/aircraft is "otherwise known to the relevant air traffic service unit"! From a legal perspective an ATS unit cannot be responsible for providing flight information service to all aircraft which are likely to be affected by the information and which are otherwise known to the relevant ATS units, so this sentence needs to be modified (even though it would constitute a difference to ICAO standards). Rather a clear request from the pilot for FIS should commence the provision of this service (to have a clear indication that responsibility for the ATS unit has begun). Furthermore there needs to be a mechanism assigning the ATS unit the opportunity to cancel/terminate the provision of this service (e.g. due to lack of radio communication in certain remote areas, or because of radio congestion)! Another question is how to deal with alerting service at the same time? When does the provision of the service commence and when does it stop for flights without flight plan (e.g. when calling an information frequency during flight)? A minimum compromise to solve that issues could be the usage of the same text as stated for the application of Alerting Service: "in so far as practicable, to all other aircraft having filed a flight plan or otherwise known to the ATS", but even in this case the term "otherwise known to the ATS" has to be defined more precisely.

response Not accepted

See the response to comment #64.

comment 691

comment by: *Dimitris ARVANITIS*

**Reference ATS.TR.300 (c):** What about the provision of relevant data necessary for the provision of flight information service? If this provision aims to state the necessary equipment for a FIS unit, it would be good to additionally refer to ICAO Doc 9426 (ATS planning manual), chapter 4 (requirements for a flight information centre).



|          |   |
|----------|---|
| response | Noted<br>See the response to comment #64.   |
| comment  | 776 <span style="float: right;">comment by: Kamila GRABOWSKA</span><br>In point (a) (2) flight information service is provided to all aircraft that filled the flight plan or on pilots request.  |
| response | Not accepted<br>See the response to comment #64.  |
| comment  | 1295 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span><br>(a) FIS should be provided on request of the pilot "so far as practicable"   |
| response | Not accepted<br>See the response to comment #64.  |
| comment  | 1296 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span><br>(a)(2) flight information service is provided to all aircraft that have filed the flight plan or on pilot's request  |
| response | Not accepted<br>See the response to comment #64.  |
| comment  | 1548 <span style="float: right;">comment by: European Transport Workers Federation - ETF</span><br>Those comments are applicable to all Section 3 Flight Information Service :<br><ul style="list-style-type: none"><li>• <b>1</b> : It should be stated that any instruction-like information is to be regarded as suggestion or recommendation.</li><li>• <b>2</b> : FIS and AFIS phraseology should be something that would need to be better standardized to ensure proper understanding by the flight crew of the status of the instruction/information provided.</li><li>• <b>3</b> : To provide FIS, most of the officers need to be able to use the ATS surveillance system and to some extent identify the aircraft. A rule is missing for the use of identification for the purpose of FIS.</li></ul> |
| response | Noted<br>With regard to point 1 in the comment: See the response to comment #64.<br>With regard to point 2 in the comment: The phraseology to be used in air-to-ground  |

communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA). The phraseology to be used in air-to-ground communications when ATC service is provided, including the provision of information, is included in the Annex to ED Decision 2016/23/R which contains the AMC and GM to SERA.

With regard to point 3 in the comment: The procedures applicable to ATS surveillance services, including when providing FIS, are stipulated in ATS.TR.160 and the associated AMC and GM, where the identification of aircraft for the purposes of FIS is also addressed.

comment 1549 comment by: *European Transport Workers Federation - ETF*

About (a)(2) : This item needs further clarification indeed :  
some traffic is known (from ATS surveillance for example) but not in contact...  
Proposal : FIS shall be provided to : aircraft provided with ATC service, IFR traffic outside the controlled airspace and any other traffic requesting this service within the FIR and fulfilling the communication requirements established by the ATM/ANS provider and approved by the competent authority.

response Not accepted  
EASA does not deem necessary to add the proposed text since the communication requirements are already established in Regulation (EU) No 923/2012 (SERA). See also the response to comment #64.

comment 1550 comment by: *European Transport Workers Federation - ETF*

About (c) : Refer to ICAO Doc 9426 chapter 4 i.  
And what about data ?

response Not accepted  
See the response to comment #64.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 3 - ATS.TR.305

p. 42-43

comment 63 comment by: *Harald GERBAUTZ*

##### **ad ATS.TR.305:**

it's good to know about the scope of Flight Informaion Service, a definition of responsibilities and obligations of FISOs and pilots in regard to this needs to be added.

It must be clear, that any information within the scope of flight information service can only be delivered by FISOs when deemed necessary and if workload permits.

##### **ad ATS.TR.305 (a):**

In order to minimize the room for interpretations there is a need for more detailed definitions/specifications! In the introductory sentence it should be added "(...) upon the pilot's request and/or when appropriate to the flight concerned." So far it has not been clear



whether FISOs need to deliver any information stated or is it the responsibility of the pilot concerned to ask for a specific piece of information.

ad ATS.TR.305 (a) (1):

in many countries, AIRMETS have been exchanged to other means of weather warnings. It would be better to change this to "significant weather information" in order to cover all cases for the sake of safety.

ad ATS.TR.305 (a) (3&4):

this is quite specific and for sure it's important, but it's interesting that restrictions of airspaces are not per se within the scope of FIS (even though this information is provided on a daily basis at all FIS-units across Europe). A re-evaluation of the whole section "Scope of Flight Information Service" should be pursued, considering views of operational experienced FISOs.

ad ATS.TR.305 (a) (5):

unclear responsibilities! To satisfy this provision is it on the pilot's initiative to request for this or is it the responsibility to deliver this information on the initiative of the FISO? If the latter is the case this regulation is impaired every day.

ad ATS.TR.305 (b) (1):

As it is a "shall"-provision, the text "when requested by the pilot" needs to be added – otherwise this would be impaired every day by every FISO across Europe!

ad ATS.TR.305 (b) (2):

Please add "in regard to other known traffic" – otherwise this could include collision hazards with mountains. Especially in airspace class G this could cause legal issues for ATS-providers!

ad ATS.TR.305 (e):

Not practicable! In order to keep the responsibility with the pilot in command of any VFR flight the term "when so requested by the pilot" needs to be added here as well. Otherwise insurances of crashed VFR-planes could use this sentence to prosecute ATS-providers after an accident in severe weather when this information has not been transferred (LEGAL ISSUE!).

response

Partially accepted

With regard to the comment on 'ad ATS.TR.305':

ATS, including FIS, shall be provided in accordance with the established airspace classification. It shall be noted that in accordance with the proposed Article 3a, Member States decide where there is the need for the provision of ATS in certain airspace. When such a decision is taken, the ATS shall be provided in accordance with applicable ICAO provisions, as well as their transposition into the EU legislation, including provisions in Paragraph 8 of Annex I to Regulation (EU) No 1035/2011, which guarantees transparent and non-discriminatory provision of services. Moreover, it shall be noted that in accordance with ATM/ANS.OR.B.001 in Annex III to Regulation (EU) 2017/373, 'A service provider shall ensure that it is able to provide its services in a safe, efficient, continuous and sustainable manner, consistent with any foreseen level of overall demand for a given airspace. To this end, it shall maintain adequate technical and operational capacity and expertise'.



With regard to the comment on 'ad ATS.TR.305 (a)', 'ad ATS.TR.305(a)(5)', 'ad ATS.TR.305(b)(1)' and 'ATS.TR.305(e)':

The requirements in SERA.6001 concerning airspace classification stipulate that IFR and VFR flights receive FIS in Classes F and G airspace 'if requested'. See also the response to comment #64.

With regard to the comment on 'ad ATS.TR.305 (a) (1)':

EASA is of the opinion that the current wording 'SIGMET and AIRMET information' covers all significant weather information to be delivered within the scope of FIS. This approach is consistent with SERA.9005 in Regulation (EU) No 923/2012 (SERA) and also with those in Annex V (Part-MET).

With regard to the comment on 'ad ATS.TR.305 (a) (3&4)':

EASA is of the opinion that such information is included in the scope of the provision in point (a)(8); however, in recognition of the importance of such information, in particular with regard to the prevention of unintended airspace infringements, EASA has introduced GM1 ATS.TR.305(a)(8).

With regard to the comment to 'ad ATS.TR.305 (b) (2)':

In accordance with Paragraph 1(c) in Annex IV to the EASA Basic Regulation, further developed in the implementing rules included in Regulation (EU) No 965/2012, it is the ultimate responsibility of the pilot to prevent collisions with obstacles, with the exclusion of the situation where an aircraft being provided with ATC service is being vectored or assigned a direct routing not included in its flight plan (as prescribed in ATS.TR.235(a)(5)).

comment 90

comment by: *HIAL*

#### **ATS.TR.305 Scope of flight information service.**

The AFIS survey summarise a number of issues indicated by more than one respondent related to the provision of ATS, most if not all of which, relate to service provision and airspace management. AFIS distinction in this respect is not clear in the NPA and EASA should seek to resolve and provide full guidance via AMC or GM, particularly some of the more notable concern as follows:

- A clear definition of AFIS, with the basic elements of the service clearly established (provision of information and/or instructions,;
- The definition of criteria for determining when an aerodrome has to be provided with AFIS;
- The definition of requirements for an (ad hoc) airspace designation and classification for the airspace surrounding the AFIS aerodrome;
- The definition of a standard AFIS phraseology;
- The definition of criteria to better define the use of surveillance in AFIS provision;
- The definition of operational procedures for mixed IFR/VFR operations, for multiple IFR operations, for the interface with ground movements (vehicles, persons, aircraft);



response Noted  
 See the responses to comments #45, #63, #398, #579, and #87, #234, #239 in CRD 2016-09(A).

comment 92 comment by: Airport Buochs AG  
 ATS.TR.305 Scope of flight information service, p. 42 /43:  
 A clear requirement for the provision of traffic information by AFIS is missing, as well as the possibility to provide suggestions by the flight information service.  
 Refer to para 3.4.1.1. from the EUROCONTROL Manual to be included under lit. c.

response Noted  
 Paragraph 3.4.1.1 of the EUROCONTROL AFIS Manual was considered when drafting the proposed GM2 to ATS.TR.305(a);(b);(c), which describes the provision of information by the AFIS unit to the aircraft.

comment 121 comment by: ACR AB  
 (c) - ACR suggest GM1, GM2, GM3 and GM4 to ATS.TR.305 should be transposed to ATS.TR.305 since this is an important part of Flight information service.  
 ACR also suggest that AFISO shall give informations to arriving and departing aircraft when the "runway is free". "Runway free" shall indicate that no known person, vehicle, aircraft or other obstructions are closer to the runway than the prescribed runway holding position.

response Not accepted  
 EASA considers that the proposed transposition of the aforementioned GM into IRs would reduce proportionality and flexibility in the AFIS provision. As a result of the analysis of comments, GM1 to ATS.TR.305(a);(b);(c) was removed as redundant (see GM1 to AMC1 ATS.TR.305(a)(5)).  
 With regard to the comment on 'runway free', the phraseology to be used in air-to-ground communications when AFIS is provided will be introduced as a result of the regulatory activities (RMT.0476) for the maintenance of Regulation (EU) No 923/2012 (SERA).

comment 146 comment by: IFATCA

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| ATS TR 305 | (e) Flight information service provided to VFR flights shall include, in addition to that outlined in point (a), the provision of available information concerning traffic and weather conditions along the route of flight that are likely to make operation under the visual flight rules impracticable, On request of the pilot and as far as practicable | Should this not be specified only upon request of the VFR pilot concerned? |
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response Not accepted

See the response to comment #63.

comment 189

comment by: *Civil Aviation Authority Norway*

One should anticipate that "Traffic information" is a vital part of the scope of flight information, but we are not convinced (yet). Traffic information is not a specific part of the definition of flight information service in PANS-ATM. In ATS.TR.305 a lot of points are listed, but not traffic information, except for in (b)(2) where collision hazards are mentioned, but traffic information should be given some time before the traffic becomes a collision hazard. We see that traffic information is mentioned in GM3 ATS.TR.305(a);(b);(c). This convinces us that it should be part of, and mentioned in, ATS.TR.305 as a vital part of the AFIS.

We suggest to add a new point stating that Traffic information is within the scope of Flight information.

We also suggest to include a point that AFIS should provide the pilot with weather information such as actual and forecasted (if available) weather.

response Not accepted

With reference to GM3 ATS.TR.305(a)(b)(c), the interpretation of the need to provide traffic information in the comment is slightly incorrect, as such GM refers to local traffic only. It is normal to provide information for other traffic only when a possibility for conflicting trajectories of the flights concerned exists. EASA does not consider it practicable and feasible if traffic information is provided for all known other traffic, regardless of the possibility to have conflicting trajectories.

The provision of actual and forecast meteorological information is addressed in AMC1 ATS.TR.305 'Scope of flight information service - TRANSMISSION OF INFORMATION', which is also applicable to AFIS.

comment 190

comment by: *IFATCA*

unclear responsibilities To satisfy this provision is it on the pilot's initiative to request for this or is it the responsibility to deliver this information on the initiative of the FISO? If the latter is the case this regulation is impaired every day.

The problem is that for most VFR flights, aerodrome information is simply not available automatically. FISOs would have to phone the relevant aerodromes for current information, something which is probably not feasible. So I agree with AATCA that for FISOs the number of aerodromes that they would have to provide information for is simply too large. It has to be actively requested by the pilot. EASA has to distinguish between FIS and AFIS when it comes to aerodromes. Only the latter should be required to provide such information without being asked

response Not accepted



See the response to comment #63.

comment 191 comment by: IFATCA  
 205 b (1) and (2) Please add "in regard to other known traffic" – otherwise this could include collision hazards with mountains. Especially in airspace class G this could cause legal issues for ATS-providers!

response Not accepted  
 See the response to comment #63.

comment 209 ❖ comment by: Slawomir BALAZY  
 It should be specified strictly that Flight Information Service is provided as far as practicable:  
 - on pilot's request;  
 - for general calls where it is necessary to disseminate essential information to several aircraft without delay eg. the sudden occurrence of hazards.

response Not accepted  
 See the response to comment #63 and #64.

comment 452 comment by: EASA Focal Point for AustroControl ANSP-issues  
 Page 42, ATS.TR.305 Scope of Flight Information Service:  
 Remark and proposed solution:  
 It's good to know about the scope of Flight Information Service, a definition of responsibilities and obligations of FISOs and pilots in regard to this needs to be added. It must be clear, that any information within the scope of flight information service can only be delivered by FISOs when deemed necessary and if workload permits.

response Not accepted  
 See the response to comment #63.

comment 453 comment by: EASA Focal Point for AustroControl ANSP-issues  
 Page 42, ATS.TR.305 Scope of Flight Information Service, Par (a): "Flight information service shall include ....."  
 Remark:  
 In order to minimize the room for interpretations there is a need for more detailed definitions/specifications!  
 In the introductory sentence it should be added "(...) upon the pilot's request and/or when appropriate to the flight concerned." So far it has not been clear whether FISOs need to deliver any information stated or is it the responsibility of the pilot concerned to ask for a specific piece of information.



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|          | Proposed solution:<br>In the introductory sentence it should be added : "(...) upon the pilot's request and/or when appropriate to the flight concerned." |
| response | Not accepted<br><br>See the response to comment #63.  |

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| comment  | 454 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span><br><br>Page 42, ATS.TR.305 Scope of Flight Information Service, Par (a)(1): SIGMET and AIRMET Information<br><br>Remark:<br>In many countries, AIRMETs have been exchanged to other means of weather warnings. It would be better to change this to "significant weather information" in order to cover all cases for the sake of safety.<br><br>Proposed solution:<br>Change this to "significant weather information" |
| response | Not accepted<br><br>See the response to comment #63.  |

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| comment  | 456 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span><br><br>Page 43, ATS.TR.305 Scope of Flight Information Service, Par (a)(3) and (a)(4):<br><br>Related Text:<br>(a) (3) information concerning ....radioactive materials or toxic chemicals;<br>(4) information on changes in the availability of radio navigation services;<br><br>Remark:<br>This is quite specific and for sure it's important, but it's interesting that restrictions of airspaces are not per se within the scope of FIS (even though this information is provided on a daily basis at all FIS-units across Europe).<br>A re-evaluation of the whole section "Scope of Flight Information Service" should be pursued, considering views of operational experienced FISOs.<br><br>Proposed solution:<br>A re-evaluation of the whole section "Scope of Flight Information Service" should be pursued, considering views of operational experienced FISOs. |
| response | Partially accepted<br><br>See the response to comment #63.   |

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| comment | 457 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span> |
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|          | <p>Page 43, ATS.TR.305 Scope of Flight Information Service, Par (5):</p> <p>Remark:<br/>Unclear responsibilities!<br/>To satisfy this provision, is it on the pilot's initiative to request for this or is it the responsibility to deliver this information on the initiative of the FISO? If the latter is the case this regulation is impaired every day.</p> <p>Proposed solution:<br/>Definition about responsibilities.</p>   |
| response | <p>Noted</p> <p>See the response to comment #63.</p>  |
| comment  | <p>458 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 43, ATS.TR.305 Scope of Flight Information Service, Par (b)(1): 'Weather conditions</p> <p>Remark:<br/>As it is a "shall"-provision, the text "when requested by the pilot" needs to be added – otherwise this requirement would be impaired every day by every FISO across Europe!</p> <p>Proposed solution:<br/>Add "when requested by the pilot"</p>                          |
| response | <p>Not accepted</p> <p>See the response to comment #63.</p>   |
| comment  | <p>460 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 43, ATS.TR.305 Scope of Flight Information Service,(2) Collision hazards .....</p> <p>Remark:<br/>Please add "in regard to other known traffic" – otherwise this could include collision hazards with mountains. Especially in airspace class G this could cause legal issues for ATS-providers!</p> <p>Proposed solution:<br/>Please add "in regard to other known traffic"</p> |
| response | <p>Not accepted</p> <p>See the response to comment #63.</p>   |
| comment  | <p>461 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 43, ATS.TR.305 Scope of Flight Information Service, Par (e):</p> <p>Remark:</p>  |

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|          | <p>Not practicable in practice!<br/>         In order to keep the responsibility with the pilot in command of any VFR flight, the term “when so requested by the pilot” needs to be added here as well.<br/>         Otherwise insurances of crashed VFR-planes could use this sentence to prosecute ATS-providers after an accident in severe weather when this information has not been transferred.</p> <p>Proposed solution:<br/>         In order to keep the responsibility with the pilot in command of any VFR flight, the term “when so requested by the pilot” needs to be added here as well.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #63.</p>  |
| comment  | <p>484 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 43</p> <p><b>Paragraph No:</b> ATS.TR.305</p> <p><b>Comment:</b> We suggest to change the wording of sub-paragraph (a)(7) to read "information on what appears to be abnormal aircraft configuration and condition; and"</p> <p><b>Justification:</b> As the ATS personnell providing flight information would not necessarily have information on what would be abnormal aircraft configuration and condition on all types of aircraft, we find that this provision should not be as explicit as suggested.</p> <p><b>Comment:</b> We support the inclusion of requirements for AFIS in sub-paragraph (c).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> |
| response | <p>Partially accepted</p> <p>AMC1 ATS.TR.305(a)(7), which transposes the provision in Section 7.4.1.7 of ICAO PANS ATM, provides detailed means of compliance for the application of this requirement. Hence EASA does not deem necessary to amend the referred requirement.</p> <p>EASA notes the support to the inclusion of point (c).</p>  |
| comment  | <p>528 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p>   |

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| ATS.TR.305(b)<br>Scope of flight information service | This IR requires the provision of any available information about vessels to flights over water areas, in so far as practicable and when requested by a pilot.<br><br>This IR has three conditions which makes this IR hardly relevant. | LVNL flight information centre does not feel any obligation regarding this IR. Implementing will take of lot of effort, regarding systems and procedure, while in current operations no pilot request for this information. | Remove both ATS.TR.305(b) and SERA.9005(b)(3) |
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response Not accepted

The requirement transposes the Standard in point (c) of Section 4.2.2 of ICAO Annex 11. Removing this requirement could cause uncertainty in the provision of flight information for flights which may operate (including take-off and landing) over water areas (seas, lakes, rivers). For example, such an information may be of significant importance for aircraft engaged in firefighting that could be handicapped from operating by the presence of vessels. The flexibility provided in the provision takes into account the possible difficulties to obtain the information; however, whenever such information is available, it shall be passed to aircraft concerned.

See also the response to comment #554.

comment 554

comment by: AIRBUS

Comments

The wording “as soon as practical’ shall be avoided at IR level. The requirements for flight information service: ATS. TR.305 b) must be associated with an AMC or GM defining what is practical and not practical for flight over water areas. Idem for ATS.TR.305 d).

Proposals

AMC (or GM) ATS.TR.305 (b) for Flight over water areas.

AMC (or GM) ATS.TR.305 (d) for special and non-routine air-reports

response Not accepted

One of the objectives of Part-ATS is to transpose ICAO provisions for a harmonised implementation in the EU and the works dedicated to improvement of the ICAO material normally follow another stream. No identified safety issue, lack of understanding or significant differences notified by EU States justify that these terms are changed within the present transposition exercise. In the absence of an ICAO definition, the normal practice is to use the definition of the dictionary. It shall be noted that these are already existing provisions in SERA.9005 of Regulation (EU) No 923/2012 (SERA).



See also the response to comment #528.

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| comment  | 673  | comment by: <i>EUROCONTROL</i>        |
|          | <b>ATS.TR.305 Scope of flight information service - Page 42</b>  |                                       |
|          | <u>Section(d)(2)</u>   |                                       |
|          | The EUROCONTROL Agency does not understand the reference to EU 923/2012. Should this not be EU 2016/ <u>1377</u> ? Alternatively, could it be because it was considered as a rule of the air (action by pilots + MET + ATS Units) and placed in SERA?  |                                       |
| response | Not accepted   |                                       |
|          | SERA.12015 in Regulation (EU) No 923/2012 stipulates the requirements for reporting aircraft observations. In addition, the technical specifications for the voice transmission are stipulated in Appendix 5 to the same Regulation. Since such a report may be transmitted to the ATS units, the further distribution is defined in point (d) of ATS.TR.305, where EASA believes is the appropriate placement for the purposes of readability and understanding of the provision.   |                                       |
| comment  | 687  | comment by: <i>Dimitris ARVANITIS</i> |
|          | <b>Reference ATS.TR.305:</b> It is good to know about the scope of flight information service, a definition of responsibilities and obligations of FISOs and pilots in regard to this needs to be added. It must be clear, that any information within the scope of flight information service can only be delivered by FISOs when deemed necessary and if workload permits.   |                                       |
| response | Noted  |                                       |
|          | See the response to comment #63.   |                                       |
| comment  | 692  | comment by: <i>Dimitris ARVANITIS</i> |
|          | <b>Reference ATS.TR.305 (a):</b> In order to minimize the room for interpretations there is need for more detailed definitions/specifications! In the introductory sentence it should be added "(...) upon the pilot's request and if appropriate to the flight concerned." So far - and this is unchanged according to the current proposal - it is not clear whether and which parts of the stated elements FISOs need to deliver on their own initiative, or if it is the responsibility of the pilot concerned to ask for a specific piece of information. |                                       |
| response | Not accepted   |                                       |
|          | See the response to comment #63.   |                                       |
| comment  | 693  | comment by: <i>Dimitris ARVANITIS</i> |
|          | <b>Reference ATS.TR.305 (a) (1):</b> In many countries, AIRMETs have been replaced by other  |                                       |



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|          | means of weather warnings. It would be better to change this to "significant weather information" in order to cover all cases for the sake of safety.   |
| response | Not accepted<br>See the response to comment #63.  |
| comment  | 694 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span><br><b>Reference ATS.TR.305 (a) (3) and (4):</b> This is quite specific and for sure it is important, but it is interesting that restrictions of airspaces are not per se within the scope of FIS (even though this information is provided on a daily basis at all FIS units across Europe). A re-evaluation of the whole section "Scope of Flight Information Service" should be pursued, considering views of operational experienced FISOs. |
| response | Partially accepted<br>See the response to comment #63.  |
| comment  | 695 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span><br><b>Reference ATS.TR.305 (a) (5):</b> Unclear responsibilities! To satisfy this provision, is it on the pilot's initiative to request for this or is it the responsibility to deliver this information on the initiative of the FISO? If the latter is the case this regulation is impaired every day.   |
| response | Noted<br>See the response to comment #63.   |
| comment  | 696 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span><br><b>Reference ATS.TR.305 (b) (1):</b> As this is a "shall"-provision, the text "when so requested by the pilot" needs to be added. Otherwise this would be impaired every day by every FISO across Europe.   |
| response | Not accepted<br>See the response to comment #63.  |
| comment  | 697 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span><br><b>Reference ATS.TR.305 (b) (2):</b> Add "in regard to known traffic" - otherwise this would imply also collision hazards in regard to terrain. Especially in airspace Class G this could cause legal issues for ATS providers. It is clarified in the guidance material, but should also be pointed out here.  |
| response | Not accepted<br>See the response to comment #63.  |

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| comment  | <p>698 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span></p> <p><b>Reference ATIS.TR.305 (e):</b> Not practicable! In order to keep the responsibility with the pilot in command of any VFR flight, the term "when (sic!) so requested by the pilot" needs to be added here as well. "When" is favored over "if", to make it clear that this information can only be provided at the time the pilot is requesting it. It is impracticable to keep track of every aircraft's planned flight path and provide specific information continuously. If this provision is not clarified, insurances of crashed VFR airplanes could use the present sentence to prosecute ATS providers after an accident in severe weather if this information has not been passed without request (=legal issue!).</p> |
| response | <p>Not accepted</p> <p>See the response to comment #63.</p>  |
| comment  | <p>745 <span style="float: right;">comment by: <i>Maciej Drózdź</i></span></p> <p>The definition of FIS tasks doesn't meet today's standards of providing Flight Information Service. As FIS is a service who's main role is providing information for a/c during flight, spreading information as stated in ATIS.TR.305 (a) is a task of AIS. FIS transmits this information when needed to a/c in flight.</p> <p>Nothing about information to current airspace availability, nothing about coordination of flights crossing controlled airspace, military airspace etc.</p>  |
| response | <p>Not accepted</p> <p>See the responses to comments #63 and #64.</p>  |
| comment  | <p>798 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATIS.TR.305(b) Scope of flight information service</b><br/><b>Page 43</b></p> <p>This IR requires the provision of any available information about vessels to flights over water areas, in so far as practicable and when requested by a pilot. This IR has three disclaimers which makes this IR hardly relevant.</p> <p>PROPOSAL<br/>Remove both ATIS.TR.305(b) and SERA.9005(b)(3)</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #528.</p>   |
| comment  | <p>832 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>(c) (1) as it comes to the manoeuvre area an AFIS unit should as well as information also provide permission to enter and survey vehicles and persons on the manoeuvre area in order to prevent hazards, incidents and accidents.</p>   |

(c) (2) the term 'runway in use' should be used only in the context of ATC in accordance with comment on the definition of 'Runway in use'. Hence, AFIS should provide information on runway conditions relevant for the air traffic operator in their decision on what runway to use for landing and/or take-off.

In addition there is a number of tasks related to AFIS well understood and practiced in Sweden today which either are addressing ATC only or not covered (under-regulated) by this proposal for regulation.

Our deep concern is whether those tasks (included below) will not be an acceptable part of future provision of AFIS and as a consequence, in order to prevent negative safety effect, forces Swedish aerodromes providing AFIS to transfer into controlled aerodromes providing ATC with all the consequences thereof.

For your information, the following are a translation of the Swedish national regulation regarding AFIS provision but not including those national requirements which are common for ATS provision

*AFIS personnel shall:*

*give permission to and survey the entry of people and vehicles to the manoeuvring area  
provide clearances, exactly as they have been received, from an air traffic control unit to the aircraft in question;  
suggest runway to arriving and departing aircraft  
suggest holding of arriving VFR traffic, when necessary, in cases where there are published holding patterns and,  
provide information to aircraft and other parties concerned*

*AFIS personnel shall suggest the runway he or she has assessed as the most appropriate for the aircraft concerned at the time, taking into consideration:*

*surface wind  
length of runway  
approach aids and aerodrome lights available  
current traffic  
any environmental restrictions, and  
other circumstances which may have an effect on the decision which runway is the most appropriate.*

*The current surface wind shall be crucial on which runway is to be considered most appropriate for departures and arrivals. Normally, a runway which means the aircraft can arrive and depart into the wind shall be suggested.*

*AFIS personnel shall give information on "runway free" for departing and arriving aircraft when no aircraft, vehicles or people or other obstacles are on the runway, or closer to the runway than the applicable distance of an approved holding position.*

*AFIS personnel may suggest that a departing aircraft waits at the apron or at the aircraft stand when it is deemed necessary with regard to the current traffic situation.*

*AFIS personnel shall without delay give traffic information either directly, via another Air Traffic Services unit or on behalf of another Air Traffic Services unit. Traffic information shall, when applicable, include:*

*type of aircraft  
position*



time  
level(s)  
flight direction, and  
other information about the aircraft considered important.

AFIS personnel shall when needed inform the aircraft of the following.

Meteorological information regarding:

the current surface wind direction and speed, including significant variations

visibility and runway visual range (RVR), if applicable

present weather

clouds

air temperature and dewpoint to jet or turbo-prop aircraft;

present air pressure, and

significant weather conditions for the directions of approach and departure.

Correct time.

Current information on the conditions of the manoeuvring area and other aerodrome areas relating to:

construction or maintenance work;

unsuitable areas or broken surfaces;

braking action;

snow drifts, snow banks, slush, ice or water;

other temporary risks, e.g. birds on the ground or in the air, vehicles or parked aircraft;

faults or irregularities concerning aerodrome lights or radio aids;

other significant conditions, e.g. parachute operations or model aviation;

sudden hazards; and

risk of wake turbulence, jet blast or propeller slipstream from aeroplanes or rotor slipstream from helicopters.

Transition level.

Adjusted brightness of high intensity lights.

When AFIS personnel notice that an aircraft or a vehicle is lost or unsure of its position in the manoeuvring area, the AFIS personnel shall inform other aircraft concerned without delay. The AFIS personnel shall thereafter assist the aircraft or the vehicle that is lost or unsure to determine its position.

response Noted

With regard to the comment related to the management of vehicles and persons on the manoeuvring area, see the response to comment #239 in CRD 2016-09(A).

With regard to the comment related to the runway in use at AFIS aerodromes, see the responses to comments #274 and #162 in CRD 2016-09(A).

EASA is grateful for the examples provided on how specific aspects of the AFIS provision are addressed by the Swedish national legislation. Having analysed such examples, EASA believes that nothing in the proposed ATS requirements prevents the continuation of the application of the existing practices represented.

comment 920

comment by: CANSO



ATS.TR.305(b) Scope of flight information service  
Page 43

#### CANSO Comment

This IR requires the provision of any available information about vessels to flights over water areas, in so far as practicable and when requested by a pilot.

This IR has three disclaimers which makes this IR hardly relevant.

#### Impact

Implementing will take of lot of effort, regarding systems and procedure, while in current operations no pilot request for this information.

#### Suggested Resolution

Remove both ATS.TR.305(b) and SERA.9005(b)(3).

response

Not accepted

See the response to comment #528.

comment

991

comment by: UK CAA

**Paragraph No:** ATS.TR.305 points (b) and (c)

**Comment:** ATS.TR.305 point (c)(3) includes a provision permitting aerodrome FIS to include “the provision of information concerning... messages, including clearances, received from other ATS units to relay to aircraft”, whereas this is not incorporated within point (b). The UK CAA believes that this provision should be extended to all FIS providers who may be required to relay messages and particularly clearances from other ATS units and thus be incorporated within ATS.TR.305 point (b).

**Justification:** The effect of not extending ATS.TR.305 point (c)(3) to all FIS providers could be to increase the workload of controllers at ACCs and the associated RTF occupancy. As an example, FIS officers at FICs can currently negotiate an airways joining clearance through ground-ground communications (either voice-communications or data link) on behalf of aircraft receiving a FIS in uncontrolled airspace. If the scope of ATS.TR.305 point (b) is not extended, these aircraft would be required to contact the ACC sector directly on the ATS frequency in use to negotiate an airways joining clearance, leading to increased controller workload and RTF occupancy.

**Proposed Text:** The UK CAA proposes that ATS.TR.305 points (b) and (c) are amended to read as follows:

“(b) Flight information service provided to flights shall include, in addition to that outlined in point (a), the provision of information concerning:

- (1) weather conditions reported or forecast at departure, destination and alternate aerodromes;
- (2) collision hazards, to aircraft operating in airspace Classes C, D, E, F and G;
- (3) for flight over water areas, in so far as practicable and when requested by a pilot, any



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|          | <p>available information such as radio call sign, position, true track, speed, etc., of surface vessels in the area.</p> <p>(4) messages, including clearances, received from other ATS units to relay to aircraft.”</p> <p>“(c) AFIS provided to flights shall include, in addition to relevant items outlined in points (a) and (b), the provision of information concerning:</p> <p>(1) collision hazards to aircraft and vehicles operating on the manoeuvring area;<br/>(2) the runway in use;”</p>   |
| response | <p>Accepted</p> <p>It is acknowledged that the task to provide information related to messages, including clearances, received from other ATS units to relay to aircraft is applicable in general to FIS, and not only to AFIS. Therefore, the requirement in point (c)(3) is removed and introduced as point (b)(4).</p>  |
| comment  | <p>994 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.TR.305 point (c)(1)</p> <p><b>Comment:</b> The UK CAA’s comments on ATS.TR.305(c) should be read in conjunction with our response to the consultation question posed by EASA in NPA 2016-09(a).</p> <p>In relation to the provision of information to flights on the manoeuvring area, ATS.TR.305(c) point (1) is aligned with the principle detailed in Circular 211. Specifically, that information is provided to pilots in order for them to “decide on the course of action to be taken to ensure separation from other aircraft, ground vehicles and obstacles.” However, Circular 211 does not include guidance on the management of the aerodrome operating environment and the movement of persons and/or vehicles on the manoeuvring area. This omission is addressed within paragraph 4.2.2.1 of EUROCONTROL’s Manual of Aerodrome FIS. The UK CAA considers it noteworthy that EASA acknowledge in NPA 2016-09(a) that the EUROCONTROL Manual resulted from “an extensive consultation process” with “affected European stakeholders” but then appear to contradict this by not incorporating within Part-ATS at least the flexibility to utilise these provisions.</p> <p>The UK CAA considers that the ability to manage the aerodrome operating environment, by requiring the movement of persons and vehicles on the manoeuvring area to be authorised by the aerodrome FIS unit, is critical to the maintenance of safety at AFIS aerodromes. Active management of the aerodrome operating environment permits the aerodrome FIS officer to provide the pilot with detailed information, enhancing the pilot’s ability to discharge their responsibilities with regards to the avoidance of collisions. As such, the UK CAA proposes additional AMC and GM to ATS.TR.305(c) point (1) which would enable competent authorities to specify measures which would reflect the intent of paragraph 4.2.2.1 of EUROCONTROL’s Manual of Aerodrome FIS.</p> <p><b>Justification:</b> The UK CAA considers that the risk of a ground collision accident is significantly increased by the ability of persons and vehicles to gain unauthorised access to the manoeuvring area.</p> |

**Proposed Text:** The UK CAA proposes the following AMC and GM to ATS.TR.305(c) point (1):

**“AMC1 ATS.TR.305(c)(1) Scope of flight information service**

ENTRY TO THE MANOEUVRING AREA – GROUND VEHICLES AND PERSONS

Where specified by the competent authority, the movement of persons or vehicles including towed aircraft on the manoeuvring area should be subject to authorisation by the AFIS unit.”

**“GM1 to AMC1 ATS.TR.305(c)(1) Scope of flight information service**

ENTRY TO THE MANOEUVRING AREA – GROUND VEHICLES AND PERSONS

Persons, including drivers of all vehicles, should be required to obtain authorisation from the AFIS unit before entry to the manoeuvring area. Notwithstanding such an authorisation, entry to a runway or runway strip or change in the operation authorized should be subject to a further specific authorisation by the AFIS unit.”

response

Partially accepted

The possibility to manage persons and vehicles on the manoeuvring area by AFIS units has been provided by the new provision in point (f) to ATS.TR.305, introduced as a result of the comments received through the NPA consultation and during the subsequent thematic review activities.

See also the response to comment #239 in CRD 2016-09(A).

Having amended ATS.TR.305 as mentioned above at IR level, EASA does not deem necessary to introduce AMC and/or GM as proposed in the comment.

comment

999

comment by: UK CAA

**Paragraph No:** ATS.TR.305(c) point (1)

**Comment:** Through the Air Navigation Order 2016, in specific circumstances, the UK permits aerodrome FIS officers to pass instructions to aircraft on the apron and manoeuvring area. These circumstances are specified in the manual of ATS provided by the UK CAA to aerodrome FIS providers, complemented by local instructions and safety assurance activities and approved and overseen by the competent authority through the ANSP certification/designation processes. EASA state in NPA 2016-09(a) that “the authority given to aerodrome FIS units to issue instructions...to aircraft on the ground... is neither compliant with the FIS principles and requirements established in Annex 11, nor with Article 3(1) of Regulation (EU) 2015/340”. However, the UK CAA strongly believes that the removal of such authority would pose a significant safety concern and as such, we would not support such a retrograde step.

The Agency argues in NPA 2016-09(a) that it reviewed 234 occurrence reports for events reported at 22 aerodromes where aerodrome FIS is provided over a 5 year period. One of the conclusions reached by the Agency was that the most frequent type of occurrence reported at those AFIS aerodromes were near collisions and runway incursions. However, EASA’s analysis did not detail:

- whether the role of the aerodrome FIS officer was causal or contributory to these incidents;
- the involvement of aircraft, persons and vehicles in the incident;



- whether FIS officers at these aerodromes were permitted to pass any form of instruction to aircraft, persons or vehicles.

Furthermore, whilst EASA acknowledge that their own “safety risk analysis shows that there is no impelling safety driver to regulate AFIS”, they state their belief that “several occurrences are linked indirectly or directly to the current AFIS requirements” and that “harmonisation may have helped in some circumstances.” However, the Agency provides no detail on how these occurrences were linked to the current AFIS requirements; whether the ‘current AFIS requirements’ referred to are those contained within ICAO Circular 211, EUROCONTROL’s Manual of Aerodrome FIS or national requirements; or how harmonisation of such requirements may have been able to mitigate the severity or likelihood of these occurrences. Consequently, We believe that EASA’s analysis as presented is incomplete and does not provide a sufficient basis of evidence upon which to draw conclusions.

The UK CAA has undertaken its own analysis of near collision and runway incursion occurrences at AFIS aerodromes during the period from 1 October 2006 to 30 September 2016. During this period, 58 collision related events and 218 runway incursion events were recorded; none were caused by or contributed to by aerodrome FIS officers. In a significant majority of the 218 recorded runway incursion events, the actions of the aerodrome FIS officer, utilising their authority to issue instructions to aircraft on the manoeuvring area, prevented a more serious incident from occurring. As such, the UK has a clear safety argument supporting the permission given to an aerodrome FIS officer to issue instructions to aircraft on the manoeuvring area, based upon the need to mitigate:

- the complexity of traffic patterns at many AFIS aerodromes resulting, typically, from the aerodrome having been designed and built for military purposes in the 1940s and then being passed into civil ownership some years later.
- the risk of ground collision associated with pilot human error and limited cockpit visibility on the ground.

The UK CAA acknowledges that alternative mitigations exist to address these safety risks; for example, through the provision of ATC service, management of the type and volume of activity undertaken at the aerodrome and through adaptation of the physical aerodrome environment. However, the UK CAA believes that such measures would either be disproportionate or would pose a significant economic disbenefit to industry. It should be borne in mind that the UK has established a competitive environment for the provision of ATM/ANS.

In regards to those aerodromes within the UK where aerodrome FIS is currently provided, ATC service is not considered to be required to manage airborne aerodrome traffic; only the provision of instructions to aerodrome traffic on the manoeuvring area. However, at present, within the bounds of EASA’s statement in NPA 2016-09(a), the provision of such a level of service would require an individual to have completed the ‘common core content’ and to have an ‘Aerodrome Control Visual’ or ‘Aerodrome Control Instrument’ rating with the associated endorsements. A requirement to gain such a licence would be disproportionate and would pose a significant financial disbenefit to the ATS provider. The UK CAA also consider it noteworthy that the licensing of FIS officers is considered outside the scope of the Basic Regulation by the Commission and has thus been confirmed as remaining an area of national competency.<sup>7</sup> However, these technical provisions have an implicit impact upon this competency. By constraining the scope of aerodrome FIS, EASA have proposed provisions which conflict with and contradict national licensing policy.



In regards to those mitigations which would seek to manage the type and volume of activity undertaken at an AFIS aerodrome, or adapt the physical aerodrome environment, either course of action could have a negative effect on the ability of the aerodrome to generate revenue, whilst the latter would have direct cost implications. Given the competitive environment in which ATM/ANS are provided within the UK, any course of action which leads UK ANSPs to face increased costs or a reduction in their ability to generate revenue would be seen as a significant concern to the UK CAA.

Notwithstanding the UK CAA's additional comments on the questions posed by EASA in NPA 2016-09(a), we wish to engage with the Commission and EASA to jointly explore options to develop EU Regulatory materials and national licensing policy to permit the authority vested in UK aerodrome FIS officers to continue.

**Justification:** Maintain level of aerodrome safety at UK AFIS aerodromes.

response

Noted

See the response to comment #234 in CRD 2016-09(A).

EASA has held several thematic review meetings to assess the comments received via the NPA 2016-09 public consultation. The outcome of the discussions during these meetings confirmed the regulatory approach proposed with the NPA.

comment

1004

comment by: UK CAA

**Paragraph No:** ATS.TR.305 point (c)(2)

**Comment:** The UK CAA wishes to highlight their strong support for the current wording of ATS.TR.305 point (c)(2) and the associated GM1. However, we are concerned by our perception of an inconsistency between the provision and comments from EASA in NPA 2016-09(a) that “in no circumstances are [AFIS units] authorised to undertake actions related to the provision of ATC, such as...selecting the runway to be used for take-off and landing at the aerodrome, which should remain a prerogative of the pilots.” As such, the UK CAA requests EASA to clarify that ATS.TR.305 point (c)(2) and the associated GM1 are drafted correctly. Notwithstanding the UK CAA's later comments specifically related to the wording of GM1 ATS.TR.305(c)(2), we would not wish to see any further fundamental amendment to the provisions as drafted within NPA 2016-09(b).

**Justification:** UK CAA seeks clarification from EASA on a perceived inconsistency between comments made by the Agency in NPA 2016-09(a) and the provisions drafted within NPA 2016-09(b).

response

Noted

EASA understands that the comment is originated by a different interpretation of the wording used in the Explanatory Note in Section 2.7.1.4.3 of NPA 2016-09(A). The intent of EASA when drafting the Explanatory Note was to underline that the selection of the runway in use is in fact an ultimate responsibility of the pilot-in-command (although ATS.TR.260 stipulates provisions for where aerodrome ATC service is provided). Within the proposed



text in ATS.TR.305(c)(2), it is stipulated that AFIS units have to provide information about the runway in use. The concept is further elaborated in the corresponding GM1 ATS.TR.305(c)(2), amended to better clarify the intent.

See also the responses to comments #274 and #162 to CRD 2016-09(A).

comment 1437 comment by: Jan Sondij

|                     |      |  |                           |                      |
|---------------------|------|--|---------------------------|----------------------|
| ATS.TR.305.(d)<br>2 | KNMI | Reference is made to (EU) No 923/2012. | duplication of SERA 12020 | Prevent duplication. |
|---------------------|------|--|---------------------------|----------------------|

response Not accepted

See the responses to comments #673 and #147 in CRD 2016-09(A).

comment 1438 comment by: Jan Sondij

|                     |      |  |                      |                 |
|---------------------|------|--|----------------------|-----------------|
| ATS.TR.305.(d)<br>2 | KNMI | Reference is made to (EU) No 923/2012. Is this correct, should this not be repealed 2016/1377? | Incorrect reference? | Check reference |
|---------------------|------|--|----------------------|-----------------|

response Noted

See the responses to comments #673 and #147 in CRD 2016-09(A).

comment 1513 comment by: Airport Grenchen (Switzerland) LSZG

ATS.TR.305 Scope of flight information service, p. 42 /43:

1. A clear requirement for the provision of traffic information by AFIS is missing.
2. The possibility to provide suggestions by the flight information service is missing.

Refer to para 3.4.1.1. from the EUROCONTROL Manual to be included under lit. c.

response Partially accepted

See the response to comment #932.

comment 1551 comment by: European Transport Workers Federation - ETF

General comment : the responsibilities of FISOs and pilots need to be added. On request of pilots ? When workload permits ?



|          |   |
|----------|---|
|          | <p>(a)(5) on request only ?</p> <p>The way the sentence is built all those pieces of information are mandated to be part of the response by the FIS operator. All those are not always pertinent and needed, for efficient service this requirement should be split into three requirements :</p> <ol style="list-style-type: none"> <li>1) what is always needed</li> <li>2) what shall be available on the request of the pilot</li> <li>3) what shall be available and issued when the FISO thinks it is useful.</li> </ol> <p>same for (b) (1)</p>  |
| response | <p>Noted</p> <p>See the responses to comment #63 and #64.</p>   |
| comment  | <p>1552 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p><b>Comment 1</b> : AIRMET : no longer exist in some countries as a separate product so ETF suggests to change to significant weather information.</p> <p><b>Comment 2</b> : (b)(2) collision in regard to known traffic and not to terrain (the pilot is in charge of terrain clearance).</p> <p><b>Comment 3</b> : (e) : it is virtually impossible to be done for all aircraft and it has legal implication with regard to responsibility which renders it unacceptable as such.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #63.</p>   |
| comment  | <p>1602 <span style="float: right;">comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></span></p> <p>ATCEUC considers that the Agency should go further and establish some criteria, even if only as GM, to help CAs/MSs as to whether the most appropriate service to be provided in a given unit is Control or Information.</p> <p>ATCEUC suggests this addition because some information that is considered compulsory in the provision, such as (3) <i>Toxic chemicals in the atmosphere</i>, depend a lot on external information.</p> <p><b>ATS.TR.305 Scope of flight information service</b></p> <p><i>(a) Flight information service shall include, <u>as soon as it is available</u>, the provision of pertinent:</i></p> |
| response | <p>Noted</p> <p>See the responses to comments #87 and #143 in CRD 2016-09(A).</p>   |
| comment  | <p>1603 <span style="float: right;">comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></span></p>   |

Determining the RWY in use goes beyond the mere provision of information: since it interprets meteorological and operational information, a FISO should not have to take responsibility for that... It is the pilot who has to choose the runway to use, using the information provided by the FISO. This doesn't mean that the FISO can't provide information relevant to the conditions of the rwy, but the decision should be the pilots'.

In the survey provided by EASA there is no clear tendency that supports the approach that the Agency has taken in this issue, so ATCEUC opposes c)(2) considering that it could compromise safety, at least until appropriate training requirements are addressed

This view is further supported by **AMC1 ATS.TR.260(g) Selection of the runway in use CONSIDERATION OF NOISE ABATEMENT IN THE SELECTION OF RUNWAY IN USE**

**ATS.TR.305 Scope of Flight Information Service (c)(2)**

*(c) AFIS provided to flights shall include, in addition to relevant items outlined in points (a) and (b), the provision of information concerning:*

*(1) collision hazards to aircraft and vehicles operating on the manoeuvring area;*

*(2) ~~the runway in use;~~ condition of the runway*

*(3) messages, including clearances, received from other ATS units to relay to aircraft.*

response Not accepted

See the response to comment #1004.

comment 1608 comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)*

ATS.TR.305 Scope of flight information service, p. 43:

A clear requirement for the provision of traffic information by AFIS is missing, as well as the possibility to provide suggestions by the flight information service.

Refer to para 3.4.1.1. from the EUROCONTROL Manual to be included under lit. c.

response Partially accepted

See the response to comment #932.

comment 1610 comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)*

ATS.TR.305 Scope of flight information service, p.48, to be changed as follows:

*"ATS units shall, as necessary, use all available communication facilities to endeavor to establish and maintain communication with an aircraft in a state of emergency, and to request ~~new~~ **information** of the aircraft."*

response Not accepted

The requirement quoted in the comment is not the proposed ATS.TR.305, but instead ATS.TR.410, which is included in Section 4 'Alerting Service'.



See the response to comment #93.

**1.1.4. Amendments to Annex IV — Subpart B — Section 3 - ATS.TR.310**

p. 44

comment

529

comment by: *ATC the Netherlands*

|   |   |   |   |
|---|---|---|---|
| <p>ATS.TR.310(g) Voice-automatic terminal information service (Voice-ATIS) broadcasts</p> | <p>This IR states that the Voice-ATIS broadcast message shall, whenever practicable, not exceed 30 seconds.</p> <p>At a lot of ATIS messages 30 seconds is far from practicable. Therefore the condition “whenever practicable” of the original ICAO recommendation is widely applicable.</p> | <p>The 30 seconds duration limit will severely reduce the benefits of ATIS.</p> | <p>Convert this ICAO recommendation into AMC or GM.</p> |
|---|---|---|---|

response

Accepted

Based on the comment, EASA has reconsidered the transposition of the Recommendation in Section 4.3.4.8 of ICAO Annex 11 as IR. Since the said originating provision does not have a nature typical for an IR, EASA proposes its transposition as GM1 to ATS.TR.310, combining it with the content of GM1 to ATS.TR.310(g) proposed with NPA 2016-09, which is further complemented by the content of the Note to the Recommendation in Section 4.3.4.8 in ICAO Annex 11, referring to Doc 9683 ‘Human Factors Training Manual’

comment

799

comment by: *ENAV*

**ATS.TR.310(g) Voice-automatic terminal information service (Voice-ATIS) broadcasts**  
**Page 44**

This IR states that the Voice-ATIS broadcast message shall, whenever practicable, not exceed 30 seconds. At a lot of ATIS messages 30 seconds is far from practicable. Therefore the disclaimer “whenever practicable” of the original ICAO recommendation is widely applicable. PROPOSAL

Convert this ICAO recommendation into AMC or GM.

response

Accepted

See the response to comment #529.

comment

836

comment by: *Swedish Transport Agency, Civil Aviation Department*



|          |  |
|----------|--|
|          | <i>(Transportstyrelsen, Luftfartsavdelningen)</i>  |
|          | <p>This proposed regulation steams from a recommendation in Annex 11 where should is used, to combine “shall”, with “whenever practicable” gives alternate and therefore AMC is better. The Swedish Transport Agency propose to move ATS.TR.310 (g) to an AMC to ATS.TR.310 with following text</p> <p>The Voice-ATIS broadcast message <b>should</b>, whenever practicable, not exceed 30 seconds, care being taken that the readability of the ATIS message is not impaired by the speed of the transmission or by the identification signal of a navigation aid used for transmission of ATIS.</p>  |
| response | <p>Partially accepted</p> <p>See the responses to comments #529 and #147 in CRD 2016-09(A).</p>  |
| comment  | <p>922 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.TR.310(g) Voice-automatic terminal information service (Voice-ATIS) broadcasts<br/>Page 44</p> <p><b>CANSO Comment</b><br/>This IR states that the Voice-ATIS broadcast message shall, whenever practicable, not exceed 30 seconds.</p> <p>At a lot of ATIS messages 30 seconds is far from practicable. Therefore the disclaimer “whenever practicable” of the original ICAO recommendation is widely applicable.</p> <p><b>Impact</b><br/>The 30 seconds duration limit will severely reduce the benefits of ATIS.</p> <p><b>Suggested Resolution</b><br/>Convert this ICAO recommendation into AMC or GM.</p> |
| response | <p>Accepted</p> <p>See the response to comment #529.</p>   |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 3 - ATS.TR.315

p. 44

|          |  |
|----------|--|
| comment  | <p>442 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>Related to the term „identical in both content and format“ it is assumed that it addresses the format of the message (the listing and order of the content) rather than the transmission format (which can not be identic due to technical reasons).</p> |
| response | <p>Noted</p> <p>EASA confirms that the interpretation in the comment is correct.</p>   |



## 1.1.4. Amendments to Annex IV — Subpart B — Section 3 - ATS.TR.320

p. 44-45

|          |  |
|----------|--|
| comment  | <p>485 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b>45</p> <p><b>Paragraph No:</b> ATS.TR.320</p> <p><b>Comment:</b> We support the inclusion of AFIS in sub-paragraph (a)(5).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> |
| response | Noted  |
| comment  | <p>674 <span style="float: right;">comment by: <i>EUROCONTROL</i></span></p> <p><b>ATS.TR.320 Automatic terminal information service (voice and/ or data link) - Page 44</b></p> <p><u>Section (b)</u></p> <p>The EUROCONTROL Agency highlights that the notion of ‘weather report’ is non-existent in EU <u>regulation, whilst recognising that</u> the term “weather report” is directly copied from ICAO and that ICAO does not define it either.</p>   |
| response | <p>Accepted</p> <p>The wording in point (b) has been amended for consistency with the terminology used in Part-MET (Annex V to Regulation (EU) 2017/373), where the term ‘meteorological’ is used instead of ‘weather’.</p>  |
| comment  | <p>800 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>ATS.TR.320 Automatic terminal information service (voice and/or data link)</b><br/><b>Page 44</b></p> <p>Related to the term „identical in both content and format“ it is assumed that it addresses the format of the message (the listing and order of the content) rather than the transmission format (which can not be identical due to technical reasons).</p> <p><b>PROPOSAL</b><br/>Clarify that this relates to the format of the message and not the transmission format.</p>   |
| response | Noted  |



EASA confirms that the interpretation in the comment is correct.

comment 923 comment by: *CANSO*

ATS.TR.320 Automatic terminal information service (voice and/or data link)  
Page 44

**CANSO Comment**

Related to the term „identical in both content and format“ it is assumed that it addresses the format of the message (the listing and order of the content) rather than the transmission format (which can not be identical due to technical reasons).

**Suggested Resolution**

Clarify that this relates to the format of the message and not the transmission format.

response Noted

EASA confirms that the interpretation in the comment is correct.

comment 1436 comment by: *Jan Sondij*

|                |      |   |                            |  |
|----------------|------|---|----------------------------|--|
| ATS.TR.320.(7) | KNMI | Text: ‘...extracted from the local meteorological routine or special report.’. The term used in the repealed 2016/1377 is ‘local routine and local special report’. | Consistency in terminology | Proposal to use the term ‘local routine and local special report’ to be in line with (repealed) EU 2016/1377 |
|----------------|------|---|----------------------------|--|

response Partially accepted

See the response to comment #674.

comment 1439 comment by: *Jan Sondij*

|                |      |  |                            |                           |
|----------------|------|--|----------------------------|---------------------------|
| ATS.TR.320.(b) | KNMI | Reference is made to ‘weather report’. This term is non-existent in EU regulation. | Consistency in terminology | Check and/or change text. |
|----------------|------|--|----------------------------|---------------------------|

response Accepted

See the response to comment #674.

|          |   |                        |   |                            |  |
|----------|---|------------------------|---|----------------------------|--|
| comment  | 1440  | comment by: Jan Sondij |   |                            |  |
|          | ATIS.TR.320.7   | KNMI                   | Text: ‘...extracted from the local meteorological routine or special report.’. The term used in the repealed 2016/1377 is ‘local routine and local special report’. | Consistency in terminology | Proposal to use the term ‘local routine and local special report’ to be in line with (repealed) EU 2016/1377 |
| response | Partially accepted<br>See the response to comment #674. |                        |   |                            |  |

|         |   |   |  |  |
|---------|---|---|--|--|
| comment | 1605  | comment by: ATCEUC - Air Traffic Controllers European Unions Coordination |  |  |
|         | ATCEUC suggests to move (d) as a continuation of (a)(6)<br><br>Therefore <b>GM1 ATIS.TR.320(d)</b> would become <b>GM1 ATIS.TR.320 (a) (6)</b><br><br><b>ATIS.TR.320 Automatic terminal information service (voice and/or data link)</b><br><i>(a) Whenever Voice-ATIS and/or D-ATIS is provided:</i><br><i>(1) the information communicated shall relate to a single aerodrome;</i><br><i>(2) the information communicated shall be updated immediately when a significant change occurs;</i><br><i>(3) the preparation and dissemination of the ATIS message shall be the responsibility of the ATS provider;</i><br><i>(4) individual ATIS messages shall be identified by a designator in the form of a letter of the ICAO spelling alphabet. Designators assigned to consecutive ATIS messages shall be in alphabetical order;</i><br><i>(5) aircraft shall acknowledge receipt of the information upon establishing communication with the ATS unit providing approach control service or the aerodrome control tower or AFIS unit, as appropriate;</i><br><i>(6) the appropriate ATS unit shall, when replying to the message in point (5) or, in the case of arriving aircraft, at such other time as may be prescribed by the competent authority, provide the aircraft with the current altimeter setting; and <u>if an aircraft acknowledges receipt of an ATIS that is no longer current, the ATS unit shall transmit without delay to the aircraft any element of information that needs updating; and</u></i><br><i>(7) the meteorological information shall be extracted from the local meteorological routine or special report.</i><br><br><i>(b) When rapidly changing meteorological conditions make it inadvisable to include a weather report in the ATIS, the ATIS messages shall indicate that the relevant weather information will be given on initial contact with the appropriate ATS unit.</i><br><br><i>(c) Information contained in a current ATIS, the receipt of which has been acknowledged by the aircraft concerned, need not be included in a directed transmission to the aircraft, with the exception of the altimeter setting, which shall be provided in accordance with point (a).</i> |   |  |  |



*(d) If an aircraft acknowledges receipt of an ATIS that is no longer current, the ATS unit shall transmit without delay to the aircraft any element of information that needs updating.*

response

Not accepted

The requirement in point (a)(6) addresses the provision of the current altimeter setting for arriving aircraft when acknowledging the receipt of a current ATIS message. The case addressed in point (d) is when the aircraft acknowledges the receipt of an ATIS message which is no longer current.

See also the response to comment #548.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 4 - ATS.TR.400

p. 45-46

comment

65

comment by: Harald GERBAUTZ

ad (a) (2):

This formulation is not fulfillable by any ATS-unit. It would consider any flight being displayed or monitored on the radar! A more precise text is needed here (see above as well). A FIS-unit can only provide alerting service for flights with a clearly identified and confirmed callsign on radio (on the appropriate FIS-frequency). From a FISOs point of view there is an urgent need to define the parameters of when FIS and alerting services starts and when it is being terminated! It should be also noted that we have to distinguish btw. two "types" of uncertainty phases (INCERFA), one is mostly done by AIS (for overdue flights: ETA + 30 minutes) and the other one is applicable quite often for FIS units (especially in remote areas), when flights fail to report over an instructed reporting point or after a failed radio communication (+30min--> INCERFA). Those possible cases should be reflected at any point of the regulation or in any guidance material.

ad (b):

"Flight information centres or area control centres shall serve as the central point (...)": a clear assignment whether FIC or ACC has to carry out this responsibility has to be done by the ANSP.

"(...) for collecting all information relevant to a state of emergency of an aircraft (...)": this is probably too restrictive, this regulation makes sense for uncertainty phases, but not in real emergency cases!

response

With regard to the comments to point (a)(2):

Comment 1: Partially Accepted

The proposed requirement does not introduce any significant difference from the originating Standard in Section 5.1.1 of ICAO Annex 11. The expression 'in so far as practicable' is providing a modulation to cases for which it would not be realistic to stipulate general rules. Details on the conditions for the provision of the alerting service are provided in the ensuing requirements under Subpart B, Section 4 of the proposed Part-ATS and in the associated AMC and GM. More detailed instructions to ATCOs, AFISOs or FISOs are normally provided by competent authorities and/or the ATS providers as appropriate to local conditions.



However, in order to provide clarification on the applicability of alerting service to the case mentioned in the comment, EASA has introduced the new GM1 ATS.TR.400(a)(2).

See also the response to comment #64.

Comment 2: Not accepted

EASA is of the opinion that the uncertainty phase (INCERFA) is sufficiently described in ATS.TR.405. The interpretation provided in the comment that AIS is providing such a service is incorrect. EASA believes that the comment wrongly interprets the ATS reporting office as part of the AIS, while instead within the EU regulatory context it is an ATS unit as per the related definition.

With regard to the comments to point (b):

Comment 1: Noted

It is assumed that the ATS providers are already aware of the requirement, transposed from the Standard in Section 5.1.2 of ICAO Annex 11, and that they act accordingly. The provision leaves the option to the ATS provider to assign the task either to the FIC **OR** to the ACC, which gives the flexibility and reflects the existing European practices.

Comment 2: Not accepted

The proposed text in the comment does not introduce any difference compared to the applicable Standard in Section 5.1.2 of ICAO Annex 11. Given the diversity of the emergencies which may occur, EASA does not deem appropriate to define the set of information for this purpose in regulatory material.

|          |   |
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| comment  | <p>210 <span style="float: right;">comment by: <i>Slawomir BALAZY</i></span></p> <p>(a) (2) Suggestion to revise sentence "otherwise known to the ATS" by adding precise condition e.g. declaring problems or emergency situation.</p> <p>Without precise specification it is unclear if INCERFA shall be declared for aircrafts which contacted with FIS for some reasons and didn't continue communication for more than 30 min due to no such obligation (class G airspace).</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #65.</p>   |
| comment  | <p>359 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>ATS.TR.400 (a)(2)</p> <p>Without precise specification it is unclear if INCERFA shall be declared for aircrafts which contacted with FIS for some reasons and didn't continue communication for more than 30 min due to no such obligation (class G airspace).</p> <p>(a) (2) Needed to change sentence "otherwise known to the ATS" to precise condition (for</p>                             |

|          |   |         |           |          |    |
|----------|---|---------|-----------|----------|----|
|          | example:<br>distress traffic).  | traffic | declaring | problems | or |
| response | Partially accepted<br>See the response to comment #65.  |         |           |          |    |
| comment  | <p>462 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 45, ATS.TR.400 Application, Par (a)(2):.....or <b>otherwise known to the ATS....</b></p> <p>Remark:<br/>This proposed text is not fulfil able by any ATS-unit!<br/>It would consider any flight being displayed or monitored on the radar! A more precise text is needed here (see above as well). An FIS-unit can only provide alerting service for flights with a clearly identified and confirmed call sign on radio (on the appropriate FIS-frequency).<br/>From a FISOs point of view, there is an urgent need to define the parameters of when FIS and alerting services starts and when it is being terminated! It should be also noted that we have to distinguish btw. two "types" of uncertainty phases (INCERFA), one is mostly done by AIS (for overdue flights: ETA + 30 minutes) and the other one is applicable quite often for FIS units (especially in remote areas), when flights fail to report over an instructed reporting point or after a failed radio communication (+30min--&gt; INCERFA).</p> <p>Those possible cases should be reflected at any point of the regulation or in any guidance material.</p> <p>Proposes solution:<br/>Define more precisely, when and how FIS and alerting services starts and when and how they are terminated!</p> |         |           |          |    |
| response | Partially accepted<br>See the response to comment #65.  |         |           |          |    |
| comment  | <p>463 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 46, ATS.TR.400 Application, Par (b):</p> <p>Remark 1:<br/>"<b>Flight information centres or area control centres shall</b> serve as the central point (...)": a clear assignment whether FIC or ACC has to carry out this responsibility has to be done by the ANSP.</p> <p>Proposed solution:<br/>Define a clear assignment whether FIC or ACC has to carry out this responsibility.</p> <p>Remark 2:<br/>"(...) for <b>collecting all information relevant to a state of emergency</b> of an aircraft (...)": this is probably too restrictive, this regulation makes sense for uncertainty phases, but not in real</p>  |         |           |          |    |

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|          | <p>emergency cases!</p> <p>Proposed solution:<br/>Define more precisely which basic information shall be collected in stressing emergency situations.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #65.</p>   |
| comment  | <p>487 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b>46</p> <p><b>Paragraph No:</b> ATS.TR.400</p> <p><b>Comment:</b> We support the inclusion of AFIS in sub-paragraphs (c) and (d).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p>  |
| response | <p>Noted</p>  |
| comment  | <p>679 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>"in so far as practicable, to all other aircraft having filed a flight plan (*) or otherwise known to the ATS (**);"</p> <p>(*) and after receiving information about the actual departure of the aircraft. E.g. by contact with an ATS unit or, by DEP (AFTN) message.</p> <p>(**) i.e. known to experience problems or emergency.</p> <p>In class G airspace (outside RMZ) pilots do not have to make radio contact with ATS. In Poland sometimes pilots say "Hello", receive the QNH and do not say anything else, nor "good-bye". It would be essential to make it clear that <u>no radio contact with a pilot in class G</u>, even longer than 30 minutes, provided there is no information about problems or emergency, <b>is not</b> a cue to alert RCC.</p> |
| response | <p>With regard to the comment related to 'other aircraft having filed a flight plan': Not accepted<br/>The proposal in the comment would introduce an excessive restriction to the scope of the alerting service, which is not in line with the originating ICAO provisions.</p> <p>With regard to the comment related to 'aircraft....otherwise known to the ATS': Partially accepted</p> <p>See the response to comment #65.</p>  |



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| comment  | <p data-bbox="359 235 406 280">699</p> <p data-bbox="1077 235 1476 280" style="text-align: right;">comment by: <i>Dimitris ARVANITIS</i></p> <p data-bbox="359 291 1484 716"><b>Reference ATIS.TR.400 (a) (2), "or otherwise known to the ATS":</b> This formulation is not fulfillable by any ATS unit. It would consider any flight being displayed or monitored on the radar! A more precise text is needed here (see comment #690 as well). A FIS unit can only provide alerting service for flights with a clearly identified and confirmed call sign on radio (on the appropriate FIS frequency). From a FISOs point of view there is an urgent need to define the parameters of when FIS and alerting services starts and when it is being terminated! It should be also noted that we have to distinguish between two "types" of uncertainty phases (INCERFA), one is mostly done by AIS (for overdue flights: ETA + 30 minutes) and the other one is applicable quite often for FIS units (especially in remote areas), when a flights fail to report over an instructed reporting point or after a failed radio communication (+30min--&gt; INCERFA). Those possible cases should be reflected at some point of the regulation or in some guidance material.</p> |
| response | <p data-bbox="359 739 582 784">Partially accepted</p> <p data-bbox="359 795 790 840">See the response to comment #65.</p>  |
| comment  | <p data-bbox="359 907 406 952">700</p> <p data-bbox="1077 907 1476 952" style="text-align: right;">comment by: <i>Dimitris ARVANITIS</i></p> <p data-bbox="359 963 1484 1120"><b>Reference ATIS.TR.400 (b), "Flight information centres or area control centres":</b> it should be pointed out (here or in the guidance material) that a clear assignment whether the flight information centre OR an area control centre has to carry out this responsibility shall be done by the ANSP.</p>  |
| response | <p data-bbox="359 1142 438 1187">Noted</p> <p data-bbox="359 1198 790 1243">See the response to comment #65.</p>   |
| comment  | <p data-bbox="359 1310 406 1355">701</p> <p data-bbox="1077 1310 1476 1355" style="text-align: right;">comment by: <i>Dimitris ARVANITIS</i></p> <p data-bbox="359 1366 1484 1523"><b>Reference ATIS.TR.400 (b), "for collecting all information relevant to a state of emergency of an aircraft":</b> This provision should be restricted to the state of INCERFA. For ALERFA and DETRESFA another entity (e.g. the rescue coordination centre) might be a more appropriate focal point than FIC or ACC.</p>  |
| response | <p data-bbox="359 1545 534 1590">Not accepted</p> <p data-bbox="359 1601 1484 1814">The proposed text of ATIS.TR.400(b), making reference to 'state of emergency', further clarified in ATIS.TR.405(a), is fully aligned with the Standards in Section 5.2.1 of ICAO Annex 11. Introducing the amendment proposed with the comment would represent a difference to such Standards, and would bring some actions stipulated for alerting service outside the management of ATS units (e.g. the rescue coordination centre is <b>NOT</b> an ATS unit).</p>   |
| comment  | <p data-bbox="359 1870 406 1915">749</p> <p data-bbox="1141 1870 1476 1915" style="text-align: right;">comment by: <i>Maciej Drózdź</i></p> <p data-bbox="359 1926 1484 2038">(a)2. "Otherwise known" that they fly, or "otherwise known that they experience difficulties during flight"?<br/>It is not specified, and it impacts the way of dealing with a/c in uncontrolled airspace</p>  |

response Partially accepted  
See the response to comment #65.

comment 1064 comment by: CANSO

ATS.TR.400 Application (a) (2)

**CANSO Comment**  
In a regulatory document, this requirement calls for AMC/GM to clarify the operational meaning of “in so far as practicable” and “otherwise known”.

**Impact**  
Legal expansion of the responsibility of ANSPs/ATCOs beyond what operationally necessary. Uncertainty on applicability and demonstration of compliance.

**Suggested Resolution**  
Add AMC/GM such as:

ALRS to aircraft having filed a flight plan shall be provided from the moment when ATS becomes aware that the flight commenced;

ALRS to aircraft not having filed a flight plan shall be provided only when ATS becomes aware that the operational efficiency of the aircraft is impaired, and search and/or rescue is needed.

response Partially accepted  
See the response to comment #65.

comment 1297 comment by: Polish Air Navigation Services Agency

"in so far as practicable, to all other aircraft having filed a flight plan (\*) or otherwise known to the ATS (\*\*);"

(\*) and after receiving information about the actual departure of the aircraft. E.g. by contact with an ATS unit or, by DEP (AFTN) message.

(\*\*) i.e. known to experience problems or emergency.  
In class G airspace (outside RMZ) pilots do not have to make radio contact with ATS. In Poland sometimes pilots say "Hello", receive the QNH and do not say anything else, nor "good-bye". It would be essential to make it clear that no radio contact with a pilot in class G, even longer that 30 minutes, provided there is no information about problems or emergency, is not a cue to alert RCC.

response Partially accepted  
See the response to comment #679.



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| comment  | 1553   | comment by: <i>European Transport Workers Federation - ETF</i> |
|          | <p>(a)(2) Needs clarification, the in so far as practicable is too vague.<br/>         Proposal : Alerting service shall be provided by the ATS units:</p> <ul style="list-style-type: none"> <li>• To all aircraft in communication with an ATS unit</li> <li>• To all aircraft with a filed flight plan who did not report there arrival in time.</li> <li>• And, in so far as practicable, to all aircraft which request by the appropriate means that alerting service is provided to them.</li> </ul> |  |
| response | <p>Partially accepted</p> <p>See the response to comment #65.</p>  |  |
| comment  | 1555   | comment by: <i>European Transport Workers Federation - ETF</i> |
|          | <p>About (b) : It is never FIC and ACC at the same time so the procedure to decide whether it is one or the other should be regulated.</p>   |  |
| response | <p>Not accepted</p> <p>See the response to comment #65.</p>  |  |

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 4 - ATS.TR.405

p. 46-48

|          |  |                                      |
|----------|--|--------------------------------------|
| comment  | 93   | comment by: <i>Airport Buochs AG</i> |
|          | <p>ATS.TR.410 Use of communication facilities, p.48, to be changed as follows:<br/> <i>“ATS units shall, as necessary, use all available communication facilities to endeavor to establish and maintain communication with an aircraft in a state of emergency, and to request <b>news information</b> of the aircraft.”</i></p> <p>ATS.TR.415 Plotting aircraft in a state of emergency, p.48:<br/> <i>“When a state of emergency is considered to exist, the ATS unit(s) aware of the emergency <b>should make sure that the latest position of the aircraft is known</b> <del>plot the flight of the aircraft involved on a chart or other appropriate tool</del> in order to determine the probable future position of the aircraft and its maximum range of action from its last known position.”</i></p> |                                      |
| response | <p>With regard to the comment on ATS.TR.410: Not accepted</p> <p>Changing words for the reason that, in the opinion of the commentator, an expression reads better without a justified regulatory need may prove counterproductive or confusing. It is an established drafting principle not to modify the wording of ICAO provisions when there is no technical justification for doing it. See also Section 2.4 of NPA 2016-09(A) ‘Transposition of ICAO provisions into Part-ATS’. Additionally, in the opinion of EASA the term ‘information’ may refer to any kind of information related to the aircraft at any time, whereas the term ‘news’ refers to information related to a recent event; therefore the latter is considered</p>  |                                      |



more appropriate for the present case.

With regard to the comment on ATS.TR.415: Not accepted

See the response to comment #1010.

comment 112

comment by: *Jens Johansen*

"Without prejudice to any other circumstances that may render such notification advisable, ATS units shall ...."

This paragraf is very hard to understand.

response Not accepted

The wording is transposed from the Standard in Section 5.2.1 of ICAO Annex 11 without modification and it is considered necessary to express that there may be a wide variety of circumstances in the context of alerting service provision, and that the best judgement of the ATS units staff is recognised as being part of the conditions to provide that service.

comment 147

comment by: *IFATCA*

1.1.4  
ATS.TR.405

~~(iii) at AFIS aerodromes, under circumstances as prescribed by the competent authority; or~~

AFIS should be subject to the same rules for Alerting Service

(ivii) information has been received which indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely, except when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants; or  
(iv) an aircraft is known or believed to be the subject of unlawful interference.

response Not accepted

Point (iii) addresses the fact that AFIS units do not deliver landing clearances and therefore the requirement is not applicable as it does not fall into point (ii) related to such clearances. The intention of the comment is understood as asking for more standardisation of the requirements applicable to AFIS compared to aerodrome ATC service. However, EASA does not deem realistic that aircraft intending to land at AFIS aerodrome declare at all times their intention and the estimate to land, such to permit the applicability of the said requirement. For example, the provision could seem appropriate for AFIS aerodromes with scheduled flights, but not at those with primarily General Aviation operations, or those where a radio mandatory zone is not established. For this purpose, EASA remains of the opinion that the conditions for the application of this requirement are to be defined by the competent

authority, based on the local operations and regulations.

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| comment  | <p>212</p> <p>comment by: <i>Slawomir BALAZY</i></p> <p>It is necessary to exclude from alerting service <u>no communication occurrence in uncontrolled airspace</u> (class G airspace) where continuous two- way air-ground voice communication is not required. Without precise specification it is unclear if INCERFA shall be declared for aircrafts which contacted with FIS for some reasons and didn't continue communication for more than 30 min due to no such obligation .</p> |
| response | <p>Not accepted</p> <p>See the response to comment #65, in particular with regard to the introduction of GM1 ATS.TR.400(a)(2).</p>  |

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| comment  | <p>488</p> <p>comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></p> <p><b>Page No:</b>46</p> <p><b>Paragraph No:</b> ATS.TR.405</p> <p><b>Comment:</b> We support the inclusion of AFIS in sub-paragraph (a)(2)(iii).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> |
| response | <p>Noted</p>  |

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| comment | <p>530</p> <p>comment by: <i>ATC the Netherlands</i></p>             |   |   |  |
|         | <p>ATS.TR.405(c)<br/>Notification to rescue coordination centres</p> | <p>The required gathering of this information via the pilots contradicts with the ICAO guidelines to limit the amount of communication (e.g. ICAO doc 4444 15.1.1.3 note).</p> <p>Therefore LVNL has the policy not to ask for this information if not available.</p> | <p>To request this information from the pilots will complicate their tasks to handle the emergency safely</p> | <p>Convert this ICAO annex 11-5.2.2.1 recommendation into AMC or GM.</p> |

response Not accepted

The requirement does not specify that the information is to be sought from the pilot and therefore it does not imply that the pilot would be disturbed while flying the aircraft during the emergency. Additionally, most of the information listed in ATS.TR.405(c) may be, and is likely to be, obtained from other sources than the pilot.

comment

710

comment by: DTCA

Ad ATS.TR.405, 2 iii)

In order to align the criteria with the criteria given for ATC, ref. ii), DTCHA propose the following text:

(iii) at AFIS aerodromes, unless otherwise prescribed by the competent authority, an aircraft fails to land within 5 minutes of the estimated time of landing and communication has not been re-established with the aircraft; or

Please note the cross reference to GM1 ATS.TR.405(a)(2)(iii) subject to the acceptance of the proposal.

response

Not accepted

See the response to comment #147.

comment

750

comment by: Maciej Drózdź

It should be pointed out, that 30 minutes rule (no communication) affects a/c in the airspace, where 2-way communication is mandatory.

response

Not accepted

ATS.TR.405(a)(1)(i) indicates '30 minutes after the time a communication **should have been received**'. When radio communication was not established voluntarily by the pilot, this wording automatically excludes the case of no radio communication in airspace where it is not required.

comment

769

comment by: Martyna NIWICKA

It is crucial to add a note that no communication with an aircraft in class G, where the radio contact is not obligatory, does not determine the uncertainty phase.

In Poland pilots sometimes (due to radio coverage or frequency congestion) do not inform of the end of the flight, or contact FIS only to ask for some specific information (QNH, or weather conditions) and it would be awkward if - after 30 minutes from the previous contact- FISOs reported such traffic to RCC.



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|          | <p>The sentence: "no doubt exists as to the safety of the aircraft and its occupants" sounds superfluous, as one never is 100% sure about the safety of the a/c or POB, if no radio contact has been made for a longer period of time.</p>  |
| response | <p>Not accepted</p> <p>ATS.TR.405(a)(1)(i) indicates '30 minutes after the time a communication <b>should have been received</b>'. When radio communication was not established voluntarily by the pilot, this wording automatically excludes the case of no radio communication in airspace where it is not required. For cases where radio communication was established voluntarily by the pilot but not properly terminated, ATS units should have clear instructions on how to address flights having not properly terminated the radio-communication. See also the response to comment #65, in particular with regard to the introduction of the new GM1 ATS.TR.400(a)(2).</p>  |
| comment  | <p>801 <span style="float: right;">comment by: ENAV</span></p> <p><b>ATS.TR.405(c) Notification to rescue coordination centres</b><br/> <b>Page 47</b>The required gathering of this information via the pilots contradicts with the ICAO guidelines to limit the amount of communication (e.g. ICAO doc 4444 15.1.1.3 note).<br/> <b>PROPOSAL</b><br/> Convert this ICAO annex 11-5.2.2.1 recommendation into AMC or GM.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #530.</p>  |
| comment  | <p>838 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>Sweden's opinion is that EASA should regulate that all European AFIS/FIS-providers shall perform alerting service. It can not be up to national authorities to decide this, as it will be big differences between the AFIS/FIS- providers across Europe. The lack of common regulation in this question will from an air operators view lead to uncertainty of what level of alerting service they are subject to when operating in different member states.</p> <p>Proposal:<br/> Delete (iii) <del>at AFIS aerodromes, under circumstances as prescribed by the competent authority;</del> <span style="float: right;">or</span><br/> Rewrite (ii) so that it also becomes effective for AFIS units; or<br/> Change the proposed GM to an AMC and modify the headline and text so it will be applicable even for AFIS units (... the aerodrome control towers and <b>AFIS towers</b>)</p> |
| response | <p>Not accepted</p> <p>See the response to comment #147.</p>  |

| comment                      | <p>924</p> <p>ATS.TR.405(c) Notification to rescue coordination centres<br/>Page 47</p> <p><b>CANSO Comment</b><br/>The required gathering of this information via the pilots contradicts with the ICAO guidelines to limit the amount of communication (e.g. ICAO doc 4444 15.1.1.3 note).</p> <p><b>Impact</b><br/>To request this information from the pilots will complicate their tasks to handle the emergency safely.</p> <p><b>Suggested Resolution</b><br/>Convert this ICAO annex 11-5.2.2.1 recommendation into AMC or GM.</p>   | comment by: <i>CANSO</i>                                 |         |               |  |                              |                                   |                            |  |                                 |
|------------------------------|---|--|---------|---------------|--|------------------------------|-----------------------------------|----------------------------|--|---------------------------------|
| response                     | <p>Not accepted</p> <p>See the response to comment #530.</p>  |  |         |               |  |                              |                                   |                            |  |                                 |
| comment                      | <p>1252</p> <p>Situation of lack of communication in area where two way communication is not necessary should be excluded from (a) (1) (i) point.</p>   | comment by: <i>Kamila GRABOWSKA</i>                      |         |               |  |                              |                                   |                            |  |                                 |
| response                     | <p>Not accepted</p> <p>See the response to comment #769.</p>  |  |         |               |  |                              |                                   |                            |  |                                 |
| comment                      | <p>1298</p> <p>It is crucial to add a note that no communication with an aircraft in class G, where the radio contact is not obligatory, does not determine the uncertainty phase.<br/>In Poland pilots sometimes (due to radio coverage or frequency congestion) do not inform of the end of the flight, or contact FIS only to ask for some specific information (QNH, or weather conditions) and it would be awkward if - after 30 minutes from the previous contact- FISOs reported such traffic to RCC.</p> <p>The sentence: "no doubt exists as to the safety of the aircraft and its occupants" sounds superfluous, as one never is 100% sure about the safety of the a/c or POB, if no radio contact has been made for a longer period of time.</p> | comment by: <i>Polish Air Navigation Services Agency</i> |         |               |  |                              |                                   |                            |  |                                 |
| response                     | <p>Not accepted</p> <p>See the response to comment #769.</p>  |  |         |               |  |                              |                                   |                            |  |                                 |
| comment                      | <p>1340</p> <table border="1" data-bbox="359 1948 1476 2047"> <thead> <tr> <th data-bbox="359 1948 678 2004">PART</th> <th data-bbox="678 1948 1061 2004">COMMENT</th> <th data-bbox="1061 1948 1428 2004">JUSTIFICATION</th> <th data-bbox="1428 1948 1476 2004"></th> </tr> </thead> <tbody> <tr> <td data-bbox="359 2004 678 2047"><b>(B) 1.1.4. Amendments</b></td> <td data-bbox="678 2004 1061 2047">After comparing <b>ATS.TR.405</b></td> <td data-bbox="1061 2004 1428 2047">Clarification is sought in</td> <td data-bbox="1428 2004 1476 2047"></td> </tr> </tbody> </table>   | PART   | COMMENT | JUSTIFICATION |  | <b>(B) 1.1.4. Amendments</b> | After comparing <b>ATS.TR.405</b> | Clarification is sought in |  | comment by: <i>AESA / DSANA</i> |
| PART                         | COMMENT   | JUSTIFICATION  |         |               |  |                              |                                   |                            |  |                                 |
| <b>(B) 1.1.4. Amendments</b> | After comparing <b>ATS.TR.405</b>   | Clarification is sought in                               |         |               |  |                              |                                   |                            |  |                                 |

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| <p><b>to Annex IV - Subpart B - Technical requirements for providers of ATS (ATS.TR)</b><br/> <i>Section 4 - Alerting service</i><br/><br/> <b>ATS.TR.405</b></p> | <p>to Annex 11, <b>section 5.2.1.(b)</b>, it is not clear if the following text applies only to point (a)(2)(iv) or to points (a)(2)(i), (ii), (iii) and (iv):<br/> <i>"except when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants;"</i></p> | <p>order to avoid future misunderstandings whilst implementing the resulting regulation.</p> |
|---|--|--|

response

Partially accepted

The text in point (a)(2)(iv) ‘except when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants’ is to be referred to points (i), (ii), (iii) and (iv), while for an editorial mistake in the NPA 2016-09(B) it was included in and applicable only to point (iv). The provision has been amended to align it with the originating Standard in Section 5.2.1(b) of ICAO Annex 11.

With regard to the proposal to align the provisions relevant to AFIS with those addressing ATC, see the response to comment #147.

comment

1514 comment by: Airport Grenchen (Switzerland) LSZG

ATS.TR.410 Use of communication facilities, p.48, to be changed as follows:  
*“ATS units shall, as necessary, use all available communication facilities to endeavor to establish and maintain communication with an aircraft in a state of emergency, and to request **news information** of the aircraft.”*

ATS.TR.415 Plotting aircraft in a state of emergency, p.48:  
*“When a state of emergency is considered to exist, the ATS unit(s) aware of the emergency **should make sure that the latest position of the aircraft is known** ~~plot the flight of the aircraft involved on a chart or other appropriate tool~~ in order to determine the probable future position of the aircraft and its maximum range of action from its last known position.”*

response

Not accepted

See the response to comment #93.

comment

1556 comment by: European Transport Workers Federation - ETF

About (b) : For INCERFA, all the elements of information is too prescriptive : everything is often not needed at this point.

response

Not accepted

The lead-in sentence is open by indicating that ‘...such of the following information as is available...’ and therefore is not considered to be too prescriptive. Additionally, the list,

transposed from the Standard in Section 5.2.2 of ICAO Annex 11, concerns potentially the three phases (uncertainty, alert and distress) and needs to be sufficiently comprehensive.

**1.1.4. Amendments to Annex IV — Subpart B — Section 4 - ATS.TR.415** p. 48

comment

1010

comment by: UK CAA

**Paragraph No:** ATS.TR.415 and AMC1 ATS.TR.415

**Comment:** The UK CAA perceives that there is an inconsistency between the text of ATS.TR.415 and its associated AMC. ATS.TR.415 describes that “...the ATS unit(s) aware of the emergency shall plot the flight of the aircraft involved on a chart or other appropriate tool”, whereas the associated AMC states that “The progress of an aircraft in emergency should be monitored and (whenever possible) plotted on the situation display...” As such, AMC1 does not illustrate a means of compliance with ATS.TR.415 as the 2 bodies of text relate to different forms in which plotting may take place. UK CAA requests EASA to clarify how ATS units are to “plot the flight of the aircraft involved on a chart”. See also UK CAA comment on AMC1 ATS.TR.160(d)(7) relating to the plotting of aircraft positions.

**Justification:** Clarity of EU regulatory materials.

response

Not accepted

It shall be noted that the Standard in Section 7.1.2.3 of ICAO Annex 11 transposed as ATS.TR.415 is to be interpreted in the context of the EASA response to comment #554, i.e. that in the absence of an ICAO definition for a term, the normal practice is to use the definition of the dictionary. It means that the plotting of an aircraft in this context stands for a marking of the position of the aircraft on a chart. The interpretations of ‘chart’ within the available technology may be various from ‘planchette’ to electronic chart or a radar screen/controller working position (CWP).

With regard to the comment on AMC1 ATS.TR.415, its applicability is for plotting the position of aircraft at units where ATS surveillance services are provided, as clearly stated in its title.

comment

1341

comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <b>(B) 1.1.4. Amendments to Annex IV - Subpart B - Technical requirements for providers of ATS (ATS.TR)</b><br><i>Section 4 - Alerting service</i><br><br><b>ATS.TR.415</b> | Annex 11, <b>section 5.4</b> states that other aircraft in the vicinity must be plotted, and that should be included in <b>ATS.TR.415</b> . | This should be done for the sake of coherence with ICAO documents in order to avoid as many differences as possible. |

response Not accepted

It is acknowledged that not transposing the second sentence may constitute a difference with ICAO. However, with the technology widely implemented throughout the EU ATS providers and with the existing requirements for the surveillance data storage, EASA considered superfluous the transposition of this ICAO provision.

comment

1611 comment by: *Swiss Aerodromes & GASCO (General Aviation Steering Committee Switzerland)*

ATS.TR.415 Plotting aircraft in a state of emergency, p.48:

*“When a state of emergency is considered to exist, the ATS unit(s) aware of the emergency should make sure that the latest position of the aircraft is known ~~plot the flight of the aircraft involved on a chart or other appropriate tool~~ in order to determine the probable future position of the aircraft and its maximum range of action from its last known position.”*

response Not accepted

See the response to comment #93.

#### 1.1.4. Amendments to Annex IV — Subpart B — Section 4 - ATS.TR.420

p. 48

comment

212 ❖

comment by: *Slawomir BALAZY*

It is necessary to exclude from alerting service no communication occurrence in uncontrolled airspace (class G airspace) where continuous two- way air-ground voice communication is not required. Without precise specification it is unclear if INCERFA shall be declared for aircrafts which contacted with FIS for some reasons and didn't continue communication for more than 30 min due to no such obligation .

response

Not accepted

See the response to comment #65, in particular with regard to the introduction of GM1 ATS.TR.400(a)(2).

comment

531

comment by: *ATC the Netherlands*



|  |   |                                |                               |
|--|---|--------------------------------|-------------------------------|
| <p>ATS.TR.420(a)<br/>Information to the operator</p> | <p>This IR requires in case of an uncertainty or an alert phase the notification of the operator prior to notifying the rescue coordination centre, when practicable. It seems more appropriate when the SAR operator clarifies the situation by notifying the operator</p> <p>Because of the condition “when practicable”, this rule is not clear.</p> | <p>Problematic application</p> | <p>Convert into AMC or GM</p> |
|--|---|--------------------------------|-------------------------------|

response

Not accepted

From the analysis conducted by EASA, there is no indication that this ICAO provision was ever considered problematic and the justification for a change provided with the comment is not sufficient. A wide variety of situations may occur and the expression ‘when practicable’ leaves the possibility to use best judgement depending on the conditions. When an aircraft is in uncertainty or alert phase, the operator may have more precise information about the status of the aircraft. The intent of the provision is hence to avoid the need to notify the rescue coordination centre and to initiate the subsequent necessary actions.

comment

802

comment by: ENAV

**ATS.TR.420(a) Information to the operator**  
**Page 48**

This IR requires in case of an uncertainty or an alert phase the notification of the operator prior to notifying the rescue coordination centre, when practicable. Because of the disclaimer “when practicable”, this rule is not clear.

PROPOSAL  
Convert into AMC or GM

response

Not accepted

The expression ‘when practicable’ mainly refers to the cases when information on the aircraft operator is available to the relevant ATS unit. In SERA.7005 of Regulation (EU) No 923/2012 (SERA), as well as in various instances within Part-ATS (e.g. ATS.OR.435), which are transposed from the relevant ICAO provisions, the necessity for establishing such communication and coordination arrangements is addressed.

See also the response to comment #531.

comment

925

comment by: CANSO

**ATS.TR.420(a) Information to the operator**  
**Page 48**



|          |  |
|----------|--|
|          | <p><b>CANSO Comment</b><br/>This IR requires in case of an uncertainty or an alert phase the notification of the operator prior to notifying the rescue coordination centre, when practicable.</p> <p>Because of the disclaimer “when practicable”, this rule is not clear.</p> <p><b>Impact</b><br/>Problematic application.</p> <p><b>Suggested Resolution</b><br/>Convert into AMC or GM.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #802.</p>   |
| comment  | <p>1554 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>It is never FIC and ACC at the same time so the procedure to decide whether it is one or the other should be regulated.</p>   |
| response | <p>Noted</p> <p>It is assumed that the ATS providers are aware of the requirement stipulated in the Standard in Section 5.5.1 of ICAO Annex 11, and that they act accordingly. The provision leaves the option to the ATS provider to assign the task either to the FIC <b>OR</b> to the ACC, which gives the flexibility and reflects the existing European practices.</p>                      |

### 1.1.5. Amendments to Annex V — Subpart A — MET.OR.242

p. 48

|          |   |
|----------|---|
| comment  | <p>489 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 48<br/><b>Paragraph No:</b> MET.OR.242</p> <p><b>Comment:</b> We support the inclusion of AFIS in sub-paragraph (a).</p> <p><b>Justification:</b> AFIS is an integrated part of the ATS being provided in Norway, and the majority of Norwegian airports have traffic figures supporting the justification of AFIS rather than ATC service at these airports. Avinor ANS generally supports the EASA initiative for providing clearer and more proportionate rules for the provision of AFIS within the scope of ATS and to harmonise this type of ATS.</p> |
| response | <p>Noted</p>  |
| comment  | <p>758 <span style="float: right;">comment by: <i>DTCA</i></span></p>   |



|          |   |
|----------|---|
|          | <p>Ad 1.1.5 (MET.OR.242)</p> <p>Consider to amend the text to ".....its associate aerodrome control tower or AFIS unit, as appropriate, with:....."</p>   |
| response | <p>Not accepted</p> <p>The adequate element of flexibility is already included in MET.OR.242 by the expression 'as necessary'.</p> <p>See also the response to comment #143 in CRD 2016-09(A).</p>  |
| comment  | <p>803 <span style="float: right;">comment by: ENAV</span></p> <p><b>MET.OR.242 Information to be provided to air traffic services units (a)</b></p> <p>"unless otherwise prescribed for AFIS units by the competent authority" should be added to provide for flexibility in met provision at smaller aerodromes.</p> <p>PROPOSAL<br/>AMC/GM needed to standardize a reduced set of info for AFIS</p> <p>This should be included in Part MET</p>   |
| response | <p>Not accepted</p> <p>The proposed amendment concerns the set of meteorological information and data that the MET office shall make available to aerodrome control tower and AFIS unit, with the adequate flexibility ensured by the use of the terms 'as necessary'. It is recalled that MET.OR.242 is included in Annex V (Part-MET) to Regulation (EU) 2017/373.</p> <p>The corresponding requirement in ATS.OR.515(a) allows flexibility for AFIS units at the discretion of the competent authority, which is responsible to prescribe the appropriate elements of MET information taking into account the requirements in MET.OR.242(a) versus the local AFIS provision.</p> <p>Such flexibility is not allowed for aerodrome control towers, in accordance with the originating Standard in Section 7.1.4.1 of ICAO Annex 11.</p> |
| comment  | <p>921 <span style="float: right;">comment by: AIRBUS</span></p> <p>The specific conditions for low visibility operations with reduced aerodrome operating minima for which information to be provided are made necessary should be specified in an associated AMCs MET.OR &amp; MET.TR: "Information to be provided for Low Visibility Operations".</p> <p><u>Proposal:</u><br/>Airbus suggests explaining the « as necessary » in dedicated AMCs. " MET.OR.242 information to be provided to ATS Units by ADR MET Office, <b>as defined in AMCs MET.OR and MET.TR</b> (ATS Units include ADR control tower and AFIS unit).</p>  |

|          |   |
|----------|---|
| response | <p>Not accepted</p> <p>MET.OR.242(a) includes the expression ‘as necessary’ to describe that the content of the meteorological information to be provided by the meteorological office to the aerodrome control tower and, as per the amendment proposed with Part-ATS, to AFIS the unit may vary. For example, information described in point (a)(3), (4) and (5) is based upon the local agreements.</p> <p>The set of the meteorological information to be provided during low-visibility operations does not change, compared to that to be provided with any meteorological conditions which are defined in Part-MET (Annex V to Regulation (EU) 2017/373). The only difference is for the provision of information concerning the steps for reporting of the cloud base/vertical visibility, which is addressed in AMC1 MET.TR.205(e)(3).</p> |
| comment  | <p>926 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>MET.OR.242 Information to be provided to air traffic services units (a)</p> <p><b>CANSO Comment</b><br/>"unless otherwise prescribed for AFIS units by the competent authority" should be added to provide for flexibility in met provision at smaller aerodromes.</p> <p><b>Suggested Resolution</b><br/>AMC/GM needed to standardize a reduced set of info for AFIS</p> <p>This should be included in Part MET</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #803.</p>  |

### 1.1.5. Amendments to Annex V — Subpart A — MET.OR.245

p. 49

|         |   |
|---------|---|
| comment | <p>840 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The inclusion of toxic chemicals in the provision of information to area control centre will add responsibilities to the aviation meteorological watch office and also require development of a reporting format or updating of the SIGMET format by ICAO. In ICAO Annex 3 toxic chemicals is only included as recommendation when providing aerodrome warnings to aerodromes. However, there are routines for information of toxic chemicals through the NOTAM system.</p> <p>Depending on the organisation in the State the meteorological institutes may or may not be involved although it is not necessary the aviation meteorological part. To keep the established routine to use the NOTAM system satisfies the requirement in Annex 11 Section 7.6.</p> <p>Propose to reject the proposed new regulation in MET.OR.245 (g).</p> |
|---------|---|



response Not accepted  
See the response to comment #143 in CRD 2016-09(A).

comment 1465 comment by: CAA-NL  
The addition of 'toxic chemicals' to the tasks of the MET provider require a carefull process as stipulated in our general comments to NPA 2016-09 part A.

response Not accepted  
See the response to comment #143 in CRD 2016-09(A).

### 1.2. Amendments to the SERA Regulation (draft Opinion) - (1) Recital added

p. 49

comment 408 comment by: CAA CZ

*\*Recommended to specify respectively cancel a reference to Commission Implementing Regulation (EU) 2016/1377 which name will be modified.  
For example NPA 2016-09(B) on page 49*

#### 1.2. Amendments to the SERA Regulation (draft Opinion)

(Whereas) the provisions contained in this Regulation should support and complement rules related to the provision of air traffic services contained in Annex 10 Volume II and Annex 11 to the Chicago Convention, ICAO Doc.4444 (PANS ATM) and Commission Implementing Regulation (EU) 2016/1377, to ensure consistency of service provision with pilot actions under this Regulation.

response Accepted  
The text has been amended by the introduction of reference to Regulation (EU) 2017/373, which has repealed Regulation (EU) 2016/1377.

### 1.2. Amendments to the SERA Regulation (draft Opinion) - (2) Definition of 'controlled aerodrome'

p. 49

comment 560 comment by: DGAC  
DGAC proposes to keep ICAO Annex 11 formulation including the note "regardless whether or not a control zone exists".

response Not accepted  
See the responses to comments #198 in CRD 2016-09(A), and #616, #952, #1183 and #1450.



|          |  |
|----------|--|
| comment  | <p data-bbox="359 235 422 280">1421</p> <p data-bbox="1220 235 1498 280" style="text-align: right;">comment by: EFLEVA</p> <p data-bbox="359 302 1498 403">The change to the ICAO definition of controlled airspace introduces a problem for member states which do not currently have controlled airspace around all aerodromes providing an ATC service (e.g. the United Kingdom).</p> <p data-bbox="359 414 1498 504">The ICAO definition of a Controlled Aerodrome is:<br/><b>Controlled aerodrome.</b> An aerodrome at which air traffic control service is provided to aerodrome traffic.</p> <p data-bbox="359 548 1498 616"><i>Note.— The term “controlled aerodrome” indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.</i></p> <p data-bbox="359 660 1498 694">The NPA seeks to alter the note which it had previously incorporated into its own definition:</p> <p data-bbox="359 728 1498 795"><b>Controlled aerodrome’</b> means an aerodrome at which ATC service is provided to aerodrome traffic <del>regardless whether or not a control zone exists.</del></p> <p data-bbox="359 840 1498 1041">This change will have serious unintended consequences. Aerodromes which have an ATC service can now continue to do so by implementing controlled airspace. The costs of implementation, plus the ongoing staff and regulatory costs would be very substantial, and there is no recognition in a RIA of these costs. For example, in the UK, NATS reports that controlled airspace would need to be established at 29 civil and 30 military aerodromes. The impact on GA of a further 59 CTRs in the UK would be catastrophic.</p> <p data-bbox="359 1086 1498 1187">It is clear that EASA have not appreciated the impact of this proposal and it must be changed. Regulation (EC) No 550/2004 did not intend to mandate controlled airspace around aerodromes and cannot support this proposal.</p> |
| response | <p data-bbox="359 1209 526 1243">Not accepted</p> <p data-bbox="359 1265 1498 1310">See the responses to comments #198 in CRD 2016-09(A) and #616, #952, #1183 and #1450.</p>  |
| comment  | <p data-bbox="359 1377 422 1422">1449</p> <p data-bbox="893 1377 1498 1422" style="text-align: right;">comment by: Airport Operators Association (UK)</p> <p data-bbox="359 1444 1498 1579">The definition of a controlled aerodrome may come into conflict with the following regulation and words highlighted in red in the bigger scheme of trying to enhance safety. It seems a controlled aerodrome in class G (uncontrolled) airspace will not be able to provide an Air Traffic Service.</p> <p data-bbox="550 1624 1292 1691" style="text-align: center;"><b>COMMISSION IMPLEMENTING REGULATION (EU) 2016/1377</b><br/><i>Article 3</i></p> <p data-bbox="606 1691 1236 1724" style="text-align: center;"><b>Provision of ATM/ANS and ATM network functions</b></p> <p data-bbox="359 1736 1498 1836">1. Member States shall ensure that the <u>appropriate</u> ATM/ANS and ATM network functions are provided in accordance with this Regulation in a manner that facilitates general air traffic, <b>while taking into account safety considerations and traffic requirements.</b></p> <p data-bbox="359 1870 1498 2051"><b>Controlled Aerodrome Definition</b> - There is a deal of uncertainty as to the benefits of this definition and why it should change, which will not be aligned with other references to the same. It appears to wholly suggest no ATC services within uncontrolled airspace will be permitted which creates a number of potential concerns, each has been highlighted in the executive summaries of NPA (a) and (b).</p>   |

An aerodrome at which an air traffic control service is provided to aerodrome traffic.

SERA “‘controlled aerodrome’ means an aerodrome at which air traffic control service is provided to aerodrome traffic regardless whether or not a control zone exists;”

EASA's rationale for the amendment to the definition of "controlled aerodrome" is contained in NPA 2016-09(a) and describes the need to align with Reg (EC) 550/2004 and the provision of ATS within specific airspace blocks. However, could this not also be achieved by deleting the reference to a control zone and inserting text along the lines of '...provided to aerodrome traffic within the airspace designated with such aerodromes.' An explanation to why it must align with (EC) 550/2004 does not exist nor offer an alternative, which is to amend (EC) 550/2004. Regulation must be workable in its context and interpretation.

response Not accepted

See the responses to comments #198 in CRD 2016-09(A), and #616, #952, #1183 and #1450.

comment 1483

comment by: FASVIG

This comment concerns the proposed change to Definition 57 - Controlled Aerodrome. By not accepting the note in the ICAO Annex 11 definition of a Controlled Aerodrome - ie "The term "controlled aerodrome" indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists" and deleting the phrase "regardless whether or not a control zone exists" from the EASA definition, GA operations in the UK would be devastatingly affected. FASVIG cannot support this change. NPA Part A talks about this being necessary for compatibility with Regulation (EU) 2016/1185; however, we can find no connection to justify this.

response Not accepted

See the response to comments #222 and #198 in CRD 2016-09(A), and #616, #952, #1183 and #1450.

comment 1504

comment by: Stephen Slater

The deletion of this note is detrimental to safety and efficient operational practice. It would result in all aerodromes which have an ATC service being required to establish controlled airspace, resulting in likely restriction of airspace access for sport flying as well as considerable additional staff and regulatory costs. In the UK, where ATSOAS services are inferior to those in many other parts of Europe, this would result in as many as 59 new areas of controlled airspace needing to be established. This would result in restriction of significant amounts of airspace to sport aviation and other users.

response Not accepted

See the response to comments #225 and #198 in CRD 2016-09(A), and #616, #952, #1183 and #1450.



**1.2. Amendments to the SERA Regulation (draft Opinion) - (3) SERA.8005** p. 49-50

|          |  |
|----------|--|
| comment  | <p>717 <span style="float: right;">comment by: <i>DTCA</i></span></p> <p>Ad Part (B), para 1.2 Amendments to the SERA Regulation - specifically related to SERA.5010</p> <p>See comments provided for ATS.TR.270</p> |
| response | <p>Not accepted</p> <p>With regard to the proposals to amend ATS.TR.270, see the response to comment #719.</p> <p>EASA notes that the comment does not include any proposal to amend SERA.8005.</p>                  |

**1.2. Amendments to the SERA Regulation (draft Opinion) - (4) SERA.8012** p. 50

|   |   |  |  |  |
|---|---|--|--|--|
| comment   | <p>102 <span style="float: right;">comment by: <i>Belgocontrol</i></span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">SERA.8012<br/>Application of wake<br/>turbulence separation</td> <td style="width: 33%; padding: 5px;">Has the link with RECAT<br/>EU been considered?</td> <td style="width: 33%; padding: 5px;">Clarify the position of RECAT EU in the<br/>“Requirements for ATS” provisions</td> </tr> </table> | SERA.8012<br>Application of wake<br>turbulence separation                    | Has the link with RECAT<br>EU been considered? | Clarify the position of RECAT EU in the<br>“Requirements for ATS” provisions |
| SERA.8012<br>Application of wake<br>turbulence separation | Has the link with RECAT<br>EU been considered?  | Clarify the position of RECAT EU in the<br>“Requirements for ATS” provisions |  |  |
| response  | <p>Noted</p> <p>See the response to comment #82.</p>  |  |  |  |

|          |   |
|----------|---|
| comment  | <p>804 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>SERA.8012 Application of wake turbulence separation<br/>Page 50</b></p> <p>Has the link with RECAT EU been considered?</p> <p>PROPOSAL</p> <p>Clarify the position of RECAT EU in the “Requirements for ATS” provisions</p> |
| response | <p>Noted</p> <p>See the response to comment #82.</p>  |

|         |   |
|---------|---|
| comment | <p>927 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>SERA.8012<br/>Application of wake turbulence separation<br/>Page 50</p> |
|---------|---|



**CANSO Comment**

Has the link with RECAT EU been considered?

**Suggested Resolution**

Clarify the position of RECAT EU in the “Requirements for ATS” provisions.

response

Noted

See the response to comment #82.

comment

1342

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION   |
|---|--|---|
| <p><b>(B) 1.2 Amendments to the SERA Regulation (draft Opinion)</b><br/> <i>SERA.8012</i><br/> <i>Application of wake turbulence separation</i></p> | <p>The text of <b>SERA.8012</b> exception should be completed.</p> | <p>Doc 4444 section 5.8.1.1.a) considers the exception in SERA.8012, but not only for landing VFR, but besides it must be on the "same runway as a preceding landing HEAVY or MEDIUM aircraft".</p> |

response

Not accepted

See the response to comment #1338.

**1.2. Amendments to the SERA Regulation (draft Opinion) - (5) SERA.8015** p. 50-51

comment

716

comment by: DTCA

Ad Part (B), para 1.2, SERA.8015(b)

The proposed new item 6 in SERA.8015 b) is fully supported.

Ad Part (B), para 1.2, SERA.8015(d)

In order to have a uniform and harmonized application of the requirements in the EU-environment, and in accordance with Regulation 255/2010, art. 6 (6) (a) and ICAO Doc 7030 (EUR) Ch. 8.4.1, DTCHA propose to include a new item 5 “ATFM departure slot, if applicable”.

The provision in Doc 7030 (EUR) was introduced to ensure adherence of the departure slots in the EUR-environment. The requirements for ATS are similarly developed for the EU member states and should therefore include such specific provisions agreed upon in a EUR-context. Such inclusion would furthermore ensure harmonized application in the EU member states.

The proposal was put forward as a comment by DTCA to the NPA 2011-02 (SERA Part B), and the EASA response was that the proposal is reasonable, however Not accepted  
As the SERA regulation is reopened due to the Requirements of ATS at hand, the EASA position on the proposal should be reconsidered.

Please note the cross reference to AMC1 ATS.TR.235(b) and AMC2 ATS.TR.235(b).

response

Accepted

See the response to comment #411.

comment

805

comment by: ENAV

**SERA.8015 Air traffic control clearances (b) (6)**

For ICAO, ATC is responsible for obstacle clearance, only when assigning a direct routing, or vectoring, an IFR controlled flight provided with ATS surveillance service. While the proposed text probably intends to express that same concept, there is a chance it could be interpreted as going beyond what expected.

The progressive implementation of Free Route in EU airspace suggests the necessity to evolve the legacy ICAO framework on the matter. In a Free Route scenario, there might be no published ATS route. As it is, pilots of controlled IFR flights with surveillance would remain responsible for obstacle clearance while flying a direct routing assigned by ATC.

PROPOSAL

Reword text as:

“(6) When vectoring or assigning a direct routing not included in the flight plan, which takes a controlled IFR flight, provided with ATS surveillance, off a published ATS route or an instrument procedure, a controller shall issue clearances such that the prescribed obstacle clearance will exist at all times until the aircraft reaches the point where the pilot will re-join the flight plan route, or join a published ATS route or instrument procedure”

and also take into account Free Route scenarios.

response

Not accepted

As clarified in Section 27.1.4 of the Explanatory Note in NPA 2016-09(A), the proposed text is coherent with the proposal to amend Section 8.6.5.2 of ICAO PANS ATM, from which the requirement is transposed, included in the final Report of the ICAO EANPG #57. In addition, EASA is of the opinion that the proposed text covers the free route scenarios, since it states ‘When vectoring or assigning a direct routing not included in the flight plan’, which takes into account only ATC clearances which divert the aircraft from the planned route or from the published ATS routes or instrument procedures. EASA does not see any rationale behind the comment, by which there is a chance that the provision ‘could be interpreted as going beyond what expected’.

It shall be noted that the definition of ‘ATS route’ and the associated GM are being proposed by EASA with the regulatory activities for Part-ASD under RMT.0445. Such a definition and the associated GM are transposing the relevant definition and the associated Notes in ICAO



Annex 11.

comment 928 comment by: CANSO

SERA.8015 Air traffic control clearances (b) (6)

**CANSO Comment**

For ICAO, ATC is responsible for obstacle clearance, only when assigning a direct routing, or vectoring, an IFR controlled flight provided with ATS surveillance service. While the proposed text probably intends to express that same concept, there is a chance it could be interpreted as going beyond what expected.

The progressive implementation of Free Route in EU airspace suggests the necessity to evolve the legacy ICAO framework on the matter. In a Free Route scenario, there might be no published ATS route. As it is, pilots of controlled IFR flights with surveillance would remain responsible for obstacle clearance while flying a direct routing assigned by ATC.

**Impact**

Requirement partial beyond intentions.

**Suggested Resolution**

Reword text as:

“(6) When vectoring or assigning a direct routing not included in the flight plan, which takes a controlled IFR flight, provided with ATS surveillance, off a published ATS route or an instrument procedure, a controller shall issue clearances such that the prescribed obstacle clearance will exist at all times until the aircraft reaches the point where the pilot will re-join the flight plan route, or join a published ATS route or instrument procedure”

and also take into account Free Route scenarios.

response Not accepted

See the response to comment #805.

comment 1343 comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| (B) 1.2<br>Amendments to the SERA Regulation (draft Opinion)<br><br>SERA.8015 | Replace "(b) ATC clearances shall be based solely on the requirements for providing ATC service." by "(b) Operation subject to clearance". | The text in NPA corresponds to SERA.8015.(a) before being modified by SERA Part C. SERA.8015.(b) was not modified by SERA Part C and the text is "Operation subject to clearance". |

response Accepted



The typo mistake has been corrected accordingly.

comment 1345

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <p><b>(B) 1.2 Amendments to the SERA Regulation (draft Opinion)</b></p> <p><i>SERA.8015</i></p> | <p><b>SERA.8015 (d)(3)(ii)</b>: the change proposed of removing "via" comes from Amdt 7 to Doc 4444, which eliminates some "via" references in phraseology.</p> <p>However, AMC/GM to SERA Part C has in its Appendix 1 some points which still keep the word "via", as:</p> <ul style="list-style-type: none"> <li>- 1.2.2.(b)(3) VIA FLIGHT PLANNED ROUTE (without CLEARED)</li> <li>- 1.3.1.(f) CLEARED VIA (without PLANNED ROUTE)</li> <li>- 1.3.2.(a) CLEARED (or PROCEED) VIA (designation);</li> <li>- 1.3.2. (b) CLEARED TO (clearance limit) VIA (designation);</li> <li>- 1.3.2. (c) CLEARED (or PROCEED) VIA (details of route to be followed);</li> </ul> | <p>SERA AMC/GM should be adapted to Doc 4444 Amdt 7 and so to be in line with NPA.</p> |

response Accepted

EASA has decided to introduce the amendment to SERA.8015(d)(3) resulting from the introduction of Amendment 7 to ICAO PANS ATM, which was initially proposed with NPA 2016-09, within the deliverables of RMT.0476. These deliverables also include the amendment of the associated AMC and GM.

**1.2. Amendments to the SERA Regulation (draft Opinion) - (6) SERA.9005**

p. 51

comment 103

comment by: Belgocontrol



|  |   |   |
|--|---|---|
| <p>SERA.9005<br/>Scope of flight information service</p> | <p>Obligation to provide information on abnormal aircraft configuration and condition when observed.<br/>What about legal consequences if information is not provided because not observed</p>  | <p>Legal impact in case of non-observation of abnormal aircraft configuration</p> |
| <p>response</p>  | <p>Noted<br/>See the response to comment #484.</p>  |   |
| <p>comment</p>   | <p>490 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span><br/><br/><b>Page No: 51</b><br/><br/><b>Paragraph No:</b> SERA.9005<br/><br/><b>Comment:</b> We suggest to change the wording of sub-paragraph (a)(7) to read "information on what appears to be abnormal aircraft configuration and condition; and"<br/><br/><b>Justification:</b> As the ATS personnell providing flight information would not necessarily have information on what would be abnormal aircraft configuration and condition on all types of aircraft, we find that this provision should not be as explicit as suggested.</p> |   |
| <p>response</p>  | <p>Noted<br/>See the response to comment #484.</p>  |   |
| <p>comment</p>   | <p>806 <span style="float: right;">comment by: <i>ENAV</i></span><br/><br/><b>SERA.9005 Scope of flight information service</b><br/><b>Page 51</b><br/><br/>Obligation to provide information on abnormal aircraft configuration and condition when observed. What about legal consequences if information is not provided because not observed</p>   |   |
| <p>response</p>  | <p>Noted<br/>See the response to comment #484.</p>  |   |
| <p>comment</p>   | <p>929 <span style="float: right;">comment by: <i>CANSO</i></span><br/><br/>SERA.9005 Scope of flight information service<br/>Page 51<br/><br/><b>CANSO Comment</b></p>   |   |

|          |   |
|----------|---|
|          | <p>Obligation to provide information on abnormal aircraft configuration and condition when observed.<br/>What about legal consequences if information is not provided because not observed.</p> <p><b>Impact</b><br/>Legal impact in case of non-observation of abnormal aircraft configuration</p> |
| response | <p>Noted</p> <p>See the response to comment #484.</p>   |
| comment  | <p>1086 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span></p> <p>We suggest to add "Traffic information" and "Actual and forecasted weather", see our comment no. 189 to ATS.TR.305.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #189.</p>  |

## 1.2. Amendments to the SERA Regulation (draft Opinion) - (7) SERA.14095

p. 51-52

|          |  |
|----------|--|
| comment  | <p>72 <span style="float: right;">comment by: <i>HIAL</i></span></p> <p><b>SERA 14095 Distress and Urgency Radiotelephony Communication Procedures</b><br/>It would be a retrograde step to restrict the use of 121.5MHz to that of emergencies alone; the UK has an excellent system for monitoring 121.5 and initiating emergency action. The current system of a central dedicated body to handle emergencies on 121.5MHz is highly efficient so the UK should do whatever it can to ensure the Military can continue to conduct training to its fullest extent – preferably on 121.5MHz which has an established communication network. Aside from the weaknesses of tearing down a perfectly functioning system it would remove the opportunity for aircraft captains to familiarise themselves with the service on 121.5MHz and thus reduce circumstances where pilots have not availed of the service out of ‘fear’. Furthermore, if we assume that the Military cannot provide a service because they cannot train to provide it, ANSPs would face significant costs to provide 121.5MHz coverage. Furthermore, Whilst AFIS have no proposed requirement to monitor 121.5MHz, HIAL would propose proportionate parity with that of the ATC Units, thus incurring similar cost.</p> |
| response | <p>Noted</p> <p>See the response to comment #73.</p>   |
| comment  | <p>623 ❖ <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> ATS.OR.405 and SERA.14095</p> <p><b>Comment:</b> The UK CAA wishes to propose additional wording in the proposed ATS.OR.405 which would introduce sufficient flexibility to permit the conduct of emergency training on</p>  |



121.5 MHz. The UK is unique in the world in the way in which it delivers ATS on the emergency channel (121.5 MHz). The task of monitoring 121.5 MHz and responding to aircraft in distress or emergency within UK airspace is vested in a single, centralised cell (the Distress and Diversion (D&D) Cell) located within the Swanwick ACC which is manned by controllers and support staff 24 hours a day, 365 days per year. The purpose of establishing this facility on 121.5 MHz was to reduce workload at individual area control sector working positions and at civil aerodromes within D&D's area of coverage; to mitigate the risk of airspace infringement, particularly in the vicinity of the London TMA; and to mitigate the risk of Prolonged Loss of Communication incidents affecting commercial air transport.

In order to conduct training for D&D Cell staff and to familiarise flight crews with the service provided by D&D, the UK has filed a difference against ICAO Annex 10 Volume V 4.1.3.1.1. Research undertaken by the UK CAA indicates that the 5-year average of training events per day on 121.5 MHz reaches a peak of 4.5 events per day during the summer and a low of 1.8 events per day during the winter. Experience indicates that the average RTF occupancy for each event is 42 seconds, which equates to a 5-year average peaking at 189 seconds per day during the summer and 76 seconds during the winter. Whilst acknowledging that a concentration of events can occur at weekends, it is reasonable to argue that the conduct of practice emergencies on 121.5 MHz has limited impact upon others users of 121.5 MHz. Moreover, given that the D&D Cell has access to multiple transmitter and receiver sites around the UK, the recognition and handling of genuine emergencies is not affected and the provision of "a clear channel between aircraft in distress or emergency" and the D&D Cell is assured.

**Justification:** Threats posed by the loss of ability to conduct emergency training on 121.5 MHz are:

- a reduced familiarity of pilots in the procedures for the use of the emergency channel;
- a loss of 'live' training opportunities for D&D Cell staff;
- an increased severity of airspace infringement incidents if pilots are unfamiliar with the procedures for use of 121.5 MHz and thus do not monitor the frequency or do not contact the D&D Cell in the event of being in a state of distress or emergency; and,
- an increased probability of LOC-I and CFIT recreational aviation accidents as a result of reduced familiarity in pilots of the benefits posed by the use of 121.5 MHz leading them not to contact the D&D Cell.

**Proposed Text:** The UK CAA proposes flexibility to conduct training on 121.5 MHz through the following amendment to ATS.OR.405(a) and SERA.14095 and the development of an additional appendix to Article 3 of the ATM/ANS Common Requirements Regulation as follows:

ATS.OR.405

"(a) **Except where otherwise approved by the Member State**, the emergency channel (121.500 MHz) shall be used only for genuine emergency purposes, as broadly outlined in the following, to provide:

..."

and:

**Appendix XX to Article 3 and SERA.14095(a)(7) Very High Frequency (VHF) emergency channel**

"USE OF VHF EMERGENCY CHANNEL FOR TRAINING



Member States shall ensure that, where the emergency channel (121.500 MHz) is used for training purposes, such activities are limited to the extent necessary to achieve their aim, in order to reduce the impact upon aircraft in distress or emergency.”

response Partially accepted  
See the response to comment #623.

**1.3. Draft decision (PART-ATS) - GM1 to Article 3(1b)(a)** p. 52

comment 122 comment by: ACR AB  
(e) - ACR suggest the language to be excluded from the elements to be taken into consideration when determining the need for ATS provision. AFIS should be subject to the same language requirements as ATC.

response Not accepted  
Language proficiency requirements are applicable only for ATCOs, in accordance with the applicable requirements in Regulation (EU) 2015/340. Since the qualification of AFIS officers is not being regulated in detail, for the time being, EASA considers inappropriate to request the same language proficiency requirements as for ATCOs. Moreover, certain AFIS aerodromes might be designated for domestic use only.

comment 1144 comment by: Jan Hjort  
I don't get the meaning of 1.3 (e). Full text to be read, at this time, is "The determination of the need for ATS in a given area and/or aerodrome may be subject to consideration and evaluation of a great number and typology of elements, such as the language(s) to be used in air -ground communications, in the case of AFIS". Does that mean we can have AFIS but no need for ATC if we talk specific languages or ...

response Noted  
See the response to comment #122.

comment 1344 comment by: Naviair  
The difference between ATC and AFIS is not clearly defined.

response Noted  
See the response to comment #122.

comment 1346 comment by: AESA / DSANA

| PART                       | COMMENT           | JUSTIFICATION                 |
|----------------------------|-------------------|-------------------------------|
| (B) 1.3. Amendments to the | We agree with the | Letter (d) is not included in |



|   |   |  |
|---|---|--|
| <p><b>upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 to Article 3(1b)(a)</i></p> | <p>content of point (d), although there is no source reference for this point. Which is the origin of this provision?</p> | <p>Annex 11, Note to section 2.4.1, or in <b>ICAO Circular 211-AN/128 'General' - paragraph 2</b>, which are the references for GM1 to Article 3(1b)(a).</p> |
|---|---|--|

response

Noted

EASA, supported by the positive opinion of RMG.0464, intended to explicitly represent the importance to consider airspace complexity when considering the establishment of ATS provision; therefore, it is included in the non-exhaustive list proposed in this GM.

comment

1347 comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 to Article 3(1b)(a)</i></p> | <p>In <b>GM1 to Article 3(1b)(a)</b> 'Elements to determine the need for ATS provision' <b>paragraph (e)</b> should be clarified.</p> | <p>Here it is said that "<i>The determination of the need for ATS in a given area and/or aerodrome may be subject to consideration and evaluation of a great number and typology of elements, such as [...] (e) the language(s) to be used in air-ground communications, in the case of AFIS</i>". The nuance "<i>in the case of AFIS</i>" is not understood in this context.</p> |

response

Noted

See the response to comment #122.

comment

1505 comment by: René Meier, Europe Air Sports

GM1 to Article 3(1b)(a) Determination of the need for ATS  
page 52/193  
(a)

Please delete the text in brackets "(conventional, jet, etc.)"

Rationale

The text in brackets is not helpful at all, to use types of powerplants or propulsion systems do no longer say much about the speeds of the aircraft.

response Not accepted

The text of this GM is largely transposed from the Note to Standard in Section 2.4.1 of ICAO Annex 11. The text subject to the comment aims at providing additional description on the aircraft types.

**1.3. Draft decision (PART-ATS) - GM2 to Article 3(1b)(a)**

p. 52-53

comment *18* comment by: *Humberside Airport*

Page No: 52-53  
Para No: 1.3

**GM2 to Article 3(1b)(a)**

Comment:

There is a possibility for confusion as UNICOM, AFIS and ATC units could all be operating and providing an ATS within the same airspace. Is it the intent for all units to operate within the same airspace or should separate airspace areas be provided? HUY operates within Class G airspace where there is no requirement for mandatory two-way radio communication (except within the ATZ). The traffic mix and surrounding aerodromes are such that the ATS provided by HUY is considered essential as it provides mitigation for Class G operations, especially with CAT with fare-paying passengers, otherwise current activity is likely to stop unless the UK Competent Authority establishes a more ICAO compliant airspace structure to meet the requirements within this NPA.

response Noted

It is underlined that UNICOM-type aeronautical stations are not ATS units and do not provide ATS, as unambiguously explained in GM2 to Article 3a(a). See also the responses to comments #114 in CRD 2016-09(A) and #608.

The requirements for the certification and the designation of ATM/ANS providers are well established within the EU legislation, in particular in the SES package (in particular Article 8.1 of Regulation (EC) No 550/2004), in Regulation (EU) No 1035/2011 as well as in Regulation (EU) 2017/373.

comment *361* comment by: *Michal SLOJEWSKI*

What ATS (UNICOM?)unit provides ALRS for flights in that airspace (f.e. flight with filed flight plan)?

response Noted

It is not understood what the airspace referred to in the comment is.

See also the response to comment #18.



|          |  |
|----------|--|
| comment  | <p data-bbox="359 235 406 280">807</p> <p data-bbox="1236 235 1476 280" style="text-align: right;">comment by: ENAV</p> <p data-bbox="359 291 1484 403"><b>GM2 to Article 3(1b)(a) Determination of the need for ATS UNICOM AERONAUTICAL STATION</b><br/><b>Page 52</b></p> <p data-bbox="359 436 1484 504">Not being ATS, neither reasonably any other service within ATM/ANS, UNICOM is out of the scope of the regulation</p> <p data-bbox="359 548 494 616">PROPOSAL<br/>Delete GM</p>   |
| response | <p data-bbox="359 638 526 672">Not accepted</p> <p data-bbox="359 694 1276 728">See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.</p>  |
| comment  | <p data-bbox="359 817 406 851">930</p> <p data-bbox="1236 817 1476 851" style="text-align: right;">comment by: CANSO</p> <p data-bbox="359 873 1197 985">GM2 to Article 3(1b)(a)<br/>Determination of the need for ATS UNICOM AERONAUTICAL STATION<br/>Page 52</p> <p data-bbox="359 1019 582 1052"><b>CANSO Comment</b></p> <p data-bbox="359 1052 1484 1120">Not being ATS, neither reasonably any other service within ATM/ANS, UNICOM is out of the scope of the regulation.</p> <p data-bbox="359 1153 630 1220"><b>Suggested Resolution</b><br/>Delete GM.</p>   |
| response | <p data-bbox="359 1254 526 1288">Not accepted</p> <p data-bbox="359 1310 1276 1344">See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.</p>  |
| comment  | <p data-bbox="359 1433 422 1467">1021</p> <p data-bbox="1236 1433 1476 1467" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="359 1489 1252 1523"><b>Paragraph No:</b> GM2 to Article 3(1b)(a) Determination of the need for ATS</p> <p data-bbox="359 1556 1484 1702"><b>Comment:</b> The second sentence contains a typographical error – “Such UNICOM stations may be established in <b>an</b> airspace where Member States have decided that flight information service will be provided, but there is no requirement for mandatory two-way radio communication.”</p> <p data-bbox="359 1736 973 1769"><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p data-bbox="359 1803 1484 1948"><b>Proposed Text:</b> UK CAA proposes that GM2 Article 3(1b)(a) is amended to read:<br/>“Such UNICOM stations may be established in airspace where Member States have decided that flight information service will be provided, but there is no requirement for mandatory two-way radio communication.”</p> |
| response | <p data-bbox="359 1971 478 2004">Accepted</p>  |

The text of GM2 to Article 3a(a) has been revised and reorganised as a result of the feedback received via the NPA consultation, including the amendment proposed with this comment.  
See also the response to comment #18.

comment 1301 comment by: Polish Air Navigation Services Agency  
What ATS (UNICOM?)unit provides ALRS for flights in that airspace (f.e. flight with filed flight plan)?

response Noted  
See the response to comment #361.

comment 1348 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM2 to Article 3(1b)(a)</i></p> | <p>The concept "'UNICOM' type aeronautical station" is introduced at this point without a clear definition of what does it means.</p> <p>Some assumptions can be made by analysing other sections of the <b>NPA 2016-09 (A)</b>. But it is subject to interpretations.</p> <p>There is no doubt that there is a clear need of better defining the concept related with UNICOM in European regulation. Instead of 'UNICOM' aeronautical station could be interested to develop and define a specific concept for Europe in order to adapt it to our own needs and avoid international misunderstanding.</p> | <p>As justified in a previous comment, for the sake of avoiding misinterpretation and of promoting the harmonization, it is important to clarify concepts as 'UNICOM' or "'UNICOM' type aeronautical station" in this GM before using them. This concept even if used in USA, Canada, Australia or New Zealand is not regulated in Europe. As also justified in a previous comment, another term should be used instead of 'UNICOM' to designate this alternative non-ATS service if requirements are not defined in the same way.</p> <p>In the proposed amendment there are a lot of important characteristics of this 'UNICOM' that are missed. Among other things: It is not explained if someone is expected on ground to attend this frequency or it will be used only as an air-to-air communication means, or both options are accepted; It is not clarified if any facility is required on ground or it will be enough to provide a frequency</p> |

|  |  |   |
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|  |  | <p>available for the air-to-air communications or both options are accepted. On this matter, <b>GM1 ATS.TR.115 paragraph (a)</b> suggests that both options are accepted, despite it is no aligned with the concept as used in New Zealand (Part 139. Aerodromes – Certification, Operation and Use) or USA [(Aeronautical Information Manual, Official Guide to Basic Flight Information and ATC Procedures. U.S. Department of Transport, FAA) where, in the event of not having ground service in a UNICOM frequency, it is referred as CTAF (Common Traffic Advisory Frequency)].</p> |
|--|--|---|

response Partially accepted

See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.

comment 1349

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM2 to Article 3(1b)(a)</i></p> | <p>The referred GM should be structured and clarified for the sake of better interpretation of the content.</p> | <p>The first sentence of the provision is referred to a context in which no ATS is provided. (Where a Member State determines that no requirement exists for the provision of ATS at an aerodrome and its vicinity or in other airspace, a ‘UNICOM’ type aeronautical station may be established, following the Member State arrangements, to facilitate the activities of the aircraft.)</p> <p>The second sentence of the provision is referred to a context in which FIS is provided, but not two-way radio communication is mandatory (Such UNICOM stations may be established in an airspace where Member States have decided that flight information service</p> |



|  |  |  |
|--|--|--|
|  |  | <p>will be provided, but there is no requirement for mandatory two-way radio communication.). In this context, is it suggested that FIS will be provided in a frequency and the UNICOM aeronautical station will use another frequency? What is the added value of having the UNICOM frequency in that airspace where radio on board is not mandatory? Will the FIS frequency be used to receive information and the UNICOM be used as an air to air frequency to communicate intentions? It should be clarified.</p> <p>Since the above referenced sentences seem to be addressing two very different scenarios, it will be easier to understand if they were on different paragraphs.</p> <p>Anyhow, as justified in previous comments, the use of terms (such as UNICOM station) that are not defined at European level and are not used in our aeronautical context, instead of being a guideline run the risk of causing confusion and increasing misunderstanding.</p> |
|--|--|--|

response Partially accepted

See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.

comment 1350

comment by: Naviair

Is it the existing radio places which is defined as 'UNICOM'?

response

Noted

The question in the comment is not well understood; EASA interprets it as being about the call sign for the UNICOM-type aeronautical stations. If so, the amended GM2 to Article 3a(a) clarifies the variety of call signs used currently to identify such stations. In addition, please note the content of the section named 'Identification of non-ATS aeronautical stations' within the said GM.

comment 1351

comment by: AESA / DSANA



| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM2 to Article 3(1b)(a)</i></p> | <p>Once properly defined, the UNICOM concept should be referred always in the same terms, that is to say: use always the same designator instead of different ones like 'UNICOM', 'UNICOM' aeronautical station, 'UNICOM' type aeronautical station, 'UNICOM' station.</p> | <p>What difference is pretended by referring to "'UNICOM' type aeronautical station" or only 'UNICOM' (as per <b>GM3 AT.S.OR.125(a)</b>)?</p> <p>For the sake of harmonisation and proper understanding it is requested the use of a single denomination for the concept, that should also be properly defined as justified in previous comments.</p> |

response

Accepted  
See the responses to comments #114 and #149 in CRD 2016-09(A) and #608 and #1350.

comment

1502 comment by: *ESSP-SAS*  
The term 'such information service' could lead to misunderstandings about UNICOM, not considered as an AFIS. The info to be provided by UNICOM stations is not defined. In the same way it would be useful to determine the boundaries to provide the service and the airspace class in use (RMZ Class G seems to be the most suitable structure)

response

Accepted  
See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.

comment

1503 comment by: *ESSP-SAS*  
GM2 To article 3(1b)(a) specifies that for UNICOM stations two way radio communications are not required. From our understanding, two-way communications should be at least recommended, since the service is based on air-ground air-air communications.

response

Noted  
See the responses to comments #114 and #149 in CRD 2016-09(A) and #608. The requirements for the two-way communications are established in accordance with the airspace classification and in the context of the possibility given by the applicable provisions of Regulation (EU) No 923/2012 (SERA) to establish radio mandatory zones.

comment

1507 comment by: *René Meier, Europe Air Sports*

GM2 to Article 3(1b)(a) Determination of the need for ATS  
page 52/193  
(a)

Please specify here already that a Member State may also decide that no ground station at all, no communications service at all, should be acceptable to the competent authority.

#### Rationale

It must be made clear to flight crews and to aerodrome operators that no communications service at all remain an acceptable solution on aerodromes with low movement figures, in remote areas, where no unacceptable third-party risk exists and when the pilot-in-command can be informed before starting a flight to such a destination about the services available. To land safely a flight crew does not necessarily need the assistance of ground staff.

response Not accepted

GM2 to Article 3a(a) as proposed with NPA 2016-09(B) as well as with its revised text (see the responses to comments #114 and #149 in CRD 2016-09(A) and #608) does not stipulate the conditions for the establishment of UNICOM-type aeronautical stations. It is a prerogative of the Member States to decide whether or not an aerodrome has to be facilitated with such aeronautical stations where ATS are not provided, and to establish the related conditions.

comment

1557

comment by: *European Transport Workers Federation - ETF*

ETF opposes these provisions.

Non-ATS units such as UNICOM shall not provide any element of the air traffic services, if a need for a service is identified the competent authority shall mandate the establishment of air traffic service.

With the definition of UNICOM provided, there seems to be absolutely no difference between UNICOM and AFIS so why could we not call UNICOM stations AFIS units ?

response

Noted

See the responses to comments #114 and #149 in CRD 2016-09(A) and #608. In addition, it shall be noted that guidance material do not contains provisions, but explanation, clarification and examples related to IRs and/or AMC. GM2 to Article 3a(a) clarifies that UNICOM-type aeronautical stations do not provide ATS.

comment

1564

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

UNICOM is not an ATS then it should not be included in the ATS requirements. However, in case the Agency considers that the inclusion of this concept is needed, ATCEUC proposes these changes to the text:

*Where a Member State determines that no requirement exists for the provision of ATS at an aerodrome and its vicinity or in other airspace, a 'UNICOM' type aeronautical station may be established, following the Member State arrangements, to facilitate the activities of the*



aircraft. Such UNICOM stations comprise a frequency used by pilots to announce their intentions at an aerodrome where ATS are not provided. A ground station may exist at such a 'UNICOM' aerodrome but it does not provide a designated and certified or declared flight information service. UNICOM may be established in an airspace where Member States have decided that flight information service will be provided, but there is no requirement for mandatory two-way radio communication. In such cases, the Member State should ensure that the aeronautical station established does not provide ATS but acts as an informal facility for exchanges on, for example, aerodrome conditions or other activities at the aerodrome

ATCEUC has found a possible typo and also suggests to include the definition of UNICOM, which the Agency has included within the definition of AFIS (see **GM1 to the definition of 'aerodrome flight information service (AFIS)'**, in this GM instead, for clarity.

response

Partially accepted

The assumption in the comment that UNICOM-type aeronautical stations do not provide ATS is correct.

The revised GM2 to Article 3a(a) (see the response to comment #1557) explains the nature of such stations. GM1 to the definition of 'aerodrome flight information service (AFIS)' has been removed. Therefore EASA does not deem necessary to introduce a definition for UNICOM-type aeronautical stations.

comment

1592

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

Paragraph No: Article 3(1b) — Determination of the need for ATS; GM2 to Article 3(1b)(a) Determination of the need for ATS; GM1 to the definition of «aerodrome flight information service (AFIS)»

*Comment FOCA on paragraph no: Article 3(1b) — Determination of the need for ATS; GM2 to Article 3(1b)(a) Determination of the need for ATS; GM1 to the definition of «aerodrome flight information service (AFIS)»*

We believe that the distinction between AFIS and UNICOM is not clear and confusing. As a matter of fact, according to GM1, the definition of «aerodrome flight information service (AFIS)» AFIS = ATS, the distinction is established by the definition of services. However GM2 to Article 3(1b)(a) (Determination of the need for ATS) is confusing as it could be understood that the non-certified AFIS or FIS provisions would be equal to UNICOM. We suggest clarification by adding a clear definition on UNICOM and its purpose (see above) and to clarify the following GM's as proposed:

Proposed Text: for GM1 to the definition of «aerodrome flight information service (AFIS)» (see also comment 1614):

AFIS, being part of ATS, is provided in accordance with the applicable EU Regulations and should be distinguished from non-designated facilities, such as 'Universal Communications (UNICOM)' which comprise a frequency used by pilots to announce their intentions at an aerodrome where ATS are not provided. A ground station may exist at such a 'UNICOM' aerodrome but it does not provide a designated and certified or declared flight information service **nor is it certified by the member states NSA.**

Proposed Text for GM2 to Article 3(1b)(a) «Determination of the need for ATS»:



Where a Member State determines that no requirement exists for the provision of ATS at an aerodrome and its vicinity or in other airspace, a 'UNICOM' type aeronautical station may be established, following the Member State arrangements, to facilitate the activities of the aircraft. Such UNICOM stations may be established in an airspace where Member States have decided that **no** flight information service will be provided, ~~but~~ **and** there ~~is no~~ **may be no** requirement for mandatory two-way radio communication. In such cases, the Member State should ensure that the aeronautical station established does not provide ATS but acts as an informal facility for exchanges on, for example, **blind transmissions by pilots issuing to announce their intentions**, aerodrome conditions or other activities at the aerodrome.

response Not accepted

See the responses to comments #114 and #149 in CRD 2016-09(A) and #608.

Blind transmission is supposed to be conducted in case of communication failure in an airspace with requirements for radio communications. Normally it shall be effected on channels which are used for the provision of ATS, which is definitely not the case with UNICOM-type aeronautical stations.

**1.3. Draft decision (PART-ATS) - GM1 to Article 3(1d)(a)**

p. 53

comment

273

comment by: *Civil Aviation Authority Norway*

According to the Annex 11 checklist, Annex 11 Para 2.18.2.1 c) is not transposed as it is covered by Article 6 of Regulation (EC) No 2150/2005. Does Article 6 of Regulation (EC) No 2150/2005 cover requirements for direct communication between ATS and civil units or organizations conducting the activities or should this be specifically mentioned in the AMC/GM?

response

Partially accepted

It is acknowledged that Article 6 of Regulation (EC) No 2150/2004 is mainly related to the coordination between civil and military units and does not cover cases when the hazardous activities are conducted by civil entities. Therefore, EASA has decided to transpose the Recommendation in point c) of Section 2.19.2.1 of ICAO Annex 11 as point (c) of GM1 to Article 3c(a). The transposition as GM, and not as AMC, is deemed to be appropriate because ensuring the required direct communication is not always possible or feasible, in particular when such activities are conducted over the high seas.

The resulting text of the newly introduced point (c) in GM1 to Article 3c(a) reads as follows:

*Direct communication between the appropriate ATS unit(s) and the organisation or unit conducting the activities should be provided for use in the event that civil aircraft emergencies or other unforeseen circumstances require discontinuation of the activities.*

comment

1352

comment by: *AESA / DSANA*

| PART | COMMENT | JUSTIFICATION |
|------|---------|---------------|
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| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 to Article 3(1d)(a)</i></p> | <p>Is there any specific reason for the omission of letter (c)?</p>   | <p>With the modification made by Annex 11 Amdt. 50, new reference is <b>section 2.19.2.1</b>, instead of <b>section 2.18.2.1</b>. However, <b>letter (c)</b> in it has been omitted (it deals with direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities).</p> |
| <p>response</p>  | <p>Accepted</p> <p>See the response to comment #273.</p> <p>As explained on the cover page of the ICAO Annex 11 Checklist published with NPA 2016-09 as informative material, this Checklist is related to the text with Amendment 49 to ICAO Annex 11, and did not consider Amendment 50. The provisions published with the EASA Opinion, and the related Annex 11 Checklist, are aligned with Amendment 50-A.</p> |   |

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| <p><b>1.3. Draft decision (PART-ATS) - GM1 to the definition of ‘aerodrome flight information service (AFIS)’</b></p> | <p>p. 53</p> |
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|-----------------|--|--|
| <p>comment</p>  | <p>304 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>The GM is potentially misleading as AFIS is not defined as being a part of ATS rather it is FIS that is defined as a part of ATS as per 549/2004:</p> <p>Article 2.11<br/> ‘air traffic services’ means the various flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);</p> <p>In addition GM1 ATM/ANS.OR.A.001 Scope (draft at present but as supplied with Opinion 03/2014) Figure 1 does not include AFIS as a part of ATS nor is it described in the text of the GM as being in scope. Please note that AFIS is defined at Annex I as:</p> <p>6. ‘Aerodrome flight information service (AFIS)’ means flight information service and alerting service for aerodrome traffic at an aerodrome;</p> <p>It is understood that this definition was added as there was no prior definition of AFIS.</p> <p>We recommend aligning the GM with the definition of AFIS.</p> |  |
| <p>response</p> | <p>Partially accepted</p>  |  |

GM1 to the definition of 'aerodrome flight information service (AFIS)' has been removed.

It shall be noted that Figure 1 within GM1 ATM/ANS.OR.A.001 published with ED Decision 2017/001/R includes aerodrome FIS as part of ATS.

Finally, it shall be noted that following the revision of comments received on NPA 2016-09, EASA proposes to amend the definition of AFIS included in Regulation (EU) 2017/373, as follows:

'Aerodrome flight information service (AFIS)' means flight information service for aerodrome traffic provided by a designated air traffic services provider'.

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|----------|--|
| comment  | <p><b>360</b> <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>Lack of definition of (enroute/area) FIS as well as GM for it.</p>   |
| response | <p>Not accepted</p> <p>Subpart B, Section 3 of Part-ATS addresses FIS, including when provided en-route. EASA does not deem necessary to introduce a definition for en-route FIS.</p>  |
| comment  | <p><b>808</b> <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>GM1 to the definition of 'aerodrome flight information service (AFIS)'</b><br/><b>Page 53</b></p> <p>The GM is potentially misleading as AFIS is not defined as being a part of ATS rather it is FIS that is defined as a part of ATS as per 549/2004:</p> <p>Article 2.11</p> <p>'air traffic services' means the various flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);</p> <p>In addition GM1 ATM/ANS.OR.A.001 Scope (draft at present but as supplied with Opinion 03/2014) Figure 1 does not include AFIS as a part of ATS nor is it described in the text of the GM as being in scope. Please note that AFIS is defined at Annex I as:</p> <p>6. 'Aerodrome flight information service (AFIS)' means flight information service and alerting service for aerodrome traffic at an aerodrome;</p> <p>It is understood that this definition was added as there was no prior definition of AFIS.</p> <p><b>PROPOSAL</b><br/>Align the GM with the definition of AFIS</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #304.</p>   |



|          |   |
|----------|---|
| comment  | <p>931</p> <p style="text-align: right;">comment by: <i>CANSO</i></p> <p>GM1 to the definition of ‘aerodrome flight information service (AFIS)’<br/>Page 53</p> <p><b>CANSO Comment</b><br/>The GM is potentially misleading as AFIS is not defined as being a part of ATS rather it is FIS that is defined as a part of ATS as per 549/2004:</p> <p>Article 2.11</p> <p>‘air traffic services’ means the various flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);</p> <p>In addition GM1 ATM/ANS.OR.A.001 Scope (draft at present but as supplied with Opinion 03/2014) Figure 1 does not include AFIS as a part of ATS nor is it described in the text of the GM as being in scope. Please note that AFIS is defined at Annex I as:</p> <p>6. ‘Aerodrome flight information service (AFIS)’ means flight information service and alerting service for aerodrome traffic at an aerodrome;</p> <p>It is understood that this definition was added as there was no prior definition of AFIS.</p> <p><b>Suggested Resolution</b><br/>Align the GM with the definition of AFIS.</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #304.</p>  |

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| comment  | <p>1302</p> <p style="text-align: right;">comment by: <i>Polish Air Navigation Services Agency</i></p> <p>Lack of definition of (enroute/area) FIS as well as GM for it.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #360.</p>   |

| comment  | <p>1353</p> <p style="text-align: right;">comment by: <i>AESA / DSANA</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">PART</th> <th style="width: 35%;">COMMENT</th> <th style="width: 35%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft</b></td> <td>Since ‘Universal Communications (UNICOM)’ and ‘UNICOM’ aerodrome are neither defined nor used at European level, it is requested the elimination of such a references or to proceed with</td> <td>The use of terms that are not defined at European level and are not used in our aeronautical context, instead of being a guideline run the risk of causing confusion and increasing misunderstanding.</td> </tr> </tbody> </table> | PART  | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft</b> | Since ‘Universal Communications (UNICOM)’ and ‘UNICOM’ aerodrome are neither defined nor used at European level, it is requested the elimination of such a references or to proceed with | The use of terms that are not defined at European level and are not used in our aeronautical context, instead of being a guideline run the risk of causing confusion and increasing misunderstanding. |
|--|--|---|---------|---------------|--|--|---|
| PART   | COMMENT  | JUSTIFICATION   |         |               |  |  |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft</b> | Since ‘Universal Communications (UNICOM)’ and ‘UNICOM’ aerodrome are neither defined nor used at European level, it is requested the elimination of such a references or to proceed with   | The use of terms that are not defined at European level and are not used in our aeronautical context, instead of being a guideline run the risk of causing confusion and increasing misunderstanding. |         |               |  |  |   |

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| <p><b>decision (PART-ATS))</b></p> <p><i>GM1 to the definition of 'aerodrome flight information service (AFIS)'</i></p> | <p>the proper definition of the concept.</p>   |  |
| <p>response</p>   | <p>Partially accepted</p> <p>See the response to comment #304.</p>   |  |
| <p>comment</p>  | <p>1566 comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></p> <p>ATCEUC proposes to move the description of UNICOM to the GM that deals with UNICOM, which is <b>GM1 to Article 3(1b)(a)</b>.</p> <p><i>AFIS, being part of ATS, is provided in accordance with the applicable EU Regulations and should be distinguished from non-designated facilities, such as 'Universal Communications (UNICOM)' which comprise a frequency used by pilots to announce their intentions at an aerodrome where ATS are not provided. A ground station may exist at such a 'UNICOM' aerodrome but it does not provide a designated and certified or declared flight information service.</i></p>                           |  |
| <p>response</p>   | <p>Partially accepted</p> <p>See the response to comment #304.</p>   |  |
| <p>comment</p>  | <p>1614 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p>Proposed Text: for GM1 to the definition of «aerodrome flight information service (AFIS)» (see also comment 1592):</p> <p>AFIS, being part of ATS, is provided in accordance with the applicable EU Regulations and should be distinguished from non-designated facilities, such as 'Universal Communications (UNICOM)' which comprise a frequency used by pilots to announce their intentions at an aerodrome where ATS are not provided. A ground station may exist at such a 'UNICOM' aerodrome but it does not provide a designated and certified or declared flight information service <b>nor is it certified by the member states NSA.</b></p> |  |
| <p>response</p>   | <p>Not accepted</p> <p>See the response to comment #1592.</p>  |  |

### 1.3. Draft decision (PART-ATS) - GM1 to the definition of 'ATC clearance'

p. 53

comment 1568 comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination*



ATCEUC considers that the difference between the terms “clearance” and “instruction” is not clear enough, despite the **GM1 to the definition of ‘ATC clearance’**:  
*“For convenience, the term ‘air traffic control clearance’ is frequently abbreviated to ‘clearance’ when used in appropriate contexts.  
 The abbreviated term ‘clearance’ may be prefixed by the words ‘taxi’, ‘take-off’, ‘departure’, ‘enroute’, ‘approach’ or ‘landing’ to indicate the particular portion of flight to which the air traffic control clearance relates.”*

ATCEUC asks the Agency to find a better definition or to the term “clearance”.

**‘Air traffic control (ATC) clearance’** means authorisation for an aircraft to proceed in controlled airspace under conditions specified by an ATC unit.

response

Not accepted

It is implicit that an ATC clearance is necessary for an aircraft to proceed within controlled airspace, as defined in the airspace classification in Regulation (EU) No 923/2012 (SERA). The proposal in the comment does not introduce any substantial change to the definition. EASA is of the opinion that the proposed definitions for ‘ATC clearance’ and ‘ATC instruction’ distinguish in a clear way the meaning of the two terms as the clearance means the AUTHORISATION TO PROCEED, while the instruction means a directive for a SPECIFIC ACTION (e.g. squawk IDENT, SSR code change). It shall be noted that instructions may be part of an ATC clearance.

### 1.3. Draft decision (PART-ATS) - GM1 to the definition of ‘decision altitude’

p. 54

comment

1024

comment by: UK CAA

**Paragraph No:** GM1 to the definition of ‘decision altitude’.

**Comment:** The title of GM1 to the definition of ‘decision altitude’ is incorrect in that the definition of ‘decision altitude’ proposed is, in reality, the definition of both ‘decision altitude’ and ‘decision height’. Consequently, the title of the associated GM needs to be amended to reflect its true association.

**Justification:** Accuracy of EU regulatory materials.

**Proposed Text:** UK CAA proposes that the title of ‘GM1 to the definition of ‘decision altitude’ is amended to read as follows::

**“GM1 to the definition of ‘decision altitude’ (DA) or ‘decision height’ (DH)”**

response

Accepted

The title of the GM is amended accordingly.

As the terms “Decision altitude (DA) or Decision Height (DH)” are not used within the IRs for Part-ATS proposed with the Opinion, the definition of these terms is now proposed for transposition within the newly developed GM1 to Annex IV (Part-ATS).



In this context, the associated Note in the ICAO PANS-ATM definition has been transposed as part of the definition of 'Decision altitude (DA) or Decision Height (DH)'.

### 1.3. Draft decision (PART-ATS) - GM1 to the definition of 'runway-holding position'

p. 54

comment

1478

comment by: *German NSA (BAF)*

In radiotelephony phraseologies, the expression 'holding point' is used to designate the runway-holding position.

Proposal: As a consequence, it is recommended to replace the word 'position' by 'point' as it is used in R/T. So this GM is obsolete.

response

Not accepted

One of the objectives of Part-ATS is to transpose ICAO provisions for a harmonised implementation in the EU and the works dedicated to improvement of the ICAO material normally follow another stream. No identified safety issue, lack of understanding or significant differences notified by EU States justify that these terms are changed within the present transposition exercise. In the absence of an ICAO definition, the normal practice is to use the definition of the dictionary.

'Holding position' is broadly used in ICAO SARPs and EU legislation, such as Regulation (EU) No 923/2012 and Regulation (EU) No 139/2014. As explained in the GM, the expression 'holding point' is used in radio telephony to express holding position, because it is easier to pronounce and avoids frequency congestion. However, from a linguistic point of view, the term 'position' is considered to be more correct since it refers to position of aircraft with various sizes, while the perception for the term 'point' is very limited.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.OR.110

p. 55

comment

812

comment by: *ENAV*

#### **AMC1 ATS.OR.110**

**Coordination between aerodrome operators and ATS providers  
Establishment and identification of standard taxi routes**

and

**AMC2 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
Information exchange on the aerodrome conditions and operational status of aerodrome facilities**

And



**AMC3 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
Apron Management services**

**Page 55**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**PROPOSAL**

Do not establish new general requirements; rather transpose Annex 11 as requirement and PANS-ATM as AMC.

response

Not accepted

See the response to comment #734.

comment

873

comment by: *AIRBUS*

Comment

The need for establishing standard taxiing routes for low visibility operations is not addressed but we think it should be addressed at AMC level.

Proposal

Airbus suggests to add the following point:

(d) The ATS provider, in coordination with aerodrome operator should assess the necessity for establishing specific taxi routes for low visibility operations.

response

Not accepted

AMC1 ATS.OR.110 addresses the coordination between the ATS provider and the aerodrome operator for the assessment of the need for standard taxiing routes, regardless of the weather conditions.

comment

932

comment by: *CANSO*

**AMC1 ATS.OR.110**

**Coordination between aerodrome operators and ATS providers  
Establishment and identification of standard taxi routes**

**CANSO Comment**



The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**Impact**

Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.

**Suggested Resolution**

Do not establish new general requirements; rather transpose Annex 11 as requirement and PANS-ATM as AMC.

response

Not accepted

See the response to comment #734.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.OR.110**

p. 55

comment

933

comment by: *CANSO*

AMC2 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
Information exchange on the aerodrome conditions and operational status of aerodrome facilities

**CANSO Comment**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**Impact**

Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.

**Suggested Resolution**

Do not establish new general requirements; rather transpose Annex 11 as requirement and PANS-ATM as AMC.



response Not accepted  
See the response to comment #734.

### 1.3. Draft decision (PART-ATS) - AMC3 ATS.OR.110

p. 55

comment 934 comment by: *CANSO*

AMC3 ATS.OR.110 Coordination between aerodrome operators and ATS providers Apron Management services.

#### **CANSO Comment**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

#### **Impact**

Legal expansion of the responsibility of ANSPs beyond what is operationally necessary.

#### **Suggested Resolution**

Do not establish new general requirements; rather transpose Annex 11 as requirement and PANS-ATM as AMC.

response Not accepted  
See the response to comment #734.

### 1.3. Draft decision (PART-ATS) - AMC5 ATS.OR.110

p. 56

comment 822 comment by: *ENAV*

**AMC5 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
RUNWAYS INSPECTIONS**

**and**

**AMC6 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
INFORMATION ON THE SAFE USE OF THE MANOEUVRING AREA**

**And**



**GM1 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
COORDINATION FOR THE AERODROME MANUAL**

**Page 56**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**PROPOSAL**

Do not establish new general requirements, rather transpose Annex 11 as requirement and PANS-ATM as AMC

response

Not accepted

See the response to comment #734.

comment

936

comment by: *CANSO*

**AMC5 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
RUNWAYS INSPECTIONS**

**CANSO Comment**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**Impact**

Legal expansion of the responsibility of ANSPs beyond what operationally necessary.

**Suggested Resolution**

Do not establish new general requirements, rather transpose Annex 11 as requirement and PANS-ATM as AMC.



response Not accepted  
See the response to comment #734.

### 1.3. Draft decision (PART-ATS) - AMC6 ATS.OR.110

p. 56

comment 937 comment by: *CANSO*

AMC6 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
INFORMATION ON THE SAFE USE OF THE MANOEUVRING AREA

**CANSO Comment**  
The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.  
Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those not imply the existence of a corresponding, reciprocal need for other organisations or entities.  
ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

**Impact**  
Legal expansion of the responsibility of ANSPs beyond what operationally necessary.

**Suggested Resolution**  
Do not establish new general requirements, rather transpose Annex 11 as requirement and PANS-ATM as AMC.

response Not accepted  
See the response to comment #734.

comment 1026 comment by: *UK CAA*

**Paragraph No:** AMC6 ATS.OR.110

**Comment:** AMC6 ATS.OR.110 refers to an AFIS officer and thus infers that an AFIS officer is distinct from a FIS officer. Regulation (EU) 2015/340 draws no distinctions between licensed air traffic controllers; it is the ratings issued to the controller that distinguishes the controlling discipline in which they operate. In the same way, whilst cognisant that equivalent rulemaking activity on the licensing of FIS officers has not yet taken place, it is reasonable to argue that an individual providing a FIS is a FIS officer, irrespective of the discipline in which they operate; be that aerodrome or 'en-route'. Consequently, the UK CAA sees no need to draw a distinction between a FISO and an aerodrome FISO by applying a separate title to them. UK CAA requests that EASA amend all references to 'AFIS officer' made within Part-ATS to either FIS officer, or, where provisions apply solely to the



aerodrome context, 'aerodrome FIS officer'.

**Justification:** Consistency of EU Regulatory materials.

response

Accepted

The text of the regulatory proposal has been amended to introduce clarification on the meaning of the terms FISO (i.e. FIS officer) and AFISO (i.e. aerodrome FIS officer).

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.110

p. 56

comment

35

comment by: *Flughafen Berlin Brandenburg GmbH*

FBB welcomes this requirement. Especially in those cases where ATS provider and aerodrome operator are different entities, it clearly makes sense to foster a close coordination in order to break up information silos and to provide for a harmonisation while cross-referencing between different manuals.

response

Noted

comment

938

comment by: *CANSO*

GM1 ATS.OR.110 Coordination between aerodrome operators and ATS providers  
COORDINATION FOR THE AERODROME MANUAL

#### **CANSO Comment**

The declared intention of mirroring requirements in Regulation 139/2014 is not agreed in principle.

Reg. 139 establishes that an aerodrome operator shall have arrangements and interfaces when it does not directly provide certain services. These are requirements for the aerodrome operator, linked to its responsibility for the operation of the aerodrome, and those do not imply the existence of a corresponding, reciprocal need for other organisations or entities.

ICAO addresses coordination between ATSP and aerodrome operator with reference to specific circumstances. By creating – in a law – a general requirement to which those circumstances are linked as AMC, PART ATS would unduly broaden the responsibility for the establishment of arrangements to an extent undetermined, beyond any reasonability and substantial need.

#### **Impact**

Legal expansion of the responsibility of ANSPs beyond what operationally necessary.

#### **Suggested Resolution**

Do not establish new general requirements, rather transpose Annex 11 as requirement and PANS-ATM as AMC.

response

Not accepted

See the response to comment #734.



**1.3. Draft decision (PART-ATS) - GM1 ATS.OR.125(a)**

p. 56

comment

74

comment by: *HIAL***GM1 ATS.OR.125 (a) Coordination between aeronautical information services and ATS providers**

These are not practised in the UK; runway separations differ from ICAO. The UK “land after”-procedure is the closest to reduced runway separation. An introduction to ICAO DOC 4444 runway separations which allows only one aircraft over the asphalt at one single time could have some impact on our operations,

However, we agree that any such separations shall be made available to pilots via the AIP, especially if they differ from other EASA countries.

response

Noted

**1.3. Draft decision (PART-ATS) - GM2 ATS.OR.125(a)**

p. 56-57

comment

214

comment by: *Civil Aviation Authority Norway*

To point (d):

We propose to delete "..., when defined" as we are of the opinion that a service need an associated airspace and therefore the airspace has to be defined. See also our comment to ATS.OR.410(b).

response

Accepted

The text is of the GM is amended in accordance with the proposal in the comment.

comment

844

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

GM1 to the definition of ‘aerodrome flight information service (AFIS)’

Remove ‘UNICOM’ from GM1 to the AFIS-definition and introduce it as a definition in SERA instead (or other regulation if considered more appropriate). This since it is clear that UNICOM is not in any parts considered as ATS-service.

response

Partially accepted

See the response to comment #608.

comment

1580

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

ATCEUC proposes this addition, so to remind that the information about the type of service provided should be clearly differentiated in the AIP. This is already done like this in many countries (see GCHI, for example):



**GM2 ATS.OR.125(a)****Coordination between aeronautical information services and ATS providers****PROMULGATION OF INFORMATION ON AFIS**

*The ATS provider should arrange to report information regarding the availability of AFIS and related procedures for its inclusion in the relevant parts of the AIP in the same manner as in the case of aerodromes provided with ATC service, in accordance with Appendix I to Annex VI (Part AIS). The information includes but is not limited to the following:*

*(c) hours of operation of the AFIS unit; where mixed service is provided, the corresponding times of operation of both services (ATC and AFIS) should be clearly stated in the AIP.*

*(...)*

response

Accepted

The following text has been added to the proposed requirement in point (c), reading:

*'(c) hours of operation of the AFIS unit. For aerodromes where there is an alternation of the ATC service and AFIS provision, hours of operation of both services.'*

**1.3. Draft decision (PART-ATS) - GM3 ATS.OR.125(a)**

p. 57

comment

38

comment by: F. R.

While AFIS is required by ATS.TR.305(c)(3) to provide flights with messages and clearances from ATS, there is no solution for airports with UNICOM. This solution could consist of the following:

Add to the existing GM3 ATS.OR.125(a):

"...The information should include the following:

...

(h) detailed description of the means of communication and contact information to obtain clearances from ATS and to transmit messages to ATS."

This would enable IFR flights to communicate with ATS, by a means such as by phone or a RCO, to obtain their clearance in order to enter controlled airspace during the climbout after takeoff (possibly with a clearance void time as used in the USA for procedural spacing); and it would provide IFR flights with a means to report the landing to ATS (as well for procedural spacing). Such a means of communication is necessary in countries where a low ceiling of controlled airspace exists and therefore IFR approaches/departures in uncontrolled airspace are made impossible.

response

Not accepted

The referred GM is about the promulgation of information concerning UNICOM-type aeronautical stations. See the response to comment #608.

Since such stations are not supposed to provide ATS, it is not foreseen that they could relay ATC clearances, which is regarded an ATS task.



|          |  |
|----------|--|
| comment  | <p>846</p> <p style="text-align: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>ATS.OR.125 points at ATS providers (regardless off ATC, FIS or AFIS) to provide information for publication by the relevant AISP.<br/>According to GM2 Part AIS contains arrangements for reporting such information regarding ATC and therefore give guidance to provide information regarding AFIS in the same manner. However, Part AIS GEN 3.3 'Air traffic service (ATS)', AD 2.3 7), AD 2.17, AD 2.18 as well as in AD3.3, 3.16 and 3.17 (NPA 2016-02) does not make any difference as it comes to which type of ATS provided it says 'only' ATS or ATS-unit.<br/>The heading of GM2 proposes to be changed into 'PROMULGATION OF INFORMATION ON ATS' and the GM text may be shortened and refer to 'ATS' accordingly.</p> |
| response | <p>Not accepted</p> <p>EASA notes that the comment refers to GM2 ATS.OR.125(a), related to the promulgation of information on AFIS, and not to GM3 ATS.OR.125(a) on UNICOM-type aeronautical stations.</p> <p>GM2 to ATS.OR.125(a) provides guidance and emphasises on specific cases when at an aerodrome AFIS is provided, even if such service is not provided continuously (e.g. alternation AFIS/ATC).</p>  |

|          |  |
|----------|--|
| comment  | <p>1028</p> <p style="text-align: right;">comment by: <i>UK CAA</i></p> <p><b>Paragraph No:</b> GM3 ATS.OR.125(a)</p> <p><b>Comment:</b> The opening sentence in GM3 ATS.OR.125(a) states that “The arrangements established as outlined in GM2 to Article 3(1b)...” However, the UK CAA believes the reference to be incorrect and that it should refer to GM2 to Article 3(1b)(a) relating to UNICOM.</p> <p><b>Justification:</b> Accuracy</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to GM3 ATS.OR.125(a):</p> <p>“The arrangements established as outlined in GM2 to Article 3(1b)(a)...”</p> |
| response | <p>Accepted</p> <p>See the response to comment #608.</p>   |

| comment   | <p>1354</p> <p style="text-align: right;">comment by: <i>AESA / DSANA</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="width: 25%;">PART</th> <th style="width: 45%;">COMMENT</th> <th style="width: 30%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b></td> <td>Since 'Universal Communications (UNICOM)' and 'UNICOM' aerodrome are neither defined not used at European level, it is requested</td> <td>Before regulating the information that the national AIP should include regarding a 'UNICOM' aeronautical station, it</td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b> | Since 'Universal Communications (UNICOM)' and 'UNICOM' aerodrome are neither defined not used at European level, it is requested | Before regulating the information that the national AIP should include regarding a 'UNICOM' aeronautical station, it |
|---|---|--|---------|---------------|---|--|--|
| PART  | COMMENT   | JUSTIFICATION  |         |               |   |  |  |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b> | Since 'Universal Communications (UNICOM)' and 'UNICOM' aerodrome are neither defined not used at European level, it is requested  | Before regulating the information that the national AIP should include regarding a 'UNICOM' aeronautical station, it |         |               |   |  |  |

|          |  |   |  |
|----------|--|---|--|
|          | <b>Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM3 ATS.OR.125(a)</i>   | the elimination of such a references or to proceed with the proper definition of the concept. | should be properly defined at European level the scope of the concept. |
| response | <p>Noted</p> <p>See the response to comment #608.</p> <p>It shall also be noted that EASA does not propose to regulate UNICOM-type aeronautical stations, but only provides some guidance in GM2 to Article 3a(a).</p>                       |   |  |
| comment  | 1558   | comment by: <i>European Transport Workers Federation - ETF</i>                                |  |
|          | <p>A reference to UNICOM is not welcomed and the provision should be extended to all aeronautical fixed stations established in the relevant FIR.</p> <p>In any case, clear identification that the service is not ATS is needed in AIP.</p> |   |  |
| response | Noted  |   |  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.OR.125(c)**

p. 57

|          |  |                                |  |
|----------|--|--------------------------------|--|
| comment  | 667  | comment by: <i>EUROCONTROL</i> |  |
|          | <p><b>GM1. ATS.OR.125(c) Coordination between aeronautical information services and ATS providers - Page 57</b></p> <p>ORIGIN OF AERONAUTICAL INFORMATION</p> <p>The EUROCONTROL Agency underlines the importance of taking into account the requirements of NPA 2016-02 (ATM/ANS.OR.A.080 Aeronautical data and aeronautical information) in the present rule in order to define the data elements that have to be exchanged and included in the Data Catalogue.</p> <p>Moreover, the metadata about data source and data originator should also be included in the Data Catalogue to avoid a potential conflict (duplication) with AMC1 ADR.OR.C.005(c), forming part of AMC to EU regulation 139/2014, on aerodrome operator responsibilities, namely the publication of information to the aeronautical information publication.</p> |                                |  |
| response | <p>Noted</p> <p>The intent of ATS.OR.125 is the establishment of a proper coordination between ATS and AIS providers. Such a coordination is expected to tackle the issues with the maintenance of the data catalogue, as described in Annex IV (Part-AIS) to Regulation (EU) 2017/373. GM1 ATS.OR.125(c) clarifies that the data originators to the ATS providers may be various.</p>   |                                |  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.OR.125(d)**

p. 57

comment

1519

comment by: EUROCONTROL

**GM1. ATS.OR.125(d) Coordination between aeronautical information services and ATS providers - Page 57**

The EUROCONTROL Agency wishes to point out that the references to AIS.OR.505 and AIS.TR.505 are not appropriate, as these relate to the requirements for AIS providers. The requirements for ATS providers in this context are in NPA 2016-02 (ATM/ANS.OR.A.080 Aeronautical data and aeronautical information) covering all the requirements for a service provider that originates, processes and transmits aeronautical data and aeronautical information to an AIS provider.

response

Noted

The reference to AIS.OR.505 and AIS.TR.505 is included in GM1 to ATS.OR.125(d) to represent the need that certain information which is subject to the AIRAC cycle is to be provided to the AIS provider well in advance in order to comply with the abovementioned AIS requirements.

**1.3. Draft decision (PART-ATS) - GM1 ATS.OR.135**

p. 57

comment

828

comment by: ENAV

**GM1 ATS.OR.135 Contingency arrangements  
Page 57**

Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 "Contingency").

response

Noted

See the response to comment #55.

comment

939

comment by: CANSO

**GM1 ATS.OR.135 Contingency arrangements  
Page 57****CANSO Comment**

Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 "Contingency").

response

Noted

See the response to comment #55.



**1.3. Draft decision (PART-ATS) - GM2 ATS.OR.135** p. 57-59

|         |   |                           |
|---------|---|---------------------------|
| comment | 148   | comment by: <i>IFATCA</i> |
|         | <p>1.3<br/>GM2<br/>ATS.OR.135(b)</p> <p><b>(b) Ground radio failure</b><br/>(1) In the event of complete failure of the ground radio equipment used for ATC, the controller <del>should</del> <b>shall</b>: [...]</p> <p><b>(c) Blocked frequency</b><br/>In the event that the control frequency is inadvertently blocked by an aircraft transmitter, the following additional steps <del>should</del> <b>shall</b> be taken: [...]</p> <p><b>(d) Unauthorised use of ATC frequency</b><br/>Instances of false and deceptive transmissions on ATC frequencies which may impair the safety of aircraft can occasionally occur. In the event of such occurrences, the ATC unit concerned <del>should</del> <b>shall</b>: [...]</p> | No ambiguity              |

response Not accepted

As the originating ICAO PANS ATM provisions describe a procedure, EASA considers the transposition as GM appropriate.

See also the response to comment #147 in CRD 2016-09(A).

|         |   |   |
|---------|---|---|
| comment | 305   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|         | <p>GM2 ATS.OR.135 Contingency arrangements<br/>(b) Ground Radio Failure</p> <p>The title is “Ground radio failure”; but the provision refers only to the complete failure of such equipment and not the partial failure and therefore the title does not accurately reflect the provision text.</p> <p>We recommend amending the title of text to read:<br/>“Complete Ground Radio Failure”</p> |   |

response Accepted

The text has been amended in accordance with the proposal in the comment.

|         |   |   |
|---------|---|---|
| comment | 306   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|         | <p>GM2 ATS.OR.135 Contingency arrangements<br/>(b) (1) Ground Radio Failure</p> |   |



In the event of Ground Radio Failure, some of the actions which may need to be carried out, may be completed by people other than the “controller”. Not all the actions have to be completed in all circumstances.

In a Ground Radio Failure situation, at a busy ATC Unit, the controller could not be expected to carry out all actions by themselves as this would result in an unacceptably high workload.

In some cases some of the options detailed may not be appropriate.

**Recommendation**

Remove text stating:

“the controller should” and replace with

“the ATS Unit should consider the following options:”

response

Not accepted

As the provision is transposed as GM, nothing prevents the ATS provider, when developing the contingency arrangements and the related procedures, from allocating tasks to personnel different from ATCOs, provided that it is not in contradiction with the relevant mandatory requirements.

comment

307

comment by: *NATS National Air Traffic Services Limited*

GM2 ATS.OR.135 Contingency arrangements  
(b) (1) (i) Ground Radio Failure

It may not always be feasible or possible to attempt communication on 121.5 as it depends upon State and local circumstances.

**Recommendation**

Add text:

“when feasible” to start of sentence, so it reads “when feasible, attempt to establish radio communications on the emergency frequency 121.500MHz”

response

Not accepted

As the provision is transposed as GM, nothing prevents the ATS provider, when developing the contingency arrangements and the related procedures, from introducing specific flexibility reflecting the local arrangements.

comment

831

comment by: *ENAV*

**GM2 ATS.OR.135 Contingency arrangements (b) Ground Radio Failure  
Page 58**

The title is “Ground radio failure”; but the provision refers only to the complete failure of



|          |   |
|----------|---|
| response | <p>such equipment and not the partial failure.<br/> <b>PROPOSAL</b><br/>         Amend title of text to read:<br/>         “Complete Ground Radio Failure”</p> <p>Accepted</p> <p>See the response to comment #305.</p>   |
| comment  | <p>833 <span style="float: right;">comment by: ENAV</span></p> <p><b>GM3 ATS.OR.135 Contingency arrangements (c)</b><br/> <b>Page 59</b></p> <p>In ICAO EUR Doc 019 European Volcanic Ash Contingency Plan, Operators now make assessment of whether they can fly in areas of forecast ash cloud. ATC do not provide pilots with advice unless request by the pilot.</p> <p><b>PROPOSAL</b><br/>         Remove text:<br/>         “or deemed necessary by the controller”.</p>   |
| response | <p>Not accepted</p> <p>The provision at stake is transposed from ICAO PANS ATM, the status of which is much stronger than ICAO EUR Docs.</p> <p>As the provision is transposed as GM, nothing prevents the ATS provider, when developing the contingency arrangements and the related procedures, from introducing specific flexibility reflecting the local arrangements.</p>  |
| comment  | <p>940 <span style="float: right;">comment by: CANSO</span></p> <p>GM2 ATS.OR.135 Contingency arrangements<br/>         (b) Ground Radio Failure<br/>         Page 58</p> <p><b>CANSO Comment</b><br/>         The title is “Ground radio failure”; but the provision refers only to the complete failure of such equipment and not the partial failure.</p> <p><b>Impact</b><br/>         The title does not accurately reflect the provision text.</p> <p><b>Suggested Resolution</b><br/>         Amend title of text to read:<br/>         “Complete Ground Radio Failure”.</p> |
| response | <p>Accepted</p>   |

See the response to comment #305.

comment 941

comment by: CANSO

GM2 ATS.OR.135 Contingency arrangements  
(b) (1) Ground Radio Failure  
Page 58

**CANSO Comment**

In the event of Ground Radio Failure, some of the actions which may need to be carried out, may be completed by people other than the “controller”.

It may not always be feasible or possible to attempt communication on 121.5 as it depends upon State and local circumstances.

**Impact**

In a Ground Radio Failure situation, at a busy ATC Unit, the controller could not be expected to carry out all actions by themselves as this would result in an unacceptably high workload.

It may not be possible to even attempt to establish communications on 121.500MHz.

**Suggested Resolution**

Remove text stating:

“the controller should” and replace with  
“the ATS Unit should consider the following options:”

Add text:

“when feasible” to start of sentence, so it reads “when feasible, attempt to establish radio communications on the emergency frequency 121.500MHz”.

response Not accepted

See the response to comment #307.

comment 1030

comment by: UK CAA

**Paragraph No:** GM2 to ATS.OR.135

**Comment:** Whilst ATS.OR.135 relates to all ATS providers, GM 2 is only applicable to ATC service providers. Whilst cognisant that the proposed text remains true to the source ICAO material, the UK CAA believes that some of the detail may be useful to providers of FIS. Consequently, the UK CAA requests that EASA develop text on contingency arrangements for providers of FIS.

**Justification:** Clarity of guidance to providers of FIS.

response Not accepted

The GM referred to in the comment refers only to ATC, since when FIS is provided, it is normally not mandatory. In this case, the procedures for radio communication contingencies



are considered to be specific to the local environment.

comment 1355

comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION |
|---|---|---------------|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM2 ATS.OR.135</i></p> | <p><b>GM2 ATS.OR.135.(b)(1):</b></p> <p>- (i): Doc.4444 <b>section 15.6.1.2.1.(a)</b>, only requests this where aircraft are required to keep a listening watch on the emergency frequency 121.5 MHz, and GM2 ATS.OR.135.(b)(1)(ii) does not specify where.</p> <p>- The exception at the end of the point does not exist in Doc.4444 <b>section 15.6.1.2.1</b>, but comes from <b>section 8.8.6.1</b>.</p> |               |

response Not accepted

As the provision is transposed as GM, nothing prevents the ATS provider, when developing the contingency arrangements and the related procedures, from introducing specific flexibility reflecting the local arrangements.

comment 1559

comment by: European Transport Workers Federation - ETF

The application of this GM shall not be limited to ATC and should be open to flight information and alerting services.

response Noted

See the response to comment #1030.

**1.3. Draft decision (PART-ATS) - GM3 ATS.OR.135**

p. 59

comment 308

comment by: NATS National Air Traffic Services Limited

GM3 ATS.OR.135 Contingency arrangements (c)

In ICAO EUR Doc 019 European Volcanic Ash Contingency Plan, Operators now make assessment of whether they can fly in areas of forecast ash cloud. ATC do not provide pilots with advice unless request by the pilot.

**Recommendation**



Remove text:  
“or deemed necessary by the controller”.

response Not accepted

See the response to comment #833.

comment 834

comment by: ENAV

GM4 ATS.OR.135 Contingency arrangements)

Page 59

Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 “Contingency”).

For instance, the “EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services” mentioned by GM4 ATS.OR.135 do not mention either PBN, GNSS or navigation systems in section 9.2.2 “CNS considerations” or “Appendix B - List of Events to Support Risk Assessment”.

response Noted

See the response to comment #55.

comment 942

comment by: CANSO

GM3 ATS.OR.135 Contingency arrangements

(c)

Page 59

#### **CANSO Comment**

In ICAO EUR Doc 019 European Volcanic Ash Contingency Plan, Operators now make assessment of whether they can fly in areas of forecast ash cloud. ATC do not provide pilots with advice unless request by the pilot.

#### **Impact**

Inconsistent application.

#### **Suggested Resolution**

Remove text:

“or deemed necessary by the controller”.

response Not accepted

See the response to comment #833.

|          |  |
|----------|--|
| comment  | <p>847 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>GM3 ATS.OR.125(a) - Coordination between aeronautical information services and ATS providers - PROMULGATION OF INFORMATION FOR UNICOM AERONAUTICAL STATIONS NOT PROVIDING ATS</p> <p>GM should be changed from ATS.OR/TR, instead these should be prescribed as GM to be determined by the member states. This since it is clear that UNICOM is not in any parts considered as ATS-service.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #608.</p> <p>It shall also be noted that EASA does not propose to regulate UNICOM-type aeronautical stations, but only provides some guidance in GM2 to Article 3a(a).</p>  |
| comment  | <p>943 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM4 ATS.OR.135 Contingency arrangements)<br/>Page 59</p> <p><b>CANSO Comment</b></p> <p>Harmonize the contingency arrangement provisions in Part-ATS with the PBN loss of continuity contingency procedures required to the ANSPs by EASA Opinion 10-2016 (Part-AUR, AUR.PBN.2020 “Contingency”).</p> <p>For instance, the “EUROCONTROL Guidelines for Contingency Planning of Air Navigation Services” mentioned by GM4 ATS.OR.135 do not mention either PBN, GNSS or navigation systems in section 9.2.2 “CNS considerations” or “Appendix B - List of Events to Support Risk Assessment”.</p>   |
| response | <p>Noted</p> <p>See the response to comment #55.</p>   |
| comment  | <p>1032 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> GM4 ATS.OR.135</p> <p><b>Comment:</b> GM4 ATS.OR.135 Contingency arrangements provides a reference to a EUROCONTROL document as the source of the GM. The UK CAA requests EASA to confirm that they have received guarantees from EUROCONTROL that the document will continue to be maintained. Moreover, the GM contains a hyperlink to a EUROCONTROL document. The UK CAA is concerned that the target content of hyperlinks is liable to amendment and that, therefore, the accuracy of the regulatory material itself may be prejudiced. The UK CAA proposes that the hyperlink is deleted and only a reference made to the EUROCONTROL document.</p> |

|                 |  |
|-----------------|--|
|                 | <p><b>Justification:</b> Consistency and accuracy of EU Regulatory materials.</p>  |
| <p>response</p> | <p>Not accepted</p> <p>The hyperlink is provided in the GM to facilitate the readers in finding the referenced document, which in any case is mentioned with its edition number and date of publication. This allows the unambiguous identification of the document elected as GM. If there will be future changes to the said document, EASA will consider if amending the GM is necessary.</p> |

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| <b>1.3. Draft decision (PART-ATS) - AMC1 ATS.OR.145(a)</b> | p. 60 |
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|  |   |  |   |   |
|--|---|--|---|---|
| <p>comment</p>                             | <p>149</p>  | <p>comment by: IFATCA</p>                  |   |   |
|  | <table border="1" style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;"> <p>1.3<br/>AMC1<br/>ATS.OR.145<br/>(a)</p> </td> <td style="width: 80%;"> <p><b>AMC1 ATS.OR.145(a) Operation of ATC service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC PROVISION</b></p> <p>(a) The ATS provider <del>should</del> <b>shall</b> ensure that sufficient information and data are presented in such a manner as to enable the controller to have a complete representation of the current air traffic situation within the controller’s area of responsibility and, when relevant, movements on the manoeuvring area of aerodromes.</p> <p><b>(b) The presentation should</b> <del>should</del> <b>shall</b> be updated in accordance with the progress of aircraft, in order to facilitate the timely detection and resolution of conflicts as well as to facilitate and provide a record of coordination with adjacent ATS units and control sectors.</p> <p>(c) An appropriate representation of the airspace configuration, including significant points and information related to such points, <del>should</del> <b>shall</b> be provided.</p> <p>(d) Data to be presented <del>should</del> <b>shall</b> include relevant information from flight plans and position reports as well as clearance and coordination data.</p> </td> </tr> </table> | <p>1.3<br/>AMC1<br/>ATS.OR.145<br/>(a)</p> | <p><b>AMC1 ATS.OR.145(a) Operation of ATC service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC PROVISION</b></p> <p>(a) The ATS provider <del>should</del> <b>shall</b> ensure that sufficient information and data are presented in such a manner as to enable the controller to have a complete representation of the current air traffic situation within the controller’s area of responsibility and, when relevant, movements on the manoeuvring area of aerodromes.</p> <p><b>(b) The presentation should</b> <del>should</del> <b>shall</b> be updated in accordance with the progress of aircraft, in order to facilitate the timely detection and resolution of conflicts as well as to facilitate and provide a record of coordination with adjacent ATS units and control sectors.</p> <p>(c) An appropriate representation of the airspace configuration, including significant points and information related to such points, <del>should</del> <b>shall</b> be provided.</p> <p>(d) Data to be presented <del>should</del> <b>shall</b> include relevant information from flight plans and position reports as well as clearance and coordination data.</p> | <p>In IFATCA’s view, there is no room for ambiguity how data is displayed to controllers.</p> |
| <p>1.3<br/>AMC1<br/>ATS.OR.145<br/>(a)</p> | <p><b>AMC1 ATS.OR.145(a) Operation of ATC service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC PROVISION</b></p> <p>(a) The ATS provider <del>should</del> <b>shall</b> ensure that sufficient information and data are presented in such a manner as to enable the controller to have a complete representation of the current air traffic situation within the controller’s area of responsibility and, when relevant, movements on the manoeuvring area of aerodromes.</p> <p><b>(b) The presentation should</b> <del>should</del> <b>shall</b> be updated in accordance with the progress of aircraft, in order to facilitate the timely detection and resolution of conflicts as well as to facilitate and provide a record of coordination with adjacent ATS units and control sectors.</p> <p>(c) An appropriate representation of the airspace configuration, including significant points and information related to such points, <del>should</del> <b>shall</b> be provided.</p> <p>(d) Data to be presented <del>should</del> <b>shall</b> include relevant information from flight plans and position reports as well as clearance and coordination data.</p>   |  |   |   |
| <p>response</p>                            | <p>Not accepted</p> <p>EASA considers appropriate the transposition of these PANS ATM provisions as AMC.</p> <p>See also the response to comment #147 in CRD 2016-09(A).</p>  |  |   |   |

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| <p>comment</p> | <p>150</p> | <p>comment by: IFATCA</p> |
|----------------|------------|---------------------------|



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| 1.3<br>AMC1<br>ATS.OR.145(a) | (f) Data generated automatically <del>should</del> <b>shall</b> be presented to the controller in a timely manner. The presentation of information and data for individual flights <del>should</del> <b>shall</b> continue until such time as the data is no longer required for the purpose of providing control, including conflict detection and the coordination of flights, or until terminated by the controller.<br><br>(g) All information and data as in point (a), including data related to individual aircraft, <del>should</del> <b>shall</b> be presented in a manner minimising the potential for misinterpretation or misunderstanding. |
|------------------------------|---|

response

Not accepted

EASA considers appropriate the transposition of these PANS ATM provisions as AMC.

See also the response to comment #147 in CRD 2016-09(A).

comment

192 ❖

comment by: *Slawomir BALAZY*

AMC1 ATS.OR.145(a) Operation of ATC service - provision should also include FIS providers.

response

Not accepted

The requirement is relevant for ATC service provision only, as it is about information on clearances and separation applied. Requirements relevant to the provision of FIS are available in ATS.TR.300.

comment

759

comment by: *Martyna NIWICKA*

If surveillance- based FIS is offered in a certain airspace, whenever practicable, the data listed in "ATS.OR.145(a) Operation of ATC service" should be made available to FISOs too.

response

Not accepted

See the response to comment #192.

comment

835

comment by: *ENAV*

**GM3 ATS.OR.145 (a) Operation of ATC Service (b)**  
**Page 61**

Not all procedures between ATS Units are governed by the ATS Provider – for example in the UK symbols on Electronic Flight Progress Strips (EFPS) are governed by UK CAA

PROPOSAL



|          |   |
|----------|---|
|          | Amend text as follows:<br>“The competent authority or ATS provider should specify the procedures for annotating data and provisions specifying the types of data to be entered on flight progress strips, including the use of symbols.”  |
| response | Not accepted<br><br>The proposed GM may be adopted in accordance with the local needs and specificities.  |
| comment  | 1033 <span style="float: right;">comment by: UK CAA</span><br><br><b>Paragraph No:</b> AMC1 ATS.OR.145(a)<br><br><b>Comment:</b> Given that Part-ATS provides for the utilisation of an ATS surveillance system by FIS officers, much of the content of AMC1 ATS.OR.145(a) is applicable not just to the provision of ATC service but also to FIS. However, no similar provisions exist to regulate the provision of FIS using an ATS surveillance system. The UK CAA proposes that EASA develop bespoke regulatory material for providers of FIS, where such provision is supplemented by the use of an ATS surveillance system.<br><br><b>Justification:</b> Consistency and harmonisation of ATS provision amongst Member States and clarity of EU Regulatory intent for providers of FIS. |
| response | Not accepted<br><br>The rationale behind the comment is understood; however, the opinion that the large part of the AMC content is applicable also to FIS is not shared. The provision of FIS is very diverse, as well as the traffic demand and the supporting automation. For these reasons, EASA considers disproportionate to establish an AMC for FIS which corresponds to the commented AMC. Moreover, the impact of introducing such requirement on the various FIS providers is unknown.  |
| comment  | 1299 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span><br><br>If surveillance- based FIS is offered in a certain airspace, whenever practicable, the data listed in "ATS.OR.145(a) Operation of ATC service" should be made available to FISOs too.  |
| response | Not accepted<br><br>See the response to comment #192.   |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.145(a)

p. 60

|         |  |
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| comment | 760 <span style="float: right;">comment by: Martyna NIWICKA</span><br><br>Suggestion to change ATC to ATS<br>Operation of ATC ATS service PRESENTATION AND UPDATING OF FLIGHT PLAN AND |
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|          |   |
|----------|---|
|          | CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC <b>ATS</b> PROVISION  |
|          | The information in this point refers to FISOs too.  |
| response | Not accepted<br>See also the response to comment #192.  |
| comment  | 998 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>   |
|          | While this rule comes from PANS, it should be AMC and not GM and the “should” in this rule should be changed to “shall”.  |
| response | Not accepted<br>The transposition of such a generic PANS ATM requirement as AMC would not provide a means of compliance to the referenced IR.<br>See the response to comment #147 in CRD 2016-09(A).  |
| comment  | 1034 <span style="float: right;">comment by: UK CAA</span>  |
|          | <b>Paragraph No:</b> GM1 ATS.OR.145(a)  |
|          | <b>Comment:</b> GM1 ATS.OR.145(a) states that “Human Factors principles should be considered when establishing the provisions and procedures stipulated in ATS.TR.145(a)”; however, it provides no further guidance on this matter to detail these principles, nor in which way they should be considered. PANS-ATM includes a number of notes which refer to a variety of guidance documents on Human Factors, for example 13.4.1.3 Note 2 which states that “ <i>Guidance material on Human Factors principles can be found in the Human Factors Training Manual (Doc 9683), Human Factors Digest No. 8 — Human Factors in Air Traffic Control (Circular 241), and Human Factors Digest No. 11 — Human Factors in CNS/ATM Systems (Circular 249).</i> Whilst acknowledging the age of these publications, the absence of any detailed guidance on the Human Factors principles referred to in GM1 ATS.OR.145(a) weakens the value of the GM itself. In other areas of Part-ATS there are GM which refer the reader to specific documents which can be utilised to access specific information. The UK CAA proposes that EASA should identify more recent documents relating to Human Factors principles which could be referred to within the GM. |
|          | <b>Justification:</b> Ensuring the value of EU regulatory materials.  |
| response | Accepted<br>The GM has been amended to provide reference to SESAR developments related to Human Performance (Project Nr.16.05) relevant to the provision.   |
| comment  | 1300 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span>   |
|          | Suggestion to change ATC to <b>ATS</b>  |

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|          | <p>Operation of ATC ATS service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC ATS PROVISION</p> <p>The information in this point refers to FISOs too.</p>   |
| response | <p>Not accepted</p> <p>See also the response to comment #192.</p>  |
| comment  | <p>1582 comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</p> <p>ATCEUC suggests to add these references in the GM:</p> <p><b>GM1 ATS.OR.145(a) Operation of ATC service</b></p> <p><b>PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC PROVISION</b></p> <p><i>Human Factors principles should be considered when establishing the provisions and procedures stipulated in ATS.TR.145(a).</i></p> <p>-<br/><u><i>These principles are addressed, among others, by ICAO Circular 241-AN/145 (“Human Factors in Air Traffic Control”) or by EUROCONTROL CoRe project (“Core Requirements for ATM Working Positions”),</i></u></p> |
| response | <p>Partially accepted</p> <p>See the response to comment #1034.</p>  |

### 1.3. Draft decision (PART-ATS) - GM2 ATS.OR.145(a)

p. 60-61

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| comment  | <p>761 comment by: <i>Martyna NIWICKA</i></p> <p>Suggestion to change ATC to ATS</p> <p>Operation of ATC ATS service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC ATS PROVISION</p> <p>The information in this point refers to FISOs too.</p>  |
| response | <p>Not accepted</p> <p>See the responses to comments #192 and #1033.</p>   |
| comment  | <p>848 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>GM4 ATS.OR.135 is very detailed and addresses ATC service (only).<br/>The same difficulties may appear when providing AFIS / FIS and using radio communication facilities in order to give information useful for the safe and efficient conduct of flight and</p> |



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|          | <p>preventing collisions, and this equipment is unserviceable due to any circumstance, in whole or partly.</p> <p>Proposal: rewording of GM4 in a way which make it relevant to all ATS services or alternatively include another GM regarding contingencies addressing AFIS / FIS.</p>  |
| response | <p>Noted</p> <p>The comment is not understood, since GM4 ATS.OR.135 refers to a EUROCONTROL document which is applicable to all ATS providers.</p>   |
| comment  | <p>995 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The heading to IR ATS.OR.145 and the heading to GM2 and GM3 thereof are both addressing ATC only while ATS.OR.145(a) is addressing ATS providers, GM2 states "Other information required of desirable for the provision of ATS .." and GM3 (b) "the ATS provider ..."</p> <p>Both the IR and the GM's are applicable for all ATS services regardless of ATC, AFIS or FIS.</p> <p>Proposal: to change the headlines to IR ATS.OR.145 and the headings to GM2 and GM3 thereof to read ATS instead of ATC.</p> |
| response | <p>Not accepted</p> <p>It is clarified that ATS.OR.145 is applicable to ATC service only.</p> <p>See also the response to comment #1033.</p>   |

### 1.3. Draft decision (PART-ATS) - GM3 ATS.OR.145(a)

p. 61

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| comment  | <p>309 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Not all procedures between ATS Units are governed by the ATS Provider – for example in the UK symbols on Electronic Flight Progress Strips (EFPS) are governed by UK CAA; therefore this is a new requirement on the ATS Provider which may result in inconsistencies between different Units.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text as follows:<br/>         “The competent authority or ATS provider should specify the procedures for annotating data and provisions specifying the types of data to be entered on flight progress strips, including the use of symbols.”</p> |
| response | <p>Not accepted</p> <p>The proposed GM may be adopted in accordance with the local needs and specificities.</p>   |
| comment  | <p>762 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>Suggestion to change ATC to <b>ATS</b></p>  |

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|          | <p>Operation of ATC ATS service PRESENTATION AND UPDATING OF FLIGHT PLAN AND CONTROL DATA AND OTHER RELEVANT INFORMATION FOR THE ATC ATS PROVISION</p> <p>The information in this point refers to FISOs too.</p> |
| response | <p>Not accepted</p> <p>See the responses to comments #192 and #1033.</p>   |

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| comment  | <p>944 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM3 ATS.OR.145 (a) Operation of ATC Service<br/>(b)<br/>Page 61</p> <p><b>CANSO Comment</b><br/>Not all procedures between ATS Units are governed by the ATS Provider – for example in the UK symbols on Electronic Flight Progress Strips (EFPS) are governed by UK CAA</p> <p><b>Impact</b><br/>New requirement on ATS Provider which may result in inconsistencies between different Units.</p> <p><b>Suggested Resolution</b><br/>Amend text as follows:<br/>“The competent authority or ATS provider should specify the procedures for annotating data and provisions specifying the types of data to be entered on flight progress strips, including the use of symbols.”</p> |
| response | <p>Not accepted</p> <p>The proposed GM may be adopted in accordance with the local needs and specificities.</p>   |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.150(a)

p. 61

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| comment | <p>1035 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> GM1 ATS.OR.150(a)</p> <p><b>Comment:</b> GM1 ATS.OR.150(a) provides a reference to a EUROCONTROL document as the source of the GM. The UK CAA requests EASA to confirm that they have received guarantees from EUROCONTROL that the document will continue to be maintained. Moreover, the GM contains a hyperlink to a EUROCONTROL document. The UK CAA is concerned that the target content of hyperlinks is liable to amendment and that, therefore, the accuracy of the regulatory material itself may be prejudiced. The UK CAA proposes that the hyperlink is deleted and only a reference made to the EUROCONTROL document.</p> <p><b>Justification:</b> Consistency and accuracy of EU Regulatory materials.</p> |
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response Not accepted  
See the response to comment #1032.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.150(b)

p. 61-62

comment 763 comment by: *Martyna NIWICKA*  
in (a)

Suggestion to change as follows:  
Except when separation minima based on ATS surveillance systems specified in AMC1 ATS.TR.210(c)(2) and AMC6 ATS.TR.220 are being applied, the transfer of air-ground communications of an aircraft from the transferring unit (\*) to the accepting ATC unit should be made 5 minutes before the time at which the aircraft is estimated to reach the common control (\*\*) area boundary unless otherwise agreed between the two ATC ATS (\*\*\*) units concerned

(\*) it could be FIS transferring  
(\*\*) FIS has no control boundary  
(\*\*\*) it could be FIS transferring

response Not accepted  
As evident from the title of ATS.OR.150, the provision and the associated GM are applicable only for the provision of ATC service.

comment 764 comment by: *Martyna NIWICKA*  
in (e)

Suggestion to change to:  
An aircraft may be permitted to communicate temporarily with a control ATS unit other than the unit ~~controlling the aircraft~~ that is responsible for providing ATS in the particular ~~airspace~~.

That happens sometimes, when e.g. an a/c operating in the C airspace contacts FIS temporarily to ask for weather conditions at the DEST.  
Or, when in enroute FIS area of responsibility, an a/c may contact an AFIS beforehand, to coordinate its flight through the ATZ.

response Not accepted  
See the response to comment #763.

comment 1000 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*  
(a) Except when separation minima based on ATS surveillance systems specified in AMC1



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| response | <p>ATS.TR.210(c)(2) and AMC6 ATS.TR.220 are being applied, the transfer of air–ground communications of an aircraft from the transferring to the accepting ATC unit <b>should</b> be made 5 minutes before the time at which the aircraft is estimated to reach the common control area boundary unless otherwise agreed between the two ATC units concerned.</p> <p>Proposal: PANS-ATM 10.1.2.4.1. says shall and it should be an AMC instead for a GM.</p> <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>   |
| comment  | <p>1003 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>b) When separation minima based on ATS surveillance systems specified in AMC1 ATS.TR.210(c)(2) and AMC6 ATS.TR.220 are being applied at the time of transfer of control, the transfer of air–ground communications of an aircraft from the transferring to the accepting ATC unit <b>should</b> be made immediately after the accepting ATC unit has agreed to assume control.</p> <p>Proposal: PANS-ATM 10.1.2.4.2. says shall and it should be an AMC instead for a GM with the use of shall instead of should.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>  |
| comment  | <p>1005 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>(c) The accepting ATC unit should notify the transferring unit in the event that communication with the aircraft is not established as expected.</p> <p>Proposal: PANS-ATM 10.1.2.4.3, second sentence says shall and this should be an AMC instead for a GM, with a shall instead of a should</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>  |
| comment  | <p>1303 <span style="float: right;">comment by: <i>Polish Air Navigation Services Agency</i></span></p> <p>in (a)</p> <p>Suggestion to change as follows:<br/> Except when separation minima based on ATS surveillance systems specified in AMC1 ATS.TR.210(c)(2) and AMC6 ATS.TR.220 are being applied, the transfer of air–ground communications of an aircraft from the transferring unit (*) to the accepting ATC unit should be made 5 minutes before the time at which the aircraft is estimated to reach the common control (**) area boundary unless otherwise agreed between the two ATC ATS (***) units</p>   |

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|          | concerned<br><br>(* ) it could be FIS transferring<br>(** ) FIS has no control boundary<br>(***) it could be FIS transferring   |
| response | Not accepted<br><br>See the response to comment #763.   |
| comment  | 1304 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span><br><br>in (e)<br><br>Suggestion to change to:<br>An aircraft may be permitted to communicate temporarily with a <del>control</del> <b>ATS</b> unit other than the unit <del>controlling the aircraft</del> <b>that is responsible for providing ATS in the particular airspace.</b> |
| response | Not accepted<br><br>See the response to comment #763.<br><br>That happens sometimes, when e.g. an a/c operating in the C airspace contacts FIS temporarily to ask for weather conditions at the DEST.<br>Or, when in enroute FIS area of responsibility, an a/c may contact an AFIS beforehand, to coordinate its flight through the ATZ.                                     |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.OR.400(a)**

p. 62

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| comment  | 194 ❖ <span style="float: right;">comment by: Slawomir BALAZY</span><br>AMC1 ATS.OR.400(a) Direct pilot-controller (suggestion to add FISO);  |
| response | Not accepted<br><br>See the response to comment #194.   |
| comment  | 837 <span style="float: right;">comment by: ENAV</span><br><b>AMC1ATS.OR.400(A) Aeronautical mobile service (air-ground communications) – General Page 62</b><br>Does not appear to be AMC to the relevant requirement. |
| response | Accepted<br><br>See the response to comment #194.   |
| comment  | 945 <span style="float: right;">comment by: CANSO</span>  |



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|----------|--|
|          | <p>AMC1ATS.OR.400(A)<br/>Aeronautical mobile service (air-ground communications) – General<br/>Page 62</p> <p><b>CANSO Comment</b><br/>Does not appear to be AMC to the relevant requirement.</p>  |
| response | <p>Accepted</p> <p>See the response to comment #194.</p>   |
|          | <p>1045 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.OR.400(a)</p> <p><b>Comment:</b> AMC1 ATS.OR.400(a) states that “Direct pilot-controller communications should be established prior to the provision of ATS surveillance services...”; however, the UK CAA believes that this text is equally applicable to the provision of FIS by FIS officers. See also subsequent comment on AMC1 ATS.OR.400(a).</p> <p><b>Justification:</b> Consistency and harmonisation of ATS provision amongst Member States and clarity of EU Regulatory intent for providers of FIS.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC 1 ATS.OR.400(a):</p> <p>“Direct, two-way pilot-controller/<b>FIS officer</b> communications should be established prior to the provision of ATS surveillance services...”</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #194.</p>   |
|          | <p>1047 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.OR.400(a)</p> <p><b>Comment:</b> AMC1 ATS.OR.400(a) states that “Direct pilot-controller communications should be established prior to the provision of ATS surveillance services...”. The term ‘established’ is inconsistent with other references within EU Regulatory materials to the establishment of pilot-controller/FIS officer communications. A precedent is set within, for example, SERA.8015 and SERA.8035, where the phrase “establish two-way communications’ is utilised. Moreover, establishing communications between a pilot and a controller/FIS officer for the purposes of the provision of ATS surveillance services requires ‘two-way communications’. AMC1 ATS.OR.400(a) could be misinterpreted as meaning that ‘two-way communications’ are not required. Acknowledging that this inconsistent use of terminology is contained within the source ICAO text, the UK CAA believes that EASA should seek to resolve such inconsistencies in order to successfully transpose these provisions into the EU Regulatory framework.</p> <p><b>Justification:</b> Clarity and consistency</p> |

**Proposed Text:** The UK CAA proposes the following amendment to AMC 1 ATS.OR.400(a):

“Direct, **two-way** pilot-controller/FIS officer communications should be established prior to the provision of ATS surveillance services...”

response Not accepted

See the response to comment #194.

comment 1285 comment by: Polish Air Navigation Services Agency

Suggestion to add "and FISO" after "controller"

response Not accepted

See the response to comment #194.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.410(a)

p. 62

comment 632 ❖ comment by: UK CAA

**Paragraph No:** ATS.OR.410, point (b) and GM1 ATS.OR.410(a)

**Comment:** ATS.OR.410(b) states that “The ATS provider shall ensure to the practicable extent and as approved by the competent authority, that air-ground communication facilities enable direct, rapid, continuous and static-free two-way communications...” Whilst the UK CAA is broadly content with the transposition of the recommendation in Annex 11, 6.1.2.2 to rule status within the EU Regulatory framework, we are concerned at the inconsistent use of the phrase “direct, rapid, continuous and static-free two-way communications” in OR, AMC and GM. As an example, the phrase appears within ATS.OR.410(b) but is contained as GM to ATS.OR.410(a); no rationale is provided within NPA 2016-09(a) for this inconsistency.

We note that there are further similar inconsistencies against other requirements.

The UK CAA believes that these inconsistencies need to be resolved, or, that their purpose should be clarified by EASA.

**Justification:** Consistency within EU Regulatory materials.

response Noted

The requirement in ATS.OR.410(a) addresses the aeronautical mobile service for FIS, as clarified by the amendment introduced as a result of comment #629. The requirement is transposed from the Standard in Section 6.1.2.1 of ICAO Annex 11; it does not require that communications have to be direct, rapid, continuous and static-free. The associated GM1 ATS.OR.401(a) is transposed from the Recommendation in Section 6.1.2.2 of ICAO Annex 11, which recommends that communications for FIS should have the aforementioned



characteristics.

The requirement in ATS.OR.410(b) addresses the aeronautical mobile service for AFIS. It is not transposed from any ICAO Standard, as ICAO Annex 11 does not explicitly address AFIS; however, this provision mirrors the Standard in Section 6.1.5.1 of ICAO Annex 11, which addresses the aerodrome control tower. EASA deems this approach to be appropriate as it considers the operational environment at AFIS aerodromes to be more dynamic than the operational environments for which the FIC provides its services.

See also the response to comment #711.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.OR.415

p. 63

comment 478

comment by: EUROCONTROL

**AMC1 ATS.OR.415 Aeronautical mobile service (air-ground communications) - For area control service** - Page 63

The EUROCONTROL Agency is of the opinion that it is almost impossible to guarantee static-free radio communications. Daily atmospheric changes may have an effect as may a myriad of other factors. It is therefore proposed to delete 'static-free' or to address this aspect under GM1 ATS.OR.415 - Page 63.

response Noted

EASA is aware of the technical challenges for ensuring that communications addressed in the AMC are static-free. For this reason, the adequate flexibility is provided with the expression 'whenever practicable'.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.OR.450(a)

p. 64

comment 123

comment by: ACR AB

Should also be applicable for AFIS units on non controlled aerodromes

response Accepted

See the responses to comments #157 and #958.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.OR.450(a)

p. 64

comment 124

comment by: ACR AB

Should also be applicable for AFIS units on non controlled aerodromes.

response Accepted



See the response to comment #157. The GM has been amended accordingly.

**1.3. Draft decision (PART-ATS) - GM1 ATS.OR.525**

p. 65

|          |  |
|----------|--|
| comment  | <p data-bbox="352 456 391 492">61</p> <p data-bbox="1220 456 1498 492" style="text-align: right;">comment by: <i>ENAIRE</i></p> <p data-bbox="352 515 1364 551"><b>GM1 ATS.OR.525 (“Information on the operational status of navigation services”):</b></p> <p data-bbox="352 586 1498 656">The adequacy of ICAO Doc. 9246 (last updated in 1992) to the present situation is challenged. It is unclear how this material covers:</p> <ul data-bbox="406 696 1498 873" style="list-style-type: none"> <li>• Conventional RNAV (i.e. multiple DME navigation in SIDs/STARs), where a single DME failure may only sometimes impact aircraft operations;</li> <li>• ABAS -and SBAS- based GNSS SIDs, STARs and approach procedures. No updated constellation status information is being currently provided to ATS units, as GNSS performances are strongly site-specific.</li> </ul> |
| response | <p data-bbox="352 936 438 972">Noted</p> <p data-bbox="352 992 1498 1106">In order to clarify the responsibilities of ATS providers with regard to the operational status of NAVAIDS, including GNSS, ATS.OR.525 has been amended and new AMC and GM to point (b) of the IR have been introduced.</p> <p data-bbox="352 1131 853 1167">See also the response to comment #382.</p>  |
| comment  | <p data-bbox="352 1249 406 1285">839</p> <p data-bbox="1236 1249 1498 1285" style="text-align: right;">comment by: <i>ENAV</i></p> <p data-bbox="352 1305 1340 1375"><b>GM1 ATS.OR.525 “Information on the operational status of navigation services”<br/>Page 65</b></p> <p data-bbox="352 1413 1498 1482">The adequacy of ICAO Doc. 9246 (last updated in 1992) to the present situation is challenged. It is unclear how this material covers:</p> <p data-bbox="352 1485 1498 1659">§ Conventional RNAV (i.e. multiple DME navigation in SIDs/STARs), where a single DME failure may only sometimes impact aircraft operations;<br/>ABAS -and SBAS- based GNSS SIDs, STARs and approach procedures. No updated constellation status information is being currently provided to ATS units, as GNSS performances are strongly site-specific.</p>                                 |
| response | <p data-bbox="352 1686 438 1722">Noted</p> <p data-bbox="352 1742 782 1778">See the response to comment #61.</p>   |
| comment  | <p data-bbox="352 1861 406 1897">946</p> <p data-bbox="1220 1861 1498 1897" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="352 1917 1316 1986"><b>GM1 ATS.OR.525 “Information on the operational status of navigation services”<br/>Page 65</b></p>   |



**CANSO Comment**

The adequacy of ICAO Doc. 9246 (last updated in 1992) to the present situation is challenged. It is unclear how this material covers:

Conventional RNAV (i.e. multiple DME navigation in SIDs/STARs), where a single DME failure may only sometimes impact aircraft operations;

ABAS -and SBAS- based GNSS SIDs, STARs and approach procedures. No updated constellation status information is being currently provided to ATS units, as GNSS performances are strongly site-specific.

response Noted

See the response to comment #61.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.105(b)**

p. 65

comment 1050

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.105(b), point (a)

**Comment:** In transposing the original PANS-ATM text (9.1.4.1.1), EASA have not correctly transposed its intent. PANS-ATM states that “The objective of the air traffic advisory service is to make information on collision hazards more effective than it would be in the mere provision of flight information service”. However, by using the word “may” in the transposed text, it suggests that the objective of the air traffic advisory service is optional; this is not the case. It is the provision of an air traffic advisory service which is optional.

**Justification:** Accuracy of EU Regulatory materials

**Proposed Text:** The UK CAA proposes the following amendment to AMC1 ATS.TR.105(b), point (a):

“(a) The air traffic advisory service within airspace class F is provided with the objective of making information on collision hazards more effective than it would be in the mere provision of flight information service.”

response Partially accepted

The intent of the comment is acknowledged. The provision is amended by replacing the word ‘may’ with the word ‘should’. However, point (a) of the AMC has been moved as point (a) to GM1 ATS.TR.105(b), for consistency with the corresponding duplicated GM to SERA.6001(a)(6) (as renumbered with the regulatory proposal issued under RMT.0476 during Q2 2018).

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.105(b)**

p. 65-66

comment 19

comment by: Humberside Airport

Page No: 65-66



Para No: 1.3

**GM1 ATS.TR.105(b)**

Comment:

This GM could be used to establish a Class F CTA and CTR while consideration is given to either establishing Class D with connectivity to the en-route structure or a decision taken where CAS cannot be established to cease ATC control operations at aerodromes without the protection of CAS.

Justification:

The UK CAA authorise EU Certified 2015/340 air traffic controllers to provide an ATC service within Class G airspace and at an EASA Certified Aerodrome that has a Class G ATZ. This would enable current operations to continue until a decision is reached on future airspace change and service provision.

response Noted

**1.3. Draft decision (PART-ATS) - GM2 ATS.TR.105(b)**

p. 66

|          |   |
|----------|---|
| comment  | <p>362 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>Suggestion to expose area flight information service by using separate name - ex. Area FIS or Enroute FIS.</p>   |
| response | <p>Noted</p> <p>The GM has been amended in order to better clarify the various contexts where FIS is provided.</p> <p>It shall be noted that the naming convention for the various ATS units, including those providing FIS, is stipulated in ATS.TR.115.</p>   |
| comment  | <p>765 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>Suggestion to expand on <b>Surveillance-based FIS</b></p> <p>To be considered:</p> <p>(a) The surveillance-based FIS may be provided to aircraft conducting IFR and VFR flights in uncontrolled airspace or in parts of uncontrolled airspace, specified by the Member State concerned.</p> <p>(b) Surveillance-based FIS does not afford the degree of safety and cannot assume the same responsibilities as ATC service in respect of the avoidance of collisions, since information regarding the disposition of traffic in the area concerned available to the unit providing</p> |



surveillance-based FIS may be incomplete.

(c)

The efficiency of surveillance-based FIS will depend largely on the procedures and practices in use. Its establishment in line with the organisation, procedures and equipment of area control service, taking into account the basic differences of the two services, will help to ensure a high degree of efficiency and promote uniformity in the various provisions of surveillance-based FIS. For example, exchange of information by the units concerned on the progress of an aircraft from one surveillance-based FIS area into an adjacent control area or terminal control area, and vice versa, will help to relieve pilots from repeating details of their flight plans already filed.

(d) ATS units providing surveillance-based FIS:

(1) give information

- traffic information

- meteo information

- frequency information

(2) suggest to aircraft a course of action by which a potential hazard may be avoided (the final decision as to perform the action always rests with the pilot in command)

(3) relay ATC clearances and instructions.

(e) The criteria used as a basis for action under points in (d) should take into account the limitations inherent in the provision of surveillance-based FIS navigation facilities and air-ground communications prevailing in the region.

see also AMC1 ATS.TR.160 (A) (D) ATS SURVEILLANCE SERVICES- FUNCTIONS IN THE FLIGHT INFORMATION SERVICE

response

Noted

Nothing prevents Member States from providing surveillance information to FIS units. The proposed measures in this context are included in ATS.TR.160 and its associated AMC and GM, when applicable to this specific service.

comment

1053

comment by: UK CAA

**Paragraph No:** GM2 ATS.TR.105(b)

**Comment:** Notwithstanding the UK CAA's comments and proposals in relation to ATS.TR.105(b), the text of GM2 excludes the provision of a FIS alongside an ATC service and is thus inconsistent with ATS.TR.300(a)(1). Should EASA determine not to adopt the UK CAA's proposal in relation to ATS.TR.105(b), EASA should amend GM2 ATS.TR.105(b) to include a reference to the provision of FIS alongside ATC service as detailed in ATS.TR.300(a)(1).

Moreover, the wording of GM2 reinforces the UK CAA's perception that Part-ATS appears to define aerodrome FIS as a separate FIS. Finally, the text of GM2 includes two typographical errors; specifically, "Flight information service includes flight information service provided for the en-route traffic in the FIR and AFIS provided to the aerodrome traffic at specified aerodromes."



**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** Should EASA determine not to adopt the UK CAA's proposal in relation to ATS.TR.105(b), the UK CAA proposes that GM2 ATS.TR.105(b) is amended to read as follows:

"Flight information service includes flight information service provided to all aircraft provided with ATC service, flight information service provided to en-route traffic in the FIR and flight information service provided to aerodrome traffic at specified aerodromes."

response

Accepted

The GM has been amended accordingly.

comment

1305

comment by: *Polish Air Navigation Services Agency*

Suggestion to expand on **Surveillance-based FIS**

To be considered:

(a) The surveillance-based FIS may be provided to aircraft conducting IFR and VFR flights in uncontrolled airspace or in parts of uncontrolled airspace, specified by the Member State concerned.

(b) Surveillance-based FIS does not afford the degree of safety and cannot assume the same responsibilities as ATC service in respect of the avoidance of collisions, since information regarding the disposition of traffic in the area concerned available to the unit providing surveillance-based FIS may be incomplete.

(c)

The efficiency of surveillance-based FIS will depend largely on the procedures and practices in use. Its establishment in line with the organisation, procedures and equipment of area control service, taking into account the basic differences of the two services, will help to ensure a high degree of efficiency and promote uniformity in the various provisions of surveillance-based FIS. For example, exchange of information by the units concerned on the progress of an aircraft from one surveillance-based FIS area into an adjacent control area or terminal control area, and vice versa, will help to relieve pilots from repeating details of their flight plans already filed.

(d) ATS units providing surveillance-based FIS:

- (1) give information
  - traffic information
  - meteo information
  - frequency information

(2) suggest to aircraft a course of action by which a potential hazard may be avoided (the final decision as to perform the action always rests with the pilot in command)

(3) relay ATC clearances and instructions.

(e) The criteria used as a basis for action under points in (d) should take into account the limitations inherent in the provision of surveillance-based FIS navigation facilities and air-ground communications prevailing in the region.



|          |   |
|----------|---|
|          | see also AMC1 ATS.TR.160 (A) (D) ATS SURVEILLANCE SERVICES- FUNCTIONS IN THE FLIGHT INFORMATION SERVICE |
| response | Noted<br>See the response to comment #765.  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.110(b)**

p. 66-67

|          |  |
|----------|--|
| comment  | 1560<br>comment by: <i>European Transport Workers Federation - ETF</i><br>This GM addressed to States is completely irrelevant.<br>ETF strongly opposes any reference to externalizing part of the ATM/ANS services in the regulation.<br>It seems unrealistic for States to assign duties to ATS units in the context of the common requirements for ATM/ANS service provision. ATM/ANS providers might propose an organization which can be approved by the competent authority. |
| response | Noted<br>The possibility for the ATM/ANS providers to have contracted activities and the related requirements are stipulated in ATM/ANS.OR.B.015 of Annex III to Regulation (EU) 2017/373.   |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.115**

p. 67

|          |   |
|----------|---|
| comment  | 196<br>comment by: <i>Slawomir BALAZY</i><br>Suggest to change proposed suffix "UNICOM" by "RADIO"  |
| response | Accepted<br>The GM has been amended accordingly.<br>See also the response to comment #608.  |
| comment  | 215<br>comment by: <i>Civil Aviation Authority Norway</i><br>The headline refers to airspaces. As we dont find any reference to airspace in the GM, should it be deleted? |
| response | Accepted<br>See the response to comment #161.   |
| comment  | 363<br>comment by: <i>Michal SLOJEWSKI</i><br>Suggestion to change suffix to "RADIO"  |



|          |  |
|----------|--|
| response | Accepted<br>See the response to comment #196.  |
| comment  | 751 <span style="float: right;">comment by: <i>Maciej Drózdź</i></span><br>There is commonly used suffix "RADIO" in Europe for non-certified aerodrome stations. What is the reason to change it?  |
| response | Noted<br>See the response to comment #196.   |
| comment  | 841 <span style="float: right;">comment by: <i>ENAV</i></span><br><b>GM1.ATS.TR.115(b)</b><br>UNICOM is FAA terminology. ENAV prefers ICAO terminology.<br>PROPOSAL<br>Replace UNICOM BY RADIO   |
| response | Accepted<br>See the response to comment #196.  |
| comment  | 947 <span style="float: right;">comment by: <i>CANSO</i></span><br>GM1.ATS.TR.115(b)<br><b>CANSO Comment</b><br>UNICOM is FAA terminology. CANSO prefers ICAO terminology.<br><b>Suggested Resolution</b><br>Replace UNICOM BY RADIO.  |
| response | Accepted<br>See the response to comment #196.  |
| comment  | 1009 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</i></span><br>Identification of ATS units and airspaces -<br>IDENTIFICATION OF UNICOM AERONAUTICAL STATIONS AT AERODROM<br>GM should be changed from ATS.OR/TR, instead these should be prescribed as a GM to be determined by the member states. This since it is clear that UNICOM is not in any parts considered as ATS-service. |



response Not accepted  
See the response to comment #608.

comment 1109 comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.115, point (b)

**Comment:** GM1 ATS.TR.115 point (b) states that “the name of the aeronautical station should be complemented by the suffix ‘UNICOM’”. However, this is inconsistent with ICAO Annex 10 Vol II 5.2.1.7.1.2 which states that an aeronautical station not involved in the provision of an ATS, clearance delivery, apron control or company dispatch shall use the RTF callsign ‘RADIO’. The UK CAA acknowledges the development of the concept of ‘UNICOM’ within the European context but proposes that, in order to maintain the greatest consistency with ICAO, the Annex 10 Vol II RTF callsign “RADIO” should be used, rather than create a bespoke European difference. Particularly given that the assignation of the RTF callsign ‘UNICOM’ may cause flight crews to consider that the European ‘UNICOM’ concept was identical to that used in the USA.

**Justification:** Consistency of EU Regulatory materials with source ICAO text.

**Proposed Text:** The UK CAA proposes the following amendment to GM1 ATS.TR.115 point (b):

“(b) the name of the aeronautical station should be complemented by the suffix ‘**RADIO**’.”

response Accepted  
See the response to comment #196.

comment 1306 comment by: Polish Air Navigation Services Agency

Suggestion to change suffix to "RADIO"

response Accepted  
See the response to comment #196.

comment 1356 comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | Since ‘Universal Communications (UNICOM)’ and ‘UNICOM’ aerodrome are neither defined nor used at European level, it is requested the elimination of such a references or to proceed with the proper definition of the concept. | Before regulating how to identify a ‘UNICOM’ aeronautical station, it should be properly defined at European level the scope of the concept. |

|          |  |  |                                 |
|----------|--|--|---------------------------------|
|          | GM1 ATS.TR.115   |  |                                 |
| response | <p>Noted</p> <p>See the response to comment #608.</p>    |  |                                 |
| comment  | 1526   | comment by: ATC the Netherlands  |                                 |
|          | GM1.ATS.TR.115(b)  | <p>UNICOM is FAA terminology. NL prefers ICAO terminology.</p> <p>suggest to do a benchmark with neighboring countries to see what they use at the moment.</p> | <p>Replace UNICOM BY RADIO.</p> |
| response | <p>Accepted</p> <p>See the response to comment #196.</p> |  |                                 |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.135** p. 67

|          |  |   |                     |
|----------|--|---|---------------------|
| comment  | 151  | comment by: IFATCA  |                     |
|          | 1.3 GM1 ATS.TR.135   | <p><b>GM1 ATS.TR.135 Determination of the transition level</b></p> <p>DETERMINATION OF A COMMON TRANSITION LEVEL FOR TWO OR MORE AERODROMES</p> <p>Where a common transition altitude has been established for two or more aerodromes which are so closely located as to require coordinated procedures, the appropriate ATS units <del>should</del> <b>shall</b> establish a common transition level to be used at any given time in the vicinity of the aerodrome and, when relevant, in the TMA concerned.</p> | <p>no ambiguity</p> |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p> |   |                     |
| comment  | 1011   | comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)  |                     |



|          |  |
|----------|--|
|          | While this rule comes from PANS, it should be AMC and not GM and the “should” in this rule should be changed to “shall”. |
| response | Not accepted<br>See the response to comment #147 in CRD 2016-09(A).  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.140(b)**

p. 67

|          |  |
|----------|--|
| comment  | 198<br>comment by: <i>Slawomir BALAZY</i><br>Suggest to change "flight level" to "cruising level".<br>Substantiation<br>SERA.5025 IFR — Rules Applicable to IFR flights outside controlled airspace.<br>The first available flight level above the MSA can be expressed as "altitude" (if below the transition altitude).  |
| response | Noted<br>The GM has been removed. See also the response to comment #1110.  |
| comment  | 1110<br>comment by: <i>UK CAA</i><br><b>Paragraph No:</b> GM1 ATS.TR.140(b)<br><b>Comment:</b> The original text from Note 1 to PANS-ATM 4.10.3.2 states that “ <i>Unless otherwise prescribed by the State concerned</i> , the lowest usable flight level is that flight level which corresponds to, or is immediately above, the established minimum flight altitude.” The preamble text in italics is key to this sentence as, without it, GM1 ATS.TR.140(b) is incorrect for those States with a raised transition altitude that is defined for ATM/Airspace management purposes, rather than due to terrain. In order to be correct, the original PANS-ATM text should be fully transposed.<br><b>Justification:</b> Accuracy of EU Regulatory materials.<br><b>Proposed Text:</b> The UK CAA proposes that GM1 ATS.TR.140(b) is amended to read as follows:<br>“Unless otherwise prescribed by the competent authority, the lowest usable flight level is that flight level which corresponds to, or is immediately above, the established minimum flight altitude.” |
| response | Noted<br>After careful consideration, EASA has decided that the transposition of Note 1 to Section 4.10.3.2 in ICAO PANS ATM is not appropriate, as it is not fully aligned with the provision in ATS.TR.140(b), which transposes Section 6.3.1.2 of ICAO Doc 7030 EUR.  |
| comment  | 1307<br>comment by: <i>Polish Air Navigation Services Agency</i>   |



|          |  |
|----------|--|
|          | <p>Suggest to change "flight level" to "cruising level".<br/>                 Substantiation<br/>                 SERA.5025 IFR — Rules Applicable to IFR flights outside controlled airspace. The first available flight level above the MSA can be expressed as "altitude" (if below the transition altitude).</p> |
| response | <p>Noted</p> <p>See the response to comment #198.</p>  |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.155** p. 68-69

|          |  |
|----------|--|
| comment  | <p>20 <span style="float: right;">comment by: <i>Humberside Airport</i></span></p> <p>Page No: 68<br/>                 Para No: 1.3</p> <p><b>AMC1 ATS.TR.155 (b)</b></p> <p>Comment:<br/>                 There should be no necessity to turn on lights ‘at least one hour’ before the expected arrival of an aircraft where AGL are centrally controlled and reach operating performance within a lesser time period. It is inefficient and wasteful where there is no activity taking place. Could this be amended or suitable GM added?</p> <p>Justification:<br/>                 Energy saving.</p> |
| response | <p>Not accepted</p> <p>The one-hour time frame is regarded necessary for safety purposes, to ensure that the lighting system is operational and to allow time for any necessary corrective action in case of malfunction.</p>  |

|  |  |   |   |   |  |
|--|--|---|---|---|--|
| comment  | <p>649 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 25%;">                 AMC1<br/>                 ATS.TR.155(e)<br/>                 Aeronautical<br/>                 ground lights             </td> <td style="width: 40%;">                 A visual approach slope indicator system approach lighting, such as PAPI, is not designed to be used in low visibility conditions. The use of these types of lighting could even be decrement to the safety of flights, as its information can contradict with the information of an ILS precision approach system. Therefore the Netherlands have installed the procedure that PAPI’s should be switched off in case the RVR is lower than 1500 m.             </td> <td style="width: 20%;">                 There is a safety concern regarding the usage of PAPI in low visibility conditions.<br/><br/>                 The transposition into AMC will limit the possibilities of the Netherlands to continue the current policy.             </td> <td style="width: 15%;">                 Convert into GM, or adjust text “...’<br/><br/>                 The Netherlands would like to keep the authority to switch off PAPI in case of decreased visibility             </td> </tr> </table> | AMC1<br>ATS.TR.155(e)<br>Aeronautical<br>ground lights  | A visual approach slope indicator system approach lighting, such as PAPI, is not designed to be used in low visibility conditions. The use of these types of lighting could even be decrement to the safety of flights, as its information can contradict with the information of an ILS precision approach system. Therefore the Netherlands have installed the procedure that PAPI’s should be switched off in case the RVR is lower than 1500 m. | There is a safety concern regarding the usage of PAPI in low visibility conditions.<br><br>The transposition into AMC will limit the possibilities of the Netherlands to continue the current policy. | Convert into GM, or adjust text “...’<br><br>The Netherlands would like to keep the authority to switch off PAPI in case of decreased visibility |
| AMC1<br>ATS.TR.155(e)<br>Aeronautical<br>ground lights | A visual approach slope indicator system approach lighting, such as PAPI, is not designed to be used in low visibility conditions. The use of these types of lighting could even be decrement to the safety of flights, as its information can contradict with the information of an ILS precision approach system. Therefore the Netherlands have installed the procedure that PAPI’s should be switched off in case the RVR is lower than 1500 m.  | There is a safety concern regarding the usage of PAPI in low visibility conditions.<br><br>The transposition into AMC will limit the possibilities of the Netherlands to continue the current policy. | Convert into GM, or adjust text “...’<br><br>The Netherlands would like to keep the authority to switch off PAPI in case of decreased visibility  |   |  |



response Not accepted

In accordance with the Standard in Section 5.3.5.1 of ICAO Annex 14, Volume I, the availability of visual approach slope indicator systems (including PAPI) does not depend on the visibility conditions mentioned in the comment. This ICAO Standard has been transposed within ED Decision 2016/027/R 'Certification Specification for aerodrome design' as CS ADR-DSN.M.640 'Visual approach slope indicator systems'.

comment 842

comment by: ENAV

**AMC1 ATS.TR.155(e) Aeronautical ground lights**

**Page 68**

A visual approach slope indicator system approach lighting, such as PAPI, is not designed to be used in low visibility conditions. The use of these types of lighting could even be decrement to the safety of flights, as its information can contradict with the information of an ILS precision approach system. Some States have installed the procedure that PAPI's should be switched off in case the RVR is lower than 1500 m.

**PROPOSAL**

Convert into GM, or adjust text "...'. ENAV would like to keep the authority to switch off PAPI in case of decreased visibility

response Not accepted

See the response to comment #649.

comment 948

comment by: CANSO

**AMC1 ATS.TR.155(e) Aeronautical ground lights**

**Page 68**

**CANSO Comment**

A visual approach slope indicator system approach lighting, such as PAPI, is not designed to be used in low visibility conditions. The use of these types of lighting could even be decrement to the safety of flights, as its information can contradict with the information of an ILS precision approach system. Some States have installed the procedure that PAPI's should be switched off in case the RVR is lower than 1500 m.

**Impact**

There is a safety concern regarding the usage of PAPI in low visibility conditions in some States.

The transposition into AMC will limit the possibilities of some States to continue their current policy.

**Suggested Resolution**



Convert into GM, or adjust text “...’

CANSO would like to keep the authority to switch off PAPI in case of decreased visibility.

response Not accepted

See the response to comment #649.

comment 1176 comment by: AIRBUS

We suggest to add the following:

(a) (2) at any other time when their use, based on meteorological conditions, is considered desirable for the safety of air traffic, **in particular in low visibility operations**

response Not accepted

The provision already addresses the issue satisfactorily.

comment 1357 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC1 ATS.TR.155(a)</p> | <p>The following should be indicated: "Except as provided in point (b), (d) and (e)" instead of "Except as provided in point (b)".</p> | <p>Doc 4444 section <b>7.15.2.1</b> mentions two exceptions (<b>section 7.15.2.2</b> and <b>section 7.15.3</b>).</p> |

response Not accepted

It shall be noted that there is a slight contradiction in the originating ICAO provisions in PANS ATM, since Section 7.15.2.1 exempts from the application of Section 7.15.3 and at the same time Section 7.15.3.1 states ‘in addition to 7.15.2.1’. The transposition proposed with AMC1 ATS.TR.255 correctly follows the substantial intent of the originating PANS ATM provisions.

comment 1358 comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION   |
|---|--|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements</b></p> | <p>It seems that the obligatory nature established by the NPA is stronger than the</p> | <p>The use of "should" instead of "may" seems to be of a stronger nature. Notwithstanding it is part of</p> |

|  |                               |                                       |
|--|-------------------------------|---------------------------------------|
| <p><b>Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC1 ATS.TR.155(I)</i></p>  | <p>one in ICAO Doc. 4444.</p> | <p>an AMC so it is not mandatory.</p> |
| <p>response</p> <p>Not accepted</p> <p>The word ‘may’ is used to give the possibility to switch off the taxiway lighting, but it does not impose to do so when they it is not needed.</p> <p>EASA considers that the transposition of these ICAO PANS ATM provisions as AMC appropriate under the EU regulatory framework.</p> |                               |                                       |

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.155** p. 69-70

|                 |   |
|-----------------|---|
| <p>comment</p>  | <p>36 <span style="float: right;">comment by: Flughafen Berlin Brandenburg GmbH</span></p> <p>In order to support a holistic approach for the (potential) implementation of an ARIWS (as proposed on NPA 2016-10), it might be beneficial to ‘mention "ARIWS" within section b of the guidance material.</p>  |
| <p>response</p> | <p>Noted</p> <p>ARIWS is not to be merely considered as aeronautical ground lights, but it is a more complex system which works autonomously from ATS personnel. Therefore, EASA does not deem appropriate to refer to ARIWS in the context of ATS.TR.155. EASA will further consider how to tackle the provisions in PANS ATM relevant to ARIWS vis-à-vis Part-ATS and SERA.</p> |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160** p. 70

|                 |   |
|-----------------|---|
| <p>comment</p>  | <p>843 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC1 ATS.TR.160 (a) ATS surveillance services</b><br/><b>Page 70</b></p> <p>These are functions that may be performed, but are not requirements. By using the words “perform one or more” then the functions are indicative and as such this text would be more appropriate as GM.</p> <p>It is noted that the term “may” is used rather than “should” thus reinforcing the view that it is GM and CANSO agrees with this interpretation.</p> <p>PROPOSAL<br/>Suggest be changed to GM</p> |
| <p>response</p> | <p>Not accepted</p>   |



EASA understands the concerns expressed in the comment. A specific reference to the functions of ATS surveillance services has been introduced to point (a) of ATS.TR.160. See the response to comment #297.

EASA considers the text of AMC1 ATS.TR.160(a) appropriate and does not intend to downgrade it to GM.

comment

1112

comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.160

**Comment:** GM1 ATS.TR.160 implies that safety nets such as conflict alert and minimum safe altitude warning can improve capacity and efficiency of the ATC service. However, the ATS surveillance service is “provided directly by means of an ATS surveillance system” which definition does not include safety nets. Whilst acknowledging that the text is transposed directly from PANS-ATM 8.4.1, the UK CAA proposes that the text presented is erroneous. Moreover, given the content of ATS.TR.160, the GM itself appears superfluous, although the UK CAA acknowledges that there may be an opportunity to draft additional GM on the approval by the competent authority of the processes and procedures associated with the use of safety nets. As such, in order to ensure the accuracy of GM1 and its correct alignment with ATS.TR.160 we propose an amendment to GM1 ATS.TR.160. Furthermore, the UK CAA requests EASA to consider the development of alternative, or additional GM on the approval by the competent authority of the processes and procedures associated with the use of safety nets.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that GM1 ATS.TR.160 is amended to read as follows:

“Information derived from ATS surveillance systems should be used to the extent possible in the provision of ATC service in order to improve capacity and efficiency as well as to enhance safety.”

response

Not accepted

Although not mandatorily required to be part of the ATS surveillance system, a safety net, which can only be a constituent part of the ATS surveillance system, would enhance safety and would alleviate the controller monitoring tasks through well designed and properly implemented warnings.

The ATS surveillance-based alerts and warnings are described in ATS.TR.160(d)(9) and its associated GM.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(a)

p. 70-72

comment

21

comment by: Humberside Airport

Page No: 70-72



Para No: 1.3

**AMC1 ATS.TR.160 (a)**

Comment:

Under the current UK Airspace construct, within which the UK CAA has approved and authorised the ANSP, with EU 340/2015 certified air traffic controllers, to provide an ATS to CAT within Class G ‘uncontrolled’ airspace utilising the UK CAA’s approved provision of ‘UK FIS’, this AMC cannot be complied with without establishing CAS as there is a requirement to vector aircraft inbound to and outbound from the airports that are situated within Class G without CAS (the only protection is a Class G ATZ) or have Class D CAS (CTR and CTA) but no connectivity to the en-route CAS structure and, therefore, have to provide an ATS within Class G.

The alternative is for the UK CAA to either file a difference to this regulation or suggest an altMOC such as the implementation of ‘UK FIS’; this will be a common issue for those ANSPs that provide an ATC service within Class G airspace.

response

Not accepted

Vectoring in uncontrolled airspace should only allowed in adverse weather conditions, as stipulated in point (a)(3) of AMC1 ATS.TR.160(d)(3) as proposed with NPA 2016-09. Allowing vectoring in class G airspace would *de facto* transform that part of the class G airspace into controlled airspace.

See also the response to comment #843.

comment

310

comment by: *NATS National Air Traffic Services Limited*

By using the words “perform one or more” then the functions are indicative and as such this text would be more appropriate as GM.

It is noted that the term “may” is used rather than “should” thus reinforcing the view that it is GM and NATS agrees with this interpretation.

We recommend transposing this section as GM.

response

Not accepted

See the response to comment #843.

comment

311

comment by: *NATS National Air Traffic Services Limited*

1. Functions of a surveillance system within FIS provisions do not explicitly allow vectoring in order to achieve the objectives in (d)(1), (2) & (3). Vectoring to achieve similar objectives is allowed in (a) & (b) for Area and Approach control. However by inference the provision of collision/weather avoidance advice, and navigational assistance will in most cases involve providing vectors, although compliance will be at the discretion of the pilot.



2. ATS.TR.305 (b)(2) mandates the provision of collision hazard information in Class G airspace, which again by inference would include vectors if in the opinion of the controller the conflict represents a serious risk of collision.

3. General navigational assistance is an allowable function under this AMC and this would include vectors if requested by the pilot, or as necessary in order to resolve an aircraft deviation from the intended route, as described by AMC1 ATS.TR.160(d)(4).

In summary there is an anomaly between the lack of provision for vectors under FIS and what would be the practical means of providing collision, weather avoidance or navigational advice.

NATS provides vectors within FIS in Class G airspace under UK CAP774 and CAP493 provisions. As vectors are not part of the FIS function under this AMC, it would mean that this restriction would not just impact the provision of vectors for positioning or sequencing for an approach to an aerodrome outside controlled airspace, but would also mean that as part of En-route FIS provision, vectors to achieve collision, weather avoidance and navigational assistance could no longer be given.

We recommend development of additional AMC to ATS.TR.160(a) or additional GM to AMC1 ATS.TR.160(a) to enable the provision of vectors as part of the provision of collision, weather avoidance or navigational advice.

response Not accepted

It is acknowledged that, in accordance with ATS.TR.105, the FIS, provided to accomplish the objectives 'to provide advice and information useful for the safe and efficient conduct of the flight', may include advice for the circumnavigation of, for example, adverse weather areas. However, EASA does not consider this advice a vectoring; the ICAO requirements with regard to vectoring are worded in a way that it is a function that is to be used exclusively in the context of ATC service provision.

See also the response to comment #21.

comment 553

comment by: DGAC

**b) Additional functions in the approach control service**

In addition to the functions listed in point (a), the position indications presented on a situation display may be used to perform one or more of the following functions in the provision of approach control service:

(1) ...

(2) provide flight path monitoring of parallel ILS approaches and instruct aircraft to take appropriate action in the event of possible or actual penetrations of the no transgression zone (NTZ);

...

To take into account the new PBN procedures deployed at international airports, DGAC proposes to complement the point (2) with APV Baro-VNAV and SBAS CAT I options.

2) provide flight path monitoring of parallel ILS, SBAS CAT I and APV baro-VNAV approaches and instruct aircraft to take appropriate action in the event of possible or actual penetrations



of the no transgression zone (NTZ);

Another alternative may be to remove ILS :

(2) provide flight path monitoring of parallel ILS approaches and instruct aircraft to take appropriate action in the event of possible or actual penetrations of the no transgression zone (NTZ);

response Not accepted  
See the response to comment #406.

comment 650 comment by: ATC the Netherlands

|  |  |                         |                          |
|--|--|-------------------------|--------------------------|
| AMC1 ATS.TR.160<br>(a) ATS surveillance services | These are functions that may be performed, but are not requirements. Should be no more than GM | Problematic application | Suggest be changed to GM |
|--|--|-------------------------|--------------------------|

response Not accepted  
See the response to comment #843.

comment 770 comment by: Martyna NIWICKA

in (d)  
Suggestion to clarify if "advice regarding avoiding action", or "advice to the aircraft on how best to circumnavigate any such areas", and "information to assist the aircraft in its navigation" is the same as "provide vectoring to assist pilots in their navigation, e.g. away from or around areas of adverse weather"- as for ATC.

Suggestion to add limitations for vectoring in class G/ by FISOs (e.g. above Area Minimum Altitude, only on pilot's request)

response Noted  
The wording of the two expressions mentioned in the comment is different on purpose. An ATC unit would issue instructions, clearance and advice, while a FIS unit would always issues advice only.  
See also the response to comment #311.

comment 845 comment by: ENAV

**AMC1 ATS.TR.160(a) (d)**  
**Page 72**



1. Functions of a surveillance system within FIS provisions do not explicitly allow vectoring in order to achieve the objectives in (d)(1), (2) & (3). Vectoring to achieve similar objectives is allowed in (a) & (b) for Area and Approach control. However by inference the provision of collision/weather avoidance advice and navigational assistance will in most cases involve providing vectors, although compliance will be at the discretion of the pilot.

2. ATS.TR.305 (b)(2) mandates the provision of collision hazard information in Class G airspace, which again by inference would include vectors if in the opinion of the controller the confliction represents a serious risk of collision.

3. General navigational assistance is an allowable function under this AMC and this would include vectors if requested by the pilot, or as necessary in order to resolve an aircraft deviation from the intended route, as described by AMC1 ATS.TR.160(d)(4).

In summary there is an anomaly between the lack of provision for vectors under FIS and what would be the practical means of providing collision, weather avoidance or navigational advice.

**PROPOSAL**

Development of additional AMC to ATS.TR.160(a) or additional GM to AMC1 ATS.TR.160(a) to enable the provision of vectors as part of the provision of collision, weather avoidance or navigational advice.

response Not accepted  
See the response to comment #311.

comment 949 comment by: CANSO

AMC1 ATS.TR.160 (a) ATS surveillance services  
Page 70

**CANSO Comment**

These are functions that may be performed, but are not requirements. By using the words “perform one or more” then the functions are indicative and as such this text would be more appropriate as GM.

It is noted that the term “may” is used rather than “should” thus reinforcing the view that it is GM and CANSO agrees with this interpretation.

**Impact**

Inconsistent use of AMC/GM.

**Suggested Resolution**

Suggest be changed to GM.

response Not accepted  
See the response to comment #843.

comment 950 comment by: CANSO



AMC1 ATS.TR.160(a)

(d)

Page 72

#### CANSO Comment

1. Functions of a surveillance system within FIS provisions do not explicitly allow vectoring in order to achieve the objectives in (d)(1), (2) & (3). Vectoring to achieve similar objectives is allowed in (a) & (b) for Area and Approach control. However by inference the provision of collision/weather avoidance advice and navigational assistance will in most cases involve providing vectors, although compliance will be at the discretion of the pilot.

2. ATS.TR.305 (b)(2) mandates the provision of collision hazard information in Class G airspace, which again by inference would include vectors if in the opinion of the controller the confliction represents a serious risk of collision.

3. General navigational assistance is an allowable function under this AMC and this would include vectors if requested by the pilot, or as necessary in order to resolve an aircraft deviation from the intended route, as described by AMC1 ATS.TR.160(d)(4).

In summary there is an anomaly between the lack of provision for vectors under FIS and what would be the practical means of providing collision, weather avoidance or navigational advice.

#### Impact

Some States provide vectors within FIS in Class G airspace. As vectors are not part of the FIS function under this AMC, it would mean that this restriction would not just impact the provision of vectors for positioning or sequencing for an approach to an aerodrome outside controlled airspace, but would also mean that as part of en-route FIS provision, vectors to achieve collision, weather avoidance and navigational assistance could no longer be given.

#### Suggested Resolution

Development of additional AMC to ATS.TR.160(a) or additional GM to AMC1 ATS.TR.160(a) to enable the provision of vectors as part of the provision of collision, weather avoidance or navigational advice.

response

Not accepted

See the response to comment #311.

comment

1013

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

FUNCTIONS OF THE ATS SURVEILLANCE SYSTEMS IN ATS

#### (c) Functions in the aerodrome control service

(1) When authorised by and subject to procedures and conditions **prescribed by the competent authority**, ATS surveillance systems may be used in the provision of aerodrome control service to perform the following functions:

...

(2) In prescribing conditions and procedures for the use of ATS surveillance systems in the provision of aerodrome control service, **the ATS provider should ensure** that the availability and use of an ATS surveillance system will not be detrimental to visual observation of



|          |  |
|----------|--|
|          | <p>aerodrome traffic.</p> <p>Sweden's opinion is that it is the ATS Provider who has the knowledge about the conditions and the suitability to use surveillance when performing aerodrome control service. It is also the ATS Provider who can perform a safety according to its SMS. Our interpretation is that in (c) (1) appropriate ATS authority should be the ATS Provider as i (b).<br/>Proposal: Regulate (c) (1) as a requirement on ATS provider and let the competent authority verify that the ATS providers are following the requirement via oversight.</p>  |
| response | <p>Accepted</p> <p>Points (c)(1) and (2) are made coherent by removing any responsibility for the competent authority for establishing conditions and procedures for the use of ATS surveillance systems in aerodrome control service, which is therefore left to the ATC service provider.</p>  |
| comment  | <p>1114 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(a)</p> <p><b>Comment:</b> Through the publication of CAP 774 UK Flight Information Services, the UK has detailed its method of compliance with ICAO Annex 11 and PANS-ATM in relation to the provision of FIS. In accordance with Regulation (EU) 923/2012 (SERA) Article 8, these additional measures complement the ICAO Standard without constituting a difference to it. As such, air traffic controllers licensed in accordance with Regulation (EU) 340/2015 are permitted to provide vectors to aircraft in receipt of a FIS in uncontrolled airspace under certain conditions specified within CAP 774. The UK CAA would wish that the provisions detailed within CAP 774 continue to be viewed as falling within the remit of SERA Article 8 and, in future, Article 3(2) of the Regulation laying down common requirements for service providers and the oversight in ATM/ANS. That said, the UK CAA has identified differences in the wording of SERA Article 8 and Article 3(2) of the common requirements regulation and seeks clarification from EASA that they have the same material intent.</p> <p><b>Justification:</b> Clarification of EU regulatory materials is sought to enable the UK CAA to fully determine its position in relation to AMC1 ATS.TR.160(a).</p> |
| response | <p>Noted</p> <p>The intent of Article 8 of Regulation (EU) No 923/2012 (SERA) and of Article 3 2. of Regulation (EU) 2017/373 is the same. When Member States complement the requirements within the said two Regulations (which are primarily based upon transposition of ICAO SARPs) with additional requirements, these shall not constitute a difference to the transposed ICAO provisions. However, since Regulation (EU) 2017/373 does not fully transpose the ICAO SARPs, the possibility is given to Member States to make use of Article 38 of the Chicago Convention with respect to ICAO SARPs not included in the EU legislation.</p>  |
| comment  | <p>1115 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(a), point (b)(5)</p>   |

**Comment:** AMC1 ATS.TR.160(a) point (b)(5) states that “the position indications presented on a situation display may be used to...provide flight path monitoring of other pilot-interpreted approaches”. However, a pilot-interpreted approach is not defined within the EU Regulatory framework and could therefore be interpreted as meaning any approach flown by the pilot that is not a radar approach; for example, a visual approach requires the pilot to interpret information from the PAPI/VASI. The UK CAA proposes amended text for clarification and to assist understanding.

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to AMC1 ATS.TR.160(a), point (b)(5):

“(5) provide flight path monitoring of other pilot-interpreted **instrument approach procedures;**”

response

Accepted

The provision has been amended accordingly.

comment

1118

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.160(a), point (c)(1)(v)

**Comment:** The wording of AMC1 ATS.TR.160(a), point (c)(1)(v) excludes the possibility that an ATS surveillance system may be used to provide navigation assistance to special VFR flights. Accepting that AMC1 ATS.TR.160(d)(3)(b) (transposed from PANS-ATM 8.10.1.1.2) states that

“Special VFR flights should not be vectored unless special circumstances, such as emergencies, dictate otherwise”; this does not exclude the provision of navigation assistance as vectoring and navigation assistance are distinct. The UK CAA requests EASA to clarify whether AMC1 ATS.TR.160(a), point (c)(1)(v) should extend the use of an ATS surveillance system to the provision of navigation assistance to special VFR flights.

**Justification:** Clarity of EU Regulatory materials.

response

Noted

The requirements for VFR flights apply to special VFR flights as well, unless specifically mentioned otherwise. Therefore, the proposed point (c)(1)(v) of AMC1 ATS.TR.160(a) is also applicable to Special VFR flights. The proposed point (b) of AMC1 ATS.TR.160(d)(3) allows vectoring of Special VFR flights only during special circumstances, e.g. emergencies or circumnavigation of adverse meteorological conditions.

comment

1119

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.160(a), point (d)(1)

**Comment:** AMC1 ATS.TR.160(a), point (d)(1) permits a FIS officer to provide “suggestions or advice regarding avoiding action”; however, AMC1 ATS.TR.160(a), point (d) excludes the



utilisation of an ATS surveillance system by FIS Officers to provide vectoring. Given that “suggestions or advice regarding avoiding action” are offered to pilots as vectors or levels, the UK CAA requests EASA to clarify what form such “suggestions or advice” should take. Moreover, the term avoiding action is not defined within the EU Regulatory framework and implies a form of executive instruction being passed by the FIS officer. The term ‘traffic avoidance advice’ is defined and better reflects the advisory nature of the information provided to the pilot by the FIS officer.

It is also worth highlighting that AMC1 ATS.TR.160(a), point (d)(1) is inconsistent with SERA.6001 and ATS.TR.305(b). SERA.6001 details, inter alia, whether flights are separated and the availability of traffic avoidance advice; however SERA.6001 (f) and (g) and the related Appendix 4 do not specify that traffic avoidance advice is available in class F and class G airspace. Moreover, ATS.TR.305 point (b) only stipulates that information is provided to aircraft operating in airspace Classes C, D, E, F and G on ‘collision hazards’; it does not stipulate the provision of traffic avoidance advice. Whilst cognisant that these issues exist within the original ICAO text, the UK CAA believes that it is important to resolve the potentially misleading use of terminology and the inconsistencies identified above in order to correctly transpose these requirements into the EU Regulatory framework. The UK CAA has proposed text below to address the misleading use of un-defined terminology within ATS.TR.160(a), point (d)(1) and requests EASA to address the inconsistencies identified above.

**Justification:** Clarity and accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that AMC1 ATS.TR.160(a), point (d)(1) is amended to read as follows:

“(1) information regarding any aircraft observed to be on a conflicting path with the identified aircraft and traffic avoidance advice;”

response

Not accepted

The availability of information from ATS surveillance systems does not interfere with airspace classification. The requirement in point (b)(2) of ATS.TR.305, specifying the provision of information on collision hazards in airspace classes C, D, E, F and G, is consistent with the airspace classification in SERA.6001 and Appendix 4 in Regulation (EU) No 923/2012 (SERA), according to which flights operating in airspace classes A and B are provided with ATC service, hence separation shall be ensured at all times. Inasmuch as according to airspace classification — which is not subject to availability of ATS surveillance — the differences are made by the availability of information from otherwise unknown traffic, the availability of ATS surveillance information may assist the controller in providing advice about observed traffic, for which no information would be available in a procedural environment. The proposal in the comment implies providing services which are not aligned with the airspace classification and goes beyond the intent of provision of FIS, if requested, in airspace classes F and G.

See also the response to comment #590.

comment 1308

comment by: Polish Air Navigation Services Agency



in (d)  
 Suggestion to clarify if "advice regarding avoiding action", or "advice to the aircraft on how best to circumnavigate any such areas", and "information to assist the aircraft in its navigation" is the same as "provide vectoring to assist pilots in their navigation, e.g. away from or around areas of adverse weather"- as for ATC.  
 Suggestion to add limitations for vectoring in class G/ by FISOs (e.g. above Area Minimum Altitude, only on pilot's request)

response

Noted  
 In the context of FIS, advice and suggestions are not instructions. A FISO or an AFISO may **SUGGEST** a heading to be flown.

comment

1359

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>AMC1 ATS.TR.160(a)</i> | PAR approaches do appear in Spanish regulation. Additionally, they appear in SERA AMC/GM (Appendix 1, AMC1 SERA.14001 General, point 2.2.5). | PANS ATM Checklist states that PAR approaches are no longer applicable in the European civil aviation context, and therefore they are removed from the NPA. |

response

Noted  
 A new definition of 'Precision Approach' in ICAO Annex 2 is provided, where PAR is not included; such a definition is transposed in Regulation (EU) No 923/2012 (SERA) and duplicated in Part-ATS. During the RMG.0464 activities, it was identified that the use of PAR approaches is no longer applied throughout the EU Member States. It is acknowledged that the SERA regulatory material mentioned in the comment includes phraseologies for PAR approaches, which in fact is not used. The EASA intent is to further amend the aforementioned AMC to reflect this situation. In this context, nothing prevents a Member State from keeping the use of PAR approaches, provided that this is done without prejudice to the applicable EU regulations.

comment

1360

comment by: AESA / DSANA



| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>AMC1 ATS.TR.160(a)(c)(1)</i> | <p>The provision states "appropriate longitudinal and/or distance-based separation based on ATS surveillance systems" instead of making reference to the <b>AMC1 ATS.TR.210(c)(2), GM1 to AMC1 ATS.TR.210(c)(2), ATS.TR.220, AMC6 ATS.TR.220</b> (where ICAO Doc. 4444 8.7.3 has been transposed).</p> <p>This point should be clarified.</p> | <p>Doc 4444 <b>section 8.10.1.1</b> and the text in the provision are not exactly equivalent. Longitudinal separation is not mentioned in Doc 4444 <b>section 8.7.3</b>, only distance-based separation.</p> |

response Noted

The provision does not include references to other AMC as instead it is the case in the originating Section 8.10.1.1 of ICAO PANS ATM (referring to Section 8.7.3 'Separation minima based on ATS surveillance systems'), in order to simplify the requirement. The requirement includes reference to both longitudinal and distance-based separation, since this is relevant for separation between succeeding departing aircraft.

comment 1561

comment by: *European Transport Workers Federation - ETF*

Point (d) can be complemented with the provisions included in (c) (1) (i), (ii) and (v) and (c) (2)

response Not accepted

The proposed point(d)(3) of AMC1 ATS.TR.160(a) implicitly includes the functions which in the comment are proposed to be explicitly assigned to AFIS. EASA considers sufficient to refer to information to assist aircraft navigation, which covers the various phases of flights, such as the final approach or the portion of the flight in the vicinity of the aerodrome.

EASA does not consider appropriate to assign to AFIS the function as in point (c)(2), since the obligation for AFIS units to provide services by visual observation is not considered to be proportionate.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(a)

p. 72

comment 951

comment by: *CANSO*

GM1 ATS.TR.160 (b) (1) ATS Surveillance services  
(a) and (b)  
Page 72



|          |  |
|----------|--|
|          | <p><b>CANSO Comment</b><br/>“ATS personnel” is an ambiguous term and ultimately it is the responsibility of the ATS unit to ensure the surveillance system is fit for purpose.</p> <p><b>Suggested Resolution</b><br/>Remove “ATS Personnel” text at the start of both paragraphs and insert “ATS Units”</p> |
| response | <p>Partially accepted</p> <p>Clarification has been introduced by replacing the term ‘ATS personnel’ with ‘ATCO, FISO, AFISO’.</p>   |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(b)(1)**

p. 72

|          |  |                  |
|----------|--|------------------|
| comment  | 394  | comment by: DGAC |
|          | This AMC is not clear on the expected criterion. What is meant behind the criteria to measure distances?                     |                  |
| response | Noted  |                  |
|          | The proposed AMC1 ATS.TR.160(b)(1) has been removed, as it appeared into the NPA proposal as a result of a formatting error. |                  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(b)(1)**

p. 72-73

|          |   |  |
|----------|---|--|
| comment  | 312   | comment by: NATS National Air Traffic Services Limited |
|          | “ATS personnel” is an ambiguous term and ultimately it is the responsibility of the ATS unit to ensure the surveillance system is fit for purpose. We recommend removing “ATS Personnel” text at the start of both paragraphs and insert “ATS Units”. |  |
| response | Partially accepted  |  |
|          | See the response to comment #951.   |  |

|         |   |                  |
|---------|---|------------------|
| comment | 849   | comment by: ENAV |
|         | <p><b>GM1 ATS.TR.160 (b) (1) ATS Surveillance services (a) and (b)</b><br/><b>Page 72</b></p> <p>“ATS personnel” is an ambiguous term and ultimately it is the responsibility of the ATS unit to ensure the surveillance system is fit for purpose.</p> <p>PROPOSAL</p> <p>Remove “ATS Personnel” text at the start of both paragraphs and insert “ATS Units”</p> |                  |



response Partially accepted  
See the response to comment #951.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(b)(2)

p. 73

comment 203 comment by: *Slawomir BALAZY*  
(c) Suggestion to add "FISO" after "controller"

response Not accepted

Determining the number of aircraft simultaneously provided with ATS surveillance services is important also for the determination of the capacity of ATC sectors where such services are provided. Normally, to fly across these sectors, a prior clearance is requested and flights are subject to ATFM, which is definitely not the case for the airspace where only FIS and AFIS are provided. Hence, it is not considered necessary to extend the applicability of the AMC to FIS and AFIS. Moreover, it is also considered that the airspace classification is established considering the volume and the complexity of the traffic demand therein.

See also the response to comment #353.

comment 313 comment by: *NATS National Air Traffic Services Limited*  
These are factors to take into account when determining the number of aircraft provided with a surveillance service at once and are not appropriate for AMC, They are not requirements and should be GM.

We recommend amending the provision to be GM.

response Not accepted

In consideration of the safety relevance of the requirement for the provision of ATC service, EASA deems the transposition as AMC of this ICAO PANS-ATM provision appropriate. It shall be noted that this AMC establishes the factors which **AS A MINIMUM** are to be taken into account to determine the number of aircraft which may be simultaneously provided with ATS surveillance services. Therefore, additional factors may also be taken into account on the basis of local considerations. In order to comply with this AMC, the ATS providers will need to demonstrate to their oversight authority that the listed factors are taken into account when complying with the requirement.

See also the response to comment #353.

comment 364 comment by: *Michal SLOJEWSKI*  
in letter (c) - to change for "assessments of controller/flight information service officer [or ATCO/FISO] workload(...)"



response Not accepted

See the responses to comments #203 and #353.

comment 480

comment by: EUROCONTROL

**AMC1 ATS.TR.160(b)(2) ATS surveillance services - Page 73**

The EUROCONTROL Agency recalls that there are many elements that should or could be taken into account when determining the sector capacity. In addition, there are many different methods for monitoring traffic (which could look at a number of different indicators) and a range of different circumstances, from system capabilities to geographic specifics.

As the overriding factor will be safety (for which an assessment should be done), it is recommended to keep the requirement for having a defined capacity but to cover it under GM.

response Not accepted

The requirement concerns the number of aircraft provided simultaneously with ATS surveillance, and not the sector capacity, which is in itself an element to be taken into account when determining such a number, as represented in point (c) of the said AMC.

See also the responses to comments #313 and #353.

comment 495

comment by: Martyna NIWICKA

in (c) Suggestion to add "and FISO" after "controller".

response Not accepted

See the responses to comments #203 and #353.

comment 549

comment by: DGAC

DGAC has proposed to conform to PANS-ATM paragraph 8.4.2 for the requirement ATS.TR.160, hence to be fully compliant with PANS-ATM this AMC needs also to be modified. DGAC proposes to modify the first sentence as follows:

When determining in real time and/or in a strategic manner the number of aircraft simultaneously provided with ATS surveillance services, the ATS provider should take into account, as a minimum:

response Not accepted

The current wording accommodates both the strategic and the tactical determination of such numbers.



See also the responses to comments #353 and #480.

comment 651 comment by: ATC the Netherlands

|  |   |                         |                          |
|--|---|-------------------------|--------------------------|
| AMC1 ATS.TR.160(b)(2)<br>ATS surveillance services | These are factors but are not requirements. Should be no more than GM | Problematic application | Suggest be changed to GM |
|--|---|-------------------------|--------------------------|

response Not accepted  
See the responses to comments #313 and #353.

comment 752 comment by: Maciej Drózdź

(c) controller or **Flight Information Service Officer (FISO)**

response Not accepted  
See the responses to comments #203 and #353.

comment 850 comment by: ENAV

**AMC1 ATS.TR.160(b)(2) ATS surveillance services**

**Page 73**

These are factors (not requirements) to take into account when determining the number of aircraft provided with a surveillance service at once and are not appropriate for AMC PROPOSAL

Amend provision to be GM

response Not accepted  
See the responses to comments #313 and #353.

comment 953 comment by: CANSO

AMC1 ATS.TR.160(b)(2) ATS surveillance services

Page 73

**CANSO Comment**

These are factors (not requirements) to take into account when determining the number of aircraft provided with a surveillance service at once and are not appropriate for AMC

**Impact**

These are not requirements and should be GM.

**Suggested Resolution**



|          |  |
|----------|--|
| response | <p>Amend provision to be GM.</p> <p>Not accepted</p> <p>See the responses to comments #313 and #353.</p>   |
| comment  | <p>956 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC1. ATS.TR.160(d)(2) ATS Surveillance services<br/>(a) (4) and (5)<br/>Page 78</p> <p><b>CANSO Comment</b><br/>It is not always necessary to give an aircraft its position when instructing it to “resume own navigation” or “before termination of ATS surveillance service” especially in a TMA environment.</p> <p><b>Impact</b><br/>Implementing this will result in an unacceptably high workload including RT loading.</p> <p><b>Suggested Resolution</b><br/>Remove text</p> <p>OR</p> <p>Add text: “when considered necessary by the controller” to the start of the paragraph</p> <p>OR</p> <p>Change to GM</p> |
| response | <p>Partially accepted</p> <p>In consideration of the technological developments, which enable aircraft to determine their position at any time, flexibility in the provision in point (a)(4) has been introduced by leaving the decision on the application to the competent authority.</p> <p>No amendment is introduced to point (a)(5) in consideration of the safety risks inherent in the context described in the requirement.</p>   |
| comment  | <p>1122 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(b)(2), point (c)</p> <p><b>Comment:</b> Given that the text of AMC1 ATS.TR.160(b)(2) is applicable to all ATS personnel who provide an ATS surveillance service, the text should apply to FIS officers in addition to controllers.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p>  |

**Proposed Text:** The UK CAA proposes the following amendment to AMC1 ATS.TR.160(b)(2)(c):

“(c) assessments of controller/**FIS officer** workloads, taking into account different aircraft capabilities, and sector capacity; and”

response Not accepted

See the responses to comments #203 and #353.

comment 1254

comment by: Kamila GRABOWSKA

In point (c) after 'controler' 'FISO' should be added

response Not accepted

See the responses to comments #203 and #353.

comment 1309

comment by: Polish Air Navigation Services Agency

in (c) Suggestion to add "and FISO" after "controller".

response Not accepted

See the responses to comments #203 and #353.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(c)

p. 73

comment 66

comment by: Harald GERBAUTZ

To be consistent with the proposed change of ATS.TR.160 (c) the following wording is proposed:

“The controller should immediately inform a controlled flight which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated.”

response Partially accepted

In order to establish the obligation for the ATS provider to establish procedures concerning the termination or interruption of ATS surveillance services, the new point (d)(10) has been added to the IR addressing ATS surveillance services. It shall be noted that this new requirement is applicable to all ATS, including FIS and AFIS.

The initially proposed AMC1 ATS.TR.160(c) has been assigned to this new provision and amended in order to reflect the scope of applicability of the relevant IR.



|                              |  |   |  |  |  |  |   |
|------------------------------|--|---|--|--|--|--|---|
| comment                      | 152  | comment by: <i>IFATCA</i>   |  |  |  |  |   |
|                              | <table border="1"> <tr> <td>1.3<br/>AMC1<br/>ATS.TR.160(c)</td> <td>The controller <del>should</del> shall immediately inform an aircraft which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated.</td> <td></td> </tr> <tr> <td></td> <td></td> <td>To be consistent with the proposed change of ATS.TR.160 (c) the following wording is proposed:<br/><br/>"The controller <del>should</del> shall immediately inform a <b>controlled flight</b> which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated."</td> </tr> </table> | 1.3<br>AMC1<br>ATS.TR.160(c)  | The controller <del>should</del> shall immediately inform an aircraft which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated. |  |  |  | To be consistent with the proposed change of ATS.TR.160 (c) the following wording is proposed:<br><br>"The controller <del>should</del> shall immediately inform a <b>controlled flight</b> which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated." |
| 1.3<br>AMC1<br>ATS.TR.160(c) | The controller <del>should</del> shall immediately inform an aircraft which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated.   |   |  |  |  |  |   |
|                              |  | To be consistent with the proposed change of ATS.TR.160 (c) the following wording is proposed:<br><br>"The controller <del>should</del> shall immediately inform a <b>controlled flight</b> which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated." |  |  |  |  |   |
| response                     | <p>Not accepted</p> <p>See the responses to comment #66 and to comment #147 in CRD 2016-09(A).</p>   |   |  |  |  |  |   |
| comment                      | 204  | comment by: <i>Slawomir BALAZY</i>  |  |  |  |  |   |
|                              | Suggestion to add "FISO" after "controller"  |   |  |  |  |  |   |
| response                     | <p>Accepted</p> <p>See the response to comment #66.</p>  |   |  |  |  |  |   |
| comment                      | 216  | comment by: <i>Civil Aviation Authority Norway</i>  |  |  |  |  |   |
|                              | Since an AFISO/FISO also can use ATS surveillance, and therefore also can identify aircraft (see GM1 ATS.TR.160(d)(1)), they should also be included here in addition to "The controller".   |   |  |  |  |  |   |
| response                     | <p>Accepted</p> <p>See the response to comment #66.</p>  |   |  |  |  |  |   |
| comment                      | 365  | comment by: <i>Michal SLOJEWSKI</i>   |  |  |  |  |   |

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|----------|---|
| response | <p>Suggestion to change for: "The controller or flight information service officer [or ATCO/FISO](...)"</p> <p>Accepted</p> <p>See the response to comment #66.</p>   |
| comment  | <p>464 <span style="float: right;">comment by: <i>EASA Focal Point for AustroControl ANSP-issues</i></span></p> <p>Page 73, AMC1 ATS.TR.160(c)ATS surveillance services, Interruption....</p> <p>Remark:<br/>To be consistent with the proposed change under ATS.TR.160 (c) the following wording is proposed:</p> <p>Proposes solution:<br/>"The controller should immediately inform a controlled flight which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated."</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #66.</p>   |
| comment  | <p>678 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>Consider to add a note, stating that if an aircraft leaves the frequency of a unit that provides radar service, and changes to one that does not provide radar service, the radar service is regarded as terminated.</p> <p>In Poland, especially in "high season", telling each aircraft changing to a local "radio", that radar service is terminated occupies frequency, and does not bring any added value. It is clarified in AIP which units can provide radar service.</p> <p>Moreover, as</p> <p>a) it might be not clear for a transferring unit, if the next unit will continue radar service (e.g. there might be a breakdown of a radar in the next unit (next FIR); or b) there might be no obligation of providing radar service (enroute FIS in Poland has no obligation of providing surveillance- based FIS, it is an option), or</p> <p>c) between uncontrolled areas (e.g. FIS units) due poor radar coverage, an aircraft could disappear from the radar screen, after being transferred</p> <p>- the question is: should the transferring unit terminate the radar service?</p> <p>It might be perhaps "more obvious" and preventing frequency congestion, if leaving a frequency of a unit that provided radar service could be regarded as terminating the radar service (regardless of whether the next unit does or does not provide surveillance- based service).</p> <p>And again, the receiving unit, could either</p> <p>- provide surveillance- based service (by identification or transfer of identification) - clearly stating "radar contact" or "identified"</p> <p>or</p> |

|          |  |
|----------|--|
| response | - not provide surveillance- based service.<br>Not accepted<br>See the responses to comments #41 and #66.   |
| comment  | 702 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span><br><b>Reference AMC1 ATS.TR.160 (c):</b> To be consistent with the proposed change of ATS.TR.160 (c) (see comment #499) the following wording is proposed: "The controller should immediately inform a controlled flight which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated."  |
| response | Not accepted<br>See the response to comment #152.  |
| comment  | 1125 <span style="float: right;">comment by: <i>UK CAA</i></span><br><b>Paragraph No:</b> AMC1 ATS.TR.160(c)<br><b>Comment:</b> Given that the text of AMC1 ATS.TR.160(c) is applicable to all ATS personnel who provide an ATS surveillance service, the text should apply to FIS officers in addition to controllers.<br><b>Justification:</b> Accuracy of EU Regulatory materials.<br><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC1 ATS.TR.160(c):<br>"The controller/ <b>FIS officer</b> should immediately inform an aircraft which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated." |
| response | Accepted<br>See the response to comment #66.   |
| comment  | 1255 <span style="float: right;">comment by: <i>Kamila GRABOWSKA</i></span><br>after 'controler' 'FISO' should be added  |
| response | Accepted<br>See the response to comment #66.   |
| comment  | 1313 <span style="float: right;">comment by: <i>Polish Air Navigation Services Agency</i></span><br>Suggestion to change for: "The controller or flight information service officer [or ATCO/FISO](...)"   |



response Accepted  
See the response to comment #66.

comment 1563 comment by: *European Transport Workers Federation - ETF*

The section shall read:

"The controller should immediately inform a controlled flight which has previously been informed that it is provided with ATS surveillance service when, for any reason, the service is interrupted or terminated."

Justification: To be consistent with the change proposed above of ATS.TR.160 (c).

response Not accepted  
See the response to comment #66.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(1)

p. 73-75

comment 22 comment by: *Humbleside Airport*

Page No: 73-75

Para No: 1.3

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

Comment:

Re: "AMC1 ATS.TR.160(d)(1), originating from Sections 8.6.2.1.3, 8.6.2.2, 8.6.2.3.1, 8.6.2.3.2, 8.6.2.4.1, and 8.6.2.5, that describe the methods for the identification of aircraft for the various types of surveillance system available, such as ADS-B, SSR and/or MLAT, PSR. The Agency does not deem necessary to propose the use of direction finding bearings, proposed in Section 8.6.2.4.2 of PANS ATM, as a method to establish the identification of aircraft because it does not seem to be a common practice in the EU context. AMC2 ATS.TR.160(d)(1), transposing Section 8.10.2.3 of PANS ATM, describes the methods of identification of aircraft on the ground subject to surface movement control."

Could consideration be given to including the option of using DF as a method of identification be added as GM?

Justification:

There are some ANSPs that have DF equipment and they require an approved method of utilising the equipment for identifying aircraft.



response Not accepted

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

comment 153 comment by: IFATCA

|                                    |  |
|------------------------------------|--|
| 1.3<br>AMC1<br>ATS.TR.160(d)(1)(b) | (2) When a discrete code has been assigned to an aircraft, a check should be made at the earliest opportunity to ensure that the code set by the pilot is identical to that assigned for the flight. Only after this check has been made, the discrete code <del>should</del> shall be used as a basis for identification. |
|------------------------------------|--|

response Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment 159 comment by: IFATCA

|                                    |   |
|------------------------------------|---|
| 1.3<br>AMC1<br>ATS.TR.160(d)(1)(c) | (2) When using these methods, the controller/FIS officer/AFIS officer, as appropriate, <del>should</del> shall:<br>(i) verify that the movements of not more than one radar position indication correspond with those of the aircraft; and<br>(ii) ensure that the manoeuvre(s) will not carry the aircraft outside the coverage of the radar or the situation display. |
|------------------------------------|---|

response Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment 205 comment by: Slawomir BALAZY

(c) PSR identification procedures are inadequate in uncontrolled airspace (G class airspace - unknown traffic) and using them by FIS is questionable.  
Permissibility of heading change in the case of FIS also requires analysis.

response Noted

The AMC describes the various methods for the identification of aircraft for the purposes of

ATS surveillance services provision. It is a responsibility of the ATS provider to select and indicate in operation manuals and/or local instructions the appropriate method(s) to the intended services.

comment

653

comment by: *ATC the Netherlands*

|  |   |                                 |  |
|--|---|---------------------------------|--|
| <p>AMC#<br/>ATS.TR.160(d)(1)<br/>GM#<br/>ATS.TR.160(d)(1),<br/>etc</p> | <p>It is suggested that an AFIS officer may also provide ATS surveillance services. This contradicts with National law based on old Eurocontrol guidelines (EATCHIP 1996??) which does not provide the possibility for a radar endorsements for ASO/ADR and FISO/ADR licences. Apart from controllers only FISO/AER licenses may have a radar endorsement.</p> <p>With the current legislation, ASO/ADR and FISO/ADR are not allowed to provide ATS surveillance services. The EU 2015/340 only addresses ATCO licensing.</p> | <p>Inconsistent legislation</p> | <p>Include FISO, AFISO and ASO ratings including (radar) endorsements into EU 2015/340</p> |
|--|---|---------------------------------|--|

response

Not accepted  
See the response to comment #906.

comment

766

comment by: *Martyna NIWICKA*

In (C)  
Suggestion to specify that PSR method is used when other means of identification are not available or if there is a need to use additional method of identification. I.e. PSR method shouldn't be used if other (more precise) methods are available and accurate enough.

response

Noted  
The requirement is to use one or more of the methods to ensure unambiguous identification. The efficiency in the provision of ATS for a given traffic scenario would dictate the most appropriate identification method.  
See also the response to comment #205.

comment

768

comment by: *Martyna NIWICKA*

in (d)  
It is questionable if changes of heading may be prescribed freely by FIS (in class G), for all

|          |   |
|----------|---|
| response | <p>traffic. There should be some limitations named, e.g. for IFRs -above certain altitude.</p> <p>Noted</p> <p>See the response to comment #205.</p>  |
| comment  | <p>1127 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(d)(1), point (d)</p> <p><b>Comment:</b> AMC1 ATS.TR.160(d)(1), point (d) appears to permit FIS officers to issue changes of heading in order to permit the identification of an aircraft, in that it does not limit the provision to be undertaken by controllers alone. The UK CAA requests EASA to clarify whether they intend to permit FIS officers to issue changes of heading in order to permit the identification of an aircraft.</p> <p><b>Justification:</b> Accuracy and consistency of EU Regulatory materials.</p> |
| response | <p>Accepted</p> <p>FISOs or AFISOs are not entitled to issue vectors. This is clarified by a rewording of point (d) of the proposed AMC1 ATS.TR.160(d)(1).</p>  |
| comment  | <p>1253 <span style="float: right;">comment by: Kamila GRABOWSKA</span></p> <p>In point (c) (1) (iv) (A) after ATC should be FISO</p>   |
| response | <p>Not accepted</p> <p>FISOs or AFISOs are not entitled to issue vectors.</p>   |
| comment  | <p>1310 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>In (C)</p> <p>Suggestion to specify that PSR method is used when other means of identification are not available or if there is a need to use additional method of identification. I.e. PSR method shouldn't be used if other (more precise) methods are available and accurate enough.</p>   |
| response | <p>Noted</p> <p>See the response to comment #766.</p>   |
| comment  | <p>1311 <span style="float: right;">comment by: Polish Air Navigation Services Agency</span></p> <p>in (d)</p> <p>It is questionable if changes of heading may be prescribed freely by FIS (in class G), for all traffic. There should be some limitations named, e.g. for IFRs -above certain altitude.</p>  |
| response | <p>Noted</p>  |

See the response to comment #766.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.160(d)(1)**

p. 76

comment 413

comment by: CAA CZ

NPA 2016-09(B) Page 77

**AMC2 ATS.TR.160(d)(1) ATS surveillance services**

METHODS OF IDENTIFICATION — USE OF ATS SURVEILLANCE SYSTEMS **IN SURFACE MOVEMENT CONTROL**

Where an ATS surveillance system is used in surface movement control, the controller/**AFIS officer** may identify aircraft by one or more of the following procedures: .....

*Comment: Incorrect statements since the AFIS officer do not provide surface movement control!*

*Recommendation: Delete AFIS officer (in red font).*

response Not accepted

With the newly introduced point (f) of ATS.TR.305, EASA proposes that the AFIS unit is entitled to manage vehicles and persons on the manoeuvring area, subject to the approval of the competent authority. See the response to comment #239 in CRD 2016-09(A). Consequently, the title and the text of the proposed AMC2 ATS.TR.160(d)(1) are amended to address the AFIS scenario as well.

comment 713

comment by: DTCA

Ad AMC2 ATS.TR.160(d)(1)

As the regulation is only applicable to control, DTCHA propose to delete “/AFIS officer” from the text.

The title says “...IN SURFACE MOVEMENT CONTROL”. This contradicts with the AFIS concept, with provision of flight information service. If EASA wish to propose that the requirement shall encompass AFIS, this should be addressed in a separate requirement.

response Not accepted

See the response to comment #413.

comment 1130

comment by: UK CAA

**Paragraph No:** AMC2 ATS.TR.160(d)(1)

**Comment:** AMC2 ATS.TR.160(d)(1) states that “Where an ATS surveillance system is used in



surface movement control, the controller/AFIS officer...” Whilst acknowledging that the procedures detailed in AMC2 ATS.TR.160(d)(1) are applicable to a FIS officer, the use of the term ‘surface movement control’ is inconsistent with EASA’s statement in NPA 2016-9(a) that the authority for Aerodrome FIS units to issue instructions to aircraft on the ground “is neither compliant with the FIS principles and requirements established in Annex 11, nor with Article 3(1) of Regulation (EU) 2015/340.” The UK CAA requests EASA to clarify whether they intend FIS officers to be able to provide a ‘surface movement control’ function at aerodromes.

**Justification:** Consistency of EU Regulatory materials.

response

Noted

See the response to comment #413.

### 1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.160(d)(1)

p. 76-77

comment

1148

comment by: *Jan Hjort*

AMC3 ATS.TR160(d)(1) (b) (8) text reads ".../FIS officer/AFIS/AFIS officer...", think it should be ".../FIS officer/AFIS officer ..." or ?

response

Noted

The expression ‘; or’ links point (9) with the previous 8 methods for transferring the identification.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(d)(1)

p. 77

comment

367

comment by: *Michal SLOJEWSKI*

(b) The proposed amendment does not include the provision of radar service by area FIS unit

response

Accepted

The identification and its transfer are foreseen for all ATS surveillance services, including FIS and AFIS. The proposed GM1 to AMC3 ATS.TR.160(d)(1) has been amended accordingly to properly represent the applicability of point (b)(7) to FIS and AFIS, and not only to ATC service.

comment

681

comment by: *Martyna NIWICKA*

in (b) (1) and (2)  
suggestion to add "FISOs" after "controllers"

In Poland FISOs provide surveillance- based service, for IFRs and VFRs.

response

Accepted



See the response to comment #367.

|          |  |
|----------|--|
| comment  | <p>1131</p> <p>comment by: UK CAA</p> <p><b>Paragraph No:</b> GM1 ATS.TR.160(d)(1), point (c)</p> <p><b>Comment:</b> GM1 ATS.TR.160(d)(1), point (c) seems to relate to the observation by an “accepting controller/FIS officer” of a squawk/transmit IDENT feature and points the reader to points (b)(7) and (b)(8) of AMC3 ATS.TR.160(d)(1). However, (b)(9) of AMC3 ATS.TR.160(d)(1) relates to the use of the squawk/transmit IDENT feature. As such, the UK CAA believe that the reference to points (b)(7) and (b)(8) is erroneous and that reference should be made instead to point (b)(9).</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to GM1 ATS.TR.160(d)(1)(c):</p> <p>“(c) The use of procedures in point <b>(b)(9)</b> of AMC3 ATS.TR.160(d)(1) requires prior coordination between the controllers/FIS officers, since the indications to be observed by the accepting controller/FIS officer are of short duration.”</p> |
| response | <p>Accepted</p> <p>The editorial errors in the numbering of references to the proposed AMC3 ATS.TR.160(d)(1) have been corrected, including the wrong identifier of the GM.</p>  |

|          |   |
|----------|---|
| comment  | <p>1312</p> <p>comment by: Polish Air Navigation Services Agency</p> <p>in (b) (1) and (2)<br/>suggestion to add "FISOs" after "controllers"</p> <p>In Poland FISOs provide surveillance- based service, for IFRs and VFRs.</p> |
| response | <p>Accepted</p> <p>See the response to comment #367</p>   |

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(2)

p. 77-78

|          |   |
|----------|---|
| comment  | <p>206</p> <p>comment by: Slawomir BALAZY</p> <p>(3) Suggestion to add "FISO" after "controller"</p>  |
| response | <p>Not accepted</p> <p>There is no requirement for pilots to pass estimates nor for the FISO/AFISO to calculate estimates of the progression of the flight.</p> |



|          |   |
|----------|---|
| comment  | <p>314 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1. ATS.TR.160 (d) (2) ATS Surveillance services (a) (4) and (5)</p> <p>It is not always necessary to give an aircraft its position when instructing it to “resume own navigation” or “before termination of ATS surveillance service”, implementing this will result in an unacceptably high workload in some environments.</p> <p><b><u>Recommendation</u></b></p> <p>Remove text</p> <p>OR</p> <p>Add text: “when considered necessary by the controller” to the start of the paragraph</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #956.</p>  |
| comment  | <p>368 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>(a)(3) The proposed amendment does not include the provision of radar service by area FIS unit</p>   |
| response | <p>Noted</p> <p>EASA does not deem necessary to specify and introduce requirements which are not compatible with the level of service provided.</p>   |
| comment  | <p>677 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>in (a) (3)<br/>suggestion to add "or FISO's" after "controller's"</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #206.</p>  |
| comment  | <p>851 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC1. ATS.TR.160(d)(2) ATS Surveillance services (a) (4) and (5)</b><br/><b>Page 78</b></p> <p>It is not always necessary to give an aircraft its position when instructing it to “resume own navigation” or “before termination of ATS surveillance service” especially in a TMA environment</p> <p>PROPOSAL</p> <p>Remove text</p> <p>OR</p>  |

|          |   |
|----------|---|
|          | Add text: “when considered necessary by the controller” to the start of the paragraph<br>OR<br>Change to GM |
| response | Partially accepted<br><br>See the response to comment #956.   |

|          |  |
|----------|--|
| comment  | 1314 <span style="float: right;">comment by: <i>Polish Air Navigation Services Agency</i></span><br><br>in (a) (3)<br>suggestion to add "or FISO's" after "controller's" |
| response | Not accepted<br><br>See the response to comment #206.  |

|   |  |   |   |   |   |
|---|--|---|---|---|---|
| comment   | 1527 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span>   |   |   |   |   |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; vertical-align: top;">AMC1.<br/>ATS.TR.160(d)(2) ATS<br/>Surveillance services<br/>(a) (4) and (5)</td> <td style="width: 40%; vertical-align: top;">Giving the aircraft its position<br/>after termination of vectoring is<br/>not necessary, in case the<br/>position is unambiguous. E.g. an<br/>RNAV environment..</td> <td style="width: 15%; vertical-align: top;">Will result in a<br/>unacceptably<br/>high RT loading</td> <td style="width: 20%; vertical-align: top;">Add in words<br/>“when<br/>considered<br/>necessary”</td> </tr> </table> | AMC1.<br>ATS.TR.160(d)(2) ATS<br>Surveillance services<br>(a) (4) and (5) | Giving the aircraft its position<br>after termination of vectoring is<br>not necessary, in case the<br>position is unambiguous. E.g. an<br>RNAV environment.. | Will result in a<br>unacceptably<br>high RT loading | Add in words<br>“when<br>considered<br>necessary” |
| AMC1.<br>ATS.TR.160(d)(2) ATS<br>Surveillance services<br>(a) (4) and (5) | Giving the aircraft its position<br>after termination of vectoring is<br>not necessary, in case the<br>position is unambiguous. E.g. an<br>RNAV environment..  | Will result in a<br>unacceptably<br>high RT loading                       | Add in words<br>“when<br>considered<br>necessary”   |   |   |
| response  | Partially accepted<br><br>See the response to comment #956.  |   |   |   |   |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(3)** p. 78-79

|         |  |
|---------|--|
| comment | 23 <span style="float: right;">comment by: <i>Humberside Airport</i></span><br><br>Page No: 78<br><br>Para No: 1.3<br><br><b>AMC1 ATS.TR.160(d)(3)</b><br><br><b>Para (a) (3)</b><br><br>Comment:<br><br>HUY is a Certified ANSP providing ATC in Class G ‘uncontrolled’ airspace in accordance with ‘UK FIS’. We provide vectors routinely to aircraft both to position the aircraft onto the |
|---------|--|



|          |  |
|----------|--|
|          | <p>published Instrument Approach Procedures, to the aerodrome for a visual approach, or in order to ensure traffic is handled safely by providing vectors to avoid traffic, and position based on traffic observed to provide an efficient service. Therefore, we cannot comply with this AMC.</p> <p>A full review of UK airspace is required to enable this regulation to be implemented in order to provide appropriate airspace, propose an altMOC to enable UK FIS to continue to be provided as today, or amend the authorisations and approvals to operate ATC within Class G airspace. This will take time to implement and a suitable period for implementation will be required.</p> |
| response | <p>Noted</p> <p>See the response to comment #21.</p>   |
| comment  | <p>315 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1. ATS.TR.160 (d) (3) ATS surveillance services<br/>(a) (1)</p> <p>It is not always necessary to given an aircraft a reason for vectoring, implementing this will result in an unacceptably high workload in some environments.</p> <p><b><u>Recommendation</u></b></p> <p>Remove text</p> <p>OR</p> <p>Amend to become GM</p>   |
| response | <p>Not accepted</p> <p>EASA considers that the provision is important to ensure the situational awareness for the pilots being vectored. Therefore, in consideration of its safety relevance, it is retained as initially proposed.</p>  |
| comment  | <p>318 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1. ATS.TR.160 (d) (3) ATS surveillance services<br/>(a) (2)</p> <p>In some environments it will be acceptable to vector aircraft closer to the limit of the airspace than specified in this provision. The proposal will increase workload in some environments for no perceivable safety benefit.</p> <p><b><u>Recommendation</u></b></p> <p>Add in text:</p>   |



“unless otherwise approved by the competent authority”

response Not accepted

The transposition of this ICAO provision as AMC leaves the possibility for the competent authority to authorise an alternative means of compliance, in accordance with the applicable requirements in ATM/ANS.AR.A.015 in Annex II to Regulation (EU) 2017/373.

comment 319 comment by: NATS National Air Traffic Services Limited

AMC1 ATS.TR.160(d)(3) ATS surveillance services  
(c)

It is not always necessary to give an aircraft its position when terminating vectoring, implementing this will result in an unacceptably high workload in some environments.

**Recommendation**

Remove text

OR

Add text: “when considered necessary by the controller” to the start of the paragraph

response Not accepted

The required flexibility exists in the original text: ‘giving the pilots the aircraft’s position and appropriate instructions, as necessary, ...’

comment 657 comment by: ATC the Netherlands

|  |  |                                    |   |
|--|--|------------------------------------|---|
| AMC1<br>ATS.TR.160(d)(3) ATS<br>surveillance services<br>(c) | Giving the aircraft its position after<br>termination of vectoring is not<br>always necessary, for instance in an<br>RNAV environment. | Huge<br>increase in<br>RTF loading | Add in words<br>“when<br>considered<br>necessary” |
|--|--|------------------------------------|---|

response Not accepted

See the response to comment #319.

comment 852 comment by: ENAV

**AMC1. ATS.TR.160(d)(3) ATS surveillance services (a) (1)**  
**Page 78**

It’s not practical or necessary to give every aircraft a reason for the vectoring  
PROPOSAL

|          |  |
|----------|--|
|          | Remove text<br>OR<br>Amend to become GM  |
| response | Not accepted<br><br>See the response to comment #319.  |
| comment  | <p>853 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC1. ATS.TR.160 (d) (3) ATS surveillance services (a) (2)</b><br/><b>Page 78</b></p> <p>In some environments it will be acceptable to vector aircraft closer to the limit of the airspace than specified in this provision</p> <p>PROPOSAL</p> <p>Add in text:<br/>“unless approved by the competent authority”</p>  |
| response | Not accepted<br><br>See the response to comment #318.  |
| comment  | <p>957 <span style="float: right;">comment by: CANSO</span></p> <p>AMC1. ATS.TR.160(d)(3) ATS surveillance services<br/>(a) (1)<br/>Page 78</p> <p><b>CANSO Comment</b><br/>It’s not practical or necessary to give every aircraft a reason for the vectoring.</p> <p><b>Impact</b><br/>Implementing this will result in an unacceptably high workload including RT loading.</p> <p><b>Suggested Resolution</b><br/>Remove text</p> <p>OR</p> <p>Amend to become GM.</p> |
| response | Not accepted<br><br>See the response to comment #319.  |
| comment  | <p>959 <span style="float: right;">comment by: CANSO</span></p>  |



AMC1. ATS.TR.160 (d) (3) ATS surveillance services  
(a) (2)  
Page 78

**CANSO Comment**

In some environments it will be acceptable to vector aircraft closer to the limit of the airspace than specified in this provision.

**Impact**

This will increase workload in some environments for no perceivable safety benefit.

**Suggested Resolution**

Add in text:

“unless approved by the competent authority”.

response Not accepted

See the response to comment #318.

comment 972

comment by: CANSO

AMC1 ATS.TR.160(d)(3) ATS surveillance services  
(c)  
Page 79

**CANSO Comment**

Giving the aircraft its position after termination of vectoring is not always necessary, for instance in an RNAV environment.

**Impact**

Implementing this will result in an unacceptably high workload including RT loading.

**Suggested Resolution**

Remove text

OR

Add text: “when considered necessary by the controller” to the start of the paragraph.

response Not accepted

See the response to comment #319.

comment 1132

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.160(d)(3), point (a)(1)

**Comment:** AMC1 ATS.TR.160(d)(3)(a)(1) states that “when an aircraft is given its initial vector diverting it from a previously assigned route, *the pilot should be informed what the vector is to accomplish* and, when practicable, the limit of the vector should be specified (e.g.



to ... position, for ... approach)” A requirement to specify the purpose of such a vector would cause an unacceptable increase in RTF loading, particularly in a busy TMA environment where aircraft are routinely vectored diverting it from a SID/STAR for positioning/sequencing/separation. The UK CAA proposes that the sentence structure is amended such that both the reason for and the limit of the vector are provided ‘when practicable’.

**Justification:** Moderate controller workload and RTF occupancy.

**Proposed Text:** The UK CAA proposes that AMC1 ATS.TR.160(d)(3), point (a)(1) is amended to read as follows:

“(1) when an aircraft is given its initial vector diverting it from a previously assigned route, when practicable, the pilot should be informed what the vector is to accomplish and the limit of the vector should be specified (e.g. to ... position, for ... approach);”

response

Not accepted

The proposed text is aligned with the most recent review of the corresponding ICAO PANS ATM provisions. Information on what is the vector to accomplish should be part of the initial vector.

See also the response to comment #319.

comment

1133

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.160(d)(3), point (a)(3)

**Comment:** Point (a)(3) of AMC1 ATS.TR.160(d)(3) states that “controlled flights should not be vectored into uncontrolled airspace except in the case of emergency or in order to circumnavigate adverse meteorological conditions”. However, given that a FIS is provided in uncontrolled airspace and that this ATS excludes the provision of vectors and instructions, additional guidance is required to explain how the flight may be returned to controlled airspace at a later stage. The UK CAA seeks clarification from EASA on the status of the controlled flight and which ATS is applicable should the aircraft be vectored into uncontrolled airspace. Whilst cognisant that this issue exists within the source PANS-ATM text (8.6.5.1(d)), the UK CAA considers it important for this short-fall to be addressed.

**Justification:** Accuracy of EU Regulatory materials.

response

Noted

The intent of this requirement is to limit to the possible extent the vectoring in uncontrolled airspace, even for the controlled flights, to specific situations for safety reasons, such as emergencies or to circumnavigate adverse meteorological conditions, where vectoring is justified. The EASA position on this matter is aligned with the principle of the originating ICAO provision.

comment

1135

comment by: UK CAA



**Paragraph No:** AMC1 ATS.TR.160(d)(3), point (c)

**Comment:** AMC1 ATS.TR.160(d)(3), point (c) states that “In terminating vectoring of an aircraft, the controller should instruct the pilot to resume own navigation, giving the pilot the aircraft’s position and appropriate instructions, as necessary, ...” The UK CAA argues that the provision of the pilot’s position on the completion of vectoring is not always required (for example within an RNAV environment) and could cause an unacceptable increase in RTF loading, particularly in a busy TMA environment where aircraft are routinely vectored diverting it from a SID/STAR for positioning/sequencing/separation. The UK CAA proposes a minor amendment to the structure of the sentence such that the aircraft’s position is provided ‘as necessary’. It may also be appropriate to develop GM to this amended provision, based upon the text of GM1 ATS.TR.235(a)(5), to highlight that the pilot of an IFR flight “may be unable to determine the aircraft’s exact position in respect of obstacles in this area and consequently the altitude which provides the required obstacle clearance.”

**Justification:** Moderate controller workload and RTF occupancy.

**Proposed Text:** The UK CAA proposes that AMC1 ATS.TR.160(d)(3), point (c) is amended to read as follows:

“(c) In terminating vectoring of an aircraft, the controller should instruct the pilot to resume own navigation, giving the pilot, as necessary, the aircraft’s position and appropriate instructions in the form prescribed in point (b)(2) of AMC1 ATS.TR.160(d)(2), if the current instructions had diverted the aircraft from a previously assigned route.”

response Not accepted  
See the response to comment #319.

comment 1443 comment by: *Airport Operators Association (UK)*  
Point 3 - not vectoring controlled aircraft into uncontrolled airspace would require a complete change of operating procedures, changes to airspace and removal of tried and tested procedures which permit safe operations within uncontrolled airspace.

response Noted  
See the response to comment #21.

comment 1530 comment by: *ATC the Netherlands*

|  |   |   |  |
|--|---|---|--|
| AMC1. ATS.TR.160(d)(3) ATS surveillance services (a) (1) | Giving the aircraft its position prior to commencement of final approach is not necessary, in case the position is unambiguous e.g. an RNAV environment | Will result in a unacceptably high RT loading | Add in words “when considered necessary” |
|--|---|---|--|

response Noted

The EASA understanding is that the comment refers to point (c), where the expression ‘as necessary’ is already included.

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.160(d)(3)**

p. 79

comment

24

comment by: *Humberside Airport*

Page No: 79

Para No: 1.3

**GM1 to AMC1 ATS.TR.160(d)(3)**

Comment:

HUY provides an ATS in accordance with ‘UK FIS’ and vectors aircraft inside Class G ‘Uncontrolled’ airspace. The airport would not be able to operate efficiently if vectoring was not allowed. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC to enable UK FIS to continue to be provided as today, or change the authorisations and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G.

response

Noted

See the response to comment #21.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.160(d)(3)**

p. 79

comment

25

comment by: *Humberside Airport*

Page No: 79

Para No: 1.3

**AMC2 ATS.TR.160(d)(3)**

Comment:

HUY provides an ATS in accordance with ‘UK FIS’ and vectors aircraft inside Class G ‘Uncontrolled’ airspace. The airport would not be able to operate efficiently if vectoring was not allowed. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC to enable UK FIS to continue to be provided as today, or change the authorisations



and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G.

response

Noted

See the response to comment #21.

comment

320

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.160 (d) (3) ATS surveillance services

(d)

Noise abatement procedures are not always conducive to allowing aircraft to capture the ILS from below. Intercepting the glide path from below may result in aircraft being descended earlier than the Continuous Descent Approach profile. This will increase noise and may result in a noise penalty.

**Recommendation**

Add in text:

“unless otherwise approved by the competent authority”

response

Not accepted

As also explained in Section 2.7.1.4.1 of NPA 2016-09(A), the content of point (d) of this AMC, addressing vectoring for final approach, responds to the recommendation made in the EASA Safety Information Bulletin (SIB) 2014-07R1: Unexpected Autopilot Behaviour on Instrument Landing System (ILS) Approach, as far as vectoring aircraft for the final approach is concerned. It is fully aligned with the originating provision in Section 8.9.3.6 of ICAO PANS ATM, as recently amended.

comment

561

comment by: *DGAC*

(b) The controller should advise the pilot of an aircraft being vectored for an instrument approach of its position at least once prior to commencement of final approach.

This requirement is legacy from the past operations when GNSS did not exist. Now air crews are aware of their position and such requirement overloads the radiotelephony communications controller/pilot.

response

Not accepted

For the time being, there is no regulatory obligation for aircraft to carry GNSS navigation equipment, although it is acknowledged that it is increasingly used. Therefore, the provision of position information to aircraft in the context represented in the comment is still considered valuable for the safe conduct of flights. Additionally, it shall be noted that both



ATS providers and pilots might not be aware of the status of availability and serviceability of the GNSS being used.

comment

658

comment by: *ATC the Netherlands*

|   |  |                                    |   |
|---|--|------------------------------------|---|
| AMC2<br>ATS.TR.160(d)(3) ATS<br>surveillance services-<br>General (b) | Giving the aircraft its position<br>prior to commencement of final<br>approach is not always<br>necessary, for instance in an<br>RNAV environment. | Huge increase in<br>RTF<br>loading | Add in words<br>“when<br>considered<br>necessary” |
|---|--|------------------------------------|---|

response

Not accepted  
See the response to comment #561.

comment

854

comment by: *ENAV*

**AMC2 ATS.TR.160(d)(3) ATS surveillance services- General (b)  
Page 79**

Giving the aircraft its position prior to commencement of final approach is not always necessary, for instance in an RNAV environment

PROPOSAL  
Add in words “when considered necessary”

response

Not accepted  
See the response to comment #561.

comment

855

comment by: *ENAV*

**AMC1 ATS.TR.160(d)(3) ATS surveillance services (c)  
Page 79**

Giving the aircraft its position after termination of vectoring is not always necessary, for instance in an RNAV environment.

PROPOSAL  
Remove text  
OR  
Add text: “when considered necessary by the controller” to the start of the paragraph

response

Not accepted  
See the response to comment #561.

|          |  |
|----------|--|
| comment  | <p data-bbox="359 235 406 280">856</p> <p data-bbox="1236 235 1498 280">comment by: ENAV</p> <p data-bbox="359 291 1013 369"><b>AMC2 ATS.TR.160 (d) (3) ATS surveillance services (d)</b><br/><b>Page 79</b></p> <p data-bbox="359 403 1498 470">Noise abatement procedures are not always conducive to allowing aircraft to capture the ILS from below</p> <p data-bbox="359 470 1498 582">Intercepting the glide path from below may result in aircraft being descended earlier than the Continuous Descent Approach profile. This will increase noise and may result in a noise penalty</p> <p data-bbox="359 582 494 616">PROPOSAL</p> <p data-bbox="359 649 909 728">Add in text:<br/>“unless approved by the competent authority</p> |
| response | <p data-bbox="359 739 526 772">Not accepted</p> <p data-bbox="359 795 798 840">See the response to comment #320.</p>   |
| comment  | <p data-bbox="359 907 406 952">966</p> <p data-bbox="1236 907 1498 952">comment by: CANSO</p> <p data-bbox="359 974 1093 1052"><b>AMC2 ATS.TR.160(d)(3) ATS surveillance services- General (b)</b><br/><b>Page 79</b></p> <p data-bbox="359 1086 582 1120"><b>CANSO Comment</b></p> <p data-bbox="359 1120 1498 1198">Giving the aircraft its position prior to commencement of final approach is not always necessary, for instance in an RNAV environment.</p> <p data-bbox="359 1232 454 1265"><b>Impact</b></p> <p data-bbox="359 1265 718 1299">Huge increase in RTF loading.</p> <p data-bbox="359 1332 630 1366"><b>Suggested Resolution</b></p> <p data-bbox="359 1366 893 1400">Add in words “when considered necessary”.</p>     |
| response | <p data-bbox="359 1433 526 1467">Not accepted</p> <p data-bbox="359 1489 798 1523">See the response to comment #561.</p>   |
| comment  | <p data-bbox="359 1601 406 1646">975</p> <p data-bbox="1236 1601 1498 1646">comment by: CANSO</p> <p data-bbox="359 1657 965 1769"><b>AMC2 ATS.TR.160 (d) (3) ATS surveillance services</b><br/><b>(d)</b><br/><b>Page 79</b></p> <p data-bbox="359 1803 582 1836"><b>CANSO Comment</b></p> <p data-bbox="359 1836 1498 1915">Noise abatement procedures are not always conducive to allowing aircraft to capture the ILS from below.</p> <p data-bbox="359 1948 454 1982"><b>Impact</b></p> <p data-bbox="359 1982 1498 2060">Intercepting the glide path from below may result in aircraft being descended earlier than the Continuous Descent Approach profile. This will increase noise and may result in a noise</p>                  |

|          |   |
|----------|---|
|          | penalty.  |
|          | <b>Suggested Resolution</b>                                   |
|          | Add in text:<br>“unless approved by the competent authority”. |
| response | Not accepted<br><br>See the response to comment #320.         |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(d)(3)** p. 80

|          |  |
|----------|--|
| comment  | 26 <span style="float: right;">comment by: <i>Humberside Airport</i></span>  |
|          | Page No: 80<br>Para No: 1.3  |
|          | <b>GM1 ATS.TR.160(d)(3)</b>  |
|          | Comment:<br>HUY provides an ATS in accordance with ‘UK FIS’ and vectors aircraft inside Class G ‘Uncontrolled’ airspace. The airport would not be able to operate efficiently if vectoring was not allowed. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC to enable UK FIS to continue to be provided as today, or change the authorisations and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G. |
| response | Noted<br><br>See the response to comment #21.  |

| comment  | 1361 <span style="float: right;">comment by: <i>AESA / DSANA</i></span>  |   |         |               |  |  |   |
|--|--|---|---------|---------------|--|--|---|
|  | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">PART</th> <th style="width: 35%;">COMMENT</th> <th style="width: 35%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/><i>GM1 ATS.TR.160(d)(3)</i></td> <td>PAR approaches do appear in Spanish regulation. Additionally, they appear in SERA AMC/GM (Appendix 1, AMC1 SERA.14001 General, point 2.2.5).</td> <td>PANS ATM Checklist states that PAR approaches are no longer applicable in the European civil aviation context, and therefore they are removed from the NPA.</td> </tr> </tbody> </table> | PART  | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 ATS.TR.160(d)(3)</i> | PAR approaches do appear in Spanish regulation. Additionally, they appear in SERA AMC/GM (Appendix 1, AMC1 SERA.14001 General, point 2.2.5). | PANS ATM Checklist states that PAR approaches are no longer applicable in the European civil aviation context, and therefore they are removed from the NPA. |
| PART   | COMMENT  | JUSTIFICATION   |         |               |  |  |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 ATS.TR.160(d)(3)</i> | PAR approaches do appear in Spanish regulation. Additionally, they appear in SERA AMC/GM (Appendix 1, AMC1 SERA.14001 General, point 2.2.5).   | PANS ATM Checklist states that PAR approaches are no longer applicable in the European civil aviation context, and therefore they are removed from the NPA. |         |               |  |  |   |

response Noted

See the response to comment #1359.

**1.3. Draft decision (PART-ATS) - GM1 to AMC2 ATS.TR.160(d)(3)**

p. 80

comment 27

comment by: *Humberside Airport*

Page No: 80

Para No: 1.3

**GM1 to AMC2 ATS.TR.160(d)(3)**

Comment:

HUY provides an ATS in accordance with 'UK FIS' and vectors aircraft inside Class G 'Uncontrolled' airspace. The airport would not be able to operate efficiently if vectoring was not allowed. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC to enable UK FIS to continue to be provided as today, or change the authorisations and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G.

response Noted

See the response to comment #21.

comment 1137

comment by: *UK CAA*

**Paragraph No:** GM1 to AMC2 ATS.TR.160(d)(3), point (b)

**Comment:** The first sentence of point (b) contains a typographical error.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM1 to AMC2 ATS.TR.160(d)(3)(b):

“(b) When clearance for the approach is issued, aircraft **are** expected to...”

response Partially accepted

Considering the introductory sentence of point (b), the provision has been amended by the addition of the definite article 'the' before 'aircraft'.



**1.3. Draft decision (PART-ATS) - GM2 to AMC2 ATS.TR.160(d)(3)**

p. 80

|          |  |   |
|----------|--|---|
| comment  | 28   | comment by: <i>Humberside Airport</i>   |
|          | Page No: 80<br>Para No: 1.3  |   |
|          | <b>GM2 to AMC2 ATS.TR.160(d)(3)</b>  |   |
|          | Comment:<br>HUY provides an ATS in accordance with 'UK FIS' and vectors aircraft inside Class G 'Uncontrolled' airspace. The airport would not be able to operate efficiently if vectoring was not allowed. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC to enable UK FIS to continue to be provided as today, or change the authorisations and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G. |   |
| response | Noted<br>See the response to comment #21.  |   |
| comment  | 1017   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | GM2 to AMC2 ATS.TR160 (d)(3)<br>(a)...<br>(b)... <u>significant change from ICAO, text should be changed to the following from ICAO and also published as AMC instead of GM.</u>   |   |
|          | 8.9.5.2 Clearance for visual approach shall be issued only after the pilot has reported the aerodrome or the preceding aircraft in sight, at which time vectoring would normally be terminated.)   |   |
| response | Partially accepted<br>The text of the provision has been amended accordingly. EASA deems adequate the transposition of this ICAO PANS-ATM provision as GM.   |   |

**1.3. Draft decision (PART-ATS) - GM3 to AMC2 ATS.TR.160(d)(3)**

p. 81-82

|         |  |                           |
|---------|--|---------------------------|
| comment | 1139   | comment by: <i>UK CAA</i> |
|         | <b>Paragraph No:</b> GM3 to AMC2 ATS.TR.160(d)(3), point (b) |                           |



**Comment:** The use of the term “in possession” in GM3 to AMC2 ATS.TR.160(d)(3) point (b) suggests a level of cognitive processing, awareness and understanding on the part of the controller which cannot be assured by the ATS provider. Consequently, it would be more appropriate to state that controllers should be provided with information. Whilst acknowledging that the text is transposed directly from PANS-ATM text 8.9.6.1.2, the UK CAA proposes that this is an opportunity to resolve the inappropriate utilisation of this verb.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM3 to AMC2 ATS.TR.160(d)(3):

“(b) Controllers conducting radar approaches should be **provided with** information regarding the obstacle clearance altitudes/heights established for the types of approach to be conducted.”

response

Accepted  
The text of the provision has been amended accordingly.

comment

1362 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM3 to AMC2<br/>ATS.TR.160(d)(3)</i></p> | <p>PAR approaches do appear in Spanish regulation. Additionally, they appear in SERA AMC/GM (Appendix 1, AMC1 SERA.14001 General, point 2.2.5).</p> | <p>PANS ATM Checklist states that PAR approaches are no longer applicable in the European civil aviation context, and therefore they are removed from the NPA.</p> |

response

Not accepted  
See the response to comment #1359.

comment

1586 comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

ATCEUC considers this provision to be so much safety related that GM is not strong enough. This is paramount to guarantee safety, as some tragedies have taught us, so we ask EASA to move it, at least, to AMC.

response

Not accepted  
As indicated in Section 2.4 of NPA 2016-09(A), EASA and RMG.0464 experienced certain difficulties with transposing what was considered to be controlling techniques into EU

regulatory material. EASA strongly recommends that the GM subject to this comment is used for articulating the local instructions or the manual of operations content related to procedures for radar approaches.

**1.3. Draft decision (PART-ATS) - GM4 to AMC2 ATS.TR.160(d)(3)** p. 82-83

|          |  |
|----------|--|
| comment  | <p>1019 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>The text should follow Doc 4444 and it shall be for the ATSP, not competent authority. This should be AMC instead of GM since it is rules for surveillance radar approach.</p>   |
| response | <p>Not accepted</p> <p>When a certain approach procedure is used, information about that procedure is supposed to be published in the relevant AIP, subject to approval of the competent authority. The reference to the approval of the competent authority in the GM subject to your comment constitutes a reminder for that specific case, due to its peculiarity. It shall also be noted that modifications to applicable approach procedures are to be considered as a change to the functional systems of the ATS provider, and consequently they need to be reviewed and approved by the competent authority.</p> |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(4)** p. 83

|  |   |  |   |                                      |
|--|---|--|---|--------------------------------------|
| comment  | <p>104 <span style="float: right;">comment by: <i>Belgocontrol</i></span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;">                     AMC1<br/>ATS.TR.160(d)(4)<br/>ATS surveillance<br/>services<br/>NAVIGATION<br/>ASSISTANCE                 </td> <td style="width: 50%; padding: 5px;">                     FIS officer/AFIS officer receives same responsibility as controller with regard to action to be taken towards deviating aircraft. Are FIS officers/AFIS officers trained accordingly?<br/><br/>                     Is this legally acceptable? Would the NSA have to approve where this is appropriate?                 </td> <td style="width: 20%; padding: 5px; vertical-align: top;">                     Legal<br/>impact<br/>Training<br/>needs                 </td> </tr> </table> | AMC1<br>ATS.TR.160(d)(4)<br>ATS surveillance<br>services<br>NAVIGATION<br>ASSISTANCE | FIS officer/AFIS officer receives same responsibility as controller with regard to action to be taken towards deviating aircraft. Are FIS officers/AFIS officers trained accordingly?<br><br>Is this legally acceptable? Would the NSA have to approve where this is appropriate? | Legal<br>impact<br>Training<br>needs |
| AMC1<br>ATS.TR.160(d)(4)<br>ATS surveillance<br>services<br>NAVIGATION<br>ASSISTANCE | FIS officer/AFIS officer receives same responsibility as controller with regard to action to be taken towards deviating aircraft. Are FIS officers/AFIS officers trained accordingly?<br><br>Is this legally acceptable? Would the NSA have to approve where this is appropriate?   | Legal<br>impact<br>Training<br>needs   |   |                                      |
| response   | <p>Noted</p> <p>Point (d)(3) of the proposed AMC1 ATS.TR.160(a) lists ‘information to assist the aircraft in its navigation’ as one of the functions for which ATS surveillance could be used in the provision of FIS.</p> <p>The requirement is tuned to the level of service and to the judgement of the ATCO/FISO/AFISO. The magnitude of such a deviation should be subject to local assessments though. Depending on the responsibilities of the FISO/AFISO, it might be that he or she would be required to advise an aircraft when such a deviation would lead to an airspace</p>  |  |   |                                      |



infringement e.g. to a reserved airspace or controlled airspace, for the access of which specific approvals are normally required.

As regards other actions to assist the aircraft in its navigation, they are limited to advice when so asked by the pilot.

|          |  |                                     |
|----------|--|-------------------------------------|
| comment  | 207  | comment by: <i>Slawomir BALAZY</i>  |
|          | It is reasonable to determine the deviation in the specific value expressed in NM (to avoid imprecise interpretation of a provision).  |                                     |
| response | Noted<br>See the response to comment #104.   |                                     |
| comment  | 369  | comment by: <i>Michal SLOJEWSKI</i> |
|          | Proposal should take into account the request of the pilot.  |                                     |
| response | Not accepted<br>It is assumed that if a deviation as represented in the provision is observed, the ATCO/FISO/AFISO would notify the aircraft and undertake the most appropriate action (e.g. in case of airspace infringements, the ATCO/FISO/AFISO could contact the relevant entity in charge of such airspace).   |                                     |
| comment  | 857  | comment by: <i>ENAV</i>             |
|          | <b>AMC1 ATS.TR.160(d)(4) ATS surveillance services<br/>NAVIGATION ASSISTANCE<br/>Page 83</b><br>FIS officer/AFIS officer receives same responsibility as controller with regard to action to be taken towards deviating aircraft. Are FIS officers/AFIS officers trained accordingly? Is this legally acceptable? Would the NSA have to approve where this is appropriate? |                                     |
| response | Noted<br>See the response to comment #104.   |                                     |
| comment  | 978  | comment by: <i>CANSO</i>            |
|          | <b>AMC1 ATS.TR.160(d)(4) ATS surveillance services<br/>NAVIGATION ASSISTANCE<br/>Page 83</b><br><b>CANSO Comment</b>   |                                     |

|          |   |
|----------|---|
|          | <p>FIS officer/AFIS officer receives same responsibility as controller with regard to action to be taken towards deviating aircraft. Are FIS officers/AFIS officers trained accordingly?</p> <p>Is this legally acceptable? Would the NSA have to approve where this is appropriate?</p> <p><b>Impact</b><br/>Legal impact<br/>Training needs</p> |
| response | <p>Noted</p> <p>See the response to comment #104.</p>   |
| comment  | <p><b>1316</b> <span style="float: right;">comment by: <i>Polish Air Navigation Services Agency</i></span></p> <p>It is reasonable to determine the deviation in the specific value expressed in NM (to avoid imprecise interpretation of a provision).</p>   |
| response | <p>Not accepted</p> <p>It is considered not appropriate to provide certain quantitative criteria since, in different situations and depending on the particular airspace design, the same value expressed in NM may or may not lead to an airspace infringement.</p> <p>See also the response to comment #104.</p>                                |

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| <b>1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(6)</b> | p. 84-85 |
|---|----------|

|          |   |
|----------|---|
| comment  | <p><b>1141</b> <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(d)(6), point (d)(2)</p> <p><b>Comment:</b> AMC1 ATS.TR.160(d)(6) point (d)(2) uses the term ‘instantaneously’ to describe the speed with which communications should be established. However, the term ‘instantaneously’ has not been defined within the EU Regulatory framework and is therefore open to interpretation which could lead to confusion and lack of consistency amongst Member States. Whilst acknowledging that the text of AMC1 ATS.TR.160(d)(6) point (d)(2) is aligned with that of its source (PANS-ATM 8.7.4.2(c)), the latter document included a note describing the term ‘instantaneous’ which has not been transposed by EASA. The UK CAA requests EASA to transpose the note to PANS-ATM 8.7.4.2(c) as GM in order to provide clarity on the term ‘instantaneously’.</p> <p><b>Justification:</b> Clarity of EU Regulatory materials.</p> |
| response | <p>Noted</p> <p>The EUROCONTROL ‘Guidelines for the Application of European Coordination and Transfer Procedures’ referred to in the proposed GM1 ATS.TR.160(d)(6) contains description of what is meant by the term ‘instantaneous’ in the context described.</p>  |



|          |   |
|----------|---|
| comment  | <p>1142</p> <p style="text-align: right;">comment by: UK CAA</p> <p><b>Paragraph No:</b> AMC1 ATS.TR.160(d)(6), point (d)(5)</p> <p><b>Comment:</b> The final sentence of point (d)(5) of AMC1 ATS.TR.160(d)(6) appears to contain a transposition error. The original PANS-ATM 8.7.4.4(e) text states “...Thereafter, the aircraft should be instructed to change over to the appropriate channel and from that point is the responsibility of the accepting controller.” which appears more correct.</p> <p><b>Justification:</b> Accuracy and clarity of EU Regulatory materials and harmonisation with ICAO.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC1 ATS.TR.160(d)(6) point (d)(5):</p> <p>“...Thereafter, the aircraft should be instructed to change over to the appropriate channel and from that point is the responsibility of the accepting controller.”</p> |
| response | <p>Partially accepted</p> <p>The AMC text has been amended with minor editorial changes for clarity.</p>  |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(d)(6)

p. 85

|          |   |
|----------|---|
| comment  | <p>1145</p> <p style="text-align: right;">comment by: UK CAA</p> <p><b>Paragraph No:</b> GM1 ATS.TR.160(d)(6)</p> <p><b>Comment:</b> GM1 ATS.TR.160(d)(6) provides a reference to a EUROCONTROL document as the source of the GM. The UK CAA requests EASA to confirm that they have received guarantees from EUROCONTROL that the document will continue to be maintained.</p> <p><b>Justification:</b> Consistency and accuracy of EU Regulatory materials.</p> |
| response | <p>Noted</p> <p>The reference is to a particular edition and date (Edition 1.0 of 25.10.2012) of the EUROCONTROL document. EASA will put the necessary effort to amend the reference if this document will be amended and, in this case, it will consider if the reference is still appropriate.</p>  |

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.160(d)(7)

p. 86

|         |   |
|---------|---|
| comment | <p>486</p> <p style="text-align: right;">comment by: EUROCONTROL</p> <p><b>AMC1 ATS.TR.160(d)(7) ATS surveillance services - Page 86</b></p> <p>It is clear that there should be appropriate procedures in place to cope in the event of an ATS</p> |
|---------|---|



surveillance system failure. However, the EUROCONTROL Agency believes that these procedures may or may not involve the plotting of identified aircraft. It can be argued that, even 3 minutes following an outage, such a plotting might be actively detrimental to safety as it will represent an incorrect picture of the current situation. In addition, plotting will absorb a significant part of controllers' effort and attention at a time when they should be focusing on the immediate safety of traffic under their control, in accordance with specified procedures.

Regarding the statement on the establishment of procedural separation between the aircraft, there is the question as to whether this is appropriate given the fact that for most area control centres with modern stripless systems, the ATCOs are no longer licensed to provide procedural control.

response

Noted

In principle, EASA considers that in the event of a complete failure of the ATS surveillance systems, even for a limited duration, the determination of the aircraft position is a fundamental aspect of the safe provision of ATS. ATS surveillance systems are implemented in order to enable the exact position of aircraft, and based on that to provide the necessary services. It is a general requirement for ANSPs that during the degradation or failure of certain systems and constituents, there are procedures in place to minimise to the possible extent the impact of such a failure on the services provided.

It is expected that ATCOs are licensed and trained also based on their competence to ensure the applicable separation minima with or without the availability of ATS surveillance systems.

comment

1146

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.160(d)(7)

**Comment:** AMC1 ATS.TR.160(d)(7) states that “In the event of complete failure of the ATS surveillance system...the controller should plot the positions of all aircraft already identified.” However, no additional GM is provided to explain what actions are required to affect this. The UK CAA requests EASA to clarify what it anticipates controllers to do in order to comply with this AMC.

**Justification:** Clarification of content of EU Regulatory materials.

response

Noted

Following a further analysis of the subject AMC, EASA has acknowledged that there are various possibilities for the ATS providers to develop procedures for cases of ATS surveillance system failure, which are based upon the technology in use and the available systems and constituents. Therefore, EASA has decided to maintain the transposition of Section 8.8.4.1 of ICAO PANS ATM within the proposed GM1 ATS.TR.160(d)(7). The definition of the detailed procedures to be applied is a responsibility of the ATS provider as stipulated in ATM/ANS.OR.A.070 in Annex III to Regulation (EU) 2017/373.



**1.3. Draft decision (PART-ATS) - GM2 ATS.TR.160(d)(7)** p. 86

comment 1256 comment by: Kamila GRABOWSKA  
 after 'control positions and ATC units' should be added 'and FIS units'

response Accepted  
 The text of the GM has been amended to extend its applicability to all ATS units.

comment 1317 comment by: Polish Air Navigation Services Agency  
 after 'control positions and ATC units' should be added 'and FIS units'

response Accepted  
 See the response to comment #1256.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.160(d)(9)** p. 86

comment 1363 comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.160(d)(9)</i></p> | <p>Include the "unintentionally duplicated aircraft identification" as in Doc 4444 <b>section 8.1.4.</b></p> | <p>PANS ATM Checklist indicates that the provision is identical to Annex 11 <b>section 3.9</b>. In fact it is very similar but does not contain the reference to an "<i>unintentionally duplicated aircraft identification</i>".</p> <p>However, those duplicated identifications seem to be relevant.</p> |

response Accepted

The GM has been proposed as a result of the analysis of relevant provisions in both ICAO Annex 11 and PANS ATM. Keeping in mind that the 'Checklists' are published by EASA as informative material aside to the NPA and the Opinion, EASA has ensured the necessary consistency.



## 1.3. Draft decision (PART-ATS) - GM2 ATS.TR.160(d)(9)

p. 86-87

comment

1066

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

SHORT-TERM CONFLICT ALERT (STCA) PROCEDURES

...

the STCA function should specify, inter alia:

- (a) the types of flight which are eligible for generation of alerts;
- (b) the sectors or areas of airspace within which the STCA function is implemented;
- (c) the method of displaying the STCA to the controller;

- (d) in general terms, the parameters for generation of alerts as well as alert warning time;
- (e) the volumes of airspace within which STCA can be selectively inhibited and the conditions under which this will be permitted;
- (f) conditions under which specific alerts may be inhibited for individual flights; and
- (g) procedures applicable in respect of volume of airspace or flights for which STCA or specific alerts have been inhibited.

response

Noted

The comment, which only replicates part of the text of GM2 ATS.TR.160(d)(9) without any further indication, is not understood.

comment

1068

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

SHORT-TERM CONFLICT ALERT (STCA) PROCEDURES

...

the STCA function should specify, inter alia:

- (a) the types of flight which are eligible for generation of alerts;
- (b) the sectors or areas of airspace within which the STCA function is implemented;
- (c) the method of displaying the STCA to the controller;

- (d) in general terms, the parameters for generation of alerts as well as alert warning time;
- (e) the volumes of airspace within which STCA can be selectively inhibited and the conditions under which this will be permitted;
- (f) conditions under which specific alerts may be inhibited for individual flights; and
- (g) procedures applicable in respect of volume of airspace or flights for which STCA or specific alerts have been inhibited.

(a) (g) above are from PANS-ATM 15.7.2.1, and PANS-ATM states shall not should.  
Proposal: PANS-ATM 15.7.2.1 should be an AMC instead for a GM.

response

Not accepted

During the RMG.0464 activities, the need and the appropriate way of transposing these ICAO PANS ATM requirements was broadly discussed. The conclusion of such discussions, which affected also the PANS ATM provisions on Minimum Safety Altitude Warnings (MSAW), indicated that these functions and the supporting procedures are diversely implemented,



between ATS providers and even between ATS units within the same provider. Therefore, EASA decided that the implementation at AMC level would create an unnecessary burden to both ANSPs and competent authorities. Therefore, such provisions are transposed as GM.

See also the response to comment #147 in CRD 2016-09(A).

### 1.3. Draft decision (PART-ATS) - GM3 ATS.TR.160(d)(9)

p. 87

|          |   |  |
|----------|---|--|
| comment  | <p>200</p> <p>Suggest to change "ATC radar" by "ATS radar".</p> <p>Substantiation:<br/>It is practicable for enroute FIS to provide Surveillance service for IFR or night VFR flights when Minimum Safe Altitude is significant.</p>  | comment by: <i>Slawomir BALAZY</i>                 |
| response | <p>Partially accepted</p> <p>'ATC radar data-processing system' in the AMC text has been replaced with 'ATS surveillance data-processing system'.</p>   |  |
| comment  | <p>217</p> <p>(a)<br/>If we want the MSAW to be an exclusive function for ATC, then the text is OK. If we want the function also to be available for AFIS/FIS we suggest to delete "...n ATC..." in the first sentence.</p> <p>(e)<br/>Depending on the outcome of (a) one can in addition to the "controller" include also "AFISO/FISO".</p>   | comment by: <i>Civil Aviation Authority Norway</i> |
| response | <p>Noted</p> <p>The EASA understanding is that the MSAW functions are primarily used for the provision of ATC. Normally, FIS is provided to a great extent to the General Aviation flying VFR and utilising airspace which is frequently below such minimum altitudes, which would generate numerous false warnings. For this reason, the mentioned GM is addressing the provision of ATC only.</p> |  |
| comment  | <p>676</p> <p>in (a) suggestion to change ATC to ATS:<br/>The generation of MSAWs is a function of an ATC <b>ATS</b> radar data-processing system.</p> <p>In Poland, enroute- FISOs provide surveillance- based service; MSAW is especially useful for IFR flights and night flights, operating in enroute- FIS' area of responsibility.</p>  | comment by: <i>Martyna NIWICKA</i>                 |
| response | <p>Partially accepted</p>   |  |



See the response to comment #200.

comment

1067

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

**MINIMUM SAFE ALTITUDE WARNING (MSAW) PROCEDURES**

the MSAW function should specify, inter alia:

- (b) the types of flight which are eligible for generation of MSAW;
- (c) the sectors or areas of airspace for which MSAW minimum safe altitudes have been defined and within which the MSAW function is implemented;
- (d) the values of the defined MSAW minimum safe altitudes;
- (e) the method of displaying the MSAW to the controller;
- (f) the parameters for generation of MSAW as well as warning time; and
- (g) conditions under which the MSAW function may be inhibited for individual aircraft tracks as well as procedures applicable in respect of flights for which MSAW has been inhibited.

(b) (g) above are from PANS-ATM 15.7.4.1, and PANS-ATM states shall not should.

Proposal: PANS-ATM 15.7.4.1 should be an AMC instead for a GM.

response

Not accepted

See the responses to comments #217 and #1068.

comment

1257

comment by: *Kamila GRABOWSKA*

in point (a) instead 'ATC radar' should be 'ATS radar', instead 'controlled flight' should be 'identified flight' (IFR or night flight that has RIS provided)  
in point (e) after 'controller' should be added 'and FISO'

response

Partially accepted

See the responses to comments #217 and #1068.

comment

1315

comment by: *Polish Air Navigation Services Agency*

in (a) suggestion to change ATC to ATS:

The generation of MSAWs is a function of an ~~ATC~~ **ATS** radar data-processing system.

In Poland, enroute- FISOs provide surveillance- based service; MSAW is especially useful for IFR flights and night flights, operating in enroute- FIS' area of responsibility.

response

Partially accepted

See the response to comment #200.



|          |   |
|----------|---|
| comment  | <p>321 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1 ATS.TR.160 (e) ATS Surveillance services<br/>(a) 2</p> <p>Information regarding traffic on a conflicting path is given in Nautical miles not kilometres and the provision should have nautical miles first and kilometres in brackets, the text as written infers that kilometres is the standard measurement.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to:<br/>“distance from the conflicting traffic in nautical miles (kilometres)”</p>   |
| response | <p>Not accepted</p> <p>The requirements indicating distances in Regulation (EU) 2017/373 and well as in Regulation (EU) No 923/2012 (SERA) are always using the convention as in the mentioned AMC. Therefore, no amendment is considered appropriate.</p>  |
| comment  | <p>322 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1 ATS.TR.160(e) ATS surveillance services<br/>(c)</p> <p>New sentence added in: “When, subsequent to the verification...should not be used in providing traffic information”.</p> <p>SERA.7002(a)(i) and ATS.TR.160(e) address the same topic and the text s are identical. However AMC 1 (b) to ATS.TR.160(e) and AMC1 (b) to SERA.7002(a)(i) are not the same and AMC 1 (c) to ATS.TR.160(e) contains information that is in AMC1 (b) to SERA.7002(a)(i).</p> <p>This inconsistency will result in failure to comply and we recommend reviewing AMC 1 (b) to ATS.TR.160(e) to ensure consistency with AMC1 (b) to SERA.7002(a)(i)</p> |
| response | <p>Accepted</p> <p>The AMC text has been amended to ensure full consistency with AMC1 SERA.7002(a)(1).</p>  |
| comment  | <p>858 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC1 ATS.TR.160 (e) ATS Surveillance services (a) 2</b><br/><b>Page 87</b></p> <p>Information regarding traffic on a conflicting path is given in Nautical miles not kilometres and the provision should have nautical miles first and kilometres in brackets</p> <p><b>PROPOSAL</b></p> <p>Amend text to:<br/>“distance from the conflicting traffic in nautical miles (kilometres)</p>  |

response Not accepted  
See the response to comment #321.

comment 859 comment by: ENAV  
**AMC1 ATS.TR.160(e) ATS surveillance services (c)**  
**Page 88**

New sentence added in:

“When, subsequent to the verification...should not be used in providing traffic information”.

SERA.7002(a)(i) and ATS.TR.160(e) address the same topic and the text s are identical. However AMC 1 (b) to ATS.TR.160(e) and AMC1 (b) to SERA.7002(a)(i) are not the same and AMC 1 (c) to ATS.TR.160(e) contains information that is in AMC1 (b) to SERA.7002(a)(i).

PROPOSAL

Review AMC 1 (b) to ATS.TR.160(e) to ensure consistency with AMC1 (b) to SERA.7002(a)(i)

response Accepted  
See the response to comment #322

comment 980 comment by: CANSO  
AMC1 ATS.TR.160 (e) ATS Surveillance services  
(a) 2  
Page 87

**CANSO Comment**

Information regarding traffic on a conflicting path is given in Nautical miles not kilometres and the provision should have nautical miles first and kilometres in brackets.

**Impact**

Infers that kilometres is the standard measurement.

**Suggested Resolution**

Amend text to:

“distance from the conflicting traffic in nautical miles (kilometres)”.

response Not accepted  
See the response to comment #321.

comment 982 comment by: CANSO  
AMC1 ATS.TR.160(e) ATS surveillance services  
(c)  
Page 88

**CANSO Comment**



New sentence added in:  
 “When, subsequent to the verification...should not be used in providing traffic information”.

SERA.7002(a)(i) and ATS.TR.160(e) address the same topic and the text s are identical. However AMC 1 (b) to ATS.TR.160(e) and AMC1 (b) to SERA.7002(a)(i) are not the same and AMC 1 (c) to ATS.TR.160(e) contains information that is in AMC1 (b) to SERA.7002(a)(i).

**Impact**  
 Inconsistency will result in failure to comply.

**Suggested Resolution**  
 Review AMC 1 (b) to ATS.TR.160(e) to ensure consistency with AMC1 (b) to SERA.7002(a)(i)

response Accepted  
 See the response to comment #322.

comment 1258 comment by: Kamila GRABOWSKA  
 in point (a)(4) after 'level' should be added 'or altitude difference'

response Not accepted  
 The level could be expressed in radiotelephony as flight level, altitude, height or relative vertical position.

comment 1319 comment by: Polish Air Navigation Services Agency  
 in point (a)(4) after 'level' should be added 'or altitude difference'

response Not accepted  
 See the response to comment #1258.

comment 1364 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | The text "Erroneous level information should not be used in providing collision hazard information" should not be included. The text was proposed for transposition in <b>AMC1 SERA.7002(a)(1)</b> , but finally not included due to the comments | The texts adds no value to the provision.<br><br>It was substituted by "If the level information has not been verified, the accuracy of the information should be considered uncertain and |



|          |  |
|----------|--|
| comment  | <p>366 <span style="float: right;">comment by: <i>Michal SLOJEWSKI</i></span></p> <p>Suggestion to add in letter (a) words "FISO" or "flight information service officer" after words "air traffic controller"</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #1119.</p>  |
| comment  | <p>675 <span style="float: right;">comment by: <i>Martyna NIWICKA</i></span></p> <p>in (a) suggestion to add "or the FISO" after "air traffic controller".<br/>FISOs operate with VFR and IFR aircraft outside controlled airspace in Poland.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #1119.</p>  |
| comment  | <p>1149 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> GM1 ATS.TR.160(e)</p> <p><b>Comment:</b> See also UK CAA comments on ATS.TR.160(e).</p> <p>GM1 ATS.TR.160(e) states that “When an identified IFR flight operating outside controlled airspace is observed to be on a conflicting path with another aircraft, the pilot should: (a) be informed as to the need for collision avoidance action to be initiated, and if so requested by the pilot or if, in the opinion of the air traffic controller, the situation warrants, a course of avoiding action should be suggested...”</p> <p>Whilst acknowledging that the issue exists in PANS-ATM (8.8.2.2) and has been transposed into SERA, the UK CAA believes that this text is incorrect. When observed to be on a conflicting path with another aircraft, an identified IFR flight operating outside controlled airspace would be provided with traffic information and, if so requested by the pilot or if, in the opinion of the air traffic controller/FIS officer, the situation warranted, a course of traffic avoidance advice would be suggested.</p> <p>The use of the term ‘collision avoidance action’ in GM1 ATS.TR.160(e), point (a) is inconsistent with elsewhere within Part-ATS where the terms ‘traffic avoidance advice’ and ‘avoiding action’ are used (see comment by UK CAA on AMC1 ATS.TR.160(a), point (d)(1)). The term ‘collision avoidance action’ is not defined within the EU Regulatory framework and implies some form of executive instruction being passed in uncontrolled airspace. The term traffic avoidance advice is defined and better reflects the advisory nature of the information provided to the pilot in uncontrolled airspace. It is also worth highlighting that AMC1 ATS.TR.160(a), point (d)(1) is inconsistent with SERA.6001 and ATS.TR.305(b). SERA.6001 details, inter alia, whether flights are separated and the availability of traffic avoidance advice; however SERA.6001 (f) and (g) and the related Appendix 4 do not specify that traffic avoidance advice is available in class F and class G airspace. Moreover, ATS.TR.305(b) only stipulates that information is provided to aircraft operating in airspace Classes C, D, E, F and G on ‘collision hazards’; it too does not stipulate the provision of traffic avoidance advice. Whilst cognisant that these issues exist within the</p> |

original ICAO text, the UK CAA believes that it is important to resolve the potentially misleading use of terminology and the inconsistencies identified above in order to correctly transpose these requirements into the EU Regulatory framework.

Finally, the use of the term 'air traffic controller' in GM1 ATS.TR.160(e), point (a) is inconsistent with the use of the term 'controller' elsewhere within Part-ATS. Moreover, by excluding FIS officers, this provision introduces a further inconsistency with AMC1 ATS.TR.160(a) point (d)(1) which permits FIS officers to use the information displayed on a situation display to provide traffic avoidance advice. The UK CAA believes that the text of this GM should be applicable to FIS officers. However, this links to the earlier comments made by the UK CAA's on AMC1 ATS.TR.160(a) point (d)(1). Specifically that AMC1 ATS.TR.160(a), point (d)(1) permits a FIS officer to provide "suggestions or advice regarding avoiding action"; however, AMC1 ATS.TR.160(a), point (d) excludes the utilisation of an ATS surveillance system by FIS Officers to provide vectoring. Given that "suggestions or advice regarding avoiding action" are offered to pilots as vectors or levels, the UK CAA requests EASA to clarify what form such "suggestions or advice" should take.

**Justification:** Clarity, consistency and accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that GM1 ATS.TR.160(e) should be deleted and, following minor amendment, proposes that it should be established as AMC to ATS.TR.305(b)(2) as detailed below. This would support the UK CAA's proposal to delete ATS.TR.160(e) and to insert it as a new requirement within Section 2.

**"AMC XX ATS.TR.305(b)(2) Collision Hazard Information Based on ATS Surveillance**

When an identified IFR flight operating outside controlled airspace is observed to be on a conflicting path with another aircraft, the pilot should:

- (1) be informed of the conflicting aircraft and, if the pilot requests or if, in the opinion of the controller/FIS officer, the situation warrants, traffic avoidance advice should be suggested; and
- (2) be notified when the conflict no longer exists."

response

Not accepted

See the response to comment #1119. This GM is considered more relevant in the context of ATS surveillance service than to the scope of FIS, which is addressed in ATS.TR.305.

Consistency for the use of the term 'air traffic controller' has been established throughout all the proposed Part-ATS regulatory material.

comment

1259

comment by: Kamila GRABOWSKA

after 'air traffic controller' should be added 'or FISO'

response

Not accepted

See the response to comment #1119.



|          |  |  |
|----------|--|--|
| comment  | 1318   | comment by: <i>Polish Air Navigation Services Agency</i> |
|          | in (a) suggestion to add "or the FISO" after "air traffic controller".<br>FISOs operate with VFR and IFR aircraft outside controlled airspace in Poland. |  |
| response | Not accepted<br>See the response to comment #1119.   |  |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.205(c)**

p. 88-89

|          |  |                                       |
|----------|--|---------------------------------------|
| comment  | 29   | comment by: <i>Humberside Airport</i> |
|          | Page No: 89<br><br>Para No: 1.3<br><br><b>AMC1 ATS.TR.205(c)</b><br><br>Comment:<br>Does para (d) infer that an ATC service takes place within a Control Zone and cannot take place outside of CAS? If so EASA Certified Aerodromes that also have Certified ANSPs, with EU 340/2015 Certified Air Traffic Controllers, that provide a UK CAA Authorised ATS 'UK FIS' within Class G 'uncontrolled' airspace, including to CAT with fare-paying passengers, will not be able to continue to operate without appropriate airspace being provided. If the UK methodology is no longer appropriate then the UK CAA will have to either undertake major airspace change based on this regulation and AMC/GM, propose an altMOC, or change the authorisations and approvals for UK-based EASA Certified aerodromes and Certified ANSPs that provide a service within Class G airspace and at aerodromes that only have a Class G ATZ. If the latter approach is taken, this would in all likelihood mean that some Regional Airports would have to close if CAT, scheduled and charter flights with fare-paying passengers were unable to operate within Class G. |                                       |
| response | Noted<br><br>See the responses to comments #21 and #985.   |                                       |

|         |   |   |
|---------|---|---|
| comment | 323   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|         | AMC1 ATS.TR.205(c) Provision of ATC Service<br><br>(c)<br><br>Aerodromes which have ILS but no ASMGCS or SMR can still provide ATC Services in LVPs. This provision has been proposed for change by APDSG and ICAO ATMOPS.<br><br>As currently written this conflicts with other regulation within the NPA. Example GM2 ATS.TR.245 (a) states<br>Where visual observation by the aerodrome controller is not possible, or whenever deemed beneficial by the aerodrome controller, the information provided by A-SMGCS may be used |   |



to replace visual observation.

**Recommendation**

Remove text:

b) Aerodrome controllers should maintain a continuous watch on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring area.

Amend text in (c) to:

Control of all flight operations on and in the vicinity of an aerodrome as well as of vehicles and personnel on the manoeuvring areas shall be maintained by:

- i) Visual observation, which can be achieved directly or through the use of a visual surveillance system and/or,
- ii) AN ATS surveillance system where approved by the competent authority and in accordance with procedures of ATS.TR.245 and GM1/GM2 ATS.TR.245
- iii) Procedures approved by the competent authority.

response Partially accepted  
See the response to comment #860.

comment 555 comment by: DGAC  
DGAC has a Remark about sub paragraph c:

On large aerodromes, the use of ATS surveillance system is necessary in all circumstances, not only when LVP are in force. Based on the on-going work of the ATM OPS panel, it is proposed to replace “in low visibility conditions” by “when necessary”.

response Partially accepted  
See the response to comment #860.

comment 860 comment by: ENAV

**AMC1 ATS.TR.205(c) Provision of ATC Service (c)**  
**Page 89**

Aerodromes which have ILS but no ASMGCS or SMR can still provide ATC Services in LVPs. This provision has been proposed for change by APDSG and ICAO ATMOPS PROPOSAL

Remove text:

b) Aerodrome controllers should maintain a continuous watch on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring area.

Amend text in (c) to:

Control on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring areas shall be maintained by:



|          |  |
|----------|--|
|          | <p>i) Visual observation, which can be achieved directly or through the use of a visual surveillance system and/or,<br/> ii) AN ATS surveillance system where approved by the competent authority and in accordance with procedures of ATS.TR.245 and GM1/GM2 ATS.TR.245<br/> iii) Procedures approved by the competent authority.</p>   |
| response | <p>Partially accepted</p> <p>The text of points (b) and (c) has been rearranged taking into account the content of the proposed amendment to PANS ATM in ICAO State Letter 2017/23 to Sections 7.1.1.2 and 7.1.1.2.1 and its associated Note, as well as for consistency with other Part-ATS requirements.</p> <p>As the subject of the visual presentation is also addressed by NPA 2017-21 issued as a deliverable of RMT.0624 'Remote tower operations', EASA will further evaluate the results of the NPA 2017-21 consultation, as well as the outcome of the consultation of the ICAO State Letter 2017/23.</p> |

|         |   |
|---------|---|
| comment | <p>984 <span style="float: right;">comment by: CANSO</span></p> <p>AMC1 ATS.TR.205(c) Provision of ATC Service<br/> (c)<br/> Page 89</p> <p><b>CANSO Comment</b><br/> Aerodromes which have ILS but no ASMGCS or SMR can still provide ATC Services in LVPs.</p> <p>This provision has been proposed for change by APDSG and ICAO ATMOPS.</p> <p><b>Impact</b><br/> Conflicts with other regulation within the NPA. Example GM2 ATS.TR.245 (a) states<br/> Where visual observation by the aerodrome controller is not possible, or whenever deemed beneficial by the aerodrome controller, the information provided by A-SMGCS may be used to replace visual observation.</p> <p><b>Suggested Resolution</b><br/> Remove text:<br/> b) Aerodrome controllers should maintain a continuous watch on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring area.</p> <p>Amend text in (c) to:<br/> Control on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring areas shall be maintained by:<br/> i) Visual observation, which can be achieved directly or through the use of a visual surveillance system and/or,<br/> ii) AN ATS surveillance system where approved by the competent authority and in accordance with procedures of ATS.TR.245 and GM1/GM2 ATS.TR.245<br/> iii) Procedures approved by the competent authority.</p> |
|---------|---|

|          |   |
|----------|---|
| response | Partially accepted<br>See the response to comment #860.   |
| comment  | <p>986 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC1 ATS.TR.210(a)(3) Operation of ATC service<br/>Horizontal speed control instructions – General<br/>Page 89</p> <p><b>CANSO Comment</b><br/>(a): Since the procedures are transposed as AMC and GM, it is not clear which are the conditions left to/required from the competent authority.</p> <p><b>Impact</b><br/>Uncertainty on applicability and demonstration of compliance.</p> <p><b>Suggested Resolution</b><br/>Reconsider the reference to the competent authority.</p>   |
| response | <p>Not accepted</p> <p>The comment is not understood. EASA considers explicit that the competent authority should specify certain limits for the adjustment of the speed which may vary according to the phases of the flight, types of aircraft, etc.</p>  |
| comment  | <p>1069 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>We prefer that the four “should” in this text changes to “shall” and that this rule is moved to IR. In our opinion, it is the foundation of the ATS service.</p>  |
| response | <p>Noted</p> <p>See the response to comment #147 in CRD 2016-09(A). EASA considers the transposition of these ICAO PANS ATM provisions as AMC appropriate.</p>  |
| comment  | <p>1151 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.205(c) points (b) and (c)</p> <p><b>Comment:</b> Given recent advances in remote ATS provision and systems to augment visual observation, Part-ATS poses an opportunity to improve and ‘future-proof’ the text originating from PANS-ATM 7.1.1.2. Moreover, the UK CAA perceives that a short-fall has been created in AMC1 ATS.TR.205(c) by the incomplete transposition of PANS-ATM 7.1.1.2 in that no reference has been included to the development and use of procedures for the control of aerodrome traffic.</p> <p><b>Justification:</b> Consistency of EU regulatory materials with source ICAO text and ‘future-</p> |



proofing' of text.

**Proposed Text:** The UK CAA proposes that AMC1 ATS.TR.205(c) points (b) and (c) are amended to read as follows:

“b) Aerodrome controllers should maintain a continuous awareness on all flight operations on and in the vicinity of an aerodrome as well as on vehicles and personnel on the manoeuvring area.

(c) Controller awareness of aerodrome traffic should be maintained, as far as practicable, by visual observation (either directly or via electro-optical means), augmented in low visibility conditions by an ATS surveillance system, when available. Aerodrome traffic should be controlled in accordance with procedures approved by the competent authority.”

response

Partially accepted

See the response to comment #860.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.205(c)

p. 89

comment

556

comment by: DGAC

Comment on point (b)

This is a provision to working methods. Working methods should be assessed case by case depending e.g. of the traffic condition and airport configuration.

The GM could refer to a safety assessment but not to a specific working method.

response

Noted

The principle expressed in point (b) of the GM is in line with point(a) of AMC2 ATS.TR.255, transposed from Section 6.7.3.1.2 of ICAO PANS-ATM.

See also the responses to comments #337 and #420.

comment

1587

comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

ATCEUC considers that this provision should be AMC, in coherence with **AMC2 ATS.TR.255 (b)(10)**.

**~~GM1~~ AMCXX to ATS.TR.205(c) Provision of ATC service**

**POSITIONS AT THE AERODROME CONTROL TOWER**

(...)

*(b) Where parallel or near-parallel runways are used for simultaneous operations, individual aerodrome controllers should be responsible for operations on each of the runways*

response

Noted



The principle is already established as AMC in point (a) AMC2 ATS.TR.255.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(a)(3)

p. 89-90

|          |   |
|----------|---|
| comment  | <p>324 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC1 ATS.TR.210(a)(3) Operation of ATC Service (g)</p> <p>Typically aircraft being sequenced transition from Mach number of IAS at around FL290/300, not at FL250 as proposed here; therefore this does not allow optimal operations in different types of operation.</p> <p><b><u>Recommendation</u></b><br/>Add text:<br/>“Or as otherwise agreed by the competent authority”</p>  |
| response | <p>Partially accepted</p> <p>See the response to comment #1154.</p>   |
| comment  | <p>562 <span style="float: right;">comment by: <i>DGAC</i></span></p> <p>(g) At levels at or above 7 600 m (FL 250), speed adjustments should be expressed in multiples of 0.01 Mach; at levels below 7 600 m (FL 250), speed adjustments should be expressed in multiples of 20 km/h (10 kt) based on indicated airspeed (IAS).</p> <p>DGAC proposes to replace 10kt by 5kt to be compliant with Operational practices. This provision is on-going in the ATMOPS Panel in order to allow fine-tuned speed adjustment in high density TMAs.</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #1154.</p>   |
| comment  | <p>861 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC1 ATS.TR.210(a)(3) Operation of ATC service Horizontal speed control instructions – General</b><br/><b>Page 89</b></p> <p>(a): Since the procedures are transposed as AMC and GM, it is not clear which are the conditions left to/required from the competent authority.</p> <p>PROPOSAL<br/>Reconsider the reference to the competent authority.</p>   |
| response | <p>Not accepted</p>   |



See the response to comment #986.

comment 862

comment by: ENAV

**AMC1 ATS.TR.210(a)(3) Operation of ATC Service (g)  
Page 90**

Typical aircraft being sequenced transition from Mach number of IAS at around FL290/300, not at FL250 as proposed here.

**PROPOSAL**

Add text:

“Or as otherwise agreed by the competent authority”

response

Partially accepted

See the response to comment #1154.

comment 987

comment by: CANSO

**AMC1 ATS.TR.210(a)(3) Operation of ATC Service  
(g)  
Page 90**

**CANSO Comment**

Typical aircraft being sequenced transition from Mach number of IAS at around FL290/300, not at FL250 as proposed here.

**Impact**

This does not allow optimal operations in different types of operation.

**Suggested Resolution**

Add text:

“Or as otherwise agreed by the competent authority”.

response

Partially accepted

See the response to comment #1154.

comment

1070

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

**HORIZONTAL SPEED CONTROL INSTRUCTIONS — GENERAL**

(a) In order to facilitate a safe and orderly flow of traffic, the ATC unit may, subject to conditions **specified by the competent authority**, instruct aircraft to adjust speed in a specified manner.

...



|          |   |
|----------|---|
|          | <p>Sweden's interpretation is that in (a) appropriate ATS authority should be the ATS Provider.</p> <p>Proposal: Regulate (a) as a requirement on ATS provider and let the competent authority verify that the ATS providers are following the requirement via oversight.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #986.</p> <p>EASA is of the opinion that the ATS provider could not always properly evaluate, for example, the operational speed limitations for certain types of aircraft.</p>  |
| comment  | <p>1153 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.210(a)(3), point (c)</p> <p><b>Comment:</b> Amendment 7 to PANS-ATM introduced a note to the text transposed in point (c) stating that "Cancellation of any speed control instruction does not relieve the flight crew of compliance with speed limitations associated with airspace classifications as specified in Annex 11 — Air Traffic Services, Appendix 4"; this latter Annex 11 text having already been transposed as SERA.6001 Appendix 4. The UK CAA proposes that this note is included as GM to AMC 1 ATS.TR.210(a)(3).</p> <p><b>Justification:</b> Consistency of EU Regulatory materials with source ICAO text.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following additional GM to AMC1 ATS.TR.210(a)(3) point (c):</p> <p><b>"GMXX AMC1 ATS.TR.210(a)(3)</b><br/>This GM refers to provisions in point (c) of AMC1 ATS.TR.210(a)(3). Cancellation of any speed control instruction does not relieve the flight crew of compliance with speed limitations associated with airspace classifications as specified in SERA.6001 Classification of airspaces, Appendix 4."</p> |
| response | <p>Accepted</p> <p>The new GM3 to AMC1 ATS.TR.210(a)(3) has been introduced according to the proposal in the comment.</p>   |
| comment  | <p>1154 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.210(a)(3) point (g)</p> <p><b>Comment:</b> It was discussed during RMG.0464 that the text proposed in point (g) is correct for cruising at or above FL250. However, research undertaken within the UK on when aircraft transition in the descent from mach number to IAS indicates that IAS may be used up to FL290. An ANSP confirmed during RMG.0464 that the use of IAS up to FL290 had not been notified to them as an issue by aircraft operators. The UK CAA proposes a minor amendment to the text of point (g) to permit flexibility within the provision to permit the use of IAS up to FL290.</p>   |

**Justification:** Research undertaken within the UK has indicated that aircraft do not operate in strict adherence to the text proposed in point (g) in all flight regimes; thus it would be appropriate to permit some flexibility within the provision.

**Proposed Text:** The UK CAA proposes that AMC1 ATS.TR.210(a)(3) point (g) is amended to read as follows:

“(g) Except where approved otherwise by the competent authority, at levels at or above 7 600 m (FL 250), speed adjustments should be expressed in multiples of 0.01 Mach; at levels below 7 600 m (FL 250), speed adjustments should be expressed in multiples of 20 km/h (10 kt) based on indicated airspeed (IAS).”

response

Accepted

The AMC is amended accordingly, providing thus additional flexibility in determining the flight levels above which speed adjustments have to be provided by Mach number, as well as the expression in multiples different from 20 km/h (10 kt).

comment

1369

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION   |
|---|--|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC1 ATS.TR.210(a)(3)(f)</i></p> | <p>Should the same provision also be included in SERA framework?</p> | <p>This provision should also be transposed in SERA, as it affects the flight crew and not only the ATC unit.</p> <p>Additionally, the content of the NPA does not compel the flight crew to inform when they cannot comply with a speed instruction, as the Doc 4444 does.</p> |

response

Not accepted

The obligation of a pilot-in-command to inform ATC if a certain clearance is not satisfactory is established in point (b) of SERA.8015 of Regulation (EU) No 923/2012 (SERA). The transposed requirement is more relevant to the actions of the ATCO and therefore is considered for transposition only in the context of Part-ATS.

See also the response to comment #1153.

|          |  |   |  |                |
|----------|--|---|--|----------------|
| comment  | 532  | comment by: <i>ATC the Netherlands</i>  |  |                |
|          | GM2 ATS.TR.210(a)(3)<br>Operation of ATC service   | This GM includes new necessary actions by pilot when turning on to circuit legs. These actions are not proposed to be included in GM SERA. Why not? | This concerns basic knowledge for ATCO's | Delete this GM |
| response | <p>Partially accepted</p> <p>The content of GM2 ATS.TR.210(a)(3) has been moved to GM1 ATS.TR.210(a)(3), as it is its natural continuation. Introducing this GM into the SERA rules as a standalone GM would not fit with the existing rule structure.</p> |   |  |                |

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| comment  | 1156  | comment by: <i>UK CAA</i> |  |  |
|          | <p><b>Paragraph No:</b> GM2 to AMC1 ATS.TR.210(a)(3)</p> <p><b>Comment:</b> Whilst cognisant that the error exists within the source PANS-ATM material (Note 2 to 4.6.1.6), GM2 appears to be missing a word.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to GM2 to AMC1 ATS.TR.210(a)(3):</p> <p>“When an aircraft is heavily loaded and at a high level, its ability to change speed may, in <b>some</b> cases, be very limited.”</p> |                           |  |  |
| response | <p>Accepted</p> <p>The text of the GM has been amended accordingly.</p>   |                           |  |  |

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|---|-------|
| <b>1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.210(a)(3)</b> | p. 91 |
|---|-------|

|         |   |   |                 |  |
|---------|---|---|-----------------|--|
| comment | 105   | comment by: <i>Belgocontrol</i>   |                 |  |
|         | AMC21<br>ATS.TR.210(a)(3)<br>Operation of ATC service<br>MISSED APPROACHES INSTRUCTIONS | Not practicable to be applied in case of vectoring after missed approach! | Not practicable | Rephrase the AMC as follows :<br>“When issuing instruction for a missed approach to flight conducting an instrument approach procedure, the controller should adhere to the published missed approach procedure until the aircraft has reached MFA (Minimum Flight Altitude).” |

response Not accepted

The AMC has been drafted in response to Safety Recommendation FRAN-2013-045 (BEA) addressed to EASA.

See the response to comment #329.

**1.3. Draft decision (PART-ATS) - GM1 to AMC2 ATS.TR.210(a)(3)**

p. 91

comment

1588

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

ATCEUC suggests to include in “DEFINITIONS” the terms “*minimum clean speed*” and “*clean configuration*” because they are used in other provisions of the regulation. Therefore, we could remove the second part of the paragraph.

response

Not accepted

Within the regulatory proposal for Part-ATS, the expressions ‘minimum clean speed’ and ‘clean configuration’ are only used in GM; therefore the inclusion of related definitions in the context of the IRs is considered inappropriate.

The proposed point (b) of GM1 to AMC2 ATS.TR.210(a)(3) already elaborates on the meaning of the expression ‘minimum clean speed’ and ‘clean configuration’ in the given context.

A reference to GM1 to AMC2 ATS.TR.210(a)(3) to explain the meaning of the expression ‘clean configuration’ has been introduced in point (d) of GM1 to AMC1 ATS.TR.210(a)(3), where this expression is also included.

**1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.210(a)(3)**

p. 91-92

comment

1367

comment by: *AESA / DSANA*

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC3 ATS.TR.210(a)(3)(c)</i></p> | <p>Should the same provision also be included in SERA framework?</p> | <p>This provision should also be transposed in SERA, as it affects the flight crew and not only the ATC unit.</p> <p>Additionally, the content of the NPA does not compel the flight crew to inform when they cannot comply with a rate of climb/descent, as the Doc. 4444 does.</p> |

response Not accepted  
See the response to comment #1369.

**1.3. Draft decision (PART-ATS) - GM1 to AMC3 ATS.TR.210(a)(3)** p. 92

comment 1368 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION   |
|---|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 to AMC3<br/>ATS.TR.210(a)(3)(d)</i> | Doc 4444<br><b>section 15.7.6</b><br>should be included in this NPA | The <b>NPA 2016-09</b> should make reference to the controllers being responsible of the application of alternative methods of maintaining separation: " <i>and shall ensure that alternative methods of maintaining separation can be applied in a timely manner, if required</i> " (Doc. 4444). |

response Not accepted

The comment is not understood. Point (d) of GM1 to AMC3 ATS.TR.210(a)(3) is about the actions which ATCOs should undertake to ascertain the sustainability of rates of climb or descent in specified conditions, while Section 15.7.6 of ICAO PANS ATM, proposed for transposition to complement this GM, addresses ‘Change of radiotelephony call sign for aircraft’. The justification provided for the amendment is not clear nor sufficient to introduce any amendment.

**1.3. Draft decision (PART-ATS) - GM1 to AMC4 ATS.TR.210(a)(3)** p. 92-93

comment 1158 comment by: UK CAA

**Paragraph No:** GM1 to AMC4 ATS.TR.210(a)(3) point (c)

**Comment:** GM1 has been transposed incorrectly and appears to be missing a word.

**Justification:** Accuracy of EU Regulatory materials

**Proposed Text:** The UK CAA proposes the following amendment to GM1 to AMC4 ATS.TR.210(a)(3) point (c):



response “(c) ATS units should normally hold aircraft **at** a designated holding fix.”  
Accepted  
The text of the GM has been amended accordingly.

comment 1237 comment by: ISAVIA ohf.  
Comment to:  
(c) ATS units should normally hold aircraft a designated holding fix.  
The word "at" appears to be missing from the sentence after the words "hold aircraft".

response Accepted  
See the response to comment #1158.

comment 1370 comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>GM to AMC4 ATS.TR.210(a)(3) | Doc 4444 <b>section 6.5.5.3</b> and <b>section 6.5.5.4</b> should be included in the NPA. | There is no justification in the PANS ATM Checklist for this exclusion. |

response Noted  
See the response to comment #1377.

comment 1589 comment by: ATCEUC - Air Traffic Controllers European Unions Coordination  
ATCEUC believes this is probably a typo, therefore we request EASA to change the text.  
**GM1 to AMC4 ATS.TR.210(a)(3) Operation of ATC service**  
**HOLDING CLEARANCE AND INSTRUCTIONS**  
“(c) ATS units should normally hold aircraft **at** a designated holding fix.”

response Accepted  
See the response to comment #1158.



|          |   |
|----------|---|
| comment  | <p>325 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC5 ATS.TR.210 (a)(3) Operation of ATC Service<br/>(a)(1)</p> <p>“Fuel shortage” is no longer an executive phrase due to the new ICAO min fuel provisions; undefined terminology will result in ambiguity as to what the example refers to.</p> <p><b><u>Recommendation</u></b></p> <p>Remove the text “shortage of fuel”</p> <p>OR</p> <p>Amend text to read: “below minimum fuel condition” instead of “shortage of fuel”</p> |
| response | <p>Accepted</p> <p>In order to establish consistency with the related EU requirements being finalised by EASA under the activities of RMT.0573 ‘Fuel planning and management’, the expression ‘shortage of fuel’ is replaced by the expression ‘below minimum fuel state’.</p> <p>See also the response to comment #1574.</p>   |
| comment  | <p>863 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC5 ATS.TR.210 (a)(3) Operation of ATC Service (a)(1)</b><br/><b>Page 93</b></p> <p>“Fuel shortage” is no longer an executive phrase due to the new ICAO min fuel provisions</p> <p><b>PROPOSAL</b></p> <p>Remove the text “shortage of fuel”</p> <p>OR</p> <p>Amend text to read: “below minimum fuel condition” instead of “shortage of fuel”</p>  |
| response | <p>Accepted</p> <p>See the response to comment #325.</p>  |
| comment  | <p>989 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC5 ATS.TR.210 (a)(3) Operation of ATC Service<br/>(a)(1)<br/>Page 93</p> <p><b>CANSO Comment</b></p> <p>“Fuel shortage” is no longer an executive phrase due to the new ICAO min fuel provisions.</p> <p><b>Impact</b></p> <p>Undefined terminology will result in ambiguity as to what the example refers to.</p>  |

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|          | <p><b>Suggested Resolution</b><br/>Remove the text “shortage of fuel”</p> <p>OR</p> <p>Amend text to read: “below minimum fuel condition” instead of “shortage of fuel”.</p>   |
| response | <p>Accepted</p> <p>See the response to comment #325.</p>   |
| comment  | <p>1590                      comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></p> <p>ATCEUC considers that this provision, as it is proposed, it is not very clear regarding the order in which the approach sequence has to be established, and who has to establish this sequence, and the same applies for</p> <p><b>AMC19 ATS.TR.210(a)(3) PRIORITY FOR LANDING.</b> These provisions establish the priority within the approach/landing sequence of all the aircraft mentioned, but it could be understood that this has to be the order among them (the numbering might be misleading), i.e., hospital flights have priority over SAR. It is the controller’s responsibility to establish, in any case, the order of the sequence so that these parameters are met.</p> <p><i>(a) The approach sequence should be established <u>by the controller</u> in a manner which will facilitate arrival of the maximum number of aircraft with the least average delay.</i></p> |
| response | <p>Not accepted</p> <p>The approach sequence is part of ‘Operation of ATC service’, as is the heading of AMC5 ATS.TR.210(a)(3). When the approach sequence is established, taking into account also the requirements concerning priority for landing, different mechanisms may be used, including certain logic used by automated support (e.g. AMAN), where available.</p>  |

### 1.3. Draft decision (PART-ATS) - AMC6 ATS.TR.210(a)(3)

p. 94

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|---------|--|
| comment | <p>326    comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>AMC6 ATS.TR.210 (a)(3) Operation of ATC service<br/>(a)</p> <p>PANS ATM 6.5.7.1 states that the appropriate authority may determine the period of delay after which an expected approach time shall be determined. The transposition does not include this and states that the time period should be 10 minutes; this provision as transposed changes the intent of the PANS ATM provision and will cause additional workload.</p> <p><b><u>Recommendation</u></b></p> <p>Add in text to end: “or as approved by the competent authority”</p> |
|---------|--|



|          |   |
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| response | <p>Not accepted</p> <p>On the basis of the responses received during the NPA consultation, it was evident that the value of 10 minutes is largely applied in the EU and fits with the intent of the relevant IR it refers to, which mandates that clearances, instructions and/or information are issued by ATC units for the purpose of preventing collision between aircraft under their control and of expediting and maintaining an orderly flow of traffic.</p> <p>Different values, in particular bigger values than 10 minutes, may not always be appropriate for ensuring compliance with this IR and may result in the situation where the crew could declare minimum fuel which would bring disruption to the traffic. However, the competent authority may authorise alternative means of compliance, in accordance with the established procedures. For more information: <a href="http://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs">http://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs</a></p> |
| comment  | <p>327 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC6 ATS.TR.210 (a)(3) Operation of ATC service<br/>(b)</p> <p>Expected Approach times cannot normally be accurately calculated whilst an aircraft is still at, or has only just left its cruising level; the result is that incorrect Expected Approach Times will have to be constantly updated until the aircraft lands and will cause additional workload.</p> <p><b><u>Recommendation</u></b></p> <p>End text after “as practicable”.</p>   |
| response | <p>Not accepted</p> <p>The proposed provision based on Section 6.5.7.1 of ICAO PANS ATM is intended to support the crew in managing the fuel usage and ensuring an orderly and expeditious traffic flow. It already provides sufficient flexibility for its implementation by the use of the word ‘preferably’. It is not considered that compliance with this requirement will unnecessarily increase the ATCO workload. Moreover, the use of the existing and foreseen (in SESAR developments) decision supporting tools (e.g. AMAN) will support the implementation of this requirement.</p>   |
| comment  | <p>419 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>AMC6 <span style="margin-left: 150px;">TR.210</span> <span style="margin-left: 150px;">(a)</span> <span style="float: right;">(3)</span></p> <p>comment and answer to question posed in Part A Page 32:</p> <p>ICAO Doc 4444 chapter 6.5.7.1 states that the appropriate authority may determine the period of delay after which an expected approach time shall be determined. The transposition does not include this and states that the time period should be 10 minutes. The provision as transposed changes the intent of the PANS ATM provision and will cause additional workload to the controller and on the frequency at airports of high traffic density.</p>   |

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|          | Germany has notified a deviation to ICAO extending the value to 20 minutes.<br><br>It is suggested to set the value to 20 Minutes.   |                   |
| response | Not accepted<br><br>See the response to comment #326.  |                   |
| comment  | 864<br><br><b>AMC6 ATS.TR.210 (a)(3) Operation of ATC service (a)</b><br><b>Page 94</b><br>PANS ATM 6.5.7.1 states that the appropriate authority may determine the period of delay after which an expected approach time shall be determined. The transposition does not include this and states that the time period should be 10 minutes.<br>PROPOSAL<br>Add in text to end: “or as approved by the competent authority”  | comment by: ENAV  |
| response | Not accepted<br><br>See the response to comment #326.  |                   |
| comment  | 865<br><br><b>AMC6 ATS.TR.210 (a)(3) Operation of ATC service (b)</b><br><b>Page 94</b><br>Expected Approach times cannot normally be accurately calculated whilst an aircraft is still at, or has only just left its cruising level.<br>PROPOSAL<br>End text after “as practicable”.  | comment by: ENAV  |
| response | Not accepted<br><br>See the response to comment #327.  |                   |
| comment  | 990<br><br>AMC6 ATS.TR.210 (a)(3) Operation of ATC service<br>(a)<br>Page 94<br><br><b>CANSO Comment</b><br>PANS ATM 6.5.7.1 states that the appropriate authority may determine the period of delay after which an expected approach time shall be determined. The transposition does not include this and states that the time period should be 10 minutes.<br><br><b>Impact</b><br>The provision as transposed changes the intent of the PANS ATM provision and will cause additional workload. | comment by: CANSO |



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|          | <p><b>Suggested Resolution</b><br/>Add in text to end: “or as approved by the competent authority”.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #326.</p>   |
| comment  | <p>992 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC6 ATS.TR.210 (a)(3) Operation of ATC service<br/>(b)<br/>Page 94</p> <p><b>CANSO Comment</b><br/>Expected Approach times cannot normally be accurately calculated whilst an aircraft is still at, or has only just left its cruising level.</p> <p><b>Impact</b><br/>Incorrect Expected Approach Times will have to be constantly updated until the aircraft lands and will cause additional workload.</p> <p><b>Suggested Resolution</b><br/>End text after “as practicable”.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #327.</p>   |
| comment  | <p>1161 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> AMC6 ATS.TR.210(a)(3) point (a)</p> <p><b>Comment:</b> The UK CAA’s comments on AMC6 ATS.TR.210(a)(3) point (a) should be read in conjunction with our response to the consultation question posed by EASA in NPA 2016-09(a). Using the flexibility permitted in PANS-ATM 6.5.7.1, the UK issue EAT when a delay of 20 mins or more is expected. Given the high density/high complexity nature of TMA operations in the UK, it has been determined that, at times, it is not feasible for an ATS unit to determine an EAT and transmit it to the aircraft for a delay of less than 20 mins; to do so would significantly increase controller workload and RTF loading. Particularly, given the UK’s position in relation to mainland Europe and the Atlantic and the need for interaction between UK ANSPs and ACCs in adjacent FIR/UIR to pass EATs. The UK would propose to retain the flexibility included within PANS-ATM.</p> <p><b>Justification:</b> Consistency of EU regulatory materials with source ICAO text. Moderation of controller workload and RTF occupancy.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC6 ATS.TR.210(a)(3) point (a):</p> |

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| response | <p>“(a) The appropriate ATS unit should determine an expected approach time for an arriving aircraft that will be subjected to a delay of 10 minutes or more, <b>or such other period as has been determined by the competent authority.</b>”</p> <p>Not accepted</p> <p>See the response to comment #326.</p>   |
| comment  | <p>1162 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC6 ATS.TR.210(a)(3) point (b)</p> <p><b>Comment:</b> Given the UK’s position in relation to mainland Europe and the Atlantic it is often the case that an aircraft commences its initial descent from cruising level whilst within an adjacent FIR/UIR. Consequently, given that EAT can expect to change, a requirement to provide EAT “not later than at the commencement of...initial descent from cruising level’ would cause increased workload associated with passing EAT to ACC in adjacent FIR/UIR. Moreover, the wording of this latter part of point (b) seems better placed as GM, given that it indicates a preference, rather than a requirement.</p> <p><b>Justification:</b> Moderation of controller workload and RTF occupancy.</p> <p><b>Proposed Text:</b> The UK CAA proposes that AMC6 ATS.TR.210(a)(3) point (b) is amended and the later part placed in GM, as follows:</p> <p>“(b) The expected approach time should be transmitted to the aircraft as soon as practicable.”</p> <p><b>“GM1 to AMC6 ATS.TR.210(a)(3) Operation of ATC service</b><br/>EXPECTED APPROACH TIME</p> <p>The expected approach time should preferably be transmitted to the aircraft not later than at the commencement of its initial descent from cruising level.”</p> |
| response | <p>Not accepted</p> <p>See the response to comment #327.</p>   |
| comment  | <p>1506 <span style="float: right;">comment by: Icetra</span></p> <p>For (a): We are of the opinion that a 10-minute value is appropriate.</p>   |
| response | <p>Accepted</p> <p>The text of AMC6 ATS.TR.210(a)(3) remains unchanged.</p>  |

### 1.3. Draft decision (PART-ATS) - AMC8 ATS.TR.210(a)(3)

p. 95

comment 328 comment by: NATS National Air Traffic Services Limited



AMC8 ATS.TR.210(a)(3)  
(a)

A pilot may have a choice of PBN approaches approved for an aerodrome – LNAV, LP, LNAV/VNAVBaro or LPV. It is not always the controller who will tell the pilot which approach to fly; there would be no safety benefit in always complying with this.

Suggest remove the text.

response Not accepted

Point (a) of the AMC already includes the necessary flexibility for the pilot to request a suitable instrument approach procedure. Removing point (a), as proposed in the comment, could potentially generate lack of certainty on the planned trajectory of the aircraft, with all related safety implications.

comment 533 comment by: ATC the Netherlands

|  |   |   |                           |
|--|---|---|---------------------------|
| AMC8<br>ATS.TR.210(a)(3)<br>Operation of ATC<br>service<br>(a) | A pilot may have a choice of PBN approaches approved for an aerodrome – LNAV, LP, LNAV/VNAVBaro or LPV. | It is not always up to ATC to tell the pilot which approach procedure to use. | Review for applicability. |
|--|---|---|---------------------------|

response Not accepted

See the response to comment #328.

comment 534 comment by: ATC the Netherlands

|  |  |                           |
|--|--|---------------------------|
| AMC8 ATS.TR.210(a)(3) Operation of ATC service (a) and (b) | This doesn't addresses PBN approaches. | Review for applicability. |
|--|--|---------------------------|

response Accepted

EASA has reviewed the provision, and the conclusion is that 'instrument approach procedure' includes PBN procedures as well.

See the response to comment #328.

comment 866 comment by: ENAV

|          |  |
|----------|--|
|          | <p><b>AMC8 ATS.TR.210(a)(3) Operation of ATC service (a)</b><br/> <b>Page 95</b></p> <p>A pilot may have a choice of PBN approaches approved for an aerodrome – LNAV, LP, LNAV/VNAV Baro or LPV. It is not always the controller who will tell the pilot which approach to fly.</p> <p>PROPOSAL<br/> Remove</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #328.</p>   |
|          | <p>867 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC8 ATS.TR.210(a)(3) Operation of ATC service (a) and (b)</b><br/> <b>Page 95</b></p> <p>This doesn't addresses PBN approaches</p> <p>PROPOSAL<br/> Review for applicability</p>   |
| response | <p>Accepted</p> <p>See the response to comment #534.</p>   |
|          | <p>996 <span style="float: right;">comment by: CANSO</span></p> <p>AMC8 ATS.TR.210(a)(3) Operation of ATC service<br/> (a)</p> <p>Page 95</p> <p><b>CANSO Comment</b><br/> A pilot may have a choice of PBN approaches approved for an aerodrome – LNAV, LP, LNAV/VNAV Baro or LPV.</p> <p>It is not always the controller who will tell the pilot which approach to fly.</p> <p><b>Impact</b><br/> There would be no safety benefit in always complying with this and it is not always up to ATC to tell the pilot which approach procedure to use.</p> <p><b>Suggested Resolution</b><br/> Remove.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #328.</p>   |

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| comment  | <p>997</p> <p style="text-align: right;">comment by: <i>CANSO</i></p> <p>AMC8 ATS.TR.210(a)(3) Operation of ATC service (a) and (b)<br/>Page 95</p> <p><b>CANSO Comment</b><br/>This doesn't addresses PBN approaches.</p> <p><b>Suggested Resolution</b><br/>Review for applicability.</p> |
| response | <p>Accepted</p> <p>See the response to comment #534.</p>  |

| comment   | <p>1371</p> <p style="text-align: right;">comment by: <i>AESA / DSANA</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="width: 50%;">PART</th> <th style="width: 20%;">COMMENT</th> <th style="width: 20%;">JUSTIFICATION</th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC8 ATS.TR.210(a)(3)(a)</i></p> </td> <td style="vertical-align: top;"> <p>Should the same provision also be included in SERA framework?</p> </td> <td style="vertical-align: top;"> <p>This provision may affect the flight crew and not only the ATC unit.</p> </td> <td></td> <td></td> </tr> </tbody> </table> | PART  | COMMENT | JUSTIFICATION |  |  | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC8 ATS.TR.210(a)(3)(a)</i></p> | <p>Should the same provision also be included in SERA framework?</p> | <p>This provision may affect the flight crew and not only the ATC unit.</p> |  |  |
|---|---|---|---------|---------------|--|--|---|--|---|--|--|
| PART  | COMMENT   | JUSTIFICATION   |         |               |  |  |   |  |   |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC8 ATS.TR.210(a)(3)(a)</i></p> | <p>Should the same provision also be included in SERA framework?</p>  | <p>This provision may affect the flight crew and not only the ATC unit.</p> |         |               |  |  |   |  |   |  |  |
| response  | <p>Not accepted</p> <p>The prerogatives of the pilot-in-command for the execution of a flight are already stipulated in SERA.2015 of Regulation (EU) No 923/2012 (SERA). See the response to comment #274.</p> <p>See also the response to comment #328.</p>  |   |         |               |  |  |   |  |   |  |  |

**1.3. Draft decision (PART-ATS) - AMC9 ATS.TR.210(a)(3)** p. 95-96

| comment  | <p>1372</p> <p style="text-align: right;">comment by: <i>AESA / DSANA</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="width: 50%;">PART</th> <th style="width: 20%;">COMMENT</th> <th style="width: 20%;">JUSTIFICATION</th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> </td> <td style="vertical-align: top;"> <p>Should the same provision also be included in SERA framework?</p> </td> <td style="vertical-align: top;"> <p>This provision may affect the flight crew and not only the ATC unit.</p> </td> <td></td> <td></td> </tr> </tbody> </table> | PART  | COMMENT | JUSTIFICATION |  |  | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Should the same provision also be included in SERA framework?</p> | <p>This provision may affect the flight crew and not only the ATC unit.</p> |  |  |
|--|--|---|---------|---------------|--|--|--|--|---|--|--|
| PART   | COMMENT  | JUSTIFICATION   |         |               |  |  |  |  |   |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Should the same provision also be included in SERA framework?</p>   | <p>This provision may affect the flight crew and not only the ATC unit.</p> |         |               |  |  |  |  |   |  |  |



|          |   |  |  |  |
|----------|---|--|--|--|
|          | AMC9 ATS.TR.210(a)(3)(a), (b), (d) & (e)  |  |  |  |
| response | <p>Not accepted</p> <p>AMC9 ATS.TR.210(a)(3) is considered to be exclusively related to the operation of ATC service.</p> <p>See also the response to comment #162 concerning the responsibilities of the pilot-in-command.</p> |  |  |  |

**1.3. Draft decision (PART-ATS) - GM1 to AMC9 ATS.TR.210(a)(3)** p. 96

|          |  |                    |
|----------|--|--------------------|
| comment  | 125  | comment by: ACR AB |
|          | ACR suggest a similar provision for AFIS regarding information to arriving aircrafts.  |                    |
| response | <p>Not accepted</p> <p>AMC9 ATS.TR.201(a)(3) and the related GM address the issuance of a clearance for 'Visual approach' in the ATC service provision context, and they are not applicable to the AFIS context.</p> |                    |

|                                  |  |  |  |  |  |
|----------------------------------|--|--|--|--|--|
| comment                          | 162  | comment by: IFATCA   |  |  |  |
|                                  | <table border="1"> <tr> <td>1.3 GM1 to AMC9 ATS.TR.210(a)(3)</td> <td> <p>Controllers should exercise caution in initiating a visual approach when there is a reason to believe that the flight crew concerned is not familiar with the aerodrome and its surrounding terrain. Controllers should also take into consideration the prevailing traffic and meteorological conditions when initiating visual approaches. The ultimate responsibility for the safe execution of the visual approach remains with the pilot-in-command.</p> </td> <td> <p>Jurisprudence does not prevent the controller being sentence, however it should be clear, that the responsibility lies with the crew, if it accepts the visual approach (see judgement Italian high court for Cagliari accident).</p> </td> </tr> </table> | 1.3 GM1 to AMC9 ATS.TR.210(a)(3)   | <p>Controllers should exercise caution in initiating a visual approach when there is a reason to believe that the flight crew concerned is not familiar with the aerodrome and its surrounding terrain. Controllers should also take into consideration the prevailing traffic and meteorological conditions when initiating visual approaches. The ultimate responsibility for the safe execution of the visual approach remains with the pilot-in-command.</p> | <p>Jurisprudence does not prevent the controller being sentence, however it should be clear, that the responsibility lies with the crew, if it accepts the visual approach (see judgement Italian high court for Cagliari accident).</p> |  |
| 1.3 GM1 to AMC9 ATS.TR.210(a)(3) | <p>Controllers should exercise caution in initiating a visual approach when there is a reason to believe that the flight crew concerned is not familiar with the aerodrome and its surrounding terrain. Controllers should also take into consideration the prevailing traffic and meteorological conditions when initiating visual approaches. The ultimate responsibility for the safe execution of the visual approach remains with the pilot-in-command.</p>   | <p>Jurisprudence does not prevent the controller being sentence, however it should be clear, that the responsibility lies with the crew, if it accepts the visual approach (see judgement Italian high court for Cagliari accident).</p> |  |  |  |
| response                         | <p>Noted</p> <p>The ultimate responsibility of the pilot-in-command concerning the safety of flight, including avoidance of collisions, is established in SERA.2015 and SERA.3201 of Regulation (EU) No 923/2012 (SERA). As these requirements are established at IR level, and therefore are of a binding nature, EASA does not deem necessary to specify again the principle at GM level,</p>  |  |  |  |  |



even in the context of AMC9 ATS.TR.210(a)(3) and its associated GM.

**1.3. Draft decision (PART-ATS) - GM1 to AMC10 ATS.TR.210(a)(3)** p. 97

|          |   |                           |
|----------|---|---------------------------|
| comment  | 127   | comment by: <i>ACR AB</i> |
|          | ACR suggest a similar provision for AFIS regarding information to arriving aircrafts.   |                           |
| response | Accepted  |                           |
|          | The new GM2 to ATS.TR.210(a)(3), originating from the relevant content of Chapter 3.6 of the EUROCONTROL AFIS Manual, has been introduced. The content of this GM is for its very large part based on that in AMC10 ATS.TR.210(a)(3) and AMC12 ATS.TR.210(a)(3) addressing aerodrome control service; however, its transposition in the context of AFIS is considered to be most appropriate as GM, due to the required proportionality for the AFIS provision. |                           |

**1.3. Draft decision (PART-ATS) - AMC11 ATS.TR.210(a)(3)** p. 97-98

|          |  |   |
|----------|--|---|
| comment  | 1071   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | START UP TIME PROCEDURES   |   |
|          | (c) A start-up clearance should only be withheld under circumstances or conditions <b>specified by the competent authority</b> .                                   |   |
|          | This decision is a decision taken minute by minute. Sweden’s interpretation is that in (c) appropriate ATS authority should be the ATS Provider.                   |   |
|          | Proposal: Regulate (c) as a requirement on ATS provider and let the competent authority verify that the ATS providers are following the requirement via oversight. |   |
| response | Accepted   |   |
|          | The text of point (c) in the AMC has been amended accordingly.   |   |

| comment   | 1373  | comment by: <i>AESA / DSANA</i>   |      |         |               |   |   |   |
|---|---|---|------|---------|---------------|---|---|---|
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e6e6fa;"> <th style="width: 33%;">PART</th> <th style="width: 33%;">COMMENT</th> <th style="width: 33%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b></td> <td>The conditions under which a start-up clearance should be withheld is an operational matter. Therefore, the</td> <td>These conditions and circumstances would appear in the Operations Manual of</td> </tr> </tbody> </table> |   | PART | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b> | The conditions under which a start-up clearance should be withheld is an operational matter. Therefore, the | These conditions and circumstances would appear in the Operations Manual of |
| PART  | COMMENT   | JUSTIFICATION   |      |         |               |   |   |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common</b> | The conditions under which a start-up clearance should be withheld is an operational matter. Therefore, the   | These conditions and circumstances would appear in the Operations Manual of |      |         |               |   |   |   |



|          |   |  |                          |  |  |  |  |
|----------|---|--|--------------------------|--|--|--|--|
|          | <p><b>Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC11 ATS.TR.210(a)(3)</p>   | <p>responsibility should lie in the ATS provider instead of the competent authority.</p> | <p>the ATS provider.</p> |  |  |  |  |
| response | <p>Accepted</p> <p>See the response to comment #1071.</p>   |  |                          |  |  |  |  |
| comment  | <p>1565 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>Transposable to AFIS for efficient ATFM.</p>                                    |  |                          |  |  |  |  |
| response | <p>Partially accepted</p> <p>The new GM1 ATS.TR. 305(b)(4) has been introduced to indicate that start up procedures may be applicable at AFIS aerodromes.</p> |  |                          |  |  |  |  |

**1.3. Draft decision (PART-ATS) - AMC12 ATS.TR.210(a)(3)** p. 98

|          |  |   |   |  |  |  |  |
|----------|--|---|---|--|--|--|--|
| comment  | 163  | comment by: <i>IFATCA</i>   |   |  |  |  |  |
|          | <p>1.3 AMC12 ATS.TR.210(a)(3)</p>  | <p>(a) Prior to taxiing for take-off, the aerodrome control tower should advise aircraft of the following elements of information, in the order listed, with the exception of such elements which are known to have been already received by the aircraft:</p> <p>(1) the runway to be used;</p> <p>(2) the surface wind direction and speed, including significant variations therefrom;</p> <p>(3) the QNH altimeter setting and, either on a regular basis in accordance with local arrangements or if so requested by the aircraft, the QFE altimeter setting;</p> <p>(4) the air temperature for the runway to be used, in the case of turbine-engined aircraft;</p> <p>(5) the visibility representative of the direction of take-off and initial climb, if less than 10 km, or, when applicable, the RVR value(s) for the runway to be used;</p> <p><del>(6) the correct time.</del></p> | <p>Not necessary in this day and age.</p> |  |  |  |  |
| response | <p>Not accepted</p> <p>Not all aircraft are equipped with systems which ensure the availability of the correct time.</p> |   |   |  |  |  |  |



Sufficient flexibility is already provided in the introductory sentence of the AMC.

See also the response to comment #1165.

comment 1165

comment by: UK CAA

**Paragraph No:** AMC12 ATS.TR.210(a)(3) point (a)(6)

**Comment:** Point (a)(6) requires the aerodrome control tower to pass the correct time to aircraft prior to taxiing for take-off, unless it is known to have already been received by that aircraft. The UK CAA would argue that this requirement is an anachronism, particularly in a European aviation context, and that it would have a negative impact upon RTF occupancy, particularly at aerodromes within busy TMA environments. Moreover, we do not believe that point (a)(6) matches the intent of SERA.3401(d)(1) which states that “Aerodrome control towers shall, prior to an aircraft taxiing for take-off, provide the pilot with the correct time, unless arrangements have been made for the pilot to obtain it from other sources.” Point (a)(6) would require the controller to know that the pilot of the aircraft has received the time which is not possible unless stated by the pilot; whereas SERA.3401(d)(1) only requires the controller to know that arrangements are in place for the pilot to obtain the time for themselves. The UK CAA believes that the requirement proposed at point (a)(6) is an anachronism and should be deleted, with the onus placed upon the pilot to request the correct time from the controller if needed. However, if EASA consider that the requirement in point (a)(6) is necessary, then the UK CAA requests EASA to amend the provision such that it reflects the intent of SERA.3401(d)(1).

**Justification:** Consistency of European Regulatory materials and moderation of RTF occupancy effects.

response Not accepted

The elements of information listed in point (a) of AMC12 ATS.TR.210(a)(3) are to be provided ‘with the exception of such elements which are known to have been already received by the aircraft’. This includes the correct time, which may be excepted if already provided in accordance with point (d)(1) of SERA.3401 in Regulation (EU) No 923/2012, or if it is known that the pilot has obtained the correct time from other sources.

comment 1167

comment by: AIRBUS

Airbus suggests to add the following point:

(c) (4) the significant changes in visibility or RVR value(s).

response Accepted

The new point (c)(4), transposed from point (d) of Section 6.6.5 of ICAO PANS-ATM, has been added to AMC12 ATS.TR.210(a)(3), reading:



(...)

'(4) changes in observed RVR value(s), in accordance with the reported scale in use, or changes in the visibility representative of the direction of approach and landing'.

comment 1567 comment by: *European Transport Workers Federation - ETF*  
Transposable to AFIS

response Accepted  
The new GM1 to ATS.TR.210(a)(3), originating from the relevant content of Chapter 3.5 of the EUROCONTROL AFIS Manual, has been introduced. The content of this GM is for its very large part based on that in AMC12 ATS.TR.210(a)(3) addressing aerodrome control service; however, its transposition in the context of AFIS is considered to be most appropriate as GM, due to the required proportionality for the AFIS provision.

### 1.3. Draft decision (PART-ATS) - GM1 to AMC12 ATS.TR.210(a)(3)

p. 99

comment 126 comment by: *ACR AB*  
ACR suggest a similar provision for AFIS regarding information to aircrafts.

response Accepted  
See the response to comment #1567. The content of GM1 to AMC12 ATS.TR.210(a)(3) is replicated in the new GM.

### 1.3. Draft decision (PART-ATS) - AMC13 ATS.TR.210(a)(3)

p. 99

comment 1166 comment by: *UK CAA*  
**Paragraph No:** AMC13 ATS.TR.210(a)(3) point (b)

**Comment:** AMC13 ATS.TR.210(a)(3) point (b) states that “When a taxi clearance contains a taxi limit beyond a runway, it should contain an explicit clearance to cross or an instruction to hold short of that runway.” The UK CAA argue that, in order to ensure the safeguarding of the runway, taxi clearances in these cases should contain either an explicit clearance to cross, or an instruction to taxi to a specific runway holding point. The UK CAA does not advocate the use of instructions to hold short of a runway as this would leave to the pilot’s discretion the exact point at which they would hold short. Moreover, in order to enhance situational awareness, the UK CAA considers that any clearance to cross a runway in-use should be issued on the same frequency as that utilised for the issue of take-off and landing clearances on that runway.

**Justification:** Enhance situational awareness and mitigate the risk of runway incursion.



**Proposed Text:** The UK CAA proposes the following amendment to AMC13 ATS.TR.210(a)(3) point (b) and additional GM to this provision as follows:

“(b) When a taxi clearance contains a taxi limit beyond a runway, it should contain an explicit clearance to cross or an instruction to hold short of the runway **at a corresponding holding point.**”

**“GMXX to AMC13 ATS.TR.210(a)(3) Operation of ATC service**

**TAXI CLEARANCE ACROSS A RUNWAY-IN-USE**

When issuing a crossing instruction of a runway-in-use to a taxiing aircraft, controllers should ensure that the crossing instruction is issued on the same frequency as that utilised for the issuing of take-off and landing clearances on that runway. Any subsequent instruction to change frequency should be issued to the taxiing aircraft after it has vacated the runway.”

response

Accepted

The text of point (b) of AMC13 ATS.TR.210(a)(3) has been amended accordingly.

The new GM3 to AMC13 ATS.TR.210(a)(3)(b) has been introduced accordingly.

These amendments, together with that introduced to AMC14 ATS.TR.210(a)(3), are introduced accepting the justification provided in the comment aiming at improving situational awareness of the pilots in order to reduce risks of collision due to runway incursions.

**1.3. Draft decision (PART-ATS) - AMC14 ATS.TR.210(a)(3)** p. 100

comment

164

comment by: IFATCA

|                                   |  |  |
|-----------------------------------|--|--|
| <p>AMC14<br/>ATS.TR.210(a)(3)</p> | <p>(a) For the purpose of expediting air traffic, aircraft may be permitted to taxi on the runway-in-use, provided no delay or risk to other aircraft will result. Where control of taxiing aircraft is provided by a ground controller and the control of runway operations by an aerodrome controller, the use of a runway by taxiing aircraft <del>should</del><b>shall</b> be coordinated with and approved by the aerodrome controller. Communication with the aircraft concerned should be transferred from the ground controller to the aerodrome controller prior to the aircraft entering the runway.</p> <p>(b) If the aerodrome control tower is unable to determine, either visually or via an ATS surveillance system, that a vacating or crossing aircraft has cleared the runway, the aircraft <del>should</del><b>shall</b> be requested to report when it has vacated the runway. The report <del>should</del><b>shall</b> be made when the entire aircraft is beyond the relevant runway-holding position.</p> | <p>Protection against runway incursions does not leave room for ambiguity.</p> |
|-----------------------------------|--|--|



response Not accepted

See the response to comment #147 in CRD 2016-09(A). The transposition of the requirement as AMC does not result in any ambiguity.

See also the response to comment #1169.

comment 1169

comment by: UK CAA

**Paragraph No:** AMC14 ATS.TR.210(a)(3) point (a)

**Comment:** Comment on AMC14 ATS.TR.210(a)(3) point (a) is linked with previous UK CAA comment on AMC13 ATS.TR.210(a)(3) point (b). The UK CAA believes that in order to enhance situational awareness, any clearance to cross a runway in-use should be issued on the same frequency as that utilised for the issue of take-off and landing clearances on that runway. AMC14 ATS.TR.210(a)(3) would permit the issue of such a clearance to be made on the ground controller's frequency and would thus reduce the situational awareness of aircraft utilising the runway-in-use.

**Justification:** Enhance situational awareness and mitigate the risk of runway incursion.

**Proposed Text:** The UK CAA proposes that AMC14 ATS.TR.210(a)(3) point (a) is amended to read as follows:

"For the purpose of expediting air traffic, aircraft may be permitted to taxi on the runway-in-use, provided no delay or risk to other aircraft will result. Where control of taxiing aircraft is provided by a ground controller and the control of runway operations by an aerodrome controller, a clearance to taxi on the runway-in-use should be issued by the aerodrome controller once direct two-way communications between the pilot and the aerodrome controller have been established. Any subsequent instruction to change frequency should be issued by the aerodrome controller to the taxiing aircraft after it has vacated the runway."

response Accepted

The text of point (a) of AMC12 ATS.TR.210(a)(3) has been amended accordingly.

See also the response to comment #1166.

### 1.3. Draft decision (PART-ATS) - AMC15 ATS.TR.210(a)(3)

p. 100-101

comment 1172

comment by: UK CAA

**Paragraph No:** AMC15 ATS.TR.210(a)(3) figure 1

**Comment:** Figure 1 in AMC15 ATS.TR.210(a)(3) is sourced from PANS-ATM Figure 7.2. ICAO's ATM Ops Panel has identified that the depiction of runway holding positions in Figure 7.2 in Doc 4444 PANS-ATM was inconsistent with the requirements of Annex 14



Volume I paragraph 3.4.7. Specifically, that Figure 7.2 had not been updated in 1969 when changes were made to runway-holding position standards specified in Annex 14. The ATM Ops Panel and ADOP have agreed to delete Figure 7.2 and thus Part-ATS should reflect this.

**Justification:** Consistency of EU regulatory materials with ICAO.

response

Accepted

Figure 1 has been removed.

**1.3. Draft decision (PART-ATS) - AMC16 ATS.TR.210(a)(3)**

p. 101

comment

165

comment by: IFATCA

|                                   |  |  |
|-----------------------------------|--|--|
| <p>AMC16<br/>ATS.TR.210(a)(3)</p> | <p>In the event that the aerodrome controller, after a take-off clearance or a landing clearance has been issued, becomes aware of a runway incursion or the imminent occurrence thereof, or the existence of any obstruction on or in close proximity to the runway likely to impair the safety of an aircraft taking off or landing, he or she <del>should</del> <b>shall</b> take appropriate action as follows:<br/>(a) cancel the take-off clearance for a departing aircraft;<br/>(b) instruct a landing aircraft to execute a go-around or missed approach;<br/>(c) in all cases inform the aircraft of the runway incursion or obstruction and its location in relation to the runway.</p> | <p>Protection against runway incursions does not leave room for ambiguity.</p> |
|-----------------------------------|--|--|

response

Not accepted

See the response to comment #147 in CRD 2016-09(A). The transposition of the requirement as AMC does not result in any ambiguity.

**1.3. Draft decision (PART-ATS) - GM1 to AMC16 ATS.TR.210(a)(3)**

p. 101-102

comment

1374

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft</b></p> | <p>Should the same provision also be included in SERA framework?</p> | <p>This provision affects the flight crew and not only the ATC unit.</p> |

**decision (PART-ATS))**

GM1 AMC16 ATS.TR.210(a)(3)

response Not accepted

This GM provides information that improves the situational awareness of ATCOs with regard to what may be the consequences for the aircraft in case of presence of animals or flock of birds around and on the runway.

**1.3. Draft decision (PART-ATS) - AMC17 ATS.TR.210(a)(3)**

p. 102-103

comment 1174

comment by: UK CAA

**Paragraph No:** AMC17 ATS.TR.210(a)(3), point (b)

**Comment:** The UK CAA perceives a need for additional GM related to AMC17 ATS.TR.210(a)(3), point (b) to highlight the safety risk associated with the possibility that a pilot may misinterpret an ATC clearance as a take-off clearance.

**Justification:** Mitigate the risk of misinterpretation.

**Proposed Text:** The UK CAA proposes the following additional GM to AMC17 ATS.TR.210(a)(3) point (b):

**“GMXX to AMC17 ATS.TR.210(a)(3) Operation of ATC service****AERODROME CONTROL — TAKE-OFF CLEARANCE**

If an ATC clearance could be confused by the pilot with a ground movement instruction or a take-off clearance, the delivery of the ATC clearance should commence with the phrase “after departure” to ensure clarity.”

response Not accepted

The content of clearances, defined in SERA.8015 and duplicated in point (b) of ATS.TR.235, includes any necessary instruction or information which may be required in addition to the listed elements. It includes instructions issued with the purpose of removing any ambiguity. The proposal in the comment tackles a very specific case, and therefore it is not considered appropriate to try to cover all possible circumstances.

comment 1175

comment by: UK CAA

**Paragraph No:** AMC17 ATS.TR.210(a)(3) point (d)

**Comment:** The UK CAA seeks clarification from EASA on whether it considers that it is appropriate for aircraft in the HEAVY or SUPER HEAVY wake turbulence categories to be



|          |  |
|----------|--|
|          | <p>issued with a clearance for immediate take-off. The UK CAA is concerned that such a clearance could result in aircraft in these wake turbulence categories using a greater throttle setting than might be considered normal for taxiing or entry to the runway.</p> <p><b>Justification:</b> Safety.</p>  |
| response | <p>Noted</p> <p>EASA considers point (d) of AMC 17 ATS.TR.210(a)(3) as an option which may or may not be authorised and applied, based on the specific local operational conditions. It is assumed that the issuance of a clearance for an immediate take-off does not relieve the pilot from its responsibility to correctly apply the other procedures.</p> <p>In consideration of the fact that, when receiving such a clearance, the pilot should act in a predictable way, the complete Section 7.9.3.5 of ICAO PANS-ATM from which the provision originates, is also proposed for transposition as AMC to SERA.8005(a)(3).</p>   |
| comment  | <p>1591                      comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></p> <p>ATCEUC proposes to add paragraph in d) and move the rest subsequently; This mention to phraseology has proven to be safety critical in many incidents/accidents (the best known, the one in Los Rodeos), and the same would apply with the landing clearance in AMC18. Furthermore, AMC1 SERA.14001 (phraseology) already uses “take-off” just for the take-off clearance.</p> <p><b>AMC17 ATS.TR.210(a)(3) Operation of ATC service<br/>AERODROME CONTROL — TAKE-OFF CLEARANCE</b></p> <p>(a) (...)</p> <p>(c) <i>Subject to point (b), the take-off clearance should be issued when the aircraft is ready for takeoff and at or approaching the departure runway, and the traffic situation permits. To reduce the potential for misunderstanding, the take-off clearance should include the designator of the departure runway.</i></p> <p><u>(d) <i>To further reduce the potential of misunderstanding, the term “take off” should only be used in the “take off clearance”, using the term “departure” instead for all other clearances/circumstances</i></u></p> <p><del>(d)</del>(e) <i>In the interest of expediting traffic, a clearance for immediate take-off may be issued to an aircraft before it enters the runway.</i></p> |
| response | <p>Not accepted</p> <p>EASA does not understand the rationale behind the introduction of the proposed AMC. The use of the terms ‘take-off’ and ‘departure’ as introduced in the IRs of Section 14 in Regulation (EU) No 923/2012 (SERA), as well as in the associated AMC and GM, follow the principle that it is mentioned in the comment.</p>  |

|          |   |
|----------|---|
| comment  | <p data-bbox="360 277 411 309">396</p> <p data-bbox="1238 277 1477 309" style="text-align: right;">comment by: DGAC</p> <p data-bbox="360 336 1485 439">In some circumstances, e.g. segregated runways, capacity can safely be increased by using anticipated landing clearances with proper procedures. Such procedures have been used in Paris Airports (CDG and Orly) for more than 10 years.</p> <p data-bbox="360 479 1054 510">DGAC therefore proposes to add the following provisions:</p> <p data-bbox="360 551 683 582">(b) SEGREGATED RUNWAY</p> <p data-bbox="360 586 1485 757">The aerodrome control tower may clear an aircraft to land on a segregated runway when there is reasonable assurance that the prescribed separation with the preceding landing aircraft will exist when the aircraft crosses the runway threshold. Such clearances can be delivered only when low visibility procedures are not into force and requires the controller to inform the pilot of the preceding landing aircraft.</p> <p data-bbox="360 761 1485 864">The maximum number of aircraft preceding the one to which such clearance may be issued is determined for each runway by the ATS authority, based on a safety assessment and is approved by the competent authority.</p>   |
| response | <p data-bbox="360 896 440 927">Noted</p> <p data-bbox="360 954 1018 985">The concept of ‘segregated runway’ is not understood.</p>  |
| comment  | <p data-bbox="360 1070 427 1102">1177</p> <p data-bbox="1219 1070 1477 1102" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="360 1128 849 1160"><b>Paragraph No:</b> AMC18 ATS.TR.210(a)(3)</p> <p data-bbox="360 1200 1485 1335"><b>Comment:</b> A typographical error has been introduced in transposition from the original PANS-ATM text (7.10.2). PANS-ATM states that “... a clearance to land <i>shall</i> not be issued until...”, whereas AMC18 ATS.TR.210(a)(3) states that “... a clearance to land is not be issued until.”</p> <p data-bbox="360 1375 1292 1406"><b>Justification:</b> Consistency and accuracy of EU regulatory materials with ICAO.</p> <p data-bbox="360 1447 1477 1478"><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC18 ATS.TR.210(a)(3):</p> <p data-bbox="360 1518 1485 1800">“The aerodrome control tower may clear an aircraft to land when there is reasonable assurance that the separation of landing aircraft and preceding landing and departing aircraft using the same runway established in AMC8 ATS.TR.210(d)(2)(i), or the separation prescribed in accordance with AMC9 ATS.TR.210(c)(2)(i) for reduced runway separation minima between aircraft using the same runway, will exist when the aircraft crosses the runway threshold, provided that a clearance to land <b>should</b> not be issued until a preceding landing aircraft has crossed the runway threshold. To reduce the potential for misunderstanding, the landing clearance should include the designator of the landing runway.”</p> |
| response | <p data-bbox="360 1825 475 1856">Accepted</p> <p data-bbox="360 1883 991 1915">The text of the AMC has been amended accordingly.</p>  |
| comment  | <p data-bbox="360 2000 427 2031">1593</p> <p data-bbox="564 2000 1477 2031" style="text-align: right;">comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</p>  |

Same rationale as in AMC17.

(b) To further reduce the potential of misunderstanding, the term “land” should only be used in the “landing clearance”, using the term “arrival” instead for all other clearances/circumstance

response Not accepted

See the response to comment #1591

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.210(a)(3)

p. 103

comment 1178

comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.210(a)(3), point (b)

**Comment:** Points (a) and (c) of GM1 ATS.TR.210(a)(3) are transposed directly from PANS-ATM 7.7.2; however, point (b) does not appear to have been sourced from PANS-ATM and appears, in part, to duplicate the intent of the last sentence to point (a). Consequently, the UK CAA does not believe that point (b) adds any additional value to this GM and proposes its deletion.

**Justification:** Point (b) duplicates the intent of the final sentence of point (a) and is thus of nugatory value.

response Accepted

Point (b) of the GM has been removed accordingly.

### 1.3. Draft decision (PART-ATS) - GM2 ATS.TR.210(a)(3)

p. 103

comment 559

comment by: DGAC

It is very interesting for the air traffic controller to be informed of the loss of visual contact from the runway by the pilot, however this regulation relates to the ATS providers and this GM ought to be a GM to SERA regulation (e.g. SERA 3225) whose subject relates to both pilots and controllers.

response Not accepted

See the response to comment #532.

comment 868

comment by: ENAV

**GM2 ATS.TR.210(a)(3) Operation of ATC service**

**Page 103**

This GM includes new necessary actions by pilot when turning on to circuit legs. These actions are not proposed to be included in GM SERA. Why not?



|          |  |
|----------|--|
| response | <p>PROPOSAL<br/>Include this GM also in SERA.</p> <p>Not accepted</p> <p>See the response to comment #532.</p>   |
| comment  | <p>1001 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM2 ATS.TR.210(a)(3) Operation of ATC service<br/>Page 103</p> <p><b>CANSO Comment</b><br/>This GM includes new necessary actions by pilot when turning on to circuit legs. These actions are not proposed to be included in GM SERA. Why not?</p> <p><b>Impact</b><br/>Inconsistent approach legislation.</p> <p><b>Suggested Resolution</b><br/>Include this GM also in SERA.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #532.</p>   |
| comment  | <p>1179 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> GM2 ATS.TR.210(a)(3)</p> <p><b>Comment:</b> The final sentence of GM2 ATS.TR.210(a)(3) contains a typographical error that has been introduced through the transposition process.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to GM2 ATS.TR.210(a)(3):</p> <p>“When so instructed by the controller, pilots should obtain approval prior to turning on to any of the aerodrome traffic circuit legs. When extending an aerodrome traffic circuit leg, pilots should report to ATC as soon as there is a risk that <del>the</del> visual contact with the runway cannot be maintained.”</p> |
| response | <p>Accepted</p> <p>The GM has been amended accordingly.</p> <p>See also the response to comment #532.</p>  |

|          |  |
|----------|--|
| comment  | <p>218 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span></p> <p>In (b)(2) the procedure is restricted to day only whilst ICAO allows it to be used also at night provided a “separate aeronautical study” is performed.<br/>Is removal of the possibility to use Visual Departure at night on purpose and if so, why, and is it possible to include it again as intended from ICAO as we are of the opinion that it should also be available at night?</p>   |
| response | <p>Noted</p> <p>EASA acknowledges the concern expressed via the comment. It is acknowledged that the duration of day and night time in the Nordic States significantly varies throughout the year compared to other Member States. For this reason, the requirement is not established as an IR, but as an AMC, which gives the possibility to adopt an alternative means of compliance as described in: <a href="https://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs">https://www.easa.europa.eu/document-library/acceptable-means-compliance-amcs-and-alternative-means-compliance-altmocs</a></p> <p>However, it should be noted that the need for an alternative means of compliance in this case should be carefully considered since the definition of ‘night’ (as opposed to day) is established in Annex I to Regulation (EU) No 965/2012, as follows:</p> <p>“Night’ means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority, as defined by the Member State’.</p> |
| comment  | <p>502 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 107</p> <p><b>Paragraph No:</b> AMC20 ATS.TR.210(a)(3)</p> <p><b>Comment:</b> In sub-paragraph (b)(2) the provision states that the procedure is to be applied during daytime, while the ICAO Doc 7030 provision being transposed also allows visual departures to be applied at night provided a "separate aeronautical study" has been carried out. We would like to know if this difference is intended, and if so, the justification for this. If it is not intentional, we would suggest to transpose also this part of the Doc 7030 provision.</p> <p><b>Justification:</b> We believe the Doc 7030 provision allowing visual departures at night is developed following careful considerations from ICAO, and see no reason to alter this provision.</p>  |
| response | <p>Noted</p> <p>See the response to comment #218.</p>  |

**1.3. Draft decision (PART-ATS) - AMC21 ATS.TR.210(a)(3)**

p. 107-108

|         |   |
|---------|---|
| comment | <p>329 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> |
|---------|---|



|          |  |
|----------|--|
|          | <p>AMC21 ATS.TR.210 (a)(3) Operation of ATC Service</p> <p>This is not an ICAO provision and should not be included. Modifications to the published missed approach procedure should be allowed for reasons other than safety.</p> <p>Suggest removing text.</p>   |
| response | <p>Not accepted</p> <p>AMC21 ATS.TR.210(a)(3) is proposed in response to a Safety Recommendation (FRAN-2013-045) issued by BEA (the French Authority for safety investigation in civil aviation) through the ‘Study on Aeroplane State Awareness during Go-Around’ and addressed to EASA. This Study is available at: <a href="https://www.bea.aero/etudes/asaga/asaga.study.pdf">https://www.bea.aero/etudes/asaga/asaga.study.pdf</a></p> <p>See also the response to comment #1180.</p> |
| comment  | <p>536</p> <p>comment by: <i>ATC the Netherlands</i></p>   |



|   |  |  |   |
|---|--|--|---|
| <p>AMC21<br/>ATS.TR.210<br/>(a)(3)<br/>Operation of<br/>ATC Service</p> | <p>Regarding a new AMC: <i>“When issuing instruction for a missed approach to flight conducting an instrument approach procedure, the controller should adhere to the published missed approach procedure. The controller should issue modifications to the published missed approach procedure only in presence of safety reasons.”</i></p>   | <p>In case the LVNL interpretation the mentioned safety reasons is wrong and operations which require standard deviation from MAP procedures will not be allowed anymore, this AMC will severely limit the operational possibilities for Schiphol TWR.</p> | <p>Remove or convert into GM,<br/><br/>Change wording of last part to : <i>“only in presence of safety and efficiency reasons”</i>.</p> |
|   | <p>There is an ambiguity regarding the phrase <i>“only in presence of safety reasons”</i>. Due to runway infrastructure as Schiphol airport, it is not possible to design MAP's which are applicable for all runway configurations. There are operational situations possible, which require standard diverging from the published MAP. It is unclear whether this practice is compliant with the proposed phrase.</p> | <p>Furthermore the loss of flexibility will increase the ATM impact of a missed approach.</p>  |   |
|   | <p>Furthermore this AMC reduces the flexibility when we adjust the missed approach for expediency. After a missed approach, the aircraft has to be lined up again in the approach sequence. This required sometimes deviation from the published MAP.</p>  |  |   |

response

Not accepted

See the responses to comments #329 and #1180.

comment

870

comment by: ENAV

**AMC21 ATS.TR.210 (a)(3) Operation of ATC Service  
Page 107**

This is not an ICAO provision and should not be included. Modifications to the published missed approach procedure should be allowed for reasons other than safety.

There is an ambiguity regarding the phrase *“only in presence of safety reasons”*. Due to



|          |  |
|----------|--|
|          | <p>runway infrastructure as some airports, it is not possible to design MAP's which are applicable for all runway configurations. There are operational situations possible, which require standard diverging from the published MAP. It is unclear whether this practice is compliant with the proposed phrase.</p> <p>Furthermore this AMC reduces the flexibility when we adjust the missed approach for expediency. After a missed approach, the aircraft has to be lined up again in the approach sequence. This required sometimes deviation from the published MAP.</p> <p>PROPOSAL<br/>Remove text</p>   |
| response | <p>Not accepted</p> <p>See the responses to comments #329 and #1180.</p>   |
| comment  | <p>871 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC21 ATS.TR.210 (a)(3) Operation of ATC Service</b><br/><b>Page 107</b></p> <p>Not practicable to be applied in case of vectoring after missed approach</p> <p>PROPOSAL</p> <p>Rephrase the AMC as follows :<br/>“When issuing instruction for a missed approach to flight conducting an instrument approach procedure, the controller should adhere to the published missed approach procedure until the aircraft has reached MFA (Minimum Flight Altitude).”</p>   |
| response | <p>Not accepted</p> <p>See the responses to comments #329 and #1180.</p>   |
| comment  | <p>1002 <span style="float: right;">comment by: CANSO</span></p> <p>AMC21 ATS.TR.210 (a)(3) Operation of ATC Service<br/>Page 107</p> <p><b>CANSO Comment</b></p> <p>This is not an ICAO provision and should not be included. Modifications to the published missed approach procedure should be allowed for reasons other than safety.</p> <p>There is an ambiguity regarding the phrase “only in presence of safety reasons”. Due to runway infrastructure as some airports, it is not possible to design MAP's which are applicable for all runway configurations. There are operational situations possible, which require standard diverging from the published MAP. It is unclear whether this practice is compliant with the proposed phrase.</p> <p>Furthermore this AMC reduces the flexibility when we adjust the missed approach for</p> |

expediency. After a missed approach, the aircraft has to be lined up again in the approach sequence. This required sometimes deviation from the published MAP.

**Impact**

This is a new provision which will change the way a missed approach is handled with no proven benefit. It will severely limit the operational possibilities for some airports.

Furthermore the loss of flexibility will increase the ATM impact of a missed approach.

**Suggested Resolution**

Remove text.

response

Not accepted

See the responses to comments #329 and #1180.

comment

1006

comment by: CANSO

AMC21 ATS.TR.210 (a)(3) Operation of ATC Service  
Page 107

**CANSO Comment**

Not practicable to be applied in case of vectoring after missed approach!

**Impact**

Not practicable.

**Suggested Resolution**

Rephrase the AMC as follows :

“When issuing instruction for a missed approach to flight conducting an instrument approach procedure, the controller should adhere to the published missed approach procedure until the aircraft has reached MFA (Minimum Flight Altitude).”

response

Not accepted

See the responses to comments #329 and #1180.

comment

1180

comment by: UK CAA

**Paragraph No:** AMC21 ATS.TR.210(a)(3)

**Comment:** Through the process of transposing BEA Safety Recommendation FRAN-2013-044 into AMC21 ATS.TR.210(a)(3), the intent of AMC21 appears to be inconsistent with that of the original safety recommendation. The original BEA Safety Recommendation states that “ICAO define standards and recommended practices (SARPS) or procedures for air navigation services (PANS) so that air traffic controllers, except where necessary for safety reasons, do not give instructions that are in contradiction with the published missed-approach procedure; and that, when necessary, the instructions are announced to crews as early as possible during the approach.” The UK CAA proposes a minor amendment below to restore the original intent of the Safety Recommendation.



**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that AMC21 ATS.TR.210(a)(3) is amended to read as follows:

“Except where necessary for safety reasons, when issuing instruction for a missed approach to flight conducting an instrument approach procedure, the controller should adhere to the published missed approach procedure. When any modification to the published missed approach procedure is required for safety reasons, the modification should be issued by the controller as soon as practicable.”

response

Not accepted

The safety recommendation referred to in the comment is addressed to ICAO, and identified as FRAN-2013-044. Instead, the Safety Recommendation which originates the proposal of AMC21 ATS.TR.210(a)(3) is identified as FRAN-2013-045 and reads as follows:

‘The BEA recommends that:

.....

EASA, without waiting for possible ICAO actions, in coordination with Eurocontrol and national civil aviation authorities, implement regulatory measures limiting modifications to published missed-approach procedures’.

It shall be noted that, at this stage, there is no evidence that ICAO has published any State Letter including proposals for SARPs or PANS addressing the safety recommendation FRAN-2013-044.

It is recalled that, in the context of ATS surveillance services, Section 8.9.6.1.9 of ICAO PANS ATM prescribes that ‘**Unless otherwise required by exceptional circumstances**, radar instructions concerning a missed approach **should be in accordance with the prescribed missed approach procedure** and should include the level to which the aircraft is to climb and heading instructions to keep the aircraft within the missed approach area during the missed approach procedure’. With NPA 2016-09, this Section has been proposed for transposition as point (i) of GM3 to AMC2 ATS.TR.160(d)(3) and has remained unchanged following the review of comments.

Furthermore, it shall also be noted that the inclusion of this AMC was discussed and agreed to by EASA and the RMG.0464 members.

See also the response to comment #329.

comment

1375

comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| (B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the | Reference to <b>AMC3 ATS.TR.160(d)(1)</b> should be made instead of | It seems to be very similar to Doc. 4444 <b>Section 8.9.6.1.9.</b> |

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|--|--|--|
| <p><b>ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC21 ATS.TR.210(a)(3)</p> | <p>duplicating the text in two different dispositions.</p>   | <p>We suggest to put <b>AMC21 ATS.TR.210(a)(3)</b> and <b>GM3 to AMC2 ATS.TR.160(d)(3)</b> together in the same provision.</p> |
| <p>response</p>  | <p>Noted</p> <p>The general principle concerning the issuance of instructions for missed approaches is established in AMC21 ATS.TR.210(a)(3), and it is applicable regardless of the use of ATS surveillance systems. The proposed GM3 to AMC2 ATS.TR.160(d)(3) provides guidance on the application of this principle in the context of ATS surveillance service provision, and in particular when vectoring is provided. EASA considers the current placement of the two provisions appropriate.</p> |  |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(b)** p. 108

|                 |   |   |
|-----------------|---|---|
| <p>comment</p>  | <p>166</p>  | <p>comment by: IFATCA</p>   |
|                 | <p>AMC1<br/>ATS.TR.210(b)</p> <p>(a) the clearance <del>should</del><b>shall</b> be for a specified portion of the flight at or below 3 050 m (10 000 ft), during climb or descent and subject to further restrictions as and when prescribed by the competent authority;</p> <p>(b) if there is a possibility that flight under visual meteorological conditions may become impracticable, an IFR flight <del>should</del><b>shall</b> be provided with alternative instructions to be complied with in the event that flight in VMC cannot be maintained for the term of the clearance;</p> <p>(c) the pilot of an IFR flight, on observing that conditions are deteriorating and considering that operation in VMC will become impossible, <del>should</del><b>shall</b> inform ATC before entering instrument meteorological conditions (IMC) and should proceed in accordance with the alternative instructions given.</p> | <p>There can be no doubt about who is responsible for separation.</p> |
| <p>response</p> | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A). The transposition of the requirement as AMC does not result in any ambiguity.</p> <p>See also the response to comment #537.</p>  |   |



|          |  |  |
|----------|--|--|
| comment  | 219  | comment by: <i>Civil Aviation Authority Norway</i> |
|          | The para tells us that "an aircraft" can pass a request and a pilot of another aircraft can agree. We realize that this is ICAO language, but would it not look better if the para referred also to the pilot of the requesting aircraft instead of the aircraft itself? |  |
| response | Accepted   |  |
|          | See the response to comment #537.  |  |
|          | As the principle is already established at IR level with ATS.TR.210(b), this requirement already addresses the pilots.   |  |

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.210(b)**

p. 108

|  |   |  |                                    |                                  |                       |  |
|--|---|--|------------------------------------|----------------------------------|-----------------------|--|
| comment  | 537   | comment by: <i>ATC the Netherlands</i>                       |                                    |                                  |                       |  |
|  | <table border="1"> <tr> <td>GM1 to AMC1 ATS.TR.210(b)<br/>Operation of ATC service<br/>(c)</td> <td>How will a pilot see<br/>this rule?</td> <td>Pilots will not see<br/>this rule</td> <td>Should be in<br/>SERA.</td> </tr> </table>  | GM1 to AMC1 ATS.TR.210(b)<br>Operation of ATC service<br>(c) | How will a pilot see<br>this rule? | Pilots will not see<br>this rule | Should be in<br>SERA. |  |
| GM1 to AMC1 ATS.TR.210(b)<br>Operation of ATC service<br>(c) | How will a pilot see<br>this rule?  | Pilots will not see<br>this rule                             | Should be in<br>SERA.              |                                  |                       |  |
| response   | Partially accepted  |  |                                    |                                  |                       |  |
|  | The analysis of the comment and the review of the associated provisions clarified that the content of the introductory sentence and of point (a) in AMC1 ATS.TR.210(b) in fact are already addressed at IR level in point (b) of ATS.TR.210 as well as in point (b) of SERA.8005 of Regulation (EU) No 923/2012 (SERA). Consequently, the introductory sentence and point (a) have been removed, and the provision has been turned from AMC into GM1 ATS.TR.210(b). This new GM together with the previously proposed GM1 to AMC1 ATS.TR.210(b) are also proposed for duplication as GM2 and GM3 to SERA.8005(b). |  |                                    |                                  |                       |  |
| comment  | 872   | comment by: <i>ENAV</i>                                      |                                    |                                  |                       |  |
|  | <b>GM1 to AMC1 ATS.TR.210(b) Operation of ATC service (c)</b><br><b>Page 108</b><br>How will a pilot see this rule?<br>PROPOSAL<br>Should be in SERA.   |  |                                    |                                  |                       |  |
| response   | Partially accepted  |  |                                    |                                  |                       |  |
|  | See the response to comment #537.   |  |                                    |                                  |                       |  |
| comment  | 1007  | comment by: <i>CANSO</i>                                     |                                    |                                  |                       |  |



GM1 to AMC1 ATS.TR.210(b) Operation of ATC service  
(c)  
Page 108

**CANSO Comment**

How will a pilot see this rule?

**Impact**

Pilots will not see this rule.

**Suggested Resolution**

Should be in SERA.

response Partially accepted  
See the response to comment #537.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.210(c)**

p. 109

comment 1072 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

MISSED APPROACHES INSTRUCTIONS  
This requirements content is only guidance material.  
Proposal: It should be a GM not an AMC.

response Not accepted  
The comment is not understood, as GM1 ATS.TR.210(c) titled 'PROCEDURAL SEPARATION — APPLICATION OF LARGER SEPARATION MINIMA UNDER SPECIFIC CIRCUMSTANCES', neither includes any reference nor addresses 'missed approach instructions'.

comment 1075 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

PROCEDURAL SEPARATION — APPLICATION OF LARGER SEPARATION MINIMA UNDER SPECIFIC CIRCUMSTANCES  
We propose to move this GM from GM1 ATS.TR.210(c) to GM1 ATS.TR.210(d) as ATS.TR.210 (d) is about that situation where separation minimum cannot be maintained.

response Not accepted  
The GM correctly refers to ATS.TR.210(c), as it provides guidance on the application a separation, in this case a larger separation that those prescribed by ATS.TR.210(c) and by the associated AMC, and it does not address the situation where the applied separation cannot



be maintained.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(c)(1)

p. 109-110

comment

1074

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

MISSED APPROACHES INSTRUCTIONS

This requirements content is only guidance material.

Proposal: It should be a GM not an AMC.

response

Not accepted

The comment is not understood, as AMC1 ATS.TR.210(c)(1) titled PROCEDURAL SEPARATION — SEPARATION OF AIRCRAFT HOLDING IN FLIGHT, neither includes any reference nor addresses 'missed approach instructions'.

comment

1078

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

From NPA:

(a) Except when lateral separation between the holding areas exists, the controller should separate aircraft established in adjacent holding patterns by the applicable vertical separation minimum.

Proposal:

Aircraft established in adjacent holding patterns shall, except when lateral separation between the holding areas exists as determined **by the ATS provider and approved by the competent authority**, be separated by the applicable vertical separation minimum.

response

Accepted

It is understood that the comment is about AMC1 ATS.TR.210(c)(1).

Point (a) of the AMC has been amended accordingly.

### 1.3. Draft decision (PART-ATS) - GM2 ATS.TR.210(c)(1)

p. 110-111

comment

167

comment by: *IFATCA*



|                                |   |  |
|--------------------------------|---|--|
| 1.3<br>GM2<br>ATS.TR.210(c)(1) | <p><b>GM2 ATS.TR.210(c)(1) Operation of ATC service</b></p> <p>APPLICATION OF VERTICAL SEPARATION DURING CLIMB OR DESCENT</p> <p>(a) An aircraft may cleared to a level previously occupied by another aircraft after the latter has reported vacating it, except when:</p> <p>(1) severe turbulence is known to exist;</p> <p>(2) the higher aircraft is effecting a cruise climb; or</p> <p>(3) the difference in aircraft performance is such that less than the applicable separation minimum may result;</p> <p>in which case such clearance should be withheld until the aircraft vacating the level has reported at or passing another level separated by the required minimum.</p>  | Clarification requested: How would ATC know? This is not clear at all. An example might assist to understand |
| response                       | <p>Noted</p> <p>The requirements concerning level occupancy are provided in ATS.TR.160(g) (proposed as ATS.TR.275(b) in NPA 2016-09).</p> <p>With regard to the concern expressed in the comment:</p> <ol style="list-style-type: none"> <li>1) The existence of severe turbulence may be known as reported by meteorological reports or by pilots report;</li> <li>2) The intention and the flight profile should be known by the ATCO, as it is under his or her control;</li> <li>3) Aircraft performance is integral part of the ATCO training, leading to the issuance and maintenance of an ATCO licence. Additional operational information on the subject could be provided by the ATS provider in the local instructions and operation manuals.</li> </ol> |  |
| comment                        | <p>1080</p> <p>comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>(a) An aircraft may cleared to a level previously occupied by another aircraft after the latter has reported vacating it, except when:</p> <p>(1) severe turbulence is known to exist;</p> <p>(2) the higher aircraft is effecting a cruise climb; or</p> <p>(3) the difference in aircraft performance is such that less than the applicable separation minimum may result;</p> <p>in which case such clearance <b>should</b> be withheld until the aircraft vacating the level has reported at or passing another level separated by the required minimum.</p>  |  |

response

This requirement comes from PANS ATM where shall is used. It should be an AMC and not GM with shall instead of should.

Not accepted

See the response to comment #147 in CRD 2016-09(A). EASA considers the transposition of this provision as GM appropriate, as it describes an operational procedure.

comment

1082 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)

(b) When the aircraft concerned are entering or established in the same holding pattern, consideration should be given to aircraft descending at markedly different rates and, if necessary, additional measures such as specifying a maximum descent rate for the higher aircraft and a minimum descent rate for the lower aircraft **should** be applied to ensure that the required separation is maintained.

This requirement comes from PANS ATM where shall is used. It should be an AMC and not GM with shall instead of should

response

Not accepted

See the response to comment #147 in CRD 2016-09(A). EASA considers the transposition of this provision as GM appropriate, as it describes an operational procedure.

comment

1182 comment by: UK CAA

**Paragraph No:** GM2 ATS.TR.210(c)(1) point (a)

**Comment:** The final sentence of GM2 ATS.TR.210(c)(1) point (a) contains a typographical error that has been introduced through the transposition process.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM2 ATS.TR.210(c)(1) point (a):

“(a) An aircraft may **be** cleared to a level previously occupied by another aircraft after...”

response

Accepted

The text of the GM has been amended accordingly.

comment

1376 comment by: AESA / DSANA

| PART   | COMMENT            | JUSTIFICATION                                    |
|--|--------------------|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the</b> | Editorial comment. | There is a "be" missing in the first sentence of |

**ATM/ANS Common Requirements Regulation  
(draft decision (PART-ATS))**

GM2 ATS.TR.210(c)(1)

point (a).  
Point (a): An aircraft  
may be cleared...

response Accepted

The text of the GM has been amended accordingly.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(c)(2)**

p. 111-112

comment 1084 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

Either EASA regulates this or leaves it to the competent authority to regulate it, but it shall not be: *approved by* the competent authority. If competent authority shall approve details the ATSP certification (including MS and SMA) falls. Competent authority does not exercise service, ANSP does.

response Not accepted

The principle for the selection of the separation minima by ANSP and for the approval of said selection by the competent authority concerned is already included in the EU legislation, namely in SERA.8010 of Regulation (EU) No 923/2012. The same principle is followed in ATS.TR.215 within Part-ATS.

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.210(c)(2)**

p. 112

comment 1085 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

CRITERIA FOR APPLICATION OF HORIZONTAL SEPARATION BASED ON RADAR AND/OR ADS-B AND/OR MLAT SYSTEMS

Item (c) to (e) introduce authorisation of competent authority in guidance material without any relationship to an AMC. We do not agree to this approach. We propose to delete “when authorised by the competent authority” from item (c), (d) and (e).

response Not accepted

See the response to comment #1084.

**1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.210(c)(2)**

p. 113-114



|          |   |
|----------|---|
| comment  | <p>330 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>AMC3 ATS.TR.210 (c) (2) Operation of ATC Service<br/>(a)</p> <p>It is not possible to consult with all airspace users before reducing separation minima as these are not always known. Reduced separation would not be allowed because it was not known who all the airspace users are and therefore they couldn't be consulted with.</p> <p><b><u>Recommendation</u></b><br/>Add text to read:<br/>"Provided prior consultation (where feasible) with airspace users....."</p> |
| response | <p>Not accepted</p> <p>The expression 'consultation with airspace users' does not imply that ALL airspace users have to be consulted. Normally, such a consultation is effected with the representatives of the main customers utilising certain airspace and associations e.g. IATA, ERA.</p>  |
| comment  | <p>874 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC3 ATS.TR.210 (c) (2) Operation of ATC Service (a)</b><br/><b>Page 113</b></p> <p>It is not possible to consult with all airspace users before reducing separation minima as these are not always known. Reduced separation would not be allowed because it was not known who all the airspace users are and therefore they couldn't be consulted with</p> <p><b>PROPOSAL</b><br/>Add text to read:<br/>"Provided prior consultation (where feasible) with airspace users....."</p>                              |
| response | <p>Not accepted</p> <p>See the response to comment #330.</p>  |
| comment  | <p>1008 <span style="float: right;">comment by: CANSO</span></p> <p>AMC3 ATS.TR.210 (c) (2) Operation of ATC Service<br/>(a)<br/>Page 113</p> <p><b>CANSO Comment</b><br/>It is not possible to consult with all airspace users before reducing separation minima as these are not always known.</p> <p><b>Impact</b><br/>Reduced separation would not be allowed because it was not known who all the airspace users are and therefore they couldn't be consulted with.</p> <p><b>Suggested Resolution</b><br/>Add text to read:</p>   |

|          |   |
|----------|---|
| response | <p>“Provided prior consultation (where feasible) with airspace users.....”.</p> <p>Not accepted</p> <p>See the response to comment #330.</p>  |
| comment  | <p>1185 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC3 ATS.TR.210(c)(2) point (a)(3)</p> <p><b>Comment:</b> AMC3 ATS.TR.210(c)(2) point (a)(3) refers to a requirement to “verify frequently the actual aircraft positions with the predicted positions.” However, the term ‘frequent’ can have specific meaning in a risk analysis context; for instance it has been quantitatively defined as being an event that occurs every <math>1 \times 10^{-3}</math> flight hour (ICAO Doc 9859 – Safety Management Manual). Consequently, the use of such a term within EU regulatory materials could introduce confusion. Acknowledging that the text of AMC3 ATS.TR.210(c)(2) point (a)(3) is aligned with that of its source (PANS-ATM 5.11.1.1(c)), the UK CAA requests EASA to clarify what is meant by ‘frequent’ and requests EASA to develop additional GM to provide this clarification.</p> <p><b>Justification:</b> Clarity of EU Regulatory materials.</p> |
| response | <p>Noted</p> <p>The requirement in point (a)(3) is removed from Part ATS as it is considered too vague to represent a reliable and feasible means of compliance for the corresponding IR, which is safety-relevant, as it addresses the reduction of separation minima. EASA could neither clarify the intended use of the term ‘frequent’, nor determine how the verification between the predicted and the actual position of an aircraft is to be considered satisfactory.</p>   |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.210(c)(2)(i)** p. 114-116

| comment  | <p>1377 <span style="float: right;">comment by: AESA / DSANA</span></p>   |  |         |               |  |  |  |  |  |
|--|---|--|---------|---------------|--|--|--|--|--|
|  | <table border="1"> <thead> <tr> <th style="background-color: #d9e1f2;">PART</th> <th style="background-color: #d9e1f2;">COMMENT</th> <th style="background-color: #d9e1f2;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 1653 718 1870"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.210(c)(2)(i)</i></p> </td> <td data-bbox="750 1691 933 1904"> <p>Doc 4444 section 5.4.2.1.2 should be included in the NPA.</p> </td> <td data-bbox="949 1568 1428 2004"> <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> <p>It would be advisable to include it as part of the NPA GM as it implies ATC separation minimum speed control techniques to be applied between aircraft following the same track whenever following aircraft maintains higher airspeed than preceding aircraft.</p> </td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.210(c)(2)(i)</i></p> | <p>Doc 4444 section 5.4.2.1.2 should be included in the NPA.</p> | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> <p>It would be advisable to include it as part of the NPA GM as it implies ATC separation minimum speed control techniques to be applied between aircraft following the same track whenever following aircraft maintains higher airspeed than preceding aircraft.</p> |  |  |
| PART   | COMMENT   | JUSTIFICATION  |         |               |  |  |  |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.210(c)(2)(i)</i></p> | <p>Doc 4444 section 5.4.2.1.2 should be included in the NPA.</p>  | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> <p>It would be advisable to include it as part of the NPA GM as it implies ATC separation minimum speed control techniques to be applied between aircraft following the same track whenever following aircraft maintains higher airspeed than preceding aircraft.</p> |         |               |  |  |  |  |  |



response Noted

As stated in Section 2.4 ‘Transposition of ICAO PANS ATM into PART-ATS’ of NPA 2016-09(A):  
..... ‘The Agency decided not to transpose those PANS-ATM provisions which were assessed to be better suited as guidance contained in operations manuals rather than as regulatory material and did not require full harmonisation as they were neither affecting interoperability with airspace users nor safety to a great extent’. .....

EASA decisions on the transposition of the ICAO PANS ATM provisions were taken also as the outcome of a very detailed analysis of each of such provisions, undertaken to determine their applicability and the appropriate regulatory force within the EU regulatory framework. This analysis was performed together with the members of RMG.0464.

This does not prevent the application, at national level, of ICAO PANS ATM provisions which have not been transposed, provided that they do not contradict the requirements in Part-ATS.

See also the responses to comments #147 and #179 in CRD 2016-09(A).

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(c)(2)(i)

p. 116-119

comment 1186

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2)

**Comment:** AMC1 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2) both refer to a “frequent determination of position and speed”. However, the term ‘frequent’ can have specific meaning in a risk analysis context; for instance it has been quantitatively defined as being an event that occurs every  $1 \times 10^{-3}$  flight hour (ICAO Doc 9859 – Safety Management Manual). Consequently, the use of such a term within EU regulatory materials could introduce confusion. Acknowledging that the text of AMC1 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2) are aligned with that of its source (PANS-ATM 5.4.2.2.1.1 (b) and 5.4.2.2.1.2 (b)), the UK CAA requests EASA to clarify what is meant by ‘frequent’ and requests EASA to develop additional GM to provide this clarification.

**Justification:** Clarity of EU Regulatory materials.

response Noted

The term ‘frequent’ in the context of this provision is very dependent upon the volume of the area of responsibility of the ATS unit/sector, the airspace configuration and route network, as well as upon the availability of appropriate navigation aids. In this context, the application of the separation minimum in point (a)(2) shall be addressed following a proper safety evaluation which considers the specific airspace.

EASA considers not appropriate, in this context, to define an explicit numerical value to



define the term 'frequent'.

comment 1378

comment by: AESA / DSANA

| PART  | COMMENT           | JUSTIFICATION   |
|---|-------------------|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC1 ATS.TR.210(c)(2)(i) | Editorial comment | ": " are missing after (a) Aircraft flying on the same track. |

response Accepted

The AMC has been amended accordingly.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.210(c)(2)(i)**

p. 119-123

comment 1187

comment by: UK CAA

**Paragraph No:** AMC2 ATS.TR.210(c)(2)(i)

**Comment:** AMC2 ATS.TR.210(c)(2)(i) defines a separation standard and includes references to GNSS positions and distances; however, the standard does not define the required navigation specification (i.e. PBN standard) that is required to support that standard. In order to determine separations standards based on GNSS derived positions and distances, a suitable navigation specification standard must be defined in order to ensure not only that position information is suitably accurate, but also that the aircraft's navigational performance is sufficiently accurate to ensure containment within the tolerances of VOR/DME based separations. Therefore, the provisions detailed within Part-ATS cannot safely be implemented in isolation but are dependent upon the navigation specification mandated for the airspace under consideration where GNSS derived positions and distances are used to determine a separation standard. The UK CAA requests EASA to amend the AMC to include the navigation specification that supports the separation standard detailed within the AMC.

**Justification:** In order to safely implement separation standards based on GNSS derived positions and distances, particularly in non-surveillance environments, Member States must mandate a suitable PBN standard for the airspace in which the separation standards are to be used. As this AMC defines the separation standard, the associated navigation specification must also be defined. This will enable Member States to select and mandate the correct navigation standard for airspace within which this AMC is to be used.

response Not accepted

In accordance with the current development (WP3 of Single Sky Committee meeting #68)



concerning the Commission Implementing Regulation ‘laying down airspace usage requirements and operating procedures concerning performance-based navigation’, point (7) of ‘AUR.PBN.2005’ stipulates that ATM/ANS providers shall implement ATS routes for en-route operations in accordance with the requirements of RNAV 5 Specifications. It is expected that this requirement will enter into force in 2020.

The intent of the provision is to reduce the separation minima based on the fact that the available navigation aids or GNSS permit frequent determination of position and speed of the aircraft concerned. The originating ICAO provision is not specific on which navigation aids is to be used for the determination of the position, and this implies that any navigation aid, including e.g. an NDB, may be used. The determination of the position by using an NDB as a navigation aid is less accurate than any GNSS required performance.

See also the response to comment #1186.

comment

1188

comment by: UK CAA

**Paragraph No:** AMC2 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2)

**Comment:** AMC2 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2) both refer to a “frequent determination of position and speed”. However, the term ‘frequent’ can have specific meaning in a risk analysis context; for instance it has been quantitatively defined as being an event that occurs every  $1 \times 10^{-3}$  flight hour (ICAO Doc 9859 – Safety Management Manual). Consequently, the use of such a term within EU regulatory materials could introduce confusion. Acknowledging that the text of AMC2 ATS.TR.210(c)(2)(i) points (a)(2) and (b)(2) are aligned with that of its source (PANS-ATM 5.4.2.2.2.1 (b) and 5.4.2.2.2.2(b)) the UK CAA requests EASA to clarify what is meant by ‘frequent’ and requests EASA to develop additional GM to provide this clarification.

**Justification:** Clarity of EU Regulatory materials.

response

Noted

See the response to comment #1186.

### 1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.210(c)(2)(i)

p. 123-126

comment

1189

comment by: UK CAA

**Page No:** 123 to 126 and 126 to 127

**Paragraph No:** AMC3 ATS.TR.210(c)(2)(i) and AMC4 ATS.TR.210(c)(2)(i)

**Comment:** Cognisant that civil aircraft may utilise the DME information from a TACAN beacon, EASA are requested to clarify whether the reference to the use DME in AMC3 ATS.TR.210(c)(2)(i) and AMC4 ATS.TR.210(c)(2)(i) includes the use of DME information from a TACAN beacon

**Justification:** Clarification of EU Regulatory materials.



|          |  |
|----------|--|
| response | <p>Noted</p> <p>It is assumed that TACAN are military navigation aids. Based on this assumption, the DME associated with a TACAN can be utilised subject to compliance with the requirements established in Article 1.3 of Regulation (EC) No 216/2008.</p>  |
| comment  | <p>1190 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 123 to 126 and 127 to 128</p> <p><b>Paragraph No:</b> AMC3 ATS.TR.210(c)(2)(i) and GM1 AMC3 ATS.TR.210(c)(2)(i)</p> <p><b>Comment:</b> AMC3 ATS.TR.210(c)(2)(i) and its associated GM define a separation standard and include references to GNSS positions and distances; however, the standard does not define the required navigation specification (i.e. PBN standard) that is required to support that standard. In order to determine separations standards based on GNSS derived positions and distances, a suitable navigation specification standard must be defined in order to ensure not only that position information is suitably accurate, but also that the aircraft's navigational performance is sufficiently accurate to ensure containment within the tolerances of VOR/DME based separations. Therefore, the provisions detailed within Part-ATS cannot safely be implemented in isolation but are dependent upon the navigation specification mandated for the airspace under consideration where GNSS derived positions and distances are used to determine a separation standard. The UK CAA requests EASA to amend the AMC to include the navigation specification that supports the separation standard detailed within the AMC.</p> <p><b>Justification:</b> In order to safely implement separation standards based on GNSS derived positions and distances, particularly in non-surveillance environments, Member States must mandate a suitable PBN standard for the airspace in which the separation standards are to be used. As this AMC defines the separation standard, the associated navigation specification must also be defined. This will enable Member States to select and mandate the correct navigation standard for airspace within which this AMC is to be used.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #1187.</p>  |

### 1.3. Draft decision (PART-ATS) - AMC4 ATS.TR.210(c)(2)(i)

p. 126-127

|         |  |
|---------|--|
| comment | <p>1189 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 123 to 126 and 126 to 127</p> <p><b>Paragraph No:</b> AMC3 ATS.TR.210(c)(2)(i) and AMC4 ATS.TR.210(c)(2)(i)</p> <p><b>Comment:</b> Cognisant that civil aircraft may utilise the DME information from a TACAN beacon, EASA are requested to clarify whether the reference to the use DME in AMC3 ATS.TR.210(c)(2)(i) and AMC4 ATS.TR.210(c)(2)(i) includes the use of DME information from a TACAN beacon</p> |
|---------|--|



|          |  |
|----------|--|
| response | <p><b>Justification:</b> Clarification of EU Regulatory materials.</p> <p>Noted</p> <p>See the response to comment #1189.</p>  |
| comment  | <p>1192 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC4 ATS.TR.210(c)(2)(i)</p> <p><b>Comment:</b> AMC4 ATS.TR.210(c)(2)(i) defines a separation standard and includes references to GNSS positions and distances; however, the standard does not define the required navigation specification (i.e. PBN standard) that is required to support that standard. In order to determine separations standards based on GNSS derived positions and distances, a suitable navigation specification standard must be defined in order to ensure not only that position information is suitably accurate, but also that the aircraft’s navigational performance is sufficiently accurate to ensure containment within the tolerances of VOR/DME based separations. Therefore, the provisions detailed within Part-ATS cannot safely be implemented in isolation but are dependent upon the navigation specification mandated for the airspace under consideration where GNSS derived positions and distances are used to determine a separation standard. The UK CAA requests EASA to amend the AMC to include the navigation specification that supports the separation standard detailed within the AMC.</p> <p><b>Justification:</b> In order to safely implement separation standards based on GNSS derived positions and distances, particularly in non-surveillance environments, Member States must mandate a suitable PBN standard for the airspace in which the separation standards are to be used. As this AMC defines the separation standard, the associated navigation specification must also be defined. This will enable Member States to select and mandate the correct navigation standard for airspace within which this AMC is to be used.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #1187.</p>  |
| comment  | <p>1195 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> GM1 to AMC3 ATS.TR.210(c)(2)(i) and to AMC4 ATS.TR.210(c)(2)(i) point (d)</p> <p><b>Comment:</b> Point (d) states that “controllers should specifically request GNSS-derived distance”; however, no RTF phraseology has been proposed to support this GM. Such RTF phraseology is located in PANS-ATM 12.3.1.10. Whilst the UK CAA understands that it is EASA’s intent to transpose the RTF phraseologies contained within PANS-ATM Chapter 12 as part of a SERA maintenance task which will be initiated in 2017, given that Part-ATS proposes to amend SERA, we believe that it would be appropriate for such transposition to occur through Part-ATS.</p> <p><b>Justification:</b> Consistency of EU Regulatory materials with ICAO text and the provision of AMC and/or GM to the provisions already proposed through Part-ATS.</p>   |

response

Noted

Amendments to SERA with regard to phraseology will be introduced by EASA within the activities of RMT.0476 'SERA maintenance'. This approach was adopted in relation to all the identified amendments to phraseology resulting from the introduction of Part-ATS (e.g. AFIS phraseology).

See also the response to comment #1607.

**1.3. Draft decision (PART-ATS) - GM1 to AMC3 ATS.TR.210(c)(2)(i)**

p. 127-128

comment

1190 ❖

comment by: UK CAA

**Page No:** 123 to 126 and 127 to 128

**Paragraph No:** AMC3 ATS.TR.210(c)(2)(i) and GM1 AMC3 ATS.TR.210(c)(2)(i)

**Comment:** AMC3 ATS.TR.210(c)(2)(i) and its associated GM define a separation standard and include references to GNSS positions and distances; however, the standard does not define the required navigation specification (i.e. PBN standard) that is required to support that standard. In order to determine separations standards based on GNSS derived positions and distances, a suitable navigation specification standard must be defined in order to ensure not only that position information is suitably accurate, but also that the aircraft's navigational performance is sufficiently accurate to ensure containment within the tolerances of VOR/DME based separations. Therefore, the provisions detailed within Part-ATS cannot safely be implemented in isolation but are dependent upon the navigation specification mandated for the airspace under consideration where GNSS derived positions and distances are used to determine a separation standard. The UK CAA requests EASA to amend the AMC to include the navigation specification that supports the separation standard detailed within the AMC.

**Justification:** In order to safely implement separation standards based on GNSS derived positions and distances, particularly in non-surveillance environments, Member States must mandate a suitable PBN standard for the airspace in which the separation standards are to be used. As this AMC defines the separation standard, the associated navigation specification must also be defined. This will enable Member States to select and mandate the correct navigation standard for airspace within which this AMC is to be used.

response

Not accepted

See the response to comment #1187.

comment

1195 ❖

comment by: UK CAA

**Paragraph No:** GM1 to AMC3 ATS.TR.210(c)(2)(i) and to AMC4 ATS.TR.210(c)(2)(i) point (d)

**Comment:** Point (d) states that "controllers should specifically request GNSS-derived distance"; however, no RTF phraseology has been proposed to support this GM. Such RTF phraseology is located in PANS-ATM 12.3.1.10. Whilst the UK CAA understands that it is



EASA's intent to transpose the RTF phraseologies contained within PANS-ATM Chapter 12 as part of a SERA maintenance task which will be initiated in 2017, given that Part-ATS proposes to amend SERA, we believe that it would be appropriate for such transposition to occur through Part-ATS.

**Justification:** Consistency of EU Regulatory materials with ICAO text and the provision of AMC and/or GM to the provisions already proposed through Part-ATS.

response Noted

Amendments to SERA with regard to phraseology will be introduced by EASA within the activities of RMT.0476 'SERA maintenance'. This approach was adopted in relation to all the identified amendments to phraseology resulting from the introduction of Part-ATS (e.g. AFIS phraseology).

See also the response to comment #1607.

### 1.3. Draft decision (PART-ATS) - AMC5 ATS.TR.210(c)(2)(i)

p. 128

comment 1508

comment by: *Icetra*

This separation procedure is applied in Iceland with the exception that instead of the words "by radar, ADS-B or other means" in (b) the procedure used in Iceland reads "by an ATS surveillance system".

response Noted

See the response to comment #1379.

### 1.3. Draft decision (PART-ATS) - AMC6 ATS.TR.210(c)(2)(i)

p. 128-130

comment 1197

comment by: *UK CAA*

**Paragraph No:** AMC6 ATS.TR.210(c)(2)(i) point (b)(2)

**Comment:** AMC6 ATS.TR.210(c)(2)(i) point (b)(2) refers to a "simultaneous RNAV distance readings from the aircraft at frequent intervals to..". However, the term 'frequent' can have specific meaning in a risk analysis context; for instance it has been quantitatively defined as being an event that occurs every  $1 \times 10^{-3}$  flight hour (ICAO Doc 9859 – Safety Management Manual). Consequently, the use of such a term within EU regulatory materials could introduce confusion. Acknowledging that the text of AMC6 ATS.TR.210(c)(2)(i) point (b)(2) is aligned with that of its source (PANS-ATM 5.4.2.5.5(b)) the UK CAA requests EASA to clarify what is meant by 'frequent' and requests EASA to develop additional GM to provide this clarification.

**Justification:** Clarity of EU Regulatory materials.

response Not accepted



The term 'frequent' in the context of the referred provision is very dependent upon the volume of the area of responsibility of the ATS unit/sector, the airspace configuration and route network, as well as upon the availability of appropriate navigation aids. In this context, the application of the separation minima shall be addressed following a proper safety evaluation which considers the specific airspace.

The frequent interval for the purposes of this separation minimum is to ensure that the separation is not infringed. The frequency of checking the distance is dependent upon various factors, e.g. speed of aircraft, initial distance established between them, etc.

EASA considers not appropriate, in this context, to define an explicit numerical value to define the term 'frequent'.

|          |  |                           |
|----------|--|---------------------------|
| comment  | 1509                                   | comment by: <i>Icetra</i> |
|          | This procedure is not used in Iceland. |                           |
| response | Noted                                  |                           |
|          | See the response to comment #1379.     |                           |

### 1.3. Draft decision (PART-ATS) - GM1 to AMC6 ATS.TR.210(c)(2)(i)

p. 130-131

|          |   |                           |
|----------|---|---------------------------|
| comment  | 1199  | comment by: <i>UK CAA</i> |
|          | <b>Paragraph No:</b> GM1 to AMC6 ATS.TR.210(c)(2)(i) point (a)  |                           |
|          | <b>Comment:</b> GM1 to AMC6 ATS.TR.210(c)(2)(i) point (a) refers to 'air-ground communicators'; however, this term is not defined within the EU Regulatory framework. Acknowledging that the text of GM1 to AMC6 ATS.TR.210(c)(2)(i) point (a) is aligned with that of its source (PANS-ATM 5.4.2.5.3), the UK CAA requests EASA to clarify the role and responsibilities of 'air-ground communicators', the nature of their relationship with pilots, FIS officers and controllers and their training and licensing requirements |                           |
|          | <b>Justification:</b> Clarity of EU Regulatory materials.   |                           |
| response | Noted   |                           |
|          | The reference to 'air-ground communicators' has been removed from the GM as the intent is to provide a direct controller-pilot communication link, when separation is maintained as distance reported by reference to RNAV equipment.   |                           |

### 1.3. Draft decision (PART-ATS) - AMC7 ATS.TR.210(c)(2)(i)

p. 131

|         |   |                           |
|---------|---|---------------------------|
| comment | 1201  | comment by: <i>UK CAA</i> |
|         | <b>Paragraph No:</b> AMC7 ATS.TR.210(c)(2)(i) |                           |



**Comment:** Whilst Figure 34 relates to the text of AMC7 ATS.TR.210(c)(2)(i), it is not referred to within the main body of the text. Moreover, the readability of AMC7 ATS.TR.210(c)(2)(i) would be enhanced by separating the final elements of the sentence into bullet points.

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that AMC7 ATS.TR.210(c)(2)(i) is amended to read as follows:

“Except as provided in AMC9 ATS.TR.210(c)(2)(i) as regards reduced runway separation minima between aircraft using the same runway, and in ATS.TR.220 as regards time-based wake turbulence separation minima, the aerodrome control tower should not permit a departing aircraft to commence take-off until:

- (a) the preceding departing aircraft has crossed the end of the runway in use; or
- (b) has started a turn; or
- (c) until all preceding landing aircraft are clear of the runway in use.

(see Figure 34)”

response

Accepted

The text of the AMC has been amended accordingly.

### 1.3. Draft decision (PART-ATS) - AMC8 ATS.TR.210(c)(2)(i)

p. 132

comment

1203

comment by: UK CAA

**Paragraph No:** AMC8 ATS.TR.210(c)(2)(i)

Whilst Figure 34 relates to the text of AMC8 ATS.TR.210(c)(2)(i), it is not referred to within the main body of the text. Moreover, the readability of AMC8 ATS.TR.210(c)(2)(i) would be enhanced by separating the final elements of the sentence into bullet points.

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes that AMC8 ATS.TR.210(c)(2)(i) is amended to read as follows:

“Except as provided AMC9 ATS.TR.210(c)(2)(i) as regards reduced runway separation minima between aircraft using the same runway, and in ATS.TR.220 as regards time-based wake turbulence separation minima, the aerodrome control tower should not permit a landing aircraft to cross the runway threshold on its final approach until:

- (a) the preceding departing aircraft has crossed the end of the runway in use; or
- (b) has started a turn; or
- (c) until all preceding landing aircraft are clear of the runway in use.

(see Figure 34)”

response

Accepted

The text of the AMC has been amended accordingly.



It shall be noted that Figure 34 relates to both AMC7 and AMC8 ATS.TR.201(c)(2)(i). As EASA deems appropriate to avoid the repetition of the same figure, the title of which clearly addresses the cases it describes, reference to Figure 34 is added to the text of AMC8 ATS.TR.201(c)(2)(i).

### 1.3. Draft decision (PART-ATS) - AMC9 ATS.TR.210(c)(2)(i)

p. 132-134

comment 75

comment by: HIAL

#### AMC9 ATS.TR.210(c)(2)(i)

#### Reduced Runway Separation Minima between ac using the same Runway

Not practised in the UK; runway separations differ from ICAO. The UK “land after”-procedure is the closest to reduced runway separation. An introduction to ICAO DOC 4444 runway separations which allows only one aircraft over the asphalt at one single time could have some impact on our operations, and HIAL would request EASA confirm the 'land after' clearances are now deemed removed.

However, we agree that any such separations shall be made available to pilots via the AIP, especially if they differ from other EU member states.

response Noted

comment 168

comment by: IFATCA

1.3  
AMC9  
ATS.TR.210(c)(2)(i)  
Operation of ATC  
service

(b) Reduced runway separation minima should only be applied during the hours of daylight from 30 minutes after local sunrise to 30 minutes before local sunset.

Clarify the time frame. “Daytime” is defined differently since SERA. (“sun six degrees below horizon”)

response Not accepted

The comment refers to the definition of ‘night’ provided in Regulation (EU) No 923/2012 (SERA), while the AMC defines a different time frame for the application of reduced runway separation, independently of the night hours. Such time frame is determined taking into account the official time for local sunrise and sunset with a 30-minute buffer.

GM1 to Article 2(97) of Regulation (EU) No 923/2012 (SERA) in EASA ED Decision 2013/013/R provides an explanation on the practical application of the terms ‘night’, ‘evening’ and ‘morning civil twilight’ included in the definition of ‘night’. If such a promulgation is effected by date, dependent on the latitude, and independent from the 30 minutes before and after sunset and sunrise, a relevant AltMoC is to be adopted.



|          |   |   |
|----------|---|---|
| comment  | 169   | comment by: IFATCA  |
|          | <p>1.3<br/>AMC9<br/>ATS.TR.210(c)(2)(i)</p>   | <p>(c) For the purpose of reduced runway separation, aircraft should be classified as follows:<br/>                 (1) <b>Category 1 aircraft: single-engine propeller aircraft and all helicopters</b> with a maximum certificated take-off mass of 2 000 kg or less;<br/>                 (2) <b>Category 2 aircraft: single-engine propeller aircraft and all helicopters</b> with a maximum certificated take-off mass of more than 2 000 kg but less than 7 000 kg; and twin-engine propeller aircraft with a maximum certificated take-off mass of less than 7 000 kg;<br/>                 (3) Category 3 aircraft: all other aircraft.</p> |
|          |   | <p>Why refer specifically to “propeller aircraft”?</p>  |
| response | <p>Not accepted</p> <p>The procedures and the minima described in the AMC are evidently not adequate to helicopters operations.</p> |   |

|          |   |                    |
|----------|---|--------------------|
| comment  | 414   | comment by: CAA CZ |
|          | <p><b>NPA 2016-09(B) Page 132</b><br/> <b>AMC9 ATS.TR.210(c)(2)(i) Operation of ATC service</b><br/>                 REDUCED RUNWAY SEPARATION MINIMA BETWEEN AIRCRAFT USING THE SAME RUNWAY<br/>                 (b) Reduced runway separation minima should only be applied during the hours of daylight from 30 minutes after local sunrise to 30 minutes before local sunset.</p> <p><i>CZ recommend leaving the responsibility of the competent authority to authorize REDUCED RUNWAY SEPARATION MINIMA BETWEEN AIRCRAFT USING THE SAME RUNWAY at night, which is the current practice, not only in CZ but also in other EU countries (based on exception from Annex).</i></p> |                    |
| response | <p>Not accepted</p> <p>The time frame for the application of the reduced runway separation minima in the AMC are addressed in point (b) of the AMC. EASA considers the said time frame appropriate. The reduced separation minima is introduced also on the basis of the application of see-and-avoid principles by the aircrew; for this reason, such a reduced separation is supposed to be applied during the hours of daylight.</p>   |                    |



|          |   |
|----------|---|
| comment  | <p>331 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service (a)</p> <p>Improved accuracy (eg RNAV) may mean that departure separations can be reduced from the 1 minute when tracks diverge by 45 degrees. The text as written does not allow benefits from improved equipment accuracy to be realised.</p> <p><b><u>Recommendation</u></b></p> <p>Add in text:<br/>“unless approved otherwise by the competent authority”</p> |
| response | <p>Not accepted</p> <p>This separation minimum between departing aircraft is based on spacing between two aircraft and, as defined, it does not include any assumption for the accuracy of navigational equipment of the aircraft.</p>  |

|   |   |   |  |                             |  |
|---|---|---|--|-----------------------------|--|
| comment   | <p>539 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;">AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service (a)</td> <td style="width: 25%; padding: 5px;">What about RNAV routes possibly reducing this to 30 degrees split?</td> <td style="width: 25%; padding: 5px;">Limits future possibilities</td> <td style="width: 25%; padding: 5px;">Add in words: “unless approved otherwise by the competent authority”</td> </tr> </table> | AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service (a) | What about RNAV routes possibly reducing this to 30 degrees split?   | Limits future possibilities | Add in words: “unless approved otherwise by the competent authority” |
| AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service (a) | What about RNAV routes possibly reducing this to 30 degrees split?  | Limits future possibilities                             | Add in words: “unless approved otherwise by the competent authority” |                             |  |
| response  | <p>Not accepted</p> <p>See the response to comment #331.</p>  |   |  |                             |  |

|          |  |
|----------|--|
| comment  | <p>876 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service (a)</b><br/><b>Page 134</b></p> <p>Improved accuracy (eg RNAV) may mean that departure separations can be reduced from the 1 minute when tracks diverge by 45 degrees. RNAV may also allow routes to be split by 30 degrees</p> <p>PROPOSAL</p> <p>Add in text:<br/>“unless approved otherwise by the competent authority”</p> |
| response | <p>Not accepted</p> <p>See the response to comment #331.</p>   |

|          |   |
|----------|---|
| comment  | <p data-bbox="363 275 427 309">1012</p> <p data-bbox="1225 275 1498 309" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="363 331 994 439">AMC10 ATS.TR.210 (c)(2)(i) Operation of ATC Service<br/>(a)<br/>Page 134</p> <p data-bbox="363 477 579 510"><b>CANSO Comment</b></p> <p data-bbox="363 510 1498 618">Improved accuracy (eg RNAV) may mean that departure separations can be reduced from the 1 minute when tracks diverge by 45 degrees. RNAV may also allow routes to be split by 30 degrees.</p> <p data-bbox="363 656 451 689"><b>Impact</b></p> <p data-bbox="363 689 1313 723">This does not allow benefits from improved equipment accuracy to be realised.</p> <p data-bbox="363 761 627 795"><b>Suggested Resolution</b></p> <p data-bbox="363 795 1058 869">Add in text:<br/>“unless approved otherwise by the competent authority”.</p> |
| response | <p data-bbox="363 880 523 925">Not accepted</p> <p data-bbox="363 947 802 981">See the response to comment #331.</p>  |
| comment  | <p data-bbox="363 1059 427 1093">1205</p> <p data-bbox="1225 1059 1498 1093" style="text-align: right;">comment by: <i>UK CAA</i></p> <p data-bbox="363 1126 978 1160"><b>Paragraph No:</b> AMC10 ATS.TR.210(c)(2)(i) point (a)</p> <p data-bbox="363 1193 1498 1261"><b>Comment:</b> Point (a) contains a typographical error in that it describes the application of “an 1-minute separation”.</p> <p data-bbox="363 1305 978 1339"><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p data-bbox="363 1373 1498 1440"><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC10 ATS.TR.210(c)(2)(i) point (a):</p> <p data-bbox="363 1485 1193 1518">“(a) The aerodrome controller should apply a 1-minute separation ...”</p>  |
| response | <p data-bbox="363 1529 483 1574">Accepted</p> <p data-bbox="363 1597 994 1630">The text of the AMC has been amended accordingly.</p>  |
| comment  | <p data-bbox="363 1709 427 1742">1208</p> <p data-bbox="1225 1709 1498 1742" style="text-align: right;">comment by: <i>UK CAA</i></p> <p data-bbox="363 1776 978 1809"><b>Paragraph No:</b> AMC10 ATS.TR.210(c)(2)(i) point (c)</p> <p data-bbox="363 1843 1498 1977"><b>Comment:</b> Point (c) uses the term ‘following’ to describe the second departing aircraft; however, this term is inconsistent with the preceding text on this subject, all of which refers to ‘succeeding aircraft’; AMC9 ATS.TR.210(c)(2)(i) points (f)(1)(i), (f)(1)(ii), (f)(1)(iii), (f)(2)(i), (f)(2)(ii) and (f)(2)(iii) refer.</p> <p data-bbox="363 2022 1010 2056"><b>Justification:</b> Consistency of EU Regulatory materials.</p>   |

**Proposed Text:** The UK CAA proposes the following amendment to AMC10 ATS.TR.210(c)(2)(i) point (c):

“(c) The controller should apply a 2-minute separation between take-offs when the preceding aircraft is 74 km/h (40 kt) or more faster than the **succeeding** aircraft and both aircraft will follow the same track (see Figure 36).”

response

Accepted

The text of the AMC has been amended accordingly.

comment

1382

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC10 ATS.TR.210(c)(2)(i)</p> | <p>In point (a), replace reference to Figure 5-37 by Figure 35.</p> <p>In point (c), the Note in Doc 4444 <b>section 5.6.2</b> should be included as AMC/GM.</p> <p><i>"Note.- See Chapter 4, Section 4.6, concerning speed control instructions. Calculations, based on TAS, of speed differentials of aircraft during climb may not be sufficiently accurate in all circumstances for determining if the procedure in 5.6.2 can be applied, in which case calculations based on IAS may be more suitable."</i></p> | <p>Figure 5-37 is the reference in Doc 4444 but in NPA the right reference is Figure 35.</p> |

response

Partially accepted

The text of the AMC has been amended accordingly as far as the comment to point (a) is concerned.

The proposal to transpose the Note to Section 5.6.2 of ICAO PANS-ATM is not accepted, since it may generate confusion with the provisions in AMC1 ATS.TR.210(a)(3) HORIZONTAL SPEED CONTROL INSTRUCTIONS — GENERAL, which specify that below FL 260 speed instructions are to be given by using IAS.

comment 1087 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

The text should follow Doc 4444 and it shall be ATSP, not competent authority. If competent authority shall approve details the ATSP certification (including MS and SMA) falls. Competent authority does not exercise service, ANSP does.

response Not accepted

See the response to comment #908.

comment 1383 comment by: *AESA / DSANA*

| PART  | COMMENT   | JUSTIFICATION   |
|---|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>AMC11 ATS.TR.210(c)(2)(i)</i> | Doc 4444 section 5.7.1.3 should be included in the NPA. | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |

response Noted

See the response to comment #1377.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.210(c)(2)(ii)** p. 136-139

comment 1209 comment by: *UK CAA*

**Paragraph No:** AMC1 ATS.TR.210(c)(2)(ii) point (a)

**Comment:** AMC1 ATS.TR.210(c)(2)(ii) point (a) states that lateral separation may be applied through the use of “position reports which positively indicate that the aircraft are over different geographic locations as determined visually or by reference to a navigation aid.” Experience indicates that the selection of such geographic locations should be subject to an assessment by the ATS provider and subsequent approval by the competent authority to ensure their appropriateness for the intended use.

**Justification:** Safety

**Proposed Text:** The UK CAA proposes the following amendment to AMC1 ATS.TR.210(c)(2)(ii) point (a):

“By position reports which positively indicate that the aircraft are over different geographic locations as determined visually or by reference to a navigation aid (see Figure 39). **Such**



|          |  |
|----------|--|
|          | <p><b>geographic locations should be determined by the ATS provider and approved by the competent authority.”</b></p>  |
| response | <p>Not accepted</p> <p>EASA does not consider practicable to define all the possible combinations allowing compliance with the AMC, and therefore approved, in advance. However, nothing prevents the air traffic services provider from determining in advance such geographic locations, which may be approved by the competent authority.</p>   |
| comment  | <p>1211 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.210(c)(2)(ii), point (b)(1)</p> <p><b>Comment:</b> AMC1 ATS.TR.210(c)(2)(ii) point (b)(1) states that when utilising VOR, “both aircraft are established on radials diverging by at least 15 degrees and at least one aircraft is at a distance of 28 km (15 NM) or more from the facility.” However, this assumes that the VOR is co-located with a DME in order to determine that “at least one aircraft is at a distance of 28 km (15 NM) or more from the facility” and this may not be the case. In order to allow for those occasions where a DME is not co-located with the VOR, a time-based separation should be included as an alternative within the provision.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC1 ATS.TR.210(c)(2)(ii) point (b)(1):</p> <p>“VOR: both aircraft are established on radials diverging by at least 15 degrees and at least one aircraft is at a distance of 28 km (15 NM) or more <b>or, 4 minutes from the facility; whichever is the greater value.</b>”</p> |
| response | <p>Not accepted</p> <p>The AMC does not necessarily imply the co-location of the VOR with the DME, since the distance between the facility and the aircraft could be established by other means, such as overflying significant points or geographic locations, for which distances are known, or when an aircraft is equipped with PBN. The proposal in the comment to introduce ‘4 minutes from the facility, whichever to the greater value’, is in fact a repetition of the provision stipulating ‘28 km (15 NM) <u>or more</u>’.</p>  |
| comment  | <p>1213 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.210(c)(2)(ii) point (b)(2)</p> <p><b>Comment:</b> AMC1 ATS.TR.210(c)(2)(ii) point (b)(2) states that when utilising NDB “both aircraft are established on tracks to or from the NDB which are diverging by at least 30 degrees and at least one aircraft is at a distance of 28 km (15 NM) or more from the facility.” However, this assumes that the NDB is co-located with a DME in order to determine that “at least one aircraft is at a distance of 28 km (15 NM) or more from the</p>  |

facility” and this may not be the case. In order to allow for those occasions where a DME is not co-located with the NDB, a time-based separation should be included as an alternative within the provision.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to AMC1 ATS.TR.210(c)(2)(ii) point (b)(2):

“NDB: both aircraft are established on tracks to or from the NDB which are diverging by at least 30 degrees and at least one aircraft is at a distance of 28 km (15 NM) or more **or, 4 minutes from the facility; whichever is the greater value.**”

response

Not accepted

The AMC does not necessarily imply the co-location of the NDB with the DME, since the distance between the facility and the aircraft could be established by other means, such as overflying significant points or geographic locations, for which distances are known, or when an aircraft is equipped with PBN. The proposal in the comment to introduce ‘4 minutes from the facility, whichever to the greater value’, is in fact a repetition of the provision stipulating ‘28 km (15 NM) **or more**’.

comment

1215

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.210(c)(2)(ii) point (b)(3) and (4)

**Comment:** AMC1 ATS.TR.210(c)(2)(ii) defines a separation standard and includes references to GNSS positions and distances; however, the standard does not define the required navigation specification (i.e. PBN standard) that is required to support that standard. In order to determine separations standards based on GNSS derived positions and distances, a suitable navigation specification standard must be defined in order to ensure not only that position information is suitably accurate, but also that the aircraft’s navigational performance is sufficiently accurate to ensure containment within the tolerances of VOR/DME based separations. Therefore, the provisions detailed within Part-ATS cannot safely be implemented in isolation but are dependent upon the navigation specification mandated for the airspace under consideration where GNSS derived positions and distances are used to determine a separation standard. The UK CAA requests EASA to amend the AMC to include the navigation specification that supports the separation standard detailed within the AMC.

**Justification:** In order to safely implement separation standards based on GNSS derived positions and distances, particularly in non-surveillance environments, Member States must mandate a suitable PBN standard for the airspace in which the separation standards are to be used. As this AMC defines the separation standard, the associated navigation specification must also be defined. This will enable Member States to select and mandate the correct navigation standard for airspace within which this AMC is to be used.

response

Not accepted

See the response to comment #1187.



comment

1384

comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION   |
|---|---|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC1 ATS.TR.210(c)(2)(ii)(b)</i></p> | <p>Note 2 to Doc 4444 <b>section 5.4.1.2.1.2</b> should be included in the NPA.</p> | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. It is an important information to know which common point is to be used.</p> |
|   | <p>Doc 4444 <b>section 5.4.1.2.1.2.1</b> should be included in the NPA.</p>         | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p>  |
|   | <p>Note to Doc 4444 <b>section 5.4.1.2.1.5</b> should be included in the NPA.</p>   | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p>  |

response

Noted

See the response to comment #1377.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.210(c)(2)(ii)**

p. 139-141

comment

878

comment by: ENAV

**GM1 ATS.TR.210(c)(2)(ii) Operation of ATC service**

**Page 139**

This is part of the procedures for the application of lateral separation.

Within ICAO there is no lateral separation other than what described here. On the other hand, (see ATS.TR.210(c)(2)(ii)) the objective of requiring operations on different routes is to obtain what is described here in (a) here.

This is a pillar of lateral separation and cannot be GM only.

**PROPOSAL**

Rearrange content as AMC

response

Not accepted

When transposing the ICAO PANS-ATM provisions concerning lateral and longitudinal



separation minima and methods, EASA decided to transpose the high-level provisions related to the general application as GM, while the specific separation minima were transposed as AMC.

comment

1014

comment by: *CANSO*

GM1 ATS.TR.210(c)(2)(ii) Operation of ATC service  
Page 139

**CANSO Comment**

This is part of the procedures for the application of lateral separation. Within ICAO there is no lateral separation other than what described here. On the other hand, (see ATS.TR.210(c)(2)(ii)) the objective of requiring operations on different routes is to obtain what is described here in (a) here. This is a pillar of lateral separation and cannot be GM only.

**Impact**

Inadequate transposition.

**Suggested Resolution**

Rearrange content as AMC.

response

Not accepted

See the response to comment #878.

comment

1088

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

(a)... We think that this text should be changed to “prescribed by CA”.

Also this rule should be an AMC.

response

Not accepted

See the responses to comments #878 and #908.

comment

1385

comment by: *AESA / DSANA*

| PART   | COMMENT  | JUSTIFICATION   |
|--|--|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 ATS.TR.210(c)(2)(ii)</i> | Note 2 to Doc 4444 <b>section 5.4.1.1.4</b> should be included in the NPA. | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.<br><br>It could be useful information about |

|          |       |                                    |  |
|----------|-------|------------------------------------|--|
|          |       | applicability.                     |  |
| response | Noted | See the response to comment #1377. |  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.210(d)**

p. 141

|          |                                       |   |
|----------|---------------------------------------|---|
| comment  | 1089                                  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | This GM seems to belong to another IR |   |
| response | Noted                                 | The GM describes a specific situation which refers to the general principle in point (d).                         |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.220**

p. 141

|          |   |   |
|----------|---|---|
| comment  | 333   | comment by: <i>NATS National Air Traffic Services Limited</i> |
|          | AMC1 ATS.TR.220 Application of wake turbulence separation   |   |
|          | ICAO allows use of RECAT EU but this provision does not allow this; This provision is more restrictive than ICAO and the six categories already approved by EASA. |   |
|          | <b><u>Recommendation</u></b>  |   |
|          | Add in text:<br>"or any other Wake turbulence categories agreed the by the competent authority."  |   |
| response | Partially accepted  | See the response to comment #82.                              |
| comment  | 879   | comment by: <i>ENAV</i>                                       |
|          | <b>AMC1 ATS.TR.220 Application of wake turbulence separation</b>  |   |
|          | <b>Page 141</b>   |   |
|          | ICAO allows use of RECAT EU but this provision does not allow this. This provision is more restrictive than ICAO and the six categories already approved by EASA. |   |
|          | PROPOSAL  |   |
|          | Add in text:<br>"or any other Wake turbulence categories agreed the by the competent authority."  |   |



response Partially accepted  
See the response to comment #82.

comment 1015 comment by: CANSO  
AMC1 ATS.TR.220 Application of wake turbulence separation  
Page 141  
**CANSO Comment**  
ICAO allows use of RECAT EU but this provision does not allow this.  
**Impact**  
This provision is more restrictive than ICAO and the six categories already approved by EASA.  
**Suggested Resolution**  
Add in text:  
“or any other Wake turbulence categories agreed the by the competent authority.”

response Partially accepted  
See the response to comment #82.

comment 1090 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)  
In the comments to Doc 4444 checklist EASA make recommendation to use wake turbulence separation SUPER for A380-800 we can't see the necessity to involve the competent authority in item (a) it is better to included in this regulation by EASA.

We propose following text (a) SUPER (S) - aircraft type A380/800;

response Not accepted  
The proposed transposition is in line with existing provisions in SERA.14065 of Regulation (EU) No 923/2012 (SERA), where the category 'SUPER' is to be identified by the competent authority.

comment 1216 comment by: UK CAA  
**Paragraph No:** AMC1 ATS.TR.220  
**Comment:** The wake turbulence categorisations detailed within AMC1 ATS.TR.220 are widely recognised as being overly restrictive and ICAO has been working with the FAA and EUROCONTROL to develop an amendment to the 'HEAVY/MEDIUM/LIGHT' categorisation within PANS-ATM. Whilst this work has yet to conclude, Europe has developed the RECAT EU schema which has been proposed by France, Germany and the UK to be adopted into ICAO Doc 7030 – EUR SUPP. Given that EASA has confirmed that RECAT EU may be used by States and Air Navigation Service Providers as a basis to update their current schemes, it



would seem appropriate to refer to it within Part-ATS. As such, the UK CAA proposes additional GM to ATS.TR.220 relating to RECAT EU.

**Justification:** RECAT EU has been recognised by EASA as providing a basis for Member States and Air Navigation Service Providers to update their current wake turbulence schemes. As such, rather than Part-ATS only referring to the now dated 'HEAVY/MEDIUM/LIGHT' categorisation within PANS-ATM, it would seem appropriate to at least refer to RECAT EU.

**Proposed Text:** The UK CAA proposes the following additional GM to ATS.TR.220:

**"GMXX to ATS.TR.220 Application of wake turbulence separation**

The European Wake Turbulence Categorisation and Separation Minima on Approach and Departure (RECAT EU) scheme has been approved by EASA as a basis for Member States and Air Navigation Service Providers to update their current schemes. Guidance on the scheme is available from EUROCONTROL."

response

Partially accepted

See the response to comment #82.

comment

1217

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.220 to GM1 to AMC1 ATS.TR.220

**Comment:** AMC and GM associated with ATS.TR.220 do not specifically mention wake turbulence separation minima that should be applied in the event of an aircraft 'going around' or executing a 'missed approach'. Whilst acknowledging the difficulties of providing detailed and/or prescriptive guidance in this matter, and the lack of such detail in the original PANS-ATM text, the UK CAA requests EASA to provide clarification on the leader/follower relationship in the event of an aircraft 'going around' or executing a 'missed approach'.

**Justification:** Clarity of EU Regulatory materials.

response

Noted

EASA does not consider appropriate to establish specific wake turbulence separation minima for application in case of missed approach of go-around procedures due to the potential diversity of such procedures at different aerodromes. EASA also considers appropriate to transpose the ICAO PANS ATM provisions which are related to the vertical and horizontal relative positions of the aircraft and the phases of flight (departure, arrival).

comment

1594

comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

The agency should consider the Eurocontrol RECAT document in order to implement an updated and harmonised approach.

response

Accepted

See the response to comment #82.



**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.220**

p. 141

comment

1217 ❖

comment by: UK CAA

**Paragraph No:** AMC1 ATS.TR.220 to GM1 to AMC1 ATS.TR.220

**Comment:** AMC and GM associated with ATS.TR.220 do not specifically mention wake turbulence separation minima that should be applied in the event of an aircraft 'going around' or executing a 'missed approach'. Whilst acknowledging the difficulties of providing detailed and/or prescriptive guidance in this matter, and the lack of such detail in the original PANS-ATM text, the UK CAA requests EASA to provide clarification on the leader/follower relationship in the event of an aircraft 'going around' or executing a 'missed approach'.

**Justification:** Clarity of EU Regulatory materials.

response

Noted

See the response to comment #1217.

comment

1595

comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

If the Agency accepts ATCEUC request for AMC1 ATS.TR.220 this GM is unnecessary

response

Noted

See the response to comment #82.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.220**

p. 141-142

comment

84

comment by: HIAL

**AMC 2 ATS.TR.220 Application of wake turbulence separation  
Time Based Wake Turbulence Longitudinal Separation - Arriving Aircraft**

The NPA reads 'Except for arriving VFR flights, and for arriving IFR flights executing visual approach, the following separation minima should be applied to aircraft landing...'

However, UK CAP 493 states that wake turbulence separation **must** be applied when aircraft are executing a visual approach. Has the NPA omitted this requirement as well as further indication of any time based wake turbulence separation for arriving aircraft (Distance)?

response

Noted

Section 5.8.1 of ICAO PANS ATM transposed as ATS.TR.220 foresees that the pilot-in-command may accept to maintain own separation when visual approach is performed. It does not relieve the pilot-in-command from the responsibility for ensuring the necessary spacing from a preceding aircraft.



|          |   |
|----------|---|
| comment  | <p data-bbox="359 235 406 280">334</p> <p data-bbox="805 235 1498 280" style="text-align: right;">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="359 291 1093 336">AMC2 ATS.TR.220 Application of wake turbulence separation</p> <p data-bbox="359 358 1498 515">There should be a distinction between time-based wake turbulence longitudinal separation minima from a procedural perspective to differentiate it from time-based separations. The lack of distinction is ambiguous and may be confused with the surveillance-based TBS used at some European airfields.</p> <p data-bbox="359 537 582 582"><b><u>Recommendation</u></b></p> <p data-bbox="359 604 1498 694">Amend text to align with page116 AMC1 ATS.TR.21(c)(2)(i) on Operation of ATC service, which describes “longitudinal separation minima based on time”.</p>  |
| response | <p data-bbox="359 705 438 750">Noted</p> <p data-bbox="359 761 813 806">See the response to comment #1218.</p>  |
| comment  | <p data-bbox="359 884 422 929">1018</p> <p data-bbox="1220 884 1498 929" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="359 940 1093 1019">AMC2 ATS.TR.220 Application of wake turbulence separation<br/>Page 141</p> <p data-bbox="359 1041 582 1086"><b>CANSO Comment</b></p> <p data-bbox="359 1086 1498 1164">There should be a distinction between time-based wake turbulence longitudinal separation minima from a procedural perspective to differentiate it from time-based separations.</p> <p data-bbox="359 1187 454 1232"><b>Impact</b></p> <p data-bbox="359 1232 1498 1310">The lack of distinction is ambiguous and may be confused with the surveillance-based TBS used at some European airfields.</p> <p data-bbox="359 1332 630 1377"><b>Suggested Resolution</b></p> <p data-bbox="359 1377 1498 1456">Amend text to align with page116 AMC1 ATS.TR.21(c)(2)(i) on Operation of ATC service, which describes “longitudinal separation minima based on time”.</p> |
| response | <p data-bbox="359 1456 438 1500">Noted</p> <p data-bbox="359 1512 813 1556">See the response to comment #1218.</p>  |
| comment  | <p data-bbox="359 1635 422 1680">1020</p> <p data-bbox="1220 1635 1498 1680" style="text-align: right;">comment by: <i>CANSO</i></p> <p data-bbox="359 1691 1093 1769">AMC2 ATS.TR.220 Application of wake turbulence separation<br/>Page 141</p> <p data-bbox="359 1792 582 1836"><b>CANSO Comment</b></p> <p data-bbox="359 1836 853 1881">SUPER is missing from the first sentence.</p> <p data-bbox="359 1904 454 1948"><b>Impact</b></p> <p data-bbox="359 1948 486 1993">Confusing.</p> <p data-bbox="359 2016 630 2060"><b>Suggested Resolution</b></p>  |

|          |   |
|----------|---|
| response | <p>Except for arriving VFR flights, and for arriving IFR flights executing visual approach, the following separation minima should be applied to aircraft landing behind a SUPER, HEAVY or a MEDIUM aircraft.</p> <p>Accepted</p> <p>The text of the AMC has been amended accordingly.</p>  |
| comment  | <p>1073 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.220 Application of wake turbulence separation<br/>Page 141</b></p> <p>There should be a distinction between time-based wake turbulence longitudinal separation minima from a procedural perspective to differentiate it from time-based separations.</p> <p>The lack of distinction is ambiguous and may be confused with the surveillance-based TBS used at some European airfields</p> <p>PROPOSAL</p> <p>Amend text to align with page116 AMC1 ATS.TR.21(c)(2)(i) on Operation of ATC service, which describes “longitudinal separation minima based on time”.</p> |
| response | <p>Noted</p> <p>See the response to comment #1218.</p>  |
| comment  | <p>1076 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.220 Application of wake turbulence separation<br/>Page 141</b></p> <p>SUPER is missing from the first sentence</p> <p>PROPOSAL</p> <p>Except for arriving VFR flights, and for arriving IFR flights executing visual approach, the following separation minima should be applied to aircraft landing behind a SUPER, HEAVY or a MEDIUM aircraft.</p>  |
| response | <p>Accepted</p> <p>See the response to comment #1020.</p>   |
| comment  | <p>1218 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No: AMC2 ATS.TR.220</b></p> <p><b>Comment:</b> AMC2 ATS.TR.220 refers to the application of a procedural time based wake turbulence separation; however, the provision of TBS may now be supported by an ATS surveillance system. It would be appropriate to differentiate between these procedural and surveillance based TBS in order to avoid confusion.</p>   |

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to the title of AMC2 ATS.TR.220:

“AMC2 ATS.TR.220 Application of wake turbulence separation  
**PROCEDURAL SEPARATION – TIME-BASED WAKE TURBULENCE LONGITUDINAL SEPARATION MINIMA — ARRIVING AIRCRAFT**”

response Not accepted

The time-based wake turbulence separation minima are to be applied independently of the availability of ATS surveillance service, as they are purposed to protect the following aircraft from the effects of the vortex produced by the preceding aircraft.

comment 1480

comment by: German NSA (BAF)

Regarding to AMC2 ATS.TR.220 following amendment is proposed: "Except for arriving VFR flights, and for arriving IFR flights executing visual approach, the following separation minima should be applied to aircraft landing behind a HEAVY, or a MEDIUM, or a SUPER aircraft".

What kind of separation minimum should be applied for a HEAVY aircraft landing behind a SUPER aircraft? Although ICAO Letter ICAO TEC/OPS/SEP – 08-0294.SLG does not contain this case, it should be considered to specify it in AMC2.

response Accepted

See the response to comment #1020.

### 1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.220

p. 142-144

comment 83

comment by: HIAL

#### AMC 3 ATS.TR.220 Application of wake turbulence separation Time Based Wake Turbulence Longitudinal Separation - Departing Aircraft

(a) A separation minimum of 3 minutes **should** be applied for a LIGHT or MEDIUM aircraft and 2 minutes for a HEAVY aircraft taking off behind a SUPER aircraft when the aircraft are using.

Wake turbulence separation is mandatory for departing aircraft; not “should”. It is recommended for arriving aircraft. The highlighted text above, and throughout AMC3, should be replaced with shall.

We note that throughout AMC 3-6 of ATS.TR.220, the premise for applying Wake turbulence separation to departing aircraft is that it ‘should’ be applied. HIAL consider the reduction in



|          |   |
|----------|---|
| response | <p>legality for such action to be a retrograde step; the lessening of requirement will inevitably lead to occurrences, at some stage, which could endanger the safety of aircraft involved.</p> <p>Noted</p> <p>Please note the definition of acceptable means of compliance (AMC) included in Annex I (Part-DEFINITIONS) of Regulation (EU) 2017/373, to which Part-ATS also belongs, which reads:</p> <p>‘acceptable means of compliance (AMC)’ means non-binding standards adopted by the Agency <b>to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its implementing rules</b></p> <p>as well as point (a) of ATM/ANS.AR.A.015 ‘Means of compliance’ included in Annex II ‘PART-AR’ of the same Regulation, reading:</p> <p>‘The Agency shall develop <b>acceptable means of compliance (AMC)</b> that may be used <b>to establish compliance with the requirements of this Regulation</b>. When AMC are complied with, the applicable requirements of this Regulation shall be deemed to have been met.’</p> <p>See also the response to comment #147 in CRD 2016-09(A).</p> |
| comment  | <p>257 <span style="float: right;">comment by: <i>Civil Aviation Authority Norway</i></span></p> <p>We cannot see that AMC3 ATS.TR.220 transposing PANS-ATM 5.8.3.1 prescribe separation for:</p> <ul style="list-style-type: none"> <li>a. Departing and arriving aircraft if the flight paths cross each other</li> <li>b. Operations on opposite RWY if the flight paths cross each other (AMC5 ATS.TR.220 describes opposite directions, but only connected to low or missed approach)</li> </ul> <p>We ask if you could consider if these two scenarios also should be included.</p>   |
| response | <p>Noted</p> <p>EASA does not consider appropriate to establish specific wake turbulence separation minima for application in the cases described in the comment, due to the potential diversity of such flight paths. EASA also considers appropriate to transpose the ICAO PANS ATM provisions which are related to the vertical and horizontal relative positions of the aircraft and the phases of flight (departure, arrival).</p>   |
| comment  | <p>538 <span style="float: right;">comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></span></p> <p><b>Page No:</b> 142</p> <p><b>Paragraph No:</b> AMC3 ATS.TR.220</p> <p><b>Comment:</b> The ICAO PANS-ATM provision transposed is in our opinion insufficient as it does not prescribe separation for:</p>   |

|          |   |
|----------|---|
|          | <p>a) Departing and arriving aircraft if the flight paths will cross<br/>b) Operations on opposite runways if the flight paths will cross</p> <p>Our national regulations have therefore includes such provisions, and we suggest to expand AMC3 ATS.TR.220 so that all possible instances are included.</p> <p><b>Justification:</b> In the event that ICAO provisions are found to be insufficient, the harmonised european provisions could make up for this.</p>  |
| response | <p>Noted</p> <p>See the response to comment #257.</p>   |
| comment  | <p>1219 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC3 ATS.TR.220</p> <p><b>Comment:</b> AMC3 ATS.TR.220 refers to the application of a procedural time based wake turbulence separation; however, the provision of TBS may now be supported by an ATS surveillance system. It would be appropriate to differentiate between these procedural and surveillance based TBS in order to avoid confusion.</p> <p><b>Justification:</b> Clarity of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to the title of AMC3 ATS.TR.220:</p> <p>“AMC3 ATS.TR.220 Application of wake turbulence separation<br/><b>PROCEDURAL SEPARATION – TIME-BASED WAKE TURBULENCE LONGITUDINAL SEPARATION MINIMA — DEPARTING AIRCRAFT</b>”</p> |
| response | <p>Not accepted</p> <p>See the response to comment #1218.</p>   |
| comment  | <p>1220 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC3 ATS.TR.220 point (c)(1)</p> <p><b>Comment:</b> The reference to Figure 44 within AMC3 ATS.TR.220 point (c)(1) is incorrect; Figure 44 only relates to operations from parallel runways, not from a single runway.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC3 ATS.TR.220 point (c)(1):</p> <p>“(1) the same runway <del>(See Figure 44);</del>”</p>   |
| response | <p>Not accepted</p>   |

EASA considers the figure correct, because it correctly represents both cases in point (c)(1) (the same runway) and in point (c)(2) (parallel runways separated by less than 760 m (2 500 ft)).

**1.3. Draft decision (PART-ATS) - AMC4 ATS.TR.220**

p. 144

comment

85

comment by: *HAL*
**AMC 4 ATS.TR.220 Application of wake turbulence separation  
Time Based Wake Turbulence Longitudinal Separation - Displaced Landing Threshold**

The NPA advises 'A separation minimum of 3 minutes **should** be applied for a...'

Wake turbulence separation is mandatory for departing aircraft; not "should". It is recommended for arriving aircraft. The highlighted text above, and throughout AMC4, should be replaced with shall.

response

Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment

335

comment by: *NATS National Air Traffic Services Limited*
**AMC4 ATS.TR.220 Application of wake turbulence separation**

The provision means that Wake Turbulence separations have to be applied even if the projected flight paths are not expected to cross (i.e. small threshold displacements) for the case of a departing aircraft following an arriving aircraft. This could affect capacity.

**Recommendation**

The words "if the projected flight paths are expected to cross" in (a) (2) and (b) (2) should be moved to the beginning of (a) and the beginning of (b) so it reads "If the projected flight paths are expected to cross, a wake turbulence separation of 3/2 minutes should be applied..."

response

Not accepted

The rationale in the comment to simplify the structure of the AMC is understood; however, the proposed amendment may leave room for interpretation.

comment

1022

comment by: *CANSO*
**AMC4 ATS.TR.220 Application of wake turbulence separation  
Page 144**
**CANSO Comment**

The words "if the projected flight paths are expected to cross" in (a) (2) and (b) (2) should be



moved to the beginning of (a) and the beginning of (b) so it reads “If the projected flight paths are expected to cross, a wake turbulence separation of 3/2 minutes should be applied...”.

**Impact**

The provision means that Wake Turbulence separations have to be applied even if the projected flight paths are not expected to cross (i.e. small threshold displacements) for the case of a departing aircraft following an arriving aircraft. This could affect capacity.

**Suggested Resolution**

Move the words “if the projected flight paths are expected to cross” to the beginning of AMC4 ATS.TR.220 (a) and (b).

response

Not accepted

See the response to comment #335.

comment

1077

comment by: ENAV

**AMC4 ATS.TR.220 Application of wake turbulence separation**

**Page 144**

The words “if the projected flight paths are expected to cross” in (a) (2) and (b) (2) should be moved to the beginning of (a) and the beginning of (b) so it reads “If the projected flight paths are expected to cross, a wake turbulence separation of 3/2 minutes should be applied...”

The provision means that Wake Turbulence separations have to be applied even if the projected flight paths are not expected to cross (i.e. small threshold displacements) for the case of a departing aircraft following an arriving aircraft. This could affect capacity.

**PROPOSAL**

Move the words “if the projected flight paths are expected to cross” to the beginning of AMC4 ATS.TR.220 (a) and (b).

response

Not accepted

See the response to comment #335.

comment

1221

comment by: UK CAA

**Paragraph No: AMC4 ATS.TR.220**

**Comment:** AMC4 ATS.TR.220 refers to the application of a procedural time based wake turbulence separation; however, the provision of TBS may now be supported by an ATS surveillance system. It would be appropriate to differentiate between these procedural and surveillance based TBS in order to avoid confusion.

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to the title of AMC4 ATS.TR.220:



|          |   |
|----------|---|
|          | <p>“AMC4 ATS.TR.220 Application of wake turbulence separation<br/> <b>PROCEDURAL SEPARATION – TIME-BASED WAKE TURBULENCE LONGITUDINAL SEPARATION MINIMA – DISPLACED LANDING THRESHOLD</b>”</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #1218.</p>   |
| comment  | <p>1223 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC4 ATS.TR.220 points (a)(1) and (2)</p> <p><b>Comment:</b> AMC4 ATS.TR.220 points (a)(1) and (2) include a typographic error in that they refer to “an SUPER aircraft”.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC4 ATS.TR.220 points (a)(1) and (2):</p> <p>“(1) a departing LIGHT or MEDIUM aircraft follows a SUPER aircraft arrival; or<br/> (2) an arriving LIGHT or MEDIUM aircraft follows a SUPER aircraft departure if the projected flight paths are expected to cross.”</p> |
| response | <p>Accepted</p> <p>AMC4 ATS.TR.220 has been amended accordingly.</p>  |
| comment  | <p>1481 <span style="float: right;">comment by: German NSA (BAF)</span></p> <p>What kind of separation minimum should be applied between a HEAVY aircraft and a SUPER aircraft? Although ICAO Letter ICAO TEC/OPS/SEP – 08-0294.SLG does not contain this case, it should be considered to specify it in AMC4.</p>  |
| response | <p>Noted</p> <p>The provisions in ICAO PANS ATM as well as those in ICAO TEC/OPS/SEP – 08-0294.SLG ‘Wake turbulence aspects of Airbus A380-800 aircraft’, dated 8 July 2008 do not address the case under question. Such a case is addressed in RECAT-EU, as specified in the newly introduced AMC7 ATS.TR.220.</p>   |

### 1.3. Draft decision (PART-ATS) - AMC5 ATS.TR.220

p. 145-146

|         |  |
|---------|--|
| comment | <p>86 <span style="float: right;">comment by: HIAL</span></p> <p><b>AMC 5 ATS.TR.220 Application of wake turbulence separation</b></p> |
|---------|--|



**Time Based Wake Turbulence Longitudinal Separation - Opposite Direction**

The NPA advises 'A separation minimum of 3 minutes **should** be applied between a....'

Wake turbulence separation is mandatory for departing aircraft; not “should”. It is recommended for arriving aircraft. The highlighted text above, and throughout AMC5, should be replaced with shall.

response

Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment

1224

comment by: UK CAA

**Paragraph No:** AMC5 ATS.TR.220

**Comment:** AMC5 ATS.TR.220 refers to the application of a procedural time-based wake turbulence separation. Whilst the UK CAA is cognisant that an opposite direction time-based wake turbulence separation is unlikely to be supported by an ATS surveillance system based tool, we consider that it would be appropriate to highlight within the title of the AMC its procedural nature, in order to maintain consistency with our other proposals on AMC to ATS.TR.220.

**Justification:** Clarity of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to the title of AMC5 ATS.TR.220:

“AMC5 ATS.TR.220 Application of wake turbulence separation

**PROCEDURAL SEPARATION – TIME-BASED WAKE TURBULENCE LONGITUDINAL SEPARATION MINIMA — OPPOSITE DIRECTION”**

response

Not accepted

See the response to comment #1218.

comment

1482

comment by: German NSA (BAF)

What kind of separation minimum should be applied between a HEAVY aircraft and a SUPER aircraft? Although ICAO Letter ICAO TEC/OPS/SEP – 08-0294.SLG does not contain this case, it should be considered to specify it in AMC5.

response

Noted

See the response to comment #1481.

**1.3. Draft decision (PART-ATS) - AMC6 ATS.TR.220**

p. 146

comment

87

comment by: HIAL



**AMC 6 ATS.TR.220 Application of wake turbulence separation  
Distance Based Wake Turbulence Separation Minima Based on ATS Surveillance System.**

The NPA advises 'The following distance based minima **should** be applied to....'

Wake turbulence separation is mandatory for departing aircraft; not “should”. It is recommended for arriving aircraft. The highlighted text above, and throughout AMC6, should be replaced with shall.

response Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment

336

comment by: *NATS National Air Traffic Services Limited*

AMC6 ATS.TR.220 Application of wake turbulence separation  
(b)

This is a copy of the general requirements in ATS.TR.220. It is not clear why it just states that the table in (a) needs to apply to A-380 and not other types or categories.

**Recommendation**

Remove

OR

change to GM

response Not accepted

The requirement in point (b) establishes the AMC for the application of ATS.TR.220 in the case of a SUPER aircraft. The reference to 'A380-800' has been replaced by a reference to 'SUPER'.

comment

1025

comment by: *CANSO*

AMC6 ATS.TR.220 Application of wake turbulence separation  
(b)  
Page 146

**CANSO Comment**

This is a copy of the general requirements in ATS.TR.220. It is not clear why it just states that the table in (a) needs to apply to A-380 and not other types or categories.

**Impact**

An incomplete requirement which may cause ambiguity.

**Suggested Resolution**

Remove



|          |   |
|----------|---|
|          | OR<br>change to GM.                               |
| response | Not accepted<br>See the response to comment #336. |

|          |  |
|----------|--|
| comment  | 1079 <span style="float: right;">comment by: ENAV</span>   |
|          | <b>AMC6 ATS.TR.220 Application of wake turbulence separation (b)</b><br><b>Page 146</b><br>This is a copy of the general requirements in ATS.TR.220. It is not clear why it just states that the table in (a) needs to apply to A-380 and not other types or categories. An incomplete requirement which may cause ambiguity<br>PROPOSAL<br>Remove<br>OR<br>change to GM |
| response | Not accepted<br>See the response to comment #336.  |

| comment            | 1092 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</span>  |  |                     |   |                |       |  |
|--------------------|---|--|---------------------|---|----------------|-------|--|
|                    | With reference to PANS ATM — Section 8.7.3.4, ICAO TEC/OPS/SEP – 08-0294.SLG ‘Wake turbulence aspects of Airbus A380-800 aircraft’, dated 08 July 2008 has stated not required and noted then separation reverts to radar separation minimum. We can’t see the necessity to involve the competent authority in item (a) it is better to make full stop after ATS provider. The ATS provider is certified and shall have methods to handle this situation accordingly.<br><br>We propose following with deletion of “ ..and approved by the competent authority” |  |                     |   |                |       |  |
|                    | <table border="1"> <thead> <tr> <th>PRECEDING AIRCRAFT</th> <th>SUCCEEDING AIRCRAFT</th> <th>WAKE TURBULENCE RADAR SEPARATION MINIMA</th> </tr> </thead> <tbody> <tr> <td>SUPER or HEAVY</td> <td>SUPER</td> <td>Not required.<br/>In this case, separation reverts to radar separation minima as established by the <b>ATS provider</b>.</td> </tr> </tbody> </table>  | PRECEDING AIRCRAFT   | SUCCEEDING AIRCRAFT | WAKE TURBULENCE RADAR SEPARATION MINIMA | SUPER or HEAVY | SUPER | Not required.<br>In this case, separation reverts to radar separation minima as established by the <b>ATS provider</b> . |
| PRECEDING AIRCRAFT | SUCCEEDING AIRCRAFT   | WAKE TURBULENCE RADAR SEPARATION MINIMA  |                     |   |                |       |  |
| SUPER or HEAVY     | SUPER   | Not required.<br>In this case, separation reverts to radar separation minima as established by the <b>ATS provider</b> . |                     |   |                |       |  |
| response           | Not accepted<br>See the response to comment #1084.  |  |                     |   |                |       |  |

|          |   |
|----------|---|
| comment  | <p data-bbox="360 241 424 271">1225</p> <p data-bbox="1219 241 1477 271" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="360 300 847 329"><b>Paragraph No:</b> AMC6 ATS.TR.220, Table</p> <p data-bbox="360 371 1477 439"><b>Comment:</b> A typographical error has occurred in the title of column 1 of the table; ‘aircraft’ is spelt incorrectly.</p> <p data-bbox="360 479 975 508"><b>Justification:</b> Accuracy of EU Regulatory materials.</p>  |
| response | <p data-bbox="360 539 475 568">Accepted</p> <p data-bbox="360 595 991 624">The text in the table has been amended accordingly.</p>  |
| comment  | <p data-bbox="360 712 424 741">1227</p> <p data-bbox="1219 712 1477 741" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="360 770 884 799"><b>Paragraph No:</b> AMC6 ATS.TR.220, point (b)</p> <p data-bbox="360 842 1485 1227"><b>Comment:</b> The statement in the right-hand column of the table that wake turbulence separation minima are “not required” between SUPER or HEAVY aircraft and a succeeding SUPER aircraft is misleading, as it does not contain the full context given to it in ICAO TEC/OPS/SEP – 08-0294.SLG ‘Wake turbulence aspects of Airbus A380-800 aircraft’, dated 08 July 2008. This states that “When a wake turbulence restriction is not required then separation reverts to radar separation minimum as prescribed by the appropriate ATS authority. The recommendation of the ad hoc group (safety case) indicated that no wake constraint exists for the A380-800 either following another A380-800 or a non-A380-800 HEAVY aircraft. The UK CAA requests EASA to amend the text of the right-hand column of the table to state that a wake turbulence separation is not required and to develop GM which replicates the content of ICAO TEC/OPS/SEP – 08-0294.SLG dated 08 July 2008.</p> <p data-bbox="360 1267 975 1296"><b>Justification:</b> Accuracy of EU Regulatory materials.</p> |
| response | <p data-bbox="360 1330 440 1359">Noted</p> <p data-bbox="360 1386 1485 1541">The comment is not understood. EASA is of the opinion that the right-hand column of the table as proposed in the AMC is already consistent with your comment and with the content of ICAO TEC/OPS/SEP – 08-0294.SLG ‘Wake turbulence aspects of Airbus A380-800 aircraft’, dated 8 July 2008.</p>  |
| comment  | <p data-bbox="360 1630 424 1659">1228</p> <p data-bbox="1219 1630 1477 1659" style="text-align: right;">comment by: UK CAA</p> <p data-bbox="360 1688 911 1718"><b>Paragraph No:</b> AMC6 ATS.TR.220 point (b)(2)</p> <p data-bbox="360 1760 1485 1861"><b>Comment:</b> AMC6 ATS.TR.220 point (b)(2) refers to a separation of 760 m but the text does not include a conversion within brackets from 760 m to 2 500 ft and is thus inconsistent with preceding text.</p> <p data-bbox="360 1901 1171 1930"><b>Justification:</b> Accuracy and consistency of EU Regulatory materials.</p> <p data-bbox="360 1971 1485 2036"><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC6 ATS.TR.220 point (b)(2):</p>  |

|          |  |
|----------|--|
|          | “2) both aircraft are using the same runway, or parallel runways separated by less than 760 m (2 500 ft); or”  |
| response | Accepted<br>The text of the AMC has been amended accordingly.  |
| comment  | 1420 <span style="float: right;">comment by: LfV Sweden</span><br>We think it is important that EASA define the meaning of 'the approach and departure phases' in order to apply the provision correctly enhancing flight safety.  |
| response | Noted  |
| comment  | 1612 <span style="float: right;">comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</span><br>ATCEUC does not agree with the approach chosen by EASA in this topic, , and, as pointed out in the analysis of part (b), we believe that we should, at least for the moment, apply the wake turbulence separation minima suggested by ICAO for this type of aircraft. The interest of manufacturers should not be more important than the interests of safety, least for the EASA, and it has been proven that the vortex of an A380 needs more separation/time in order to guarantee the safety of the rest of the aircraft. |
| response | Noted<br>EASA reaffirms that the proposed wake turbulence separation minima concerning the SUPER category are already consistent with the content of ICAO TEC/OPS/SEP – 08-0294.SLG 'Wake turbulence aspects of Airbus A380-800 aircraft', dated 8 July 2008, which establishes augmented time and/or distance values compared to other aircraft categories, where necessary.  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.230(a)(3)**

p. 150

|          |   |
|----------|---|
| comment  | 1596 <span style="float: right;">comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</span><br>ATCEUC suggests this addition:<br><br><i>(c) Aerodrome control towers should, when so prescribed in letters of agreement or local instructions, obtain approval from the unit providing approach control service prior to authorising operation of special VFR flights <u>if these flights are expected to invade the airspace under the responsibility of such approach unit.</u></i> |
| response | Not accepted<br>Special VFR flights may 'invade' certain portions of airspace only if they receive the relevant ATC clearance, in accordance with the requirements in ATS.TR.270, which are identical to those in SERA.5010 in Regulation (EU) No 923/2012 (SERA).  |



## 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.230(a)(1)(ii)

p. 151

|          |   |
|----------|---|
| comment  | <p data-bbox="363 394 424 423">1093</p> <p data-bbox="683 374 1498 443">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p data-bbox="363 472 1225 501">COORDINATION OF STANDARD CLEARANCES FOR DEPARTING AIRCRAFT</p> <p data-bbox="363 544 1498 645">(a) Wherever possible, the ATS providers concerned should establish standardised procedures for transfer of control between the ATC units concerned <b>and standard clearances for departing aircraft.</b></p> <p data-bbox="363 687 1498 788">The requirement for standard clearances for departing aircraft is stated here in a GM. The requirement on the content of a standard clearance for departing aircraft are stated in an AMC (AMC2 ats.tr.235(b)).</p> <p data-bbox="363 831 1498 898">Proposal: The requirement for standard clearances for departing aircraft should also be an AMC.</p> |
| response | <p data-bbox="363 925 523 954">Not accepted</p> <p data-bbox="363 983 1498 1084">The content of the originating ICAO PANS-ATM provision has the nature of guidance material. EASA has not considered to transpose it with a different regulatory force due to the inherent flexibility of the content of the originating ICAO provision.</p>  |
| comment  | <p data-bbox="363 1182 424 1211">1230</p> <p data-bbox="1219 1182 1498 1211">comment by: <i>UK CAA</i></p> <p data-bbox="363 1240 847 1270"><b>Paragraph No:</b> GM1 ATS.TR.230(a)(1)(ii)</p> <p data-bbox="363 1312 1498 1379"><b>Comment:</b> The UK CAA believes that the title of this GM is incorrect. ATS.TR.230(a)(1)(ii) does not exist; we believe that this should refer to ATS.TR.230(a)(3)(i).</p> <p data-bbox="363 1422 975 1451"><b>Justification:</b> Accuracy of EU Regulatory materials.</p> <p data-bbox="363 1494 1145 1523"><b>Proposed Text:</b> The UK CAA proposes the following amendment:</p> <p data-bbox="363 1565 1118 1594">“GM1 ATS.TR.230(a)(3)(i) Transfer of responsibility for control”</p>  |
| response | <p data-bbox="363 1619 480 1648">Accepted</p> <p data-bbox="363 1677 1498 1778">The title of the GM has been amended accordingly, reading: ‘GM1 ATS.TR.230(a)(3)(ii) Transfer of responsibility for control - COORDINATION OF STANDARD CLEARANCES FOR DEPARTING AIRCRAFT’</p>   |
| comment  | <p data-bbox="363 1877 424 1906">1597</p> <p data-bbox="564 1877 1498 1906">comment by: <i>ATCEUC - Air Traffic Controllers European Unions Coordination</i></p> <p data-bbox="363 1935 1238 1964">ATCEUC proposes this addition to include a clarifying example in the GM:</p> <p data-bbox="363 2007 1498 2036"><i>(c) Prior coordination of clearances should be required only in the event that a variation to</i></p>  |



*the standard clearance or the standardised transfer of control procedures is necessary or desirable for operational reasons, for example in the case of a change on the cleared initial flight level.*

response

Accepted

The text of point (c) of the GM has been amended accordingly.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.230(a)(4)**

p. 151-152

comment

170

comment by: *IFATCA*

AMC1  
ATS.TR.230(a)(4)

Appropriate flight plan and control information ~~should~~**shall** be exchanged between control positions within the same ATC unit, in respect of:

- (a) all aircraft for which responsibility for control will be transferred from one control position to another;
- (b) aircraft operating in such close proximity to the boundary between control sectors that control of traffic within an adjacent sector may be affected;
- (c) all aircraft for which responsibility for control has been delegated by a controller using procedural methods to a controller using an ATS surveillance system, as well as other aircraft affected.

Otherwise separation infringements are likely.

response

Not accepted

See the response to comment #170 in CRD 2016-09(A).

comment

1098

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

Appropriate flight plan and control information should be exchanged between control positions within the same ATC unit, in respect of:

- (a) all aircraft for which responsibility for control will be transferred from one control position to another;
- (b) aircraft operating in such close proximity to the boundary between control sectors that control of traffic within an adjacent sector may be affected;
- (c) all aircraft for which responsibility for control has been delegated by a controller using procedural methods to a controller using an ATS surveillance system, as well as other aircraft affected.



|          |   |
|----------|---|
|          | It says shall in PANS ATM and is transposed to should though it is an AMC. Propose to keep it as an AMC and use shall instead |
| response | Not accepted<br><br>See the response to comment #147 in CRD 2016-09(A).   |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.230(b)(2)** p. 152

|   |  |   |   |  |  |
|---|--|---|---|--|--|
| comment   | 171  | comment by: <i>IFATCA</i>   |   |  |  |
|   | <table border="1"> <tr> <td style="vertical-align: top;"><b>AMC1<br/>ATS.TR.230(b)(2)<br/>Transfer of<br/>responsibility for<br/>control</b></td> <td> <p>COORDINATION BETWEEN ATC UNITS PROVIDING ATS WITHIN CONTIGUOUS CONTROL AREAS — GENERAL</p> <p>(a) ATC units <del>should</del> <b>shall</b> forward from unit to unit, as the flight progresses, necessary flight plan and control information. When so required by agreement between ATS providers concerned, flight plan and flight progress information for flights along specified routes or portions of routes in close proximity to flight information region boundaries <del>should</del> <b>shall</b> also be provided to the ATC units in charge of the flight information regions adjacent to such routes or portions of routes.</p> <p>(b) The flight plan and control information in point (b) of ATS.TR.230 <del>should</del> <b>shall</b> be transmitted in sufficient time to permit reception and analysis of the data by the receiving unit(s) and necessary coordination between the units concerned.</p> </td> <td style="vertical-align: top;">Otherwise separation infringements are likely.</td> </tr> </table> | <b>AMC1<br/>ATS.TR.230(b)(2)<br/>Transfer of<br/>responsibility for<br/>control</b> | <p>COORDINATION BETWEEN ATC UNITS PROVIDING ATS WITHIN CONTIGUOUS CONTROL AREAS — GENERAL</p> <p>(a) ATC units <del>should</del> <b>shall</b> forward from unit to unit, as the flight progresses, necessary flight plan and control information. When so required by agreement between ATS providers concerned, flight plan and flight progress information for flights along specified routes or portions of routes in close proximity to flight information region boundaries <del>should</del> <b>shall</b> also be provided to the ATC units in charge of the flight information regions adjacent to such routes or portions of routes.</p> <p>(b) The flight plan and control information in point (b) of ATS.TR.230 <del>should</del> <b>shall</b> be transmitted in sufficient time to permit reception and analysis of the data by the receiving unit(s) and necessary coordination between the units concerned.</p> | Otherwise separation infringements are likely. |  |
| <b>AMC1<br/>ATS.TR.230(b)(2)<br/>Transfer of<br/>responsibility for<br/>control</b> | <p>COORDINATION BETWEEN ATC UNITS PROVIDING ATS WITHIN CONTIGUOUS CONTROL AREAS — GENERAL</p> <p>(a) ATC units <del>should</del> <b>shall</b> forward from unit to unit, as the flight progresses, necessary flight plan and control information. When so required by agreement between ATS providers concerned, flight plan and flight progress information for flights along specified routes or portions of routes in close proximity to flight information region boundaries <del>should</del> <b>shall</b> also be provided to the ATC units in charge of the flight information regions adjacent to such routes or portions of routes.</p> <p>(b) The flight plan and control information in point (b) of ATS.TR.230 <del>should</del> <b>shall</b> be transmitted in sufficient time to permit reception and analysis of the data by the receiving unit(s) and necessary coordination between the units concerned.</p>  | Otherwise separation infringements are likely.                                      |   |  |  |
| response  | Not accepted<br><br>See the response to comment #170 in CRD 2016-09(A).  |   |   |  |  |

| comment   | 1386   | comment by: <i>AESA / DSANA</i>   |      |         |               |   |   |   |
|---|--|---|------|---------|---------------|---|---|---|
|   | <table border="1"> <thead> <tr> <th style="background-color: #d9e1f2;">PART</th> <th style="background-color: #d9e1f2;">COMMENT</th> <th style="background-color: #d9e1f2;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></td> <td style="vertical-align: top;">Note 1 to Doc 4444 <b>section 10.1.2.1.1</b> should be included in the NPA.</td> <td style="vertical-align: top;">This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion, and the last part of the sentence seems to be useful information.</td> </tr> </tbody> </table> |   | PART | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | Note 1 to Doc 4444 <b>section 10.1.2.1.1</b> should be included in the NPA. | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion, and the last part of the sentence seems to be useful information. |
| PART  | COMMENT  | JUSTIFICATION   |      |         |               |   |   |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | Note 1 to Doc 4444 <b>section 10.1.2.1.1</b> should be included in the NPA.  | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion, and the last part of the sentence seems to be useful information. |      |         |               |   |   |   |

|          |  |  |  |  |
|----------|--|--|--|--|
|          | AMC1 ATS.TR.230(b)(2)                                  |  |  |  |
| response | <p>Noted</p> <p>See the response to comment #1377.</p> |  |  |  |

| comment   | 1387   | comment by: AESA / DSANA  |         |               |   |   |   |  |  |
|---|--|---|---------|---------------|---|---|---|--|--|
|   | <table border="1"> <thead> <tr> <th>PART</th> <th>COMMENT</th> <th>JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC1 ATS.TR.230(b)(2)</p> </td> <td> <p>Doc 4444 section 10.1.2.3.5 should be included in the NPA.</p> </td> <td> <p>This is not transposed in the NPA.</p> <p>Although <b>ATS.OR.150(a)</b> deals with the transfer of responsibility for control of flights, and mentions that should include transfer of control points, the specified flying times addressed in 10.1.2.3.5 are not explicitly covered. Besides, the later refers to the particular case of approval requests (addressed in 10.1.2.3.4).</p> </td> </tr> </tbody> </table> | PART  | COMMENT | JUSTIFICATION | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC1 ATS.TR.230(b)(2)</p> | <p>Doc 4444 section 10.1.2.3.5 should be included in the NPA.</p> | <p>This is not transposed in the NPA.</p> <p>Although <b>ATS.OR.150(a)</b> deals with the transfer of responsibility for control of flights, and mentions that should include transfer of control points, the specified flying times addressed in 10.1.2.3.5 are not explicitly covered. Besides, the later refers to the particular case of approval requests (addressed in 10.1.2.3.4).</p> |  |  |
| PART  | COMMENT  | JUSTIFICATION   |         |               |   |   |   |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>AMC1 ATS.TR.230(b)(2)</p> | <p>Doc 4444 section 10.1.2.3.5 should be included in the NPA.</p>  | <p>This is not transposed in the NPA.</p> <p>Although <b>ATS.OR.150(a)</b> deals with the transfer of responsibility for control of flights, and mentions that should include transfer of control points, the specified flying times addressed in 10.1.2.3.5 are not explicitly covered. Besides, the later refers to the particular case of approval requests (addressed in 10.1.2.3.4).</p> |         |               |   |   |   |  |  |
| response  | <p>Noted</p> <p>See the response to comment #1377.</p>   |   |         |               |   |   |   |  |  |

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.230(b)(2)** p. 152

|          |  |                  |  |  |
|----------|--|------------------|--|--|
| comment  | 390  | comment by: DGAC |  |  |
|          | <p>France ATSP (DSNA) uses 10 minutes before estimated time of arrival based on the fact that 15 minutes are deemed as a too long time and in most cases the activation message is received by the ACC sector less than 10 minutes in advance.</p> |                  |  |  |
| response | <p>Noted</p>   |                  |  |  |

|         |   |   |  |  |
|---------|---|---|--|--|
| comment | 1598  | comment by: ATCEUC - Air Traffic Controllers European Unions Coordination |  |  |
|         | <p>In definitions it is established that <b>'Estimated time of arrival'</b> means for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome. For visual flight rules (VFR) flights,</p> |   |  |  |



*the time at which it is estimated that the aircraft will arrive over the aerodrome*

This definition leaves open the possibility of understanding the ETA as the time when the aircraft will arrive in the airport, when in this context, it makes more sense the “designated point”.

(...)

*(c) The ACC should normally forward to the unit providing approach control service information on arriving aircraft not less than 15 minutes before estimated time of arrival to a designated point and should revise such information as necessary*

response Not accepted

The definitions for certain terms are provided in order to avoid unnecessary repetition of long texts. In the provision referred to in the comment, the estimated time of arrival should be interpreted as in the definition proposed for introduction to Annex I to the IR.

**1.3. Draft decision (PART-ATS) - GM1 to AMC2 ATS.TR.230(b)(2)**

p. 152-153

comment 172

comment by: IFATCA

**GM1 to AMC2  
ATS.TR.230(b)(2)**

**(e) arrival times over the holding fix when these vary by 3 minutes "when an estimate is coordinated", or such other time as has been agreed between the two ATC units concerned, from those previously estimated;**

What purpose does that serve? From ACC to APP this might make sense, but the other way around? Suggest to add the following wording in order to clarify "when an estimate is coordinated" for procedural environment.

response Noted

The proposal is already covered by the expression ‘from those previously estimated’, which assumes that the estimated were previously communicated.

**1.3. Draft decision (PART-ATS) - GM2 to AMC3 ATS.TR.230(b)(2)**

p. 154

comment 1599

comment by: ATCEUC - Air Traffic Controllers European Unions Coordination

ATCEUC considers that the provision is too restrictive and sometimes not practical, especially in small airspaces, so we propose the following addition:



(a) estimated time and proposed level of arriving aircraft over the aerodrome, at least 15 minutes prior to estimated arrival, unless otherwise agreed between the units;

response

Not accepted

The nature of the proposed transposition as GM allows the necessary flexibility to accommodate local specific operational situations and is not considered to be restrictive.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.230(b)(2)

p. 154-155

comment

1101

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

(a) If the flying time from the departure aerodrome of an aircraft to the boundary of an adjacent control area is less than the specified minimum required to permit transmission of the necessary flight plan and control information to the accepting ATC unit after take-off and allow adequate time for reception, analysis and coordination, the transferring ATC unit should, prior to departure, forward that information to the accepting ATC unit together with a request for approval. The required time period should be specified in letters of agreement or local instructions, as appropriate. In the case of revisions to a previously transmitted current flight plan, and control data being transmitted earlier than this specified time period, no approval from the accepting ATC unit **should** be required.

(b) In the case of an aircraft in flight requiring an initial clearance when the flying time to the boundary of an adjacent control area is less than a specified minimum, the aircraft **should** be held within the transferring ATC unit's control area until the flight plan and control information have been forwarded together with a request for approval, and coordination effected with the adjacent ATC unit.

(c) In the case of an aircraft requesting a change in its current flight plan, or of a transferring ATC unit proposing to change the current flight plan of an aircraft, and the flying time of the aircraft to the control area boundary is less than a specified minimum, the revised clearance **should** be withheld pending approval of the proposal by the adjacent ATC unit.

(d) When boundary estimate data are to be transmitted for approval by the accepting unit, the time in respect of an aircraft not yet departed **should** be based upon the estimated time of departure as determined by the ATC unit in whose area of responsibility the departure aerodrome is located. In respect of an aircraft in flight requiring an initial clearance, the time should be based on the estimated elapsed time from the holding fix to the boundary plus the time expected to be needed for coordination.

In PANS-ATM it is stated as an "shall".

Proposal: The requirement should be an AMC with the original shall instead of should

response

Not accepted

See the response to comment #147 in CRD 2016-09(A).

### 1.3. Draft decision (PART-ATS) - GM3 ATS.TR.230(b)(2)

p. 155



|          |  |   |
|----------|--|---|
| comment  | 1103   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | <p>COORDINATION BETWEEN ATS UNITS FOR CHANGE FROM IFR TO VFR</p> <p>An ATC unit receiving notification of an aircraft's intention to change from IFR to VFR flight should, as soon as practicable thereafter, so inform all other ATS units to whom the IFR flight plan was addressed, except those units through whose regions or areas the flight has already passed.</p> <p>Action by an ATS unit when an aircraft are changing from IFR to VFR only in a GM seems out of context. There are no requirements about this in either IR or AMC. In PANS-ATM it is stated as an "shall".</p> <p>Proposal: The requirement should be an AMC.</p> |   |
| response | <p>Not accepted</p> <p>The content of point(b)(2) of ATS.TR.230 contains requirements for the communication to the accepting units of the appropriate parts of the current flight plan. The GM provides an example of a specific case, i.e. changes to the current flight plan with regard to the flight rules.</p> <p>See also the response to comment #147 in CRD 2016-09(A).</p>  |   |
| comment  | 1260   | comment by: <i>Kamila GRABOWSKA</i>   |
|          | <p>instead 'ATC unit' should be 'ATS unit'</p>   |   |
| response | <p>Not accepted</p> <p>The requirements in ATS.TR.230 and the associated AMC and GM address the transfer of responsibility for controlled flights, and the related coordination. Therefore, such requirements are only applicable to ATC units.</p>  |   |
| comment  | 1320   | comment by: <i>Polish Air Navigation Services Agency</i>  |
|          | <p>instead 'ATC unit' should be 'ATS unit'</p>   |   |
| response | <p>Not accepted</p> <p>See the response to comment #1260.</p>  |   |

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.230(b)(7)

p. 156-158

|         |  |                         |
|---------|--|-------------------------|
| comment | 399  | comment by: <i>DGAC</i> |
|         | <p>For coordination between ATS units within a same State in the national language of the Member State, the text needs to be depicted as an AltMoC. To avoid such case, DGAC proposes:</p> |                         |



response When in English language, the following... or To be downgraded in a GM  
 Accepted  
 In consideration of the requirements in ATS.TR.125, AMC1 ATS.TR.230(b)(7) has been amended, to stipulate that the phraseology for the coordination between ATS units transposed from Section 12.3.5 of ICAO PANS-ATM is to be used when such a coordination is effected in the English language. A new point (b) has been added to stipulate that, when coordination is effected in another mutually agreed language, the involved ATS providers should coordinate to establish an agreed phraseology.

comment 503 comment by: EUROCONTROL  
**AMC1 ATS.TR.230(b)(7)** - Page 156  
 The EUROCONTROL Agency recommends not to use the word 'TO' in conjunction with information pertaining to a level clearance due to the risk of confusion with the word 'TWO'.

response Not accepted  
 The proposal may be considered valid for the area control centres providing services in the upper airspace, but it is not valid for the coordination of flights using altitudes. EASA has decided to keep the original ICAO PANS ATM phraseology using the word 'TO' also for consistency with related SERA AMC and GM included in EASA ED Decision 2016/023/R.

comment 1534 comment by: ATC the Netherlands  

|                          |   |   |
|--------------------------|---|---|
| AMC1<br>ATS.TR.230(b)(7) | General comment. The word 'TO' should not be used in conjunction with information pertaining to a level clearance due to the risk of confusion with the word 'TWO'. | Either The word 'TO' should not be used in conjunction with information pertaining to a level clearance due to the risk of confusion with the word 'TWO', (In use by MUAC)<br>Or as an alternative: the word Flight level should be used before the actual FL, to avoid misinterpretation e.g. decent to FL 2XX |
|--------------------------|---|---|

response Not accepted  
 See the response to comment #503.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.235(a)(5)** p. 158-159

comment 1231 comment by: UK CAA



**Paragraph No:** GM1 ATS.TR.235(a)(5)

**Comment:** A number of typographical errors have been introduced within this text which affects its readability. The first sentence is missing the letter ‘a’ between ‘when’ and ‘controller’. The second sentence is incorrectly transposed from note 1 to PANS-ATM 8.6.5.2 and should read ‘in respect to obstacles in this area...’.

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the that GM1 ATS.TR.235(a)(5) is amended to read as follows:

“Prescribed obstacle clearance will exist at all times when a controller issues clearances at or above the established minimum flight altitudes.  
When an IFR flight is being vectored, the pilot may be unable to determine the aircraft’s exact position in respect to obstacles in this area and consequently the altitude which provides the required obstacle clearance.”

response

Accepted

The text of the GM has been amended accordingly.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.235(b)** p. 159

|          |  |
|----------|--|
| comment  | <p>400 <span style="float: right;">comment by: DGAC</span></p> <p>Member States are already implementing PANS-ATM amendment 7A. France will implement it at the same time than SERA part C in October 2017.<br/>This AMC omits the provision introduced by Doc.4444 current edition 16<sup>th</sup> including amendment 7A, especially paragraph 6.3.2.4 CLEARANCES ON A SID.</p>  |
| response | <p>Noted</p> <p>Amendment 7A to ICAO PANS ATM is being considered for transposition to Regulation (EU) No 923/2012 (SERA) under the activities of RMT.0476 ‘SERA maintenance’. The comments received from stakeholders concerning the proposed transposition of SID/STAR phraseology as in the above-mentioned amendment indicated that this transposition has a controversial nature. EASA intends to organise further stakeholder consultation to identify the adequate and agreed solution.</p> |

| comment  | <p>1388 <span style="float: right;">comment by: AESA / DSANA</span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9e1f2;"> <th style="width: 33%;">PART</th> <th style="width: 33%;">COMMENT</th> <th style="width: 33%;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> </td> <td style="vertical-align: top;"> <p>Doc 4444 section 6.3.1.2 should be included in the NPA.</p> </td> <td style="vertical-align: top;"> <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> </td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 section 6.3.1.2 should be included in the NPA.</p> | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> |
|--|---|--|---------|---------------|--|--|--|
| PART   | COMMENT   | JUSTIFICATION  |         |               |  |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 section 6.3.1.2 should be included in the NPA.</p>  | <p>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</p> |         |               |  |  |  |



|          |  |  |  |  |  |
|----------|--|--|--|--|--|
|          | AMC1 ATS.TR.235(b)                                     |  |  |  |  |
| response | <p>Noted</p> <p>See the response to comment #1377.</p> |  |  |  |  |

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.235(b)** p. 159

|          |  |   |
|----------|--|---|
| comment  | 1107   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | Text is not transposed from ICAO, unknown source. We do not see the need for the expression/definition of “track to be made good”. We already have heading and track. We suggest that EASA removes this GM.  |   |
| response | <p>Not accepted</p> <p>The GM provides an explanation, without imposing any requirement, on the term ‘track to be made good’; it was introduced upon request of the RMG.0464 members with the objective of clarifying the intent of the ICAO PANS ATM provision (Section 6.3.1.1) from which AMC1 ATS.TR.235(b) is originated.</p> |   |

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.235(b)** p. 159

| comment   | 1389  | comment by: <i>AESA / DSANA</i>   |      |         |               |   |  |   |
|---|---|---|------|---------|---------------|---|--|---|
|   | <table border="1"> <thead> <tr> <th style="background-color: #d9e1f2;">PART</th> <th style="background-color: #d9e1f2;">COMMENT</th> <th style="background-color: #d9e1f2;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td> <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/>                     AMC2 ATS.TR.235(b)                 </td> <td>Note 2 to Doc 4444 <b>section 6.3.2.3</b> should be included in the NPA.</td> <td>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</td> </tr> </tbody> </table> |   | PART | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC2 ATS.TR.235(b) | Note 2 to Doc 4444 <b>section 6.3.2.3</b> should be included in the NPA. | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |
| PART  | COMMENT   | JUSTIFICATION   |      |         |               |   |  |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC2 ATS.TR.235(b) | Note 2 to Doc 4444 <b>section 6.3.2.3</b> should be included in the NPA.  | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |      |         |               |   |  |   |
| response  | <p>Noted</p> <p>See the response to comment #1377.</p>  |   |      |         |               |   |  |   |

**1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.235(b)**

p. 160

|          |  |                  |
|----------|--|------------------|
| comment  | 401  | comment by: DGAC |
|          | Member States are already implementing PANS-ATM amendment 7A. France will implement it at the same time than SERA part C in October 2017.<br>This AMC omits the provision introduced by Doc.4444 current edition 16 <sup>th</sup> including amendment 7A, especially paragraph 6.5.2.4 CLEARANCES ON A STAR. |                  |
| response | Noted<br>See the response to comment #400.   |                  |

**1.3. Draft decision (PART-ATS) - AMC4 ATS.TR.235(b)**

p. 160

|          |  |   |
|----------|--|---|
| comment  | 1108   | comment by: Swedish Transport Agency, Civil Aviation Department<br>(Transportstyrelsen, Luftfartsavdelningen) |
|          | This rule should be an AMC. WE especially think that (c) should be an AMC!       |   |
| response | Noted<br>The provision, including point (c), is an AMC, i.e. AMC4 ATS.TR.235(b). |   |

| comment   | 1390   | comment by: AESA / DSANA  |      |         |               |   |   |   |
|---|--|---|------|---------|---------------|---|---|---|
|   | <table border="1"> <thead> <tr> <th>PART</th> <th>COMMENT</th> <th>JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/>AMC4 ATS.TR.235(b)</td> <td>Note 2 to Doc 4444 section 6.5.2.3 should be included in the NPA.</td> <td>This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion.</td> </tr> </tbody> </table> |   | PART | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC4 ATS.TR.235(b) | Note 2 to Doc 4444 section 6.5.2.3 should be included in the NPA. | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |
| PART  | COMMENT  | JUSTIFICATION   |      |         |               |   |   |   |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC4 ATS.TR.235(b) | Note 2 to Doc 4444 section 6.5.2.3 should be included in the NPA.  | This is not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |      |         |               |   |   |   |
| response  | Noted<br>See the response to comment #1377.  |   |      |         |               |   |   |   |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.235(b)(3)(i)**

p. 161

|         |  |                  |
|---------|--|------------------|
| comment | 88   | comment by: HIAL |
|         | <b>GM1 to AMC1 ATS.TR.235(b)(2) ATC Clearances</b> |                  |



**Specification of Clearance Limit**

The term “cleared flight planned route” is outlined as a practice that may be used for the purpose of an ATC Clearance”. However, for ATSU’s without strip printers or any integrated DPI interface, the likelihood of erroneous routing errors remain a challenge to Human factors. HIAL would concede that the standard procedure, where a silent or standing agreement coordination process is absent, is to always repeat back the whole clearance, verbatim, as passed and should include the cleared route rather than an abbreviated clearance above; safety incident investigations have found clear evidence that flight plane routes indicated on adjacent ATS systems often differ.

response

Noted

By the context indicated in the text of the comment, it is understood that the comment refers to GM1 ATS.TR.235(b)(3)(i).

This GM advises about the possibility to use the expression ‘cleared flight planned route’ under specified circumstances, and does not impose any obligation. EASA considers that flight plans for flights within the ATFM area of responsibility of the Network Manager should be consistent within all ATS units since they are originated by one source (IFPS) which also verifies the correctness of the flight plan route.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.235(b)(4) p. 161-162**

comment

1391

comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION   |
|---|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>GM1 ATS.TR.235(b)(4) | Doc 4444 sections 5.3.3.2, 5.3.3.4 and 5.3.3.5 should be included in the NPA. | These are not transposed in the NPA. There is no justification in the PANS ATM Checklist for the exclusion. |

response

Noted

See the response to comment #1377.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.235(e) p. 162**

comment

1111

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

This rule should be an AMC.



response Not accepted

The comment does not elaborate on the rationale behind the proposed amendment of the status of the provision. It shall be noted that the originating Section 4.5.7.4.3 of ICAO PANS ATM has already been transposed into the EU rules with the same regulatory force as GM1 SERA.8015(e)(1).

comment 1392 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.235(e)</i></p> | <p>"The nature of the change..." should be replaced by "The amended clearance issued..." as in Doc 4444 <b>section 4.5.7.4.3</b>. Since this same section in Doc 4444 is also transposed as <b>GM1 SERA.8015(e)(1)</b> 'Air traffic control clearances' in SERA Part C AMC, we propose the same replacement in it for the sake of coherence.</p> <p>NPA explicitly adds the levels to the amended clearance contents, which are not expressly included in Doc 4444.</p> <p>Besides, it doesn't have the introduction referring to alternative route, and it is not very clear in such a way that in order to understand what is being stated it is necessary to, at least, read the title ("Change in clearance").</p> | <p>Replace "The nature of the change..." by "The amended clearance issued..." as in Doc 4444 <b>section 4.5.7.4.3</b>, since what contains the route is the clearance, not the nature of the change.</p> |

response Accepted

GM1 SERA.8015(e)(1) has been proposed for amendment by adding the heading 'CHANGE IN CLEARANCE REGARDING THE ROUTE'.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.240(c)** p. 164

comment 1393 comment by: AESA / DSANA



| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>GM1 ATS.TR.240(c)</i></p> | <p>PANS ATM Checklist justifies that the first sentence of Doc 4444 <b>section 7.6.3.2.2.1</b> is not transposed as part of <b>GM1 ATS.TR.240(c)</b> as considered covered by the transposition of Annex 11 Chapter 3.8.3 as <b>ATS.TR.240(c)</b>.</p> | <p><b>ATS.TR.240(c)</b> "Emergency vehicles proceeding to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic" is, in fact, very similar to the second part of the sentence of Doc 4444 <b>section 7.6.3.2.2.1</b> "except that emergency vehicles proceeding to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic" but it doesn't cover the first part of it.</p> |
| <p>response</p>  | <p>Noted</p> <p>EASA considers that the proposed GM further clarifies the provision established in point (c) of ATS.TR.240</p>   |  |

**1.3. Draft decision (PART-ATS) - GM2 ATS.TR.245** p. 165

|   |  |
|---|--|
| <p>comment</p> <p>1113</p> <p>FUNCTIONS OF ADVANCED SURFACE MOVEMENT GUIDANCE AND CONTROL SYSTEMS — A-SMGCS IN SURFACE MOVEMENT CONTROL</p> <p>When authorised and subject to conditions prescribed <b>by the competent authority</b>, the information provided on an A-SMGCS display may be used for the purpose of:</p> <p>...</p> <p>Doc 7030 states "by the appropriate authority" not the competent authority as in this GM. Sweden's interpretation is that it should be the ATS provider not the competent authority. The requirement should also be an AMC not a GM.</p> <p>Proposal: Regulate this as a requirement on the ATS provider in an AMC and let the competent authority verify that the ATS providers are following the requirement via oversight.</p> | <p>comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> |
| <p>response</p>   | <p>Not accepted</p> <p>See the response to comment #830.</p>   |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.250(a)** p. 165-166



|          |   |
|----------|---|
| comment  | <p>31 <span style="float: right;">comment by: <i>Humberside Airport</i></span></p> <p>Page No: 165-166</p> <p>Para No: 1.3</p> <p><b>GM1 ATS.TR.250(a)</b></p> <p>Comment:<br/>Whilst there is no requirement to separate within ‘uncontrolled’ airspace, under ‘UK FIS’ we are required to pass essential traffic with vectors if required within Class G airspace to assist where sighting of other traffic could have been late.</p> |
| response | <p>Noted</p>  |

|   |   |   |                      |                 |
|---|---|---|----------------------|-----------------|
| comment   | <p>540 <span style="float: right;">comment by: <i>ATC the Netherlands</i></span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">GM1 ATS.TR.250(a) Essential traffic information</td> <td style="width: 20%;">This is a definition</td> <td style="width: 30%;">Put in Annex 1.</td> </tr> </table> | GM1 ATS.TR.250(a) Essential traffic information | This is a definition | Put in Annex 1. |
| GM1 ATS.TR.250(a) Essential traffic information | This is a definition  | Put in Annex 1.                                 |                      |                 |
| response  | <p>Accepted</p> <p>The GM has been removed and the definition of ‘essential traffic’ has been introduced in Annex I (Definitions). For consistency, GM1 ATS.TR.250(b) has also been removed and a definition of ‘essential local traffic’ has been introduced in Annex I (Definitions).</p>   |   |                      |                 |

|          |  |
|----------|--|
| comment  | <p>1027 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM1 ATS.TR.250(a) Essential traffic information<br/>Page 166</p> <p><b>CANSO Comment</b><br/>This is a definition.</p> <p><b>Suggested Resolution</b><br/>Put in Annex 1.</p> |
| response | <p>Accepted</p> <p>See the response to comment #540.</p>   |

| comment  | <p>1394 <span style="float: right;">comment by: <i>AESA / DSANA</i></span></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e6e6fa;"> <th style="width: 30%;">PART</th> <th style="width: 30%;">COMMENT</th> <th style="width: 30%;">JUSTIFICATION</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision</b></td> <td>It would be advisable to include this requirement</td> <td>This paragraph contains de definition of "essential traffic"</td> <td></td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION |  | <b>(B) 1.3. Amendments to the upcoming ED Decision</b> | It would be advisable to include this requirement | This paragraph contains de definition of "essential traffic" |  |
|--|--|--|---------|---------------|--|--|---|--|--|
| PART   | COMMENT  | JUSTIFICATION  |         |               |  |  |   |  |  |
| <b>(B) 1.3. Amendments to the upcoming ED Decision</b> | It would be advisable to include this requirement  | This paragraph contains de definition of "essential traffic" |         |               |  |  |   |  |  |

|  |  |   |  |
|--|--|---|--|
| <p><b>issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>as part of <b>ATS.TR.250(a)</b> instead of as <b>GM1 ATS.TR.250(a)</b>.</p> | <p>and it would be advisable to include it as part of the requirement as it has not been included in Annex I.</p> |  |
| <p><i>GM1 ATS.TR.250(a)</i></p>  |  |   |  |

response Partially accepted  
See the response to comment #540.

comment 1395 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |  |
|--|--|--|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 <b>section 5.10.1.2</b> ICAO Note has not been transposed.</p> | <p>It would be advisable to include the Note into the NPA GM as it specifies types of flights or conditions to whom and when essential traffic information shall INEVITABLY be provided.</p> |  |
| <p><i>GM1 ATS.TR.250(a)</i></p>  |  |  |  |

response Noted  
See the response to comment #1377.

comment 1396 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION   |  |
|--|--|---|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> | <p>Doc 4444 <b>section 5.10.2</b> ICAO Note has not been transposed.</p> | <p>It would be advisable to include it as part of the NPA GM as it specifies conditions when essential traffic information shall be provided.</p> |  |
| <p><i>GM1 ATS.TR.250(a)</i></p>  |  |   |  |

response Noted

See the response to comment #1377.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.250(b)

p. 166

|          |   |                  |
|----------|---|------------------|
| comment  | 1081  | comment by: ENAV |
|          | <p><b>GM1 ATS.TR.250(a) Essential traffic information</b><br/> <b>Page 166</b><br/> This is a definition<br/> PROPOSAL<br/> Put in Annex 1.</p> |                  |
| response | <p>Accepted</p> <p>The GM has been removed and the definition of 'essential traffic' has been introduced in Annex I (Definitions).</p>          |                  |

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.255

p. 166-167

|          |  |   |
|----------|--|---|
| comment  | 421  | comment by: DFS Deutsche Flugsicherung GmbH |
|          | <p>AMC1 ATS.TR.255 Operation on parallel or near-parallel runways<br/> (b) (2): Runway spacing should be considered to reduce the 15 degrees diversion; the same target level of safety can be assured by wide separated runways (see Atlanta procedure), a safety assessment would be necessary.</p>  |   |
| response | <p>Noted</p> <p>See the response to comment #420.</p> <p>The element of divergence by at least 15 degrees after departure described in point (b)(2) of AMC1 ATS.TR.255 is part of the package of requirements discussed by ICAO SASP. According to the information from the work in progress, the changes proposed by ICAO SASP are different from those proposed by ICAO TF. EASA will continue monitoring the ICAO relevant development to ensure timely synchronisation with Part-ATS and the related AMC and GM.</p> |   |
| comment  | 1029   | comment by: CANSO                           |
|          | <p>AMC1 ATS.TR.255 (b) (2)<br/> Page 166</p> <p><b>CANSO Comment</b><br/> Runway spacing should be considered to reduce the 15 degrees diversion; the same target level of safety can be assured by wide separated runways (see Atlanta procedure), a safety</p>   |   |



|          |  |
|----------|--|
|          | assessment would be necessary.             |
| response | Noted<br>See the response to comment #421. |

|          |  |
|----------|--|
| comment  | 1083 <span style="float: right;">comment by: ENAV</span><br><br><b>AMC1 ATS.TR.255 (b) (2)</b><br><b>Page 166</b><br><br>Runway spacing should be considered to reduce the 15 degrees diversion; the same target level of safety can be assured by wide separated runways (see Atlanta procedure), a safety assessment would be necessary. |
| response | Noted<br>See the response to comment #421.   |

|          |  |
|----------|--|
| comment  | 1232 <span style="float: right;">comment by: UK CAA</span><br><br><b>Paragraph No:</b> AMC1 ATS.TR.255 to GM1 ATS.TR.255<br><br><b>Comment:</b> Throughout the AMC and GM associated with ATS.TR.255, the text refers exclusively to ILS and MLS; however, the ICAO Europe Parallel Runway Task Force has undertaken work to expand the scope to include Approach Procedure with vertical guidance (APV) and Ground Based Augmentation System (GBAS) Landing System (GLS) instrument approach procedures. The UK CAA requests EASA to consider amendment of the text to ‘future-proof’ it by removing specific references to ILS/MLS.<br><br><b>Justification:</b> ‘Future-proofing’ of EU Regulatory materials. |
| response | Noted<br>See the response to comment #420.<br><br>According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are being considered for inclusion.   |

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| <b>1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.255</b> | p. 167-168 |
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| comment                    | 173 <span style="float: right;">comment by: IFATCA</span>   |  |  |  |
|                            | <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;"><b>AMC2<br/>ATS.TR.255</b></td> <td style="width: 40%;">6) aircraft are advised of the runway identification and ILS localiser or MLS frequency as early as possible</td> <td style="width: 30%;">Does this have to be through voice or are charts sufficient?</td> </tr> </table> | <b>AMC2<br/>ATS.TR.255</b>                                   | 6) aircraft are advised of the runway identification and ILS localiser or MLS frequency as early as possible | Does this have to be through voice or are charts sufficient? |
| <b>AMC2<br/>ATS.TR.255</b> | 6) aircraft are advised of the runway identification and ILS localiser or MLS frequency as early as possible  | Does this have to be through voice or are charts sufficient? |  |  |



response Not accepted

The originating ICAO provisions for independent parallel runway operations require that such advice is provided by the controller.

comment

337

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways

(a)

It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances; the text as drafted offers increased cost with no perceivable safety benefits.

**Recommendation**

Add text to the end of (a):

“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”

response

Noted

See the response to comment #420.

According to the information from the work in progress in the ICAO SASP, the monitoring of multiple approaches on no more than 2 runways by a single controller will be allowed under specific conditions.

comment

338

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways

(b) (1) (i) and (ii)

Only allowing parallel runway approaches where there is SSR equipment is too navigation aid specific; this restricts operations with no safety benefit.

**Recommendation**

Remove text: “suitable SSR equipment” and replace with “an ATS surveillance system”

response

Noted

See the response to comment #420.

According to the information from work in progress in ICAO SASP, a table is envisaged to pinpoint surveillance performance requirements for specific operations on parallel or near-parallel runways. Consequently, the generic term ‘ATS surveillance’ would be used in all the instances on the understanding that the specified required surveillance performance would



be met.

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| comment  | <p data-bbox="352 353 411 392">339</p> <p data-bbox="810 353 1493 392">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="352 414 1157 488">AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (1) (iii)</p> <p data-bbox="352 521 1493 595">The equipment requirements for parallel approaches are too restrictive because they only allow surveillance radar</p> <p data-bbox="352 629 1493 770">Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p data-bbox="352 808 587 842"><b><u>Recommendation</u></b></p> <p data-bbox="352 842 1342 875">Amend text to: "...1525m or more, an ATS surveillance system with a minimum..."</p>   |
| response | <p data-bbox="352 902 443 936">Noted</p> <p data-bbox="352 958 799 992">See the response to comment #338.</p>   |
| comment  | <p data-bbox="352 1077 411 1111">340</p> <p data-bbox="810 1077 1493 1111">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="352 1133 1157 1207">AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (2)</p> <p data-bbox="352 1240 1493 1346">There should be an option to provide notification that independent parallel approaches are in force via the ATIS, clarification is needed to ensure the provision does not created extra workload.</p> <p data-bbox="352 1379 1493 1523">Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p data-bbox="352 1561 587 1594"><b><u>Recommendation</u></b></p> <p data-bbox="352 1628 1198 1662">Add text: "This information may be provided through ATIS broadcasts"</p> |
| response | <p data-bbox="352 1693 528 1727">Not accepted</p> <p data-bbox="352 1749 1493 1823">The issue of advising an aircraft via ATIS that independent parallel approaches are in force is covered in GM2 to AMC2 ATS.TR.255(b)(2).</p>  |
| comment  | <p data-bbox="352 1906 411 1939">341</p> <p data-bbox="810 1906 1493 1939">comment by: <i>NATS National Air Traffic Services Limited</i></p> <p data-bbox="352 1962 1157 2036">AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (3)</p>  |

Only allowing independent parallel runway operations where ILS or MLS is used does not take account of modern operations with their inherent benefits. To support modern operations, the references to ILS and MLS should be removed and RNP/RNAV and GBAS/GLS permitted. If not this restricts operations with no perceived safety benefit.

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.

### **Recommendation**

Amend text to:

“instrument approach procedures with lateral guidance at least as accurate as ILS are being used;”

response

Noted

See the response to comment #420.

According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are being considered for inclusion.

comment

342

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways  
(b) (4)

Further text is required for this to allow for operations where the distance between runway centrelines is more than 1035m; a definitive cut off distance does not take account of mitigations which can be utilised.

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.

### **Recommendation**

Add new text:

“If the distance between runway centrelines is greater than 1035m, the angle and the distance from runway end of track divergence can be adjusted when a dedicated safety assessment demonstrates the level of safety is not adversely affected.”

response

Not accepted

See the response to comment #420.

According to actual information from the work in progress in ICAO SASP, the reduction of the



track divergence for the missed approach procedures was not supported. EASA reminds the possibility to file an AltMoC if the local implementation is thoroughly documented, in accordance with the applicable requirements.

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| comment  | <p><b>343</b> <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (6)</p> <p>References to ILS and MLS frequencies imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to:<br/>“aircraft are advised as early as practicable of the runway identification and, if required, the frequency/channel associated with the approach procedure”</p> |
| response | <p>Noted</p> <p>See the response to comment #341.</p>  |

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| comment | <p><b>344</b> <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (7)</p> <p>References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p>Recommendation</p> <p>Amend text to:<br/>“The final approach track is intercepted at an angle not greater than 30 degrees, and provides for a level flight for at least 2km or 1nm before intercepting the vertical profile, by the use of;<br/>(i) vectoring, or</p> |
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| response | (ii) a published arrival and approach procedure;”   |
| response | <p>Noted</p> <p>See the response to comment #341.</p> <p>According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are being considered for inclusion, together with the possibility to join the approach track via a published arrival and approach procedure at IAF or IF.</p>   |
| comment  | <p>345 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (8)</p> <p>The references to “radar” are not conducive for a modern environment and operation; this is proscriptive on equipment requirements with no safety benefit.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b><u>Recommendation</u></b></p> <p>Replace:<br/>“radar system” with “ATS surveillance system”</p> <p>and</p> <p>Remove:<br/>“radar” from “radar separation”</p> |
| response | <p>Accepted</p> <p>The text of AMC2 ATS.TR.255(b)(8) is amended accordingly, as follows:</p> <p><i>(8) a minimum of a nominal 300 m (1 000 ft) vertical separation or, subject to <b>ATS surveillance</b> <del>radar</del> system and situation display capabilities, a minimum of 5.6 km (3.0 NM) radar separation is provided until aircraft are established;</i></p>   |
| comment  | <p>346 <span style="float: right;">comment by: NATS National Air Traffic Services Limited</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (8) (i)</p> <p>References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p>   |

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.

**Recommendation**

Remove text:  
“ILS localiser course and/or MLS”

response

Noted

See the response to comment #341.

comment

347

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways  
(b) (10)

It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances; as drafted this increases cost with no perceivable safety benefits.

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.

**Recommendation**

Add text:  
“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”

response

Noted

See the response to comment #337.

comment

348

comment by: *NATS National Air Traffic Services Limited*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways  
(b) (11) (ii)

References to ILS and MLS imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has



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|          | <p>therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b><u>Recommendation</u></b></p> <p>Remove text:<br/>“same ILS localiser course or MLS”</p>  |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>349 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (13) (i)</p> <p>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b><u>Recommendation</u></b></p> <p>Amend text to:<br/>“...final approach tracks intercepts the vertical profile; and”</p> |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>350 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(c)</p> <p>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach; this does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b><u>Recommendation</u></b></p>  |

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| response | <p>Remove text:<br/>"ILS localiser course and/or MLS"</p> <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>402 <span style="float: right;">comment by: DGAC</span></p> <p>To the particular points 6 and 7, DGAC suggests to add a reference to the APV and SBAS CAT I procedures, currently in use at Roissy-Charles de Gaulle for operations on parallel runways.</p> <p>In the point (8) DGAC suggests also replacing 'radar' by 'ATS surveillance system'.</p>  |
| response | <p>With regard to comment on APV and SBAS: Noted</p> <p>See the response to comment #341.</p> <p>With regard to the proposal to amend point (8): Accepted</p> <p>See the response to comment #345.</p>  |
| comment  | <p>422 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="float: right;">ATS.TR.255 (a)</span></p> <p>DFS operates with one controller for two runways for many years. It is therefore suggested to add following sentence to the end of (a): "If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches."</p> |
| response | <p>Noted</p> <p>See the response to comment #337.</p>   |
| comment  | <p>423 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="float: right;">ATS.TR.255 (b) (1) (i) and (ii)</span></p> <p>Remove words: "suitable SSR equipment" and replace with "an ATS surveillance system"</p>  |
| response | <p>Noted</p> <p>See the response to comment #338.</p>   |
| comment  | <p>424 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="float: right;">ATS.TR.255 (b) (1) (iii)</span></p> <p>Suggest words: "...1525m or more, an ATS surveillance system with a minimum..."</p>  |
| response | <p>Noted</p>  |

See the response to comment #338.

comment 425 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.Tr.255 (b) (2)  
 suggest to allow and add new sentence to current wording: “This information may be provided through ATIS broadcasts”

response Not accepted  
 See the response to comment #340.

comment 426 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (b) (3)  
 Current wording is too navaid specific and should be changed so RNP/RNAV and GBAS/GLS are all permitted, rather than exclusively ILS/MLS. We suggest to change wording to: “instrument approach procedures with lateral guidance at least as accurate as ILS are being used;”

response Noted  
 See the response to comment #341.

comment 427 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (b) (4)  
 Suggest to add a new GM: “If the distance between runway centrelines is greater than 1035m, the angle and the distance from runway end of track divergence can be adjusted when a dedicated safety assessment demonstrates the level of safety is not adversely affected.”

response Noted  
 See the response to comment #342.

comment 428 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (b) (6)  
 ILS/MLS frequency announcement is not performed. Suggest new wording: “aircraft are advised as early as practicable of the runway identification and, if required, the frequency/channel associated with the approach procedure”

response Noted  
 See the response to comment #341.



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| comment  | <p>429 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="margin-left: 150px;">ATS.TR.255</span> <span style="margin-left: 150px;">(b)</span> <span style="float: right;">(7)</span></p> <p>Since the aircraft are very sophisticated, there is no need to require 1NM straight and level flight prior to the intercept. Today it is possible to perform CDO approaches to the threshold. Aircraft can handle intercept up to 90 degree without overriding; and are able to descend directly after the curve.</p> <p>This provision does not allow other types of approaches which restrict the operation for no perceived <span style="margin-left: 150px;">safety</span> <span style="float: right;">benefit.</span></p> <p>Suggest <span style="margin-left: 150px;">new</span> <span style="float: right;">wording:</span></p> <p>“The final approach track is intercepted at an angle not greater than 30 degrees and provides for a level flight for at least 2km or 1nm before intercepting the vertical profile, by the use of:</p> <p>(i) <span style="margin-left: 150px;">vectoring,</span> <span style="float: right;">or</span></p> <p>(ii) a published arrival and approach procedure.”</p> |
| response | <p>Noted</p> <p>See the response to comment #344.</p>  |
| comment  | <p>431 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="margin-left: 150px;">ATS.TR.255</span> <span style="margin-left: 150px;">(b)</span> <span style="float: right;">(8)</span></p> <p>to <span style="margin-left: 50px;">contribute</span> <span style="margin-left: 50px;">to</span> <span style="margin-left: 50px;">more</span> <span style="margin-left: 50px;">modern</span> <span style="float: right;">operations:</span></p> <p>“radar system” should be replaced by “ATS surveillance system” and the word “radar” removed from “radar separation”.</p> <p>sub-point (i): suggest removal of words “ILS localiser course and/or MLS”</p>  |
| response | <p>With regard to the proposal to replace ‘radar system’ with ‘ATS surveillance system’: Accepted</p> <p>See the response to comment #345.</p> <p>With regard to the proposal to remove the terms ‘ILS localiser course and/or/MLS’: Not accepted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>432 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>AMC2 <span style="margin-left: 150px;">ATS.TR.255</span> <span style="margin-left: 150px;">(b)</span> <span style="float: right;">(10)</span></p> <p>The need for dedicated monitoring positions is not given. Today, a system can detect diversion on the final (which are very seldom) much faster than a controller. It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances.</p> <p>Suggest <span style="margin-left: 50px;">to add</span> <span style="margin-left: 50px;">following</span> <span style="margin-left: 50px;">sentence</span> <span style="margin-left: 50px;">atthe</span> <span style="margin-left: 50px;">end</span> <span style="margin-left: 50px;">of</span> <span style="float: right;">(10):</span></p> <p>“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”</p>   |
| response | <p>Noted</p>   |

See the response to comment #337.

comment 433 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (b)(11)(ii)  
 Suggest removal of words “same ILS localiser course or MLS”

response Noted  
 See the response to comment #341.

comment 434 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (b) (13)  
 should be deleted completely. In order to enable also one feeder for parallel runways.

response Not accepted  
 See the response to comment #420.  
 According to the information from the work in progress in the ICAO SASP, the monitoring of multiple approaches on no more than two runways by a single controller will be allowed under specific conditions. However, the requirements in AMC2 ATS.TR.255(b)(13) remain valid. EASA reminds the possibility of an ALTMOC if the local implementation is thoroughly documented and evidence exists that it meets an acceptable level of safety.

comment 435 comment by: *DFS Deutsche Flugsicherung GmbH*  
 AMC2 ATS.TR.255 (c)  
 Suggest removal of words: “ILS localiser course and/or MLS”

response Noted  
 See the response to comment #341.

comment 541 comment by: *ATC the Netherlands*

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| AMC2 ATS.TR.255<br>Operations on parallel or<br>near-parallel runways<br>(b)(2) | The option should be<br>to provide this<br>information via ATIS | High<br>RT<br>load | Add new sentence to current<br>wording: “This information may<br>be provided through ATIS<br>broadcasts” |
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response Not accepted  
 See the response to comment #340.

comment 542 comment by: ATC the Netherlands

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| AMC2<br>ATS.TR.255<br>Operations on<br>parallel or near-<br>parallel runways<br>(b)(3) | Current wording is too navaid specific and should be changed so RNP/RNAV and GBAS/GLS are all permitted, rather than exclusively ILS/MLS. All changes were proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter, so they have already been extensively discussed among experts from across Europe. | Enable the use of RNP/RNAV and GBAS/GLS, when permitted by the compenent authority. |
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response Noted  
See the response to comment #341.

comment 543 comment by: ATC the Netherlands

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| AMC2<br>ATS.TR.255<br>Operations on<br>parallel or near-<br>parallel<br>runways (13) (i)<br>and (ii) | Both dedicated radio channels until landing as the alternative are not practicable. LVNL has the opinion that a direct speech facility to enable a quick coordinated response by both APP and TWR controllers will also fulfil the related safety requirements during independent approaches on parallel runways. | Unnecessary investment. | <i>Convert into GM or add the possibility of direct speech communications between Approach and aerodrome control as alternative.</i> |
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response Not accepted  
See the response to comment #337.

comment 1031 comment by: CANSO

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (a)

Page 167

**CANSO Comment**

It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances.



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|          | <p><b>Impact</b><br/>Increased cost with no perceivable safety benefits.</p> <p><b>Suggested Resolution</b></p> <p>Add text to the end of (a):<br/>“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #337.</p>   |
| comment  | <p>1036 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>ATS.TR.255 Operations on parallel or near-parallel runways<br/>(a)<br/>Page 167</p> <p><b>CANSO Comment</b></p> <p>A lot of changes were proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF), which was set up a few years ago to update the ICAO docs on this matter in order to enable parallel runway operations in a more suitable way and adapt the rules to the technological and operational progress and state of the art. They have already been extensively discussed among experts from across Europe.</p> <p>A more flexible approach should therefore be made feasible in EU-law than just copy-pasting the PANS-ATM. Otherwise, ANSPs that operate parallel runways will not be in a position to keep their local peculiarities with this way of transposition into EU-law. This will - among other - cause severe effect to the traffic capacity to be handled.</p> <p>Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.</p> <p><b>Impact</b></p> <p>Otherwise, ANSPs that operate parallel runways will not be in a position to keep their local peculiarities with this way of transposition into EU-law. This will - among other - cause severe effect to the traffic capacity to be handled.</p> |
| response | <p>Noted</p> <p>See the response to comment #420.</p>  |
| comment  | <p>1037 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (1) (i) and (ii)<br/>Page 167</p> <p><b>CANSO Comment</b></p>   |

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|          | <p>Only allowing parallel runway approaches where there is SSR equipment is too nav aid specific.</p> <p><b>Impact</b><br/>This restricts operations with no safety benefit.</p> <p><b>Suggested Resolution</b><br/>Remove text: “suitable SSR equipment” and replace with “an ATS surveillance system”.</p>   |
| response | <p>Noted</p> <p>See the response to comment #338.</p>  |
| comment  | <p>1038 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (1) (iii)<br/>Page 167</p> <p><b>CANSO Comment</b><br/>The equipment requirements for parallel approaches are too restrictive because they only allow surveillance radar.</p> <p><b>Impact</b><br/>This is proscriptive on equipment requirements with no safety benefit.</p> <p><b>Suggested Resolution</b><br/>Amend text to: “...1525m or more, an ATS surveillance system with a minimum...”.</p> |
| response | <p>Noted</p> <p>See the response to comment #338.</p>  |
| comment  | <p>1039 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (2)<br/>Page 167</p> <p><b>CANSO Comment</b><br/>There should be an option to provide notification that independent parallel approaches are in force via the ATIS.</p> <p><b>Impact</b><br/>Clarification is needed to ensure the provision does not created extra workload.</p> <p><b>Suggested Resolution</b><br/>Add text: “This information may be provided through ATIS broadcasts”.</p>         |
| response | <p>Not accepted</p>  |



See the response to comment #340.

comment 1040

comment by: *CANSO*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways  
(b)(2)  
Page 167

**CANSO Comment**

The option should be to provide this information via ATIS.

**Impact**

High RT load.

**Suggested Resolution**

Add new sentence to current wording: “This information may be provided through ATIS broadcasts”.

response Not accepted

See the response to comment #340.

comment 1041

comment by: *CANSO*

AMC2 ATS.TR.255 Operations on parallel or near-parallel runways  
(b)(3)  
Page 167

**CANSO Comment**

Only allowing independent parallel runway operations where ILS or MLS is used does not take account of modern operations with their inherent benefits.

**Impact**

To support modern operations, the references to ILS and MLS should be removed and RNP/RNAV and GBAS/GLS permitted. If not this restricts operations with no perceived safety benefit.

**Suggested Resolution**

Amend text to:

“instrument approach procedures with lateral guidance at least as accurate as ILS are being used;”

OR

Enable the use of RNP/RNAV and GBAS/GLS, when permitted by the competent authority.

response Noted

See the response to comment #341.



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|----------|---|-------------------|
| comment  | <p>1042</p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (4)<br/>Page 167</p> <p><b>CANSO Comment</b><br/>Further text is required for this to allow for operations where the distance between runway centrelines is more than 1035m.</p> <p><b>Impact</b><br/>A definitive cut off distance does not take account of mitigations which can be utilised.</p> <p><b>Suggested Resolution</b><br/>Add new text:<br/>“If the distance between runway centrelines is greater than 1035m, the angle and the distance from runway end of track divergence can be adjusted when a dedicated safety assessment demonstrates the level of safety is not adversely affected.”</p> | comment by: CANSO |
| response | <p>Not accepted</p> <p>See the response to comment #342.</p>  |                   |
| comment  | <p>1043</p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (6)<br/>Page 167</p> <p><b>CANSO Comment</b><br/>References to ILS and MLS frequencies imply independent parallel approaches are restricted to these types of approach.</p> <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b><br/>Amend text to:<br/>“aircraft are advised as early as practicable of the runway identification and, if required, the frequency/channel associated with the approach procedure”.</p>  | comment by: CANSO |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |                   |
| comment  | <p>1044</p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (7)<br/>Page 167</p>   | comment by: CANSO |

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|          | <p><b>CANSO Comment</b><br/>References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach.</p> <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b><br/>Amend text to:<br/>“The final approach track is intercepted at an angle not greater than 30 degrees, and provides for a level flight for at least 2km or 1nm before intercepting the vertical profile, by the use of;<br/>(i) vectoring, or<br/>(ii) a published arrival and approach procedure;”</p> |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1046 <span style="float: right;">comment by: CANSO</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (8)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>The references to “radar” are not conducive for a modern environment and operation.</p> <p><b>Impact</b><br/>This is proscriptive on equipment requirements with no safety benefit.</p> <p><b>Suggested Resolution</b><br/>Replace:<br/>“radar system” with “ATS surveillance system”</p> <p>and</p> <p>Remove:<br/>“radar” from “radar separation”.</p>   |
| response | <p>Accepted</p> <p>See the response to comment #345.</p>  |
| comment  | <p>1048 <span style="float: right;">comment by: CANSO</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (8) (i)</p>   |



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| response | <p>Page 168</p> <p><b>CANSO Comment</b><br/>References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach.</p> <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b><br/>Remove text:<br/>“ILS localiser course and/or MLS”.</p> <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1049 <span style="float: right;">comment by: CANSO</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (10)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances.</p> <p><b>Impact</b><br/>Increased cost with no perceivable safety benefits.</p> <p><b>Suggested Resolution</b><br/>Add text:<br/>“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”</p> |
| response | <p>Noted</p> <p>See the response to comment #337.</p>   |
| comment  | <p>1051 <span style="float: right;">comment by: CANSO</span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (11) (ii)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach.</p>   |



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|          | <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b><br/>Remove text:<br/>“same ILS localiser course or MLS”.</p>   |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1052 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (13) (i) and (ii)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>Both dedicated radio channels until landing as the alternative are not practicable. LVNL has the opinion that a direct speech facility to enable a quick coordinated response by both APP and TWR controllers will also fulfil the related safety requirements during independent approaches on parallel runways.</p> <p><b>Impact</b><br/>Unnecessary investment.</p> <p><b>Suggested Resolution</b><br/>Convert into GM or add the possibility of direct speech communications between Approach and aerodrome control as alternative.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #337.</p>  |
| comment  | <p>1054 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(b) (13) (i)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach.</p> <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b></p>  |

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| response | <p>Amend text to:<br/>“...final approach tracks intercepts the vertical profile; and”.</p> <p>Noted</p> <p>See the response to comment #341.</p>  |
| comment  | <p>1055 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways<br/>(c)<br/>Page 168</p> <p><b>CANSO Comment</b><br/>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach.</p> <p><b>Impact</b><br/>Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p><b>Suggested Resolution</b><br/>Remove text:<br/>“ILS localiser course and/or MLS”.</p> |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1091 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (a)</b><br/><b>Page 167</b></p> <p>It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances<br/>PROPOSAL<br/>Add text to the end of (a):<br/>“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”</p>                               |
| response | <p>Noted</p> <p>See the response to comment #337.</p>   |
| comment  | <p>1094 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (a)<br/>Page 167</p>  |



A lot of changes were proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF), which was set up a few years ago to update the ICAO docs on this matter in order to enable parallel runway operations in a more suitable way and adapt the rules to the technological and operational progress and state of the art. They have already been extensively discussed among experts from across Europe.

A more flexible approach should therefore be made feasible in EU-law than just copy-pasting the PANS-ATM. Otherwise, ANSPs that operate parallel runways will not be in a position to keep their local peculiarities with this way of transposition into EU-law. This will - among other - cause severe effect to the traffic capacity to be handled.

Changes to this have already been proposed by the ICAO Europe Parallel Runway Task Force (IPAO-TF) that was set up a few years ago to update the ICAO docs on this matter. This has therefore been extensively discussed amongst experts from across Europe and the provisions should reflect their recommendations.

response

Noted

See the response to comment #420.

comment

1095

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (1) (i) and (ii)**  
**Page 167**

Only allowing parallel runway approaches where there is SSR equipment is too nav aid specific.

This restricts operations with no safety benefit

PROPOSAL

Remove text: "suitable SSR equipment" and replace with "an ATS surveillance system"

response

Noted

See the response to comment #338.

comment

1096

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (1) (iii)**  
**Page 167**

The equipment requirements for parallel approaches are too restrictive because they only allow surveillance radar This is proscriptive on equipment requirements with no safety benefit

PROPOSAL

Amend text to: "...1525m or more, an ATS surveillance system with a minimum..."

response

Noted

See the response to comment #338.

comment

1097

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (2)**



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| response | <p><b>Page 167</b><br/>There should be an option to provide notification that independent parallel approaches are in force via the ATIS<br/>PROPOSAL</p> <p>Add text: “This information may be provided through ATIS broadcasts”</p> <p>Not accepted</p> <p>See the response to comment #340.</p>   |
| comment  | <p>1099 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b)(2)</b><br/><b>Page 167</b></p> <p>The option should be to provide this information via ATIS<br/>PROPOSAL</p> <p>Add new sentence to current wording: “This information may be provided through ATIS broadcasts”</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #340.</p>  |
| comment  | <p>1100 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b)(3)</b><br/><b>Page 167</b></p> <p>Only allowing independent parallel runway operations where ILS or MLS is used does not take account of modern operations with their inherent benefits<br/>To support modern operations, the references to ILS and MLS should be removed and RNP/RNAV and GBAS/GLS permitted. If not this restricts operations with no perceived safety benefit<br/>PROPOSAL</p> <p>Amend text to:<br/>“instrument approach procedures with lateral guidance at least as accurate as ILS are being used;”<br/>OR<br/>Enable the use of RNP/RNAV and GBAS/GLS, when permitted by the competent authority.</p> |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1102 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (4)</b><br/><b>Page 167</b></p>   |



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|          | <p>Further text is required for this to allow for operations where the distance between runway centrelines is more than 1035m. A definitive cut off distance does not take account of mitigations which can be utilised.</p> <p>PROPOSAL</p> <p>Add new text:</p> <p>“If the distance between runway centrelines is greater than 1035m, the angle and the distance from runway end of track divergence can be adjusted when a dedicated safety assessment demonstrates the level of safety is not adversely affected.”</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #342.</p>   |
| comment  | <p>1104 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (6)</b><br/><b>Page 167</b></p> <p>References to ILS and MLS frequencies imply independent parallel approaches are restricted to these types of approach. Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>PROPOSAL</p> <p>Amend text to:</p> <p>“aircraft are advised as early as practicable of the runway identification and, if required, the frequency/channel associated with the approach procedure”</p>   |
| response | <p>Noted</p> <p>See the response to comment #341.</p>  |
| comment  | <p>1105 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (7)</b><br/><b>Page 167</b></p> <p>References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach. Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>PROPOSAL</p> <p>Amend text to:</p> <p>“The final approach track is intercepted at an angle not greater than 30 degrees, and provides for a level flight for at least 2km or 1nm before intercepting the vertical profile, by the use of;</p> <p>(i) vectoring, or</p> <p>(ii) a published arrival and approach procedure;”</p> |
| response | <p>Noted</p> <p>See the response to comment #344.</p>  |
| comment  | <p>1106 <span style="float: right;">comment by: ENAV</span></p>  |



**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (8)****Page 168**

The references to “radar” are not conducive for a modern environment and operation This is proscriptive on equipment requirements with no safety benefit

PRPOSAL

Replace:

“radar system” with “ATS surveillance system”

and

Remove:

“radar” from “radar separation”

response

Accepted

See the response to comment #345.

comment

1121

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (8) (i)****Page 168**

References to vectoring to an ILS and MLS imply independent parallel approaches are restricted to these types of approach Does not allow other types of approaches which restrict the operation for no perceived safety benefit.

PROPOSAL

Remove text:

“ILS localiser course and/or MLS”

response

Noted

See the response to comment #341.

comment

1124

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (10)****Page 168**

It should be acceptable for a single controller to be responsible for multiple approaches under certain circumstances.

PROPOSAL

Add text:

“If determined by a safety assessment, and approved by the competent authority, a single controller may be responsible for multiple approaches.”

response

Noted

See the response to comment #337.

comment

1181

comment by: ENAV

**AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (11) (ii)****Page 168**

|          |   |
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| response | <p>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach</p> <p>PROPOSAL</p> <p>Remove text:</p> <p>“same ILS localiser course or MLS”</p> <p>Noted</p> <p>See the response to comment #341.</p>  |
| comment  | <p>1184 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (13) (i) and (ii)</b></p> <p><b>Page 168</b></p> <p>Both dedicated radio channels until landing as the alternative are not practicable. A direct speech facility to enable a quick coordinated response by both APP and TWR controllers will also fulfil the related safety requirements during independent approaches on parallel runways.</p> <p>PROPOSAL</p> <p>Convert into GM or add the possibility of direct speech communications between Approach and aerodrome control as alternative</p> |
| response | <p>Not accepted</p> <p>See the response to comment #337.</p>  |
| comment  | <p>1191 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (b) (13) (i)</b></p> <p><b>Page 168</b></p> <p>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach Does not allow other types of approaches which restrict the operation for no perceived safety benefit</p> <p>PROPOSAL</p> <p>Amend text to:</p> <p>“...final approach tracks intercepts the vertical profile; and”</p>   |
| response | <p>Noted</p> <p>See the response to comment #341.</p>   |
| comment  | <p>1193 <span style="float: right;">comment by: ENAV</span></p> <p><b>AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (c)</b></p> <p><b>Page 168</b></p> <p>References to ILS and MLS imply independent parallel approaches are restricted to these types of approach Does not allow other types of approaches which restrict the operation for no perceived safety benefit.</p> <p>PROPOSAL</p> <p>Remove text:</p>  |



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| response | <p>“ILS localiser course and/or MLS”</p> <p>Noted</p> <p>See the response to comment #341.</p>  |
| comment  | <p>1233 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC2 ATS.TR.255, point (a)</p> <p><b>Comment:</b> AMC2 ATS.TR.255 point (a) states that “Whenever parallel approaches are carried out, separate controllers should be responsible for the sequencing and spacing of arriving aircraft to each runway.” The UK CAA considers that this is an overly restrictive requirement and that there may be circumstances in which it is permissible for a single controller to undertake the task, following a local safety assessment and approval by the competent authority. As such, flexibility should be included within the AMC to permit this.</p> <p><b>Justification:</b> Flexibility and proportionality of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to AMC2 ATS.TR.255 point (a):</p> <p>“(a) Whenever parallel approaches are carried out, <b>except where approved by the competent authority</b>, separate controllers should be responsible for the sequencing and spacing of arriving aircraft to each runway.”</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #337.</p>  |
| comment  | <p>1234 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC2 ATS.TR.255, point (b)(7)</p> <p><b>Comment:</b> When combined with the preamble text at point (b), the wording of AMC2 ATS.TR.255 changes the intent of the original PANS-ATM text (6.7.3.2.3) and states that independent parallel approaches should only be conducted to parallel runways where vectoring is used to intercept the ILS localise course of the MLS final approach track. This precludes the possibility that the aircraft may be following a published arrival and approach procedure that does not require vectoring. Moreover, a minor amendment to the text could introduce a measure of ‘future proofing’ by removing specific references to the use of ILS/MLS.</p> <p><b>Justification:</b> Accuracy and ‘future-proofing’ of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes that AMC2 ATS.TR.255 point (b)(7) is amended to read as follows:</p> <p>“(7) The final approach course or track is intercepted at an angle not greater than 30 degrees and providing at least 2 km (1.0 NM) straight and level flight prior to the intercept, either by</p> |

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|          | the use of vectoring or a published arrival and instrument approach procedure. The vector or procedure should also enable the aircraft to be established on the final approach course or track in level flight for at least 3.7 km (2.0 NM) prior to intercepting the glide path or specified elevation angle.” |
| response | Noted<br><br>See the response to comment #344.  |

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| comment  | 1235 <span style="float: right;">comment by: UK CAA</span><br><br><b>Paragraph No:</b> AMC2 ATS.TR.255 points (b)(8) and (b)(11)<br><br><b>Comment:</b> AMC2 ATS.TR.255 points (b)(8) and (b)(11) refer to a “300 m (1 000 ft) vertical separation” and as such are related to ATS.TR.210(c)(1) regarding the vertical separation minimum of a “nominal 300 m (1 000 ft)”. Consequently, for the purposes of consistency, AMC2 ATS.TR.255 points (b)(8) and (b)(11) should be amended to reflect the ‘nominal’ nature of the 300 m (1 000 ft) vertical separation. There are additional detailed, technical arguments related to the importance of the inclusion of the term ‘nominal’ which the UK CAA would be pleased to present separately to the Agency but which were not considered appropriate to be included within our consultation response. Whilst the UK CAA accepts that this lack of consistency exists in the source ICAO text, we believe that this is an oversight that should be addressed by EASA in developing Part-ATS<br><br><b>Justification:</b> Consistency of EU Regulatory materials with intent of source ICAO text.<br><br><b>Proposed Text:</b> The UK CAA proposes the following amendments to AMC2 ATS.TR.255 points (b)(8) and (b)(11):<br><br>“(8) a minimum of <b>a nominal</b> 300 m (1 000 ft) vertical separation or...<br><br>(11) controller ensures that when the <b>nominal</b> 300 m (1 000 ft) vertical separation is reduced:” |
| response | Accepted<br><br>The relevant text of AMC2 ATS.TR.255(b)(8) and (11) has been amended accordingly.  |

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| comment | 1236 <span style="float: right;">comment by: UK CAA</span><br><br><b>Paragraph No:</b> AMC2 ATS.TR.255 point (c)<br><br><b>Comment:</b> This comment is linked with that made by UK CAA on AMC2 ATS.TR.255 point (b)(7). The text of AMC2 ATS.TR.255 point (c) would benefit from minor amendment to aid readability. Moreover, AMC2 ATS.TR.255 point (c) includes text that appears to be better placed as GM, rather than AMC. Finally, a minor amendment to the text could introduce a measure of ‘future proofing’ by removing specific references to the use of ILS/MLS.<br><br><b>Justification:</b> Readability of EU Regulatory materials. |
|---------|--|

**Proposed Text:** The UK CAA proposes that AMC2 ATS.TR.255 point (c) is amended and a new GM is introduced, as below:

“(c) Regarding independent parallel approaches to parallel runways spaced by less than 1 525 m between their centre lines, meteorological conditions can increase final approach course and/or track deviations to the extent that safety may be impaired. The meteorological conditions under which said approaches are to be suspended, should be proposed by the ATS provider and approved by the competent authority.”

**“GMXX to AMC2 ATS.TR.255(c) Operations on parallel or near-parallel runways**

These meteorological conditions include but are not limited to wind shear, turbulence, downdrafts, crosswind and significant meteorological conditions such as thunderstorms.”

response

Partially accepted

The text of point (c) of AMC2 ATS.TR.255 has been amended to improve its readability. Inasmuch as the intention is understood, the understanding of the ICAO provisions is that for the meteorological phenomena listed, the ATS provider should define the magnitude which would trigger the suspension. EASA is of the opinion that the list of meteorological phenomena is explicit and should not be degraded to a GM.

Consequently, point (c) of AMC2 ATS.TR.255 has been amended as follows:

~~(c) — The meteorological conditions under which the independent parallel approaches to parallel runways spaced by less than 1 525 m between their centre lines are to be suspended, should be proposed by the ATS provider and approved by the competent authority. These conditions include but are not limited to wind shear, turbulence, downdrafts, crosswind and significant meteorological conditions such as thunderstorms, which might otherwise increase ILS localiser course and/or MLS final approach track deviations to the extent that safety may be impaired.~~

(c) *Independent parallel approaches on parallel runways spaced by less than 1 525 m between centre lines should be suspended in meteorological conditions proposed by the ATS provider and approved by the competent authority. Such meteorological conditions should include, inter alia:*

- (1) *wind shear;*
- (2) *turbulence;*
- (3) *downdrafts;*
- (4) *crosswind; and*
- (5) *significant meteorological conditions such as thunderstorms.*

In addition, the new GM7 to AMC2 ATS.TR.255 is introduced as follows:

**GM7 to AMC2 ATS.TR.255**

*With reference to point (c) of AMC2 ATS.TR.255, some meteorological conditions can increase the final approach course and/or track deviations to the extent that safety may be*



*impaired. This should be considered when extending the list of meteorological conditions.*

comment 1399

comment by: AESA / DSANA

| PART   | COMMENT                   | JUSTIFICATION  |
|--|---------------------------|--|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p><i>AMC2 ATS.TR.255(b)(2)</i></p> | <p>Editorial comment.</p> | <p><b>AMC2 ATS.TR.255 (b)(2)</b> should be rephrased as follows because it must be read as part of <b>point b)</b> of <b>AMC2 ATS.TR.255</b>:</p> <p><i>"(b) Independent parallel approaches should only be conducted to parallel runways where:</i></p> <p><i>(2) an aircraft is advised that independent parallel approaches are in force as early as practicable after the aircraft has established communication with approach control;"</i></p> |

response Accepted

The proposal improves the readability of the provision, without changing its content.

The relevant text of AMC2 ATS.TR.255(b)(2) is amended as follows:

~~(2) as early as practicable after an aircraft has established communication with approach control, the aircraft is advised that independent parallel approaches are in force;~~

*(2) an aircraft is advised that independent parallel approaches are in force as early as practicable after the aircraft has established communication with approach control;*

comment 1487

comment by: German NSA (BAF)

Regarding AMC2 ATS.TR.255 (b) (3) it is highly recommended not to include RNAV/RNP or GBAS in this procedure as there is no evidence on a safe conduction of parallel independent approach with those systems.

Note: According ICAO Doc 4444, chapter 6.7.3.2.1 only ILS/MLS is Accepted

response Noted

See the response to comment #341.



## 1.3. Draft decision (PART-ATS) - GM3 to AMC2 ATS.TR.255

p. 169

comment

174

comment by: IFATCA

**GM3 to  
AMC2  
ATS.TR.255**

(a) When assigning the final heading to intercept the ILS localiser course or MLS final approach track, the runway will be confirmed, and the aircraft will be advised of: ~~(1) its position relative to a fix on the ILS localiser course or MLS final approach track;~~ (2) the altitude to be maintained until established on the ILS localiser course or MLS final approach track to the ILS glide path or specified MLS elevation angle intercept point unless the aircraft has been cleared to the final approach altitude already; and (3) if required, clearance for the appropriate ILS or MLS approach.

Proposed to reduce r/t load be removing superfluous information.

response

Not accepted

See the response to comment #420.

According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion, together with the possibility to join the approach track via a published arrival and approach procedure at IAF or IF.

comment

403

comment by: DGAC

As a general comment, it is now needed to take into account the PBN procedures at major airports. DGAC suggests adding the APV and SBAS CAT I operations in the sub paragraphs (a) and (c).

response

Noted

See the response to comment #174.

comment

430

comment by: DFS Deutsche Flugsicherung GmbH

GM3 to AMC2 ATS.TR.255 (b)(7)  
Point (a) (1) should be deleted as this is outdated and increases RF load.

response

Noted

See the response to comment #174.

comment

436

comment by: DFS Deutsche Flugsicherung GmbH



GM3 to AMC2 ATS.TR.255  
Point (c) should allow more than 45 degrees.

response

Not accepted  
See the response to comment #420.  
According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion. However, the increase of the 45 degrees was not supported the reduction of the track divergence for the missed approach procedures was not supported.

comment

665 comment by: ATC the Netherlands

|  |  |              |  |
|--|--|--------------|--|
| GM 3 to AMC2<br>ATS.TR.255<br>Operations on parallel or near-parallel runways (a)(1) | Providing a position fix prior to intercepting the Localizer is regarded as not beneficial, because pilots have already a good situational awareness with their RNAV capable FMS. This situational awareness is ensured in TMA's where RNP or RNAV performance is required | High RT load | Remove or add "in case of a non R-NAV environment" |
|--|--|--------------|--|

response

Noted  
See the response to comment #174.

comment

666 comment by: ATC the Netherlands

|                                   |  |                              |  |
|-----------------------------------|--|------------------------------|--|
| GM3 to AMC2<br>ATS.TR.255 (a) (1) | Giving the aircraft its position prior to commencement of final approach is not always necessary, for instance in an RNAV environment. | Huge increase in RTF loading | Add in words "when considered necessary" |
|-----------------------------------|--|------------------------------|--|

response

Noted  
See the response to comment #174.

comment

1056 comment by: CANSO

GM3 to AMC2 ATS.TR.255 (a) (1)  
Page 169  
**CANSO Comment**

|          |  |
|----------|--|
|          | <p>Giving the aircraft its position prior to commencement of final approach is not always necessary, for instance in an RNAV environment.</p> <p><b>Impact</b><br/>Huge increase in RTF loading.</p> <p><b>Suggested Resolution</b><br/>Add in words “when considered necessary”.</p>  |
| response | <p>Noted</p> <p>See the response to comment #174.</p>  |
| comment  | <p>1057 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM3 to AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (a)(1)<br/>Page 169</p> <p><b>CANSO Comment</b><br/>Providing a position fix prior to intercepting the Localizer is regarded as not beneficial, because pilots have already a good situational awareness with their RNAV capable FMS. This situational awareness is ensured in TMA’s where RNP or RNAV performance is required</p> <p><b>Impact</b><br/>High RT load.</p> <p><b>Suggested Resolution</b><br/>Remove or add “in case of a non R-NAV environment”.</p> |
| response | <p>Noted</p> <p>See the response to comment #174.</p>  |
| comment  | <p>1058 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM3 AMC2 ATS.TR.255 (c)<br/>Page 169</p> <p><b>CANSO Comment</b><br/>Point (c) should allow more than 45 degrees.</p>   |
| response | <p>Noted</p> <p>See the response to comment #436.</p>  |
| comment  | <p>1196 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>GM3 to AMC2 ATS.TR.255 (a) (1)</b><br/><b>Page 169</b><br/>Giving the aircraft its position prior to commencement of final approach is not always</p>   |

|          |   |
|----------|---|
|          | <p>necessary, for instance in an RNAV environment. RISK of Huge increase in RTF loading<br/>PROPOSAL<br/>Add in words “when considered necessary”</p>   |
| response | <p>Noted</p> <p>See the response to comment #420.</p> <p>According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion, together with the possibility to join the approach track via a published arrival and approach procedure at IAF or IF. Consequently, the wording will be adapted accordingly.</p>  |
| comment  | <p>1198 <span style="float: right;">comment by: ENAV</span></p> <p><b>GM3 to AMC2 ATS.TR.255 Operations on parallel or near-parallel runways (a)(1)</b><br/><b>Page 169</b></p> <p>Providing a position fix prior to intercepting the Localizer is regarded as not beneficial, because pilots have already a good situational awareness with their RNAV capable FMS. This situational awareness is ensured in TMA’s where RNP or RNAV performance is required High RT load<br/>PROPOSAL<br/>Remove or add “in case of a non R-NAV environment”</p>  |
| response | <p>Noted</p> <p>See the response to comment #1196.</p>  |
| comment  | <p>1200 <span style="float: right;">comment by: ENAV</span></p> <p>GM3 AMC2 ATS.TR.255 (c)<br/>Page 169<br/>Point (c) should allow more than 45 degrees.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #420.</p> <p>According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion, together with the possibility to join the approach track via a published arrival and approach procedure at IAF or IF. However, the increase of the 45 degrees was not supported by the reduction of the track divergence for the missed approach procedures</p> <p>EASA reminds the possibility of an ALTMOC if the local implementation is thoroughly documented and evidence exists that it meets an acceptable level of safety.</p> |
| comment  | <p>1600 <span style="float: right;">comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</span></p>  |



ATCEUC considers that the verb “will” is too strong (and not fit for a GM). However, the provision is important enough to move it to AMC and change the “will” to a “should”.

**~~GM3 to AMC2~~ XX to ATS.TR.255 Operations on parallel or near-parallel runways**

*When assigning the final heading to intercept the ILS localiser course or MLS final approach track, the runway will be confirmed, and the aircraft **should will** be advised of:*

*When an aircraft is observed to overshoot the turn-on or to continue on a track which will penetrate the NTZ, the aircraft **will should** be instructed to return immediately to the correct track.*

*When an aircraft is observed penetrating the NTZ, the aircraft on the adjacent ILS localiser course or MLS final approach track **will should** be instructed to immediately climb and turn to the assigned altitude/height and heading in order to avoid the deviating aircraft. Where parallel approach obstacle assessment surfaces (PAOAS) criteria are applied for the obstacle assessment, the air traffic controller **will should** not issue the heading instruction to the aircraft below 120 m (400 ft) above the runway threshold elevation, and the heading instruction will not exceed 45 degrees track difference with the ILS localiser course or MLS final approach track.*

response Not accepted

As mentioned in the explanatory note in NPA 2016-09(A), the RMG members expressed their concerns as regards the limited possibilities to transpose controlling techniques in the EU legislation. The very descriptive nature of the actions presented in GM3 to AMC2.TR.255 makes the material suitable for direct applicability in the OPS manual for the ATC unit conducting operations on parallel or near-parallel runways.

**1.3. Draft decision (PART-ATS) - GM4 to AMC2 ATS.TR.255**

p. 169

comment 437 comment by: *DFS Deutsche Flugsicherung GmbH*  
GM4 to AMC2 ATS.TR.255 should allow as well reduced separation to 2,5NM on the same final.

response Noted  
See the response to comment #420.  
According to the information from the work in progress in the ICAO SASP, subject to ATS surveillance system capabilities and to the approval of the competent authority, the horizontal separation of 2.5 NM is considered for inclusion.

comment 1059 comment by: *CANSO*  
GM4 AMC2 ATS.TR.255  
Page 169  
**CANSO Comment**



|          |   |
|----------|---|
| response | GM4 should allow as well reduced separation to 2,5NM on the same final.<br>Noted<br>See the response to comment #437.   |
| comment  | 1202 <span style="float: right;">comment by: ENAV</span><br>GM4 AMC2 ATS.TR.255<br>Page 169<br>GM4 should allow as well reduced separation to 2,5NM on the same final |
| response | Noted<br>See the response to comment #437.  |

**1.3. Draft decision (PART-ATS) - GM5 to AMC2 ATS.TR.255** p. 169-170

| comment  | 1397 <span style="float: right;">comment by: AESA / DSANA</span>  |  |         |               |  |  |  |
|--|---|--|---------|---------------|--|--|--|
|  | <table border="1"> <thead> <tr> <th style="background-color: #d9e1f2;">PART</th> <th style="background-color: #d9e1f2;">COMMENT</th> <th style="background-color: #d9e1f2;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/><i>GM5 to AMC2 ATS.TR.255</i></td> <td>Should the first sentence of Note 1 (Doc 4444 <b>section 6.7.3.2.7</b>) also be transposed into SERA framework?</td> <td>The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit.</td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM5 to AMC2 ATS.TR.255</i> | Should the first sentence of Note 1 (Doc 4444 <b>section 6.7.3.2.7</b> ) also be transposed into SERA framework? | The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit. |
| PART   | COMMENT   | JUSTIFICATION  |         |               |  |  |  |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM5 to AMC2 ATS.TR.255</i> | Should the first sentence of Note 1 (Doc 4444 <b>section 6.7.3.2.7</b> ) also be transposed into SERA framework?  | The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit. |         |               |  |  |  |
| response   | Not accepted<br><br>The GM is a reminder for the controller of the responsibilities of the pilot. Pilot responsibilities as regards the navigation on the final approach course or track are covered in Regulation (EU) No 965/2012.  |  |         |               |  |  |  |

| comment  | 1398 <span style="float: right;">comment by: AESA / DSANA</span>   |  |         |               |  |  |  |
|--|--|--|---------|---------------|--|--|--|
|  | <table border="1"> <thead> <tr> <th style="background-color: #d9e1f2;">PART</th> <th style="background-color: #d9e1f2;">COMMENT</th> <th style="background-color: #d9e1f2;">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/><i>GM5 to AMC2 ATS.TR.255</i></td> <td>Doc 4444 <b>section 6.7.3.2.7</b> ICAO Note 2 has not been transposed.</td> <td>It would be advisable to include it as part of the NPA GM.</td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM5 to AMC2 ATS.TR.255</i> | Doc 4444 <b>section 6.7.3.2.7</b> ICAO Note 2 has not been transposed. | It would be advisable to include it as part of the NPA GM. |
| PART   | COMMENT  | JUSTIFICATION  |         |               |  |  |  |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM5 to AMC2 ATS.TR.255</i> | Doc 4444 <b>section 6.7.3.2.7</b> ICAO Note 2 has not been transposed.   | It would be advisable to include it as part of the NPA GM. |         |               |  |  |  |



response Not accepted

The conditions and limitations for the use of ATS surveillance are covered by the requirements in the proposed AMC1 TR.160(b)(1) for the ATS provider to specify in local instructions how the measurements with the local ATS surveillance system are to be made.

### 1.3. Draft decision (PART-ATS) - GM6 to AMC2 ATS.TR.255

p. 170

comment 1238

comment by: UK CAA

**Paragraph No:** GM6 to AMC2 ATS.TR.255

**Comment:** For consistency with other references to ICAO documents made within Part-ATS, the text should refer to the “ICAO Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument Runways (SOIR) (Doc 9643)”

**Justification:** Consistency of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM6 to AMC2 ATS.TR.255:

“With reference to point (c) of AMC2 ATS.TR.255, guidance material relating to meteorological conditions is contained in the ICAO Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument Runways (SOIR) (Doc 9643).”

response Accepted

The text of the GM is amended accordingly.

### 1.3. Draft decision (PART-ATS) - AMC3 ATS.TR.255

p. 170

comment 405

comment by: DGAC

DGAC proposes to take into account the PBN procedures for parallel runways and to modify the point (4) as follows:

(4) ILS and/or MLS, SBAS CAT I and APV approaches are being conducted on both runways.

response Noted

See the response to comment #420.

According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion. Consequently, the wording will be adapted accordingly.



|          |  |
|----------|--|
| comment  | <p>438 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>AMC3 <span style="margin-left: 100px;">ATS.TR.255</span> <span style="margin-left: 100px;">(a)</span> <span style="float: right;">(4)</span><br/> consequent change resulting from comment to AMC2 (b) (3):<br/> Current wording is too navaid specific and should be changed so RNP/RNAV and GBAS/GLS<br/> are all permitted, rather than exclusively ILS/MLS.<br/> Change wording to:<br/> “instrument approach procedures with lateral guidance at least as accurate as ILS are being<br/> used;”</p> |
| response | <p>Noted</p> <p>See the response to comment #405.</p>  |
| comment  | <p>439 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>AMC3 <span style="margin-left: 100px;">ATS.TR.255</span> <span style="margin-left: 100px;">(a)</span> <span style="float: right;">(7)</span><br/> consequent change resulting from comment to AMC2 (b) (13) (ii):<br/> should be deleted completely. In order to enable also one feeder for parallel runways.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #337.</p> <p>EASA reminds the possibility to file an Alternative Means of Compliance if the local<br/> implementation is thoroughly documented, in accordance with the applicable requirements.</p>   |
| comment  | <p>440 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>AMC3 <span style="margin-left: 100px;">ATS.TR.255</span> <span style="margin-left: 100px;">(c)</span> <span style="float: right;">(1)</span><br/> consequent change resulting from comment to GM4 AMC2 (b) (8):<br/> should allow as well reduced separation to 2,5NM on the same final.</p>   |
| response | <p>Noted</p> <p>See the response to comment #420.</p> <p>According to the information from the work in progress in the ICAO SASP, subject to ATS<br/> surveillance system capabilities and to the approval of the competent authority, the<br/> horizontal separation of 2.5 NM is considered for inclusion.</p>   |
| comment  | <p>1488 <span style="float: right;">comment by: <i>German NSA (BAF)</i></span></p> <p>Regarding AMC3 ATS.TR.255 (a) (4) it is highly recommended not to include RNAV/RNP or<br/> GBAS in this procedure as there is no evidence on a safe conduction of parallel independent<br/> approach with those systems.</p> <p>Note: According ICAO Doc 4444, chapter 6.7.3.2.1 only ILS/MLS is Accepted</p>  |
| response | <p>Noted</p>   |

See the response to comment #405.

**1.3. Draft decision (PART-ATS) - GM2 to AMC3 ATS.TR.255**

p. 171

comment 1239

comment by: UK CAA

**Paragraph No:** GM2 to AMC3 ATS.TR.255

**Comment:** The text of GM2 to AMC3 ATS.TR.255 contains 2 typographical errors. Firstly, no space is included within the title between ‘255’ and ‘operations’. Secondly, the text refers to point (a)(3) of AMC2 ATS.TR.255. Point (a)(3) of AMC2 ATS.TR.255 does not exist; the UK CAA believes that this should refer to point (a)(3) of AMC3 ATS.TR.255

**Justification:** Accuracy of EU Regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM2 to AMC3 ATS.TR.255:

**“GM2 to AMC3 ATS.TR.255 Operations on parallel or near-parallel runways**

With reference to point (a)(3) of **AMC3** ATS.TR.255, other equivalent ATS surveillance systems (e.g. ADS-B or MLAT) may be used to provide the services, provided that a performance capability equal to or better than that required can be demonstrated.”

response Accepted

The text of the GM is amended accordingly.

**1.3. Draft decision (PART-ATS) - AMC4 ATS.TR.255**

p. 171-172

comment 176

comment by: IFATCA

**AMC4  
ATS.TR.255**

(c) The following types of approaches may be conducted in segregated parallel operations, provided suitable surveillance radar and the appropriate ground facilities conform to the standard necessary for the specific type of approach: (1) ILS and/or MLS precision approach; (2) surveillance radar approach (SRA); and (3) visual approach.

Why no VOR/NDB/GPS/RNV/LNAV-VNAV etc?

response Noted

The operations on parallel runways are limited to precision type approaches, approaches conducted with the aid of SRA or PAR and visual approaches.

These limitations are derived from the assumptions and assessments made in ICAO Manual on Simultaneous Operations on Parallel or Near-Parallel instrument runways.

The RMG was fully aware of the outcome of the ICAO IPAO TF and that their proposals were supported by the EANPG and forwarded to ICAO SASP. At the time the transposition from ICAO provisions was conducted for the purposes of NPA 2016-09, the discussions in the ICAO SASP on the subject were not close to conclusion. While acknowledging that implementation in some States may be affected by using as a baseline the ICAO provisions at the time of the transposition, the RMG underlined that options exist for those States to file AltMoC, if need be.

EASA will closely monitor the processes in ICAO and will timely amend Part-ATS and the related AMC and GM to ensure synchronisation with the amended ICAO provisions. Depending on the timing, this might be done with the publication of the Part- ATS or, should ICAO delay the adoption of these amendments, the changes could be accommodated through the maintenance mechanism (RMT.0719).

According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion.

comment

406

comment by: DGAC

DGAC proposes to take into account the PBN procedures for parallel runways and to modify the point (1) as follows:

(1) ILS and/or MLS, SBAS CAT I and APV approaches;

response

Noted

The RMG was fully aware of the outcome of the ICAO IPAO TF and that their proposals were supported by the EANPG and forwarded to ICAO SASP. At the time the transposition from ICAO provisions was conducted for the purposes of NPA 2016-09, the discussions in the ICAO SASP on the subject were not close to conclusion. While acknowledging that implementation in some States may be affected by using as a baseline the ICAO provisions at the time of the transposition, the RMG underlined that options exist for those States to file AltMoC, if need be.

EASA will closely monitor the processes in ICAO and will timely amend Part-ATS and the related AMC and GM to ensure synchronisation with the amended ICAO provisions. Depending on the timing, this might be done with the publication of the Part- ATS or, should ICAO delay the adoption of these amendments, the changes could be accommodated through the maintenance mechanism (RMT.0719).

According to the information from the work in progress in the ICAO SASP, other precision instrument approach procedures – in addition to ILS and MLS – are considered for inclusion.



|          |  |
|----------|--|
| comment  | <p>441 <span style="float: right;">comment by: <i>DFS Deutsche Flugsicherung GmbH</i></span></p> <p>AMC4 <span style="margin-left: 100px;">ATS.TR.255</span> <span style="margin-left: 100px;">(c)</span> <span style="float: right;">(1)</span><br/> consequent change resulting from comment to AMC2 (b) (3):<br/> Current wording is too navaid specific and should be changed so RNP/RNAV and GBAS/GLS<br/> are all permitted, rather than exclusively ILS/MLS.<br/> Change wording to:<br/> “instrument approach procedures with lateral guidance at least as accurate as ILS are being<br/> used;”</p> |
| response | <p>Noted</p> <p>See the response to comment #406.</p>  |
| comment  | <p>1490 <span style="float: right;">comment by: <i>German NSA (BAF)</i></span></p> <p>Regarding AMC4 ATS.TR.255 (c) (1) it is highly recommended not to include RNAV/RNP or<br/> GBAS in this procedure as there is no evidence on a safe conduction of parallel independent<br/> approach with those systems.</p> <p>Note: According ICAO Doc 4444, chapter 6.7.3.2.1 only ILS/MLS is Accepted</p>  |
| response | <p>Noted</p> <p>See the response to comment #406.</p>  |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.255

p. 172

|          |   |
|----------|---|
| comment  | <p>1240 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph No:</b> GM1 ATS.TR.255</p> <p><b>Comment:</b> For consistency with other references to ICAO documents made within Part-ATS,<br/> the text should refer to the “<b>ICAO</b> Manual on Simultaneous Operations on Parallel or Near-<br/> Parallel Instrument Runways (SOIR) (Doc 9643)”</p> <p><b>Justification:</b> Consistency of EU Regulatory materials.</p> <p><b>Proposed Text:</b> The UK CAA proposes the following amendment to GM1 ATS.TR.255:</p> <p>“Guidance material relating to operations on parallel or near-parallel runways is contained in<br/> the <b>ICAO</b> Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument<br/> Runways (SOIR) (Doc 9643).”</p> |
| response | <p>Accepted</p> <p>The text of the GM is amended accordingly.</p>   |



**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.260(g)** p. 173

comment comment by: DGAC  
**391**  
 To be in line with the adopted amendment 13B of Annex 14 volume I foreseen to be in use in November 2020, DGAC proposes to replace  
 (1) if the runway surface conditions are adversely affected (e.g. by snow, slush, ice, water, mud, rubber, oil or other substances);  
 by  
 (1) if the runway is not dry;  
 Note: a runway is considered dry if its surface is free of visible moisture and not contaminated within the area intended to be used.\*  
 \*Definition from ICAO Annex 14 Volume I amendment 13B

response  
**Not accepted**  
 It shall be noted that in parallel with Amendment 13-B to ICAO Annex 14 Volume I, ICAO has also introduced the relevant changes to PANS ATM in its Amendment 7 dated February 2016. The aforementioned amendment to PANS ATM does not affect the transposed Section 7.2.6 point a) from which the commented AMC is originated. EASA is prepared to timely amend the AMC in case in the future the PANS ATM relevant provisions will be amended to reflect the proposal in the comment.

comment comment by: ATC the Netherlands  
**546**

|  |   |  |                        |
|--|---|--|------------------------|
| AMC1<br>ATS.TR.260(g)<br>Selection of the runway in use (b)(2)(i) and (b)(3) | The visibility requirement of minimum 1900 m (and minimum CB of 500 ft for landing operations) allowing noise abatement as determining factor is an old doc 4444 procedure.<br><br>In the Netherlands, noise abatement is a determining factor until reduced visibility procedures are applicable at RVR of 1500 m or lower and at CB of 300 ft and higher. | Converting current doc 4444 values into AMC will result into a different use of runways at Amsterdam Airport Schiphol. This will have environmental consequences, which might affect the overall capacity. | Adapt or convert to GM |
|--|---|--|------------------------|

response  
**Not accepted**  
 The originating ICAO PANS ATM provision is still in place and it is not considered obsolete. It



is recalled that a proposal to amend the content of Chapter 7.2 of PANS ATM was consulted by ICAO with State Letter AN 13/2.5-13/17 dated 28.02.2013, but did not result in any amendments to the PANS ATM provisions. The proposed amendment was deferred by the ICAO Air Navigation Conference in Autumn 2013 and the notification of such decision is provided in the ICAO Electronic Bulletin EB 2014/21 dated 06 June 2014, as follows: ‘After carefully reviewing safety concerns expressed in responses from Member States and selected international organizations, it was decided that the proposed amendment to the PANS-ATM be deferred until a safe and viable means to increase the tailwind component becomes available. The item has therefore been withdrawn from the work programme for the time being’.

EASA interprets the level of detail of the various weather elements in the originating ICAO PANS ATM provision (Sections 7.2.4 and 7.2.6) as safeguarding in order to ensure that environmental considerations do not overrule safety.

comment

547

comment by: ATC the Netherlands

|   |  |   |                               |
|---|--|---|-------------------------------|
| <p>AMC1<br/>ATS.TR.260(g)<br/>Selection of the<br/>runway in use<br/>(b)(5)</p> | <p>The allowed crosswind component, including gusts, of max 28 km/h (15 kt), or the tailwind component, including gusts, exceeds 9 km/h (5 kt), are old doc 4444 procedures which has been under discussion. Today aircraft are capable to deal with more crosswind and tailwind.</p> <p>In the Netherlands, noise abatement is a determining factor when the crosswind component, including gusts, does not exceed 10 m/s (20 kt), or the tailwind component including gusts does not exceed 3.5 m/s (7 kt). These values have been proposed for adoption by ICAO (AN 13/2.5-13/17), together with a number of conditions. Although these values have not been adopted, the Netherlands would like to keep using them</p> | <p>Converting current doc 4444 values into AMC will result into a different use of runways at Amsterdam Airport Schiphol. This will have environmental consequences, which might affect the overall capacity.</p> | <p>Adapt or convert to GM</p> |
|---|--|---|-------------------------------|

response

Not accepted

See the response to comment #546.

|          |  |                   |
|----------|--|-------------------|
| comment  | <p>1060</p> <p>AMC1 ATS.TR.260(g) Selection of the runway in use (b)(2)(i) and (b)(3)<br/>Page 173</p> <p><b>CANSO Comment</b><br/>The visibility requirement of minimum 1900 m (and minimum CB of 500 ft for landing operations) allowing noise abatement as determining factor is an old doc 4444 procedure.</p> <p>In some States, noise abatement is a determining factor until reduced visibility procedures are applicable at RVR of 1500 m or lower and at CB of 300 ft and higher.</p> <p><b>Impact</b><br/>Converting current doc 4444 values into AMC will result in a different use of runways at some airports which may have environmental consequences, which might affect the overall capacity.</p> | comment by: CANSO |
| response | <p>Not accepted</p> <p>See the response to comment #546.</p>   |                   |

|          |  |                   |
|----------|--|-------------------|
| comment  | <p>1061</p> <p>AMC1 ATS.TR.260(g) Selection of the runway in use (b)(5)<br/>Page 173</p> <p><b>CANSO Comment</b><br/>The allowed crosswind component, including gusts, of max 28 km/h (15 kt), or the tailwind component, including gusts, exceeds 9 km/h (5 kt), are old doc 4444 procedures which has been under discussion. Today aircraft are capable to deal with more crosswind and tailwind.</p> <p>In some States, noise abatement is a determining factor.</p> <p><b>Impact</b><br/>Converting current doc 4444 values into AMC will result into a different use of runways at some airports which may have environmental consequences, which might affect the overall capacity.</p> <p><b>Suggested Resolution</b><br/>Adapt or convert to GM.</p> | comment by: CANSO |
| response | <p>Not accepted</p> <p>See the response to comment #546.</p>   |                   |



|          |   |
|----------|---|
| comment  | <p>1204</p> <p style="text-align: right;">comment by: ENAV</p> <p>AMC1 ATS.TR.260(g) Selection of the runway in use (b)(2)(i) and (b)(3)<br/>Page 173<br/>The visibility requirement of minimum 1900 m (and minimum CB of 500 ft for landing operations) allowing noise abatement as determining factor is an old doc 4444 procedure.</p> <p>In some States, noise abatement is a determining factor until reduced visibility procedures are applicable at RVR of 1500 m or lower and at CB of 300 ft and higher.<br/>Converting current doc 4444 values into AMC will result in a different use of runways at some airports which may have environmental consequences, which might affect the overall capacity.</p> <p>PROPOSAL<br/>Adapt or convert to GM</p> |
| response | <p>Not accepted</p> <p>See the response to comment #546.</p>  |

|          |   |
|----------|---|
| comment  | <p>1207</p> <p style="text-align: right;">comment by: ENAV</p> <p><b>AMC1 ATS.TR.260(g) Selection of the runway in use (b)(5)</b><br/><b>Page 173</b><br/>The allowed crosswind component, including gusts, of max 28 km/h (15 kt), or the tailwind component, including gusts, exceeds 9 km/h (5 kt), are old doc 4444 procedures which has been under discussion. Today aircraft are capable to deal with more crosswind and tailwind.</p> <p>In some States, noise abatement is a determining factor.<br/>Converting current doc 4444 values into AMC will result into a different use of runways at some airports which may have environmental consequences, which might affect the overall capacity.</p> <p>PROPOSAL<br/>Adapt or convert to GM.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #546.</p>  |

|         |   |   |  |
|---------|---|---|--|
| comment | <p>1400</p> <p style="text-align: right;">comment by: AESA / DSANA</p>  |   |  |
|         | PART  | COMMENT   | JUSTIFICATION  |
|         | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | The following text should be indicated in point (b)(5):<br><i>"(5) when the crosswind component, including gusts, exceeds 28 km/h (15 kt), or the tailwind component. includina</i> | Spain has published a difference with ICAO standards in the AIP .<br>The value of the crosswind component is 20 kt instead of 15 kt and the value of the tailwind component is 10 kt instead of 5 kt.<br>Setting the value to 15 kt and 5 kt, respectively. would dramatically |

|                    |  |  |
|--------------------|--|--|
| AMC1 ATS.TR.260(g) | <i>gusts, exceeds 9 km/h (5 kt), or other values prescribed by the authority."</i> | affect the operations in some Spanish airports.<br><br>If the provision is published as an IR instead of an AMC, can a Member State maintain a difference with ICAO standards? |
| response           | Not accepted<br><br>See the response to comment #546.                              |  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.260** p. 173

|          |   |   |  |
|----------|---|---|--|
| comment  | 1401  | comment by: AESA / DSANA  |  |
|          |   | <b>PART</b>   | <b>COMMENT</b>   |
|          |   | <b>JUSTIFICATION</b>  |  |
|          |   | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | There is no justification in the PANS ATM Checklist for the exclusion of <b>section 6.3.3.2</b> from EU Legislation. |
|          |   | <i>GM1 ATS.TR.260</i>   | It would be advisable to include it as part of the NPA GM concerning departures sequence.                            |
| response | Noted<br><br>See the response to comment #1377. |   |  |

|         |      |   |  |
|---------|------|---|--|
| comment | 1402 | comment by: AESA / DSANA  |  |
|         |      | <b>PART</b>   | <b>COMMENT</b>   |
|         |      | <b>JUSTIFICATION</b>  |  |
|         |      | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | There is no justification in the PANS ATM Checklist for the exclusion of <b>section 6.3.3.3</b> from EU Legislation. |
|         |      | <i>GM1 ATS.TR.260</i>   | It would be advisable to include it as part of the NPA GM concerning departures sequence.                            |



response

Noted  
See the response to comment #1377.

comment

1403

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 ATS.TR.260</i> | There is no justification in the PANS ATM Checklist for the exclusion of the second part of the first sentence of <b>section 7.2.2</b> from EU legislation: | The text should be included as NPA GM as the same text has been included as part of <b>GM1.ATS.TR.305(c)(2)</b> only applicable to AFIS aerodromes indicating as source the <b>EUROCONTROL AFIS Manual - Section 3.2.2.</b> |

response

Noted  
See the response to comment #1377.

comment

1404

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM1 ATS.TR.260</i> | There is no justification in the PANS ATM Checklist for the exclusion of <b>section 7.2.3</b> from EU Legislation. | It would be advisable to include it as part of the NPA GM. |

response

Noted  
See the response to comment #1377.

comment

1405

comment by: AESA / DSANA



| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b></p> <p>GM1 ATS.TR.260</p> | <p>There is no justification in the PANS ATM Checklist for the exclusion of <b>section 7.2.5*</b> from EU Legislation.</p> <p><i>* "A pilot-in-command, prompted by safety concerns, can refuse a runway offered for noise-preferential reasons."</i></p> | <p>It would be advisable to include it as part of the NPA IR.</p> <p>The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit.</p> |
| <p>response</p> <p>Noted</p> <p>See the response to comment #1377.</p>   |   |   |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.265(b)** p. 174

|                 |  |
|-----------------|--|
| <p>comment</p>  | <p>37 <span style="float: right;">comment by: Flughafen Berlin Brandenburg GmbH</span></p> <p>Proposal to amend section (c)(5) as follows:</p> <p>"...the requirement to report any relevant equipment failure and degradation, without delay, to the flight crews concerned, the approach control unit, the aerodrome operator and, where established, the apron management services provider(s), and any other appropriate organisation."</p> <p>Rationale: Both, airport operator and apron management service provider have a vital interest in being kept up-to-date on the stauts of category II/III operations. Hence, they should - per default - be recipients of those reports and not on a mere case by case judgement if they belong to "appropriate organisations".</p> |
| <p>response</p> | <p>Accepted</p> <p>The coordination for information exchange between the ATS provider and the aerodrome operator and, when applicable, with the organisations providing apron management services is established in AMC2 and AMC3 ATS.OR.110. Such AMC address also the exchange of information concerning the aerodrome conditions and operational status of aerodrome facilities. For consistency, as well as to emphasise the safety relevance of adequate information in case of low-visibility operations, AMC1 ATS.TR.265(b) has been amended in accordance with the proposal in the comment.</p>  |

|          |   |                         |
|----------|---|-------------------------|
| comment  | 644   | comment by: EUROCONTROL |
|          | <p><b>AMC1 ATS.TR.265(b) Control of aerodrome surface traffic in conditions of low visibility - Page 174</b></p> <p>The EUROCONTROL Agency wonders whether there should not be a provision for ensuring that the procedure includes information on which types of landing aid could be used by the operator since the choice is widening (ILS, MLS, GLS, SBAS, EFVS, SA CAT I, SA CAT II?).</p>   |                         |
| response | <p>Partially accepted</p> <p>See the response to comment #916.</p>  |                         |
| comment  | 916   | comment by: AIRBUS      |
|          | <p><u>Comment</u></p> <p>Airbus suggests to replace category II/III" by "low visibility" and "ILS/MLS" by "navigation" and to make several other modifications.</p> <p><u>Proposal</u></p> <p>PROCEDURES FOR CONTROL OF AERODROME TRAFFIC WHEN <del>CAT II/III / APPROACHES</del> <b>LOW VISIBILITY OPERATIONS</b> ARE IN USE <b>USE</b></p> <p>(a) Low visibility operations should be initiated by or through the aerodrome control tower.</p> <p>(b) The aerodrome control tower should inform the approach control unit concerned when procedures for <del>precision approach category category II/III and departure operations in RVR conditions less than a value of 550 m</del> <b>low visibility operations</b> will be applied</p> <p>(c) Provisions regarding low visibility operations should specify:</p> <p>(1) <b>For the different types of LVO</b>, the RVR value(s) at which the low visibility procedures are to be implementing;</p> <p>(2) The minimum <del>ILS/MLS</del> <b>navigation</b> equipment requirements for <del>category II/III</del> <b>low visibility</b> operations;</p> <p>(3) Other facilities and aids required for <del>CAT II/III</del> <b>low visibility</b> operations, including aeronautical ground lights, which are to be monitored for normal operations;</p> <p>(4) The criteria for and the circumstances under which downgrading of the <del>ILS/MLS</del> <b>navigation</b> equipment from <del>category II/III</del> low visibility operations capability is to be made;</p> <p>(5) The requirement to report any relevant equipment failure and degradation, without delay, to the flight crews concerned, the approach control unit, and other appropriate organisations.</p> |                         |
| response | <p>Accepted</p> <p>The text of the AMC has been amended accordingly.</p>  |                         |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.270(a)(3)

p. 175

|         |  |   |
|---------|--|---|
| comment | 1116   | comment by: Swedish Transport Agency, Civil Aviation Department<br>(Transportstyrelsen, Luftfartsavdelningen) |
|         | <p>This is published with wrong text, missing criteria for helicopters, should be published as the</p> |   |



text below. The text is taken from the new GM/AMC for SERA.

GM1SERA.5010(c) Special VFR in control zones When the reported ground visibility at the aerodrome is less than 1 500 m, ATC may issue a special VFR clearance for a flight crossing the control zone and not intending to take off or land at an aerodrome within a control zone, or enter the aerodrome traffic zone or aerodrome traffic circuit when the flight visibility reported by the pilot is not less than 1 500 m, or, for helicopters, not less than 800 m

response Accepted

The text of the GM has been amended to ensure consistency with GM1 SERA.5010(c).

comment

1241

comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.270(a)(3)

**Comment:** GM1 ATS.TR.270(a)(3) refers to a reported ground visibility at the aerodrome of less than 1 500 m in relation to the issuance of a special VFR clearance; however, this is inconsistent with SERA.5010(b)(2) which states that a visibility of not less than 800 m may be used by pilots of helicopters. The UK CAA requests EASA to clarify the ground visibility criteria for the issuance of a special VFR clearance, particularly for helicopters.

**Justification:** Clarity of EU Regulatory materials.

response Accepted

See the response to comment #1116.

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.275

p. 175

comment

712

comment by: DTCA

Ad GM1 ATS.TR.275

DTCHA propose to amend the text as follows:

These provisions **may shall** also apply to flight information service **when so unless otherwise** prescribed by the competent authority.

response

Accepted

The GM is removed. As explained in the response to comment #42, the applicability of the provision is extended to ATS units, including FIC and AFIS unit.

See also the response to comment #42.

comment

1242

comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.275



**Comment:** The UK CAA believe that where ATS are provided based upon an ATS surveillance system, then pressure-altitude-derived level information should be verified by each suitably equipped ATS unit on initial contact with the aircraft concerned, irrespective of where FIS or ATC service is being provided. Moreover, we see an inconsistency in the inclusion of a provision relating to providers of FIS being incorporated as GM to a provision relating to providers of ATC service. As such, the UK CAA would request that EASA develop a bespoke provision relating to FIS and the verification of pressure-altitude-derived level information.  
**Justification:** Clarity and consistency of EU regulatory materials.

response

Accepted  
 See the response to comment # 712.

**1.3. Draft decision (PART-ATS) - AMC2 ATS.TR.275(a)** p. 175

comment

1406

comment by: AESA / DSANA

| PART  | COMMENT  | JUSTIFICATION  |
|---|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC2 ATS.TR.275(a) | There is no justification in the PANS ATM Checklist for the exclusion of <b>section 8.5.5.1.2</b> from EU Legislation. | It would be advisable to include it as part of the NPA GM. |

response

Noted  
 With NPA 2016-09, the first and the second sentence of Section 8.5.5.1.2 of ICAO PANS ATM were transposed into Part-ATS requirements as ATS IR ATS.TR.275(a) and AMC2 ATS.TR.275(a) respectively.  
 See the response to comment #1377.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.275(a)** p. 175-176

comment

1117

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

GM1 ATS.TR.275 Pressure-altitude-derived level information  
 Change text to ‘unless otherwise prescribed by...’ instead of ‘when so prescribed by the competent authority’. Also this should not be GM, it should be stated as AMC.

response

Noted



EASA understands that the comment refers to GM1 ATS.TR.275, and not to GM1 ATS.TR.275(a), which does not include any reference to the competent authority.

See the responses to comments #712, #1243 and #147 in CRD 2016-09(A).

comment 1120 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**GM1 ATS.TR.275(a) Pressure-altitude-derived level information**  
ERRONEOUS LEVEL INFORMATION

This rule should be an AMC.

response Not accepted

See the responses to comments #1243 and #147 in CRD 2016-09(A).

comment 1243 comment by: *UK CAA*

**Paragraph No:** GM1 ATS.TR.275(a)

**Comment:** GM1 ATS.TR.275(a) directs controllers to undertake specific actions on identifying erroneous level information, rather than simply providing information to aid understanding and compliance with ATS.TR.275. As such, the UK CAA considers that the text of GM1 ATS.TR.275(a) should be elevated to AMC status.

**Justification:** Consistency of content between AMC and GM within EU Regulatory materials.

response Noted

The provision has already been transposed as GM1 SERA.13010(b) with EASA ED Decision 2016/023/R; therefore, for consistency, its duplication within Part-ATS provisions is proposed with the same regulatory force.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.275(b)

p. 176

comment 1245 comment by: *UK CAA*

**Paragraph No:** AMC1 ATS.TR.275(b), point (a)

**Comment:** The text contained within AMC1 ATS.TR.275(b) point (a) duplicates that in AMC1 ATS.TR.275(a) and as such appears to be superfluous. UK CAA proposes that AMC1 ATS.TR.275(b) point (a) is deleted.

**Justification:** Removal of superfluous provisions from EU Regulatory materials.

response Not accepted

Although the two requirements refer to identical numerical criteria, the objectives of such



requirements are different. While AMC1 ATS.TR.275(a) addresses the tolerance values to consider accurate the pressure-altitude-derived level information displayed to the air traffic controller, point (a) of AMC1 ATS.TR.275(b) stipulates the criteria for the verification of level occupancy. EASA considers that the reference to AMC1 ATS.TR.275(a) in point (a) of AMC1 ATS.TR.275(b) is appropriate, but that the two AMC have both to be kept.

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.300(c)(1)** p. 176-177

comment 67 comment by: Harald GERBAUTZ

ad (a):  
It would be better to state "(...)and in case it is requested/necessary for alerting service and/or search and rescue action."

response Accepted

The text of point (a) of AMC1 ATS.TR.300(c)(1) has been amended accordingly.

comment 177 comment by: IFATCA

|  |  |  |
|--|--|--|
| <b>AMC1<br/>ATS.TR.300(c)(1)<br/>Application</b> | a) recorded by the ATS unit serving the FIR within which the aircraft is flying in such a manner that it is available for reference and in case it is requested/necessary for alerting service and/ or for search and rescue action; and | It would be better to state "(...)and in case it is requested/necessary for alerting service and/or search and rescue action." |
|--|--|--|

response Accepted

See the response to comment #67.

comment 703 comment by: Dimitris ARVANITIS

**Reference AMC1 ATS.TR.300 (c) (1), (a), "and in case it is requested for search and rescue action":** It would be better to state "and in case it is requested or necessary for alerting service or search and rescue action".

response Accepted

See the response to comment #67.

comment 1575 comment by: European Transport Workers Federation - ETF



|          |   |
|----------|---|
|          | Add alerting service in point (a) on top of search and rescue action. |
| response | Accepted<br><br>See the response to comment #67.                      |

|   |        |
|---|--------|
| <b>1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.300(c)(2)</b> | p. 177 |
|---|--------|

|          |   |
|----------|---|
| comment  | 68 <span style="float: right;">comment by: Harald GERBAUTZ</span>   |
|          | This is often unpracticable especially in remote areas (e.g. alpine valleys within the Alps along diverse boundaries)! This sentence causes tons of INCERFAS on strong summer days so this needs to be reconsidered! One solution could be to clearly describe commencement and termination of FIS and alerting service, especially there needs to be a mechanism allowing the ATS-unit to terminate the service due to limitations in the provision (e.g. due to poor radio coverage)! Furthermore the obligation of coordination needs to be related to specific airspace classes, due to the fact that there is no need for full radio coverage within airspace G! Considering those remarks this sentence could be left as it is. |
| response | Noted<br><br>See the responses to comments #64 and #415.  |

|          |  |
|----------|--|
| comment  | 415 <span style="float: right;">comment by: CAA CZ</span>  |
|          | <p><b>NPA 2016-09(B) Page 177</b><br/> <b>AMC1 ATS.TR.300(c)(2) Application</b><br/>                 TRANSFER OF RESPONSIBILITY FOR THE PROVISION OF FLIGHT INFORMATION SERVICE BETWEEN FLIGHT INFORMATION CENTRES</p> <p>..... However, when coordination is required in accordance with point (b) of AMC1 ATS.TR.300(c)(1), but communication facilities are inadequate, the former ATS unit should, <b>as far as practicable, continue to provide flight information service to the flight until it has established two-way communication with the appropriate ATS unit in the FIR it is entering.</b></p> <p><i>Comment: In order to be able to provide information in accordance with the foregoing, it must be ensured coverage and FIC must have information relating to the subject area where the service is provided. Nowhere, however, such a requirement is specified.</i></p> |
| response | Partially accepted<br><br>The analysis of the comments on AMC1 ATS.TR.300(c)(2) has led to the conclusion that the originating provision of ICAO PANS ATM (Section 9.1.2) is unclear and not coherent with communication requirements relevant to Class G airspace. EASA has therefore decided to remove it from Part-ATS.   |

|          |  |
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| comment  | <p>466 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 177, AMC1 ATS.TR.300(c)(2) Application, TRANSFER: .....the former ATS unit should, as far as practicable, continue to provide flight information service to the flight .....</p> <p>Remark:<br/>This is often impracticable especially in remote areas (e.g. alpine valleys within the Alps along diverse boundaries)!<br/>This sentence causes a lot of INCERFAS on busy summer days, so this needs to be reconsidered!</p> <p>One solution could be to clearly describe commencement and termination of FIS and alerting service, especially there needs to be a mechanism allowing the ATS-unit to terminate the service due to limitations in the provision (e.g. due to poor radio coverage)!<br/>Furthermore the obligation of coordination needs to be related to specific airspace classes, due to the fact that there is no need for full radio coverage within airspace G!</p> <p>Considering those remarks this sentence could be left as it is.</p> <p>Proposed solution:<br/>Clearly describe commencement and termination of FIS and alerting service, especially there needs to be a mechanism allowing the ATS-unit to terminate the service due to limitations in the provision (e.g. due to poor radio coverage)!</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #415.</p>   |
| comment  | <p>467 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 177, GM2 ATS.TR.300(c)(2) Application, INFORMATION: ..... flight, in order to ensure that such services will be provided to the aircraft.</p> <p>Remark:<br/>This part of the sentence should be deleted, as there can't be an obligation for the pilot of the aircraft concerned to call in on the flight information frequency (except within a radio mandatory zone).</p> <p>Proposed solution:<br/>Delete this part of the text</p>   |
| response | <p>Partially accepted</p> <p>See the response to comment #415.</p>   |
| comment  | <p>468 <span style="float: right;">comment by: EASA Focal Point for AustroControl ANSP-issues</span></p> <p>Page 177, GM1 ATS.TR.300(c)(2) Application, COORDINATION, Par (a):</p> <p>Remark:<br/>Due to safety reasons and for harmonization-purposes change this to a "shall"-provision but</p>  |

|          |  |
|----------|--|
|          | <p>therefore exclude flights operation within uncontrolled airspaces (or class G) --&gt; arguments see comments AMC1 ATS.TR.300(c)(2)!</p> <p>Proposes solution:<br/>Change to “shall”, but with definition of exemptions.</p>   |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>   |
| comment  | <p>704 <span style="float: right;">comment by: <i>Dimitris ARVANITIS</i></span></p> <p><b>Reference AMC1 ATS.TR.300 (c) (2), "However, when coordination is required in accordance with point (b) of AMC1 ATS.TR.300(c)(1), but communication facilities are inadequate, the former ATS unit should, as far as practicable, continue to provide flight information service to the flight until it has established two-way communication with the appropriate ATS unit in the FIR it is entering.":</b> This is often unpracticable especially in remote areas (e.g. alpine valleys within the Alps along diverse boundaries)! This sentence causes tons of INCERFAS on strong summer days, because when the ATS unit in the next FIR has inadequate communication facilities, chances are high that also the former ATS unit has communication problems, so this needs to be reconsidered! One solution could be to clearly describe commencement and termination of FIS and alerting service, especially there needs to be a mechanism allowing the ATS unit to terminate the service due to limitations in the provision (e.g. due to poor radio coverage)! Furthermore the obligation for coordination needs to be related to specific airspace classes, due to the fact that there is no need for full radio coverage within airspace G! Considering those remarks this sentence could be left as it is.</p> |
| response | <p>Noted</p> <p>See the responses to comments #64 and #415.</p>  |
| comment  | <p>1578 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p> <p>The last sentence is impracticable. The communication issue can also occur with the former ATS unit. Could we introduce areas in FIR where communications make it difficult to provide the service ?</p> <p>There is a requirement to have adequate communication facilities in the FIR as approved by the competent authority. So this AMC should have a limited scope to cope with failures of communication systems.</p>   |
| response | <p>Noted</p> <p>See the response to comment #415.</p>  |

|  |        |
|--|--------|
| <b>1.3. Draft decision (PART-ATS) - GM1 ATS.TR.300(c)(2)</b> | p. 177 |
|--|--------|

comment 69

comment by: *Harald GERBAUTZ*

the last part of the sentence "(...), in order to ensure that such services will be provided to the aircraft." should be deleted, as there can't be an obligation for the pilot of the aircraft concerned to call in on the flight information frequency (except within a radio mandatory zone).

response

Not accepted

The requirements in SERA.6001 of Regulation (EU) No 923/2012 (SERA) concerning airspace classification stipulate that IFR and VFR flights receive FIS in Classes F and G airspace 'if requested'. In such airspace classes, there is no obligation for two-way air-ground communications. See also the response to comment #64.

comment

178

comment by: IFATCA

|  |   |   |
|--|---|---|
| <p><b>GM2 ATS.TR.300(c)(2) Application</b><br/>COORDINATION IN RESPECT OF THE PROVISION OF FLIGHT INFORMATION SERVICE AND ALERTING SERVICE</p> | <p><b>GM2 ATS.TR.300(c)(2) Application</b><br/>COORDINATION IN RESPECT OF THE PROVISION OF FLIGHT INFORMATION SERVICE AND ALERTING SERVICE<br/>(a) Coordination between ATS units providing flight information service in adjacent FIRs should be effected in respect of IFR and VFR flights, in order to ensure continued flight information service to such aircraft in specified areas or along specified routes. Such coordination should be effected in accordance with an agreement between the ATS units concerned.<br/>(b) The coordination of flights effected in accordance with point (a) <del>should</del> shall include transmission of the following information on the flight concerned: (</p> | <p>Due to safety reasons and for harmonization-purposes this provision should be a "shall"-provision but therefore exclude flights operation within uncontrolled airspaces (or class G) --&gt; arguments see comments AMC1<br/>ATS.TR.300(c)(2)</p> |
|--|---|---|

response

Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment

469

comment by: EASA Focal Point for AustroControl ANSP-issues

GM1 ATS.TR.300(c)(2) Application, COORDINATION, Par (b): ....in accordance with point (a) **should** include .....

Proposes solution:  
Change to "shall"

response Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment

470

comment by: *EASA Focal Point for AustroControl ANSP-issues*

GM1 ATS.TR.300(c)(2) Application, COORDINATION, Par (b)(2): "... the time at which last contact was made with the aircraft concerned..."

Remark 1:

This specific information in most cases is not relevant.

It would be better to issue an estimated time over the common FIR-boundary! Even though it might infringe ICAO PANS-ATM, this is how it is practiced across Europe today!

Proposed solution:

Provide "Estimated Time Over" instead of Time of last contact.

Remark 2:

There should be another important note in regard to the responsibility of alerting service when transferring such flights, as this is not stated neither in ICAO nor in this regulation. It would be logical that the responsibility for triggering alerting service remains with the accepting unit as soon as the ESTIMATE is delivered and the associated flight is transferred to the frequency of the accepting unit.

Proposes solution:

Define conditions for alerting services of transferring and receiving units.

response

Not accepted

It is understood that the comment refers to GM2 ATS.TR.300(c)(2).

With regard to remark 1: point(b)(1) states that the information about appropriate items of the current flight plan which may include estimates over the FIR boundary, has to be provided.

With regard to remark 2: the responsibilities for alerting services are clearly established with Subpart B Section 4 of the proposed requirements for Part-ATS.

comment

705

comment by: *Dimitris ARVANITIS*

**Reference GM1 ATS.TR.300 (c) (2), "in order to ensure that such services will be provided to the aircraft":** change "will" to "may", or change "to the aircraft" to "if so requested by the aircraft", because it might not be mandatory to the pilot to call in on any frequency after having ceased to be a controlled flight.

response

Not accepted

See the response to comment #69.

comment

1123

comment by: *Swedish Transport Agency, Civil Aviation Department*



|          |   |
|----------|---|
|          | <i>(Transportstyrelsen, Luftfartsavdelningen)</i>   |
|          | This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.  |
| response | Not accepted<br>See the response to comment #147 in CRD 2016-09(A).   |
| comment  | 1579 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span><br>"in order to ensure that such services will be provided to the aircraft."<br>Will is inadequate. Can would be more coherent because there is no obligation for the flight to maintain 2-way communication at least in some cases given as examples. |
| response | Not accepted<br>See the response to comment #69.  |

**1.3. Draft decision (PART-ATS) - GM2 ATS.TR.300(c)(2)**

p. 177-178

|          |   |
|----------|---|
| comment  | 70 <span style="float: right;">comment by: <i>Harald GERBAUTZ</i></span><br>ad (a):<br>Due to safety reasons and for harmonization-purposes this provision should be a "shall"-provision but therefore exclude flights operation within uncontrolled airspaces (or class G) --> arguments see comments AMC1 ATS.TR.300(c)(2)!<br><br>ad (b):<br>proposed wording:<br>"The coordination of flights effected in accordance with point (a) <del>should</del> <b>shall</b> include transmission of the following information on the flight concerned:"<br><br>ad (b) (2):<br>this piece of information is in most cases not relevant, it would be better to issue an estimated time over the common FIR-boundary! Even though it is against ICAO PANS-ATM, this is how it is done across Europe! There should be another important note in regard to the responsibility of alerting service when transferring such flights, as this is not stated neither in ICAO nor in this regulation. It would be logical that the responsibility for triggering alerting service remains with the accepting unit as soon as the estimate is delivered and the associated flight is transferred to the frequency of the accepting unit. |
| response | Not accepted<br><br>With regard to the comments on points (a) and (b), see the response to comment #147 in CRD 2016-09(A).<br><br>With regard to the comment on point (b)(2), see the responses to comments #64 and #415.   |



|   |   |   |   |  |
|---|---|---|---|--|
| comment   | 179   | comment by: <i>IFATCA</i>                       |   |  |
|   | <table border="1"> <tr> <td data-bbox="343 280 590 705"><b>GM2<br/>ATS.TR.300(c)(2)<br/>Application</b></td> <td data-bbox="590 280 1133 705">(e) In circumstances where an aircraft has declared minimum fuel or is experiencing an emergency or in any other situation wherein the safety of the aircraft is not assured, the type of emergency and/or the circumstances experienced by the aircraft <del>should</del> <b>shall</b> be reported by the transferring unit to the accepting unit <del>and any other ATS unit that may be concerned with the flight and to the associated rescue coordination centres, if necessary.</del></td> </tr> </table> | <b>GM2<br/>ATS.TR.300(c)(2)<br/>Application</b> | (e) In circumstances where an aircraft has declared minimum fuel or is experiencing an emergency or in any other situation wherein the safety of the aircraft is not assured, the type of emergency and/or the circumstances experienced by the aircraft <del>should</del> <b>shall</b> be reported by the transferring unit to the accepting unit <del>and any other ATS unit that may be concerned with the flight and to the associated rescue coordination centres, if necessary.</del> | If the aircraft does not intend to land within the transferring units AoR, it should be responsibility of the accepting unit to determine further recipients of the emergency information. |
| <b>GM2<br/>ATS.TR.300(c)(2)<br/>Application</b> | (e) In circumstances where an aircraft has declared minimum fuel or is experiencing an emergency or in any other situation wherein the safety of the aircraft is not assured, the type of emergency and/or the circumstances experienced by the aircraft <del>should</del> <b>shall</b> be reported by the transferring unit to the accepting unit <del>and any other ATS unit that may be concerned with the flight and to the associated rescue coordination centres, if necessary.</del>   |   |   |  |
| response  | <p>Not accepted</p> <p>The last part of the GM, which is proposed for deletion, provides sufficient flexibility, that it is considered necessary for any circumstance, including when the declaration of ‘minimum fuel’ is done near the border of the area of responsibility of the ATS unit.</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>   |   |   |  |
| comment   | 392   | comment by: <i>DGAC</i>                         |   |  |
|   | <p>DGAC proposes to follow the ICAO PANS-ATM which commences the paragraph a) by « where this is deemed necessary... »</p> <p>(a) Where deemed necessary by the appropriate ATS authority or authorities, Coordination between ATS units providing flight information service in adjacent FIRs should be effected in respect of IFR and VFR flights, in order to ensure continued flight information service to such aircraft in specified areas or along specified routes. Such coordination should be effected in accordance with an agreement between the ATS units concerned.</p>   |   |   |  |
| response  | <p>Not accepted</p> <p>The nature of GM in the EU regulatory framework does not require the explicit flexibility proposed in the comment.</p>   |   |   |  |
| comment   | 706   | comment by: <i>Dimitris ARVANITIS</i>           |   |  |
|   | <p><b>Reference GM2 ATS.TR.300 (c) (2), (a):</b> Due to safety reasons and for harmonization-purposes, this provision should be a "shall"-provision, but should be limited to controlled airspace (because it might be impossible to provide flight information service in airspace Class G due to limited radio communication coverage, see comment #704).</p>   |   |   |  |
| response  | <p>Not accepted</p>   |   |   |  |

See the response to comment #147 in CRD 2016-09(A).

|          |  |                                       |
|----------|--|---------------------------------------|
| comment  | 707  | comment by: <i>Dimitris ARVANITIS</i> |
|          | <p><b>Reference GM2 ATS.TR.300 (c) (2), (b) (2):</b> This piece of information is in most cases not relevant, it would be better to issue an estimated time over the common FIR boundary! Even though it is against ICAO PANS-ATM, this is how it is done across Europe! There should be another important note in regard to the responsibility of alerting service when transferring such flights, as this is not stated neither in ICAO nor in this regulation. It would be logical that the responsibility for triggering alerting service is being assumed by the accepting unit as soon as the estimate is delivered and the associated flight is transferred to the frequency of the accepting unit.</p> |                                       |
| response | <p>Not accepted</p> <p>See the responses to comments #64 and #415.</p>   |                                       |

|          |   |   |
|----------|---|---|
| comment  | 1126  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | <p>This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.</p> |   |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>  |   |

|          |   |  |
|----------|---|--|
| comment  | 1581  | comment by: <i>European Transport Workers Federation - ETF</i> |
|          | <p>(a) and (b) shall be elevated to IR and should be replaced by shall.<br/>         (b)(2) not relevant : estimated time over COP is more relevant.<br/>         Then what about the alerting service coordination ?</p> |  |
| response | <p>Not accepted</p> <p>See the response to comment #70.</p>   |  |

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.305

p. 178-180

|         |   |   |
|---------|---|---|
| comment | 1128  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|         | <p><b>TRANSMISSION OF INFORMATION</b><br/>         Transmission of special air-reports, SIGMET and AIRMET information</p> <p>The regulation states that SIGMET should be disseminated by one or more means as established by the competent authority. In the PANS ATM Checklist 9.1.3.2.1 states as determined on the basis of regional air navigation agreements. In ICAO Doc 7030 6.13.2.1 SIGMETS (P-ATM –</p> |   |



|          |   |
|----------|---|
|          | <p>Chapter 9) states the means to be used. Following changes are proposed with the aim to be in line with Doc 7030 and release competent authority from establishing means.</p> <p>(b)(1) Appropriate SIGMET and AIRMET information, as well as special air-reports which have not been used for the preparation of a SIGMET, should be disseminated to aircraft by one or more of the means specified in point (a) as established by the competent authority by the preferred method of directed transmission followed by acknowledgement, or by a general call when the number of aircraft would render the preferred method impracticable. Special air-reports should be disseminated to aircraft for a period of 60 minutes after their issuance.</p>   |
| response | <p>Partially accepted</p> <p>Referring to point (a) of the AMC already includes the means for transmission of SIGMET, which are covered in Section 6.13.2.1 of ICAO Doc.7030 EUR. The text of point (b)(2) of the AMC has been amended to reflect the content of Section 6.13.3 of ICAO Doc 7030 EUR.</p> <p>See also the response to comment #1246.</p>  |
| comment  | <p>1246 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.305 point (a)(1)(ii) and (iii)</p> <p><b>Comment:</b> The UK CAA seeks clarification from EASA on the difference between ‘a general call’ and a ‘broadcast’? A broadcast is defined in Annex 10 Vol II as ‘a transmission of information relating to air navigation that is not addressed to a specific station or stations’; however, the term ‘general call’ is not defined. Annex 10 Vol II is inconsistent in its use of these terms in that it uses ‘general call’ as a synonym for ‘broadcast’ but also, in 7.2.2, suggests that the term ‘general call’ refers to the words used to call attention to the information which is to be broadcast, for example “ALL STATIONS”. Whilst cognisant that PANS-ATM 9.1.3.1.1 introduces this inconsistency, the CAA requests EASA to either clarify the difference between ‘a general call’ and a ‘broadcast’, or, where no difference is believed to exist, standardise on one term.</p> <p><b>Justification:</b> Consistency of EU Regulatory materials.</p> |
| response | <p>Accepted</p> <p>In order to promote clarity, the AMC has been amended by removing the term ‘general call’.</p>   |
| comment  | <p>1247 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> AMC1 ATS.TR.305 point (e)</p> <p><b>Comment:</b> AMC1 ATS.TR.305 point (e) refers to the transmission of SPECI and special reports in the SPECI code form. However, in Europe, there is no requirement to provide SPECI reports and thus the text of point (e) will require amendment.</p> <p><b>Justification:</b> Accuracy of EU Regulatory materials.</p>  |
| response | <p>Partially accepted</p>   |

MET.OR.200 (a)(3) of Annex V to Regulation (EU) 2017/373 and of the associated ED Decision 2017/001/R, foresees that SPECI is not issued when a 30-minute time interval between issuing a regular METAR is applied. However, it is possible to issue SPECI at aerodromes not serving scheduled commercial air transport. To reflect this option properly, the new GM1 MET.OR.240(a)(2) is being introduced to Part-MET (RMT.0719) noting that SPECI may be issued for such aerodromes.

To take this into account, AMC1 ATS.TR.305 is amended accordingly.

comment

1407

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC1 ATS.TR.305 | Doc 4444 <b>section 9.1.3.1.1</b> ICAO Note has not been transposed. | It would be advisable to include it as part of the NPA GM. |

response

Not accepted

See the response to comment #1377.

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.305(a)(b)**

p. 180

comment

1134

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

This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.

response

Not accepted

See the response to comment #147 in CRD 2016-09(A).

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(a)(b)(c)**

p. 180

comment

1136

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

This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.



response Not accepted  
See the responses to comments #1248 and #147 in CRD 2016-09(A).

comment 1226 comment by: Jan Hjort  
Please revise "Information on AFIS aerodrome .... to following:". Meaning is not quite clear, suggest reframing.

response Accepted  
See the response to comment #1248.

comment 1248 comment by: UK CAA  
**Paragraph No:** GM1 ATS.TR.305(a);(b);(c)  
**Comment:** The content of GM1 ATS.TR.305(a);(b);(c) appears to duplicate the intent of GM1 ATS.TR.305(a)(5), yet it lacks the further detail contained in points (a) and (c) to GM1 ATS.TR.305(a)(5) and thus adds nugatory value. Moreover, given the content of ATS.TR.305(a)(5), it appears more relevant to associate the GM with this provision. The UK CAA proposes that GM1 ATS.TR.305(a);(b);(c) should be deleted and that GM1 ATS.TR.305(a)(5) should be retained.

**Justification:** Removal of superfluous provisions from EU Regulatory materials.  
response Accepted  
Following the analysis of the comments, as well as of discussions with stakeholders during thematic review meetings, GM1 ATS.TR.305(a);(b);(c) has been removed as its content was considered addressed already by point (b) of GM1 to AMC1 ATS.TR.305(a)(5).

comment 1410 comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION   |
|--|---|---|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>GM1 ATS.TR.305(a);(b);(c) | Include the text "or apron" at the end of <b>bullet (c)</b> . | It would be useful to complete <b>bullet (c)</b> as proposed by similarity with <b>bullet (3)</b> of <b>GM1 to AMC1 ATS.TR.305(a)(5)</b> applicable to ATC. |

response Accepted  
See the response to comment #1248.

**1.3. Draft decision (PART-ATS) - GM2 ATS.TR.305(a)(b)(c)** p. 181

comment 180

comment by: *IFATCA*

|                                      |  |                                    |
|--------------------------------------|--|------------------------------------|
| <p>GM2<br/>ATS.TR.305(a);(b);(c)</p> | <p>TRAFFIC INFORMATION TO AIRCRAFT IN THE AFIS CONTEXT</p> <p>The AFIS unit should provide the following information, as appropriate:</p> <p>(a) direction of flight <del>travel</del> of aircraft concerned (b) type and wake turbulence category (if known) of aircraft concerned;</p> <p>(c) level of aircraft concerned, including possible changes;</p> <p>(d) relative bearing of the aircraft concerned in terms of the 12-hour clock as well as distance from the conflicting traffic; or (1) actual or estimated position of the aircraft concerned; or (2) estimated times; and</p> <p>(e) any other information considered relevant (e.g. approaching, crossing the traffic information area/traffic information zone (TIA/TIZ), estimated take-off or landing time).</p> | <p>To include surface traffic.</p> |
|--------------------------------------|--|------------------------------------|

response Not accepted

The term 'travel is not used in the ICAO and the EU regulatory context to describe the direction of a flight.

comment 270

comment by: *Civil Aviation Authority Norway*

To point (e):  
We need definitions of TIA and TIZ in Annex I (see the EUROCONTROL AFIS Manual).

response Noted

See the response to comment #213.

comment 351

comment by: *NATS National Air Traffic Services Limited*

GM2 ATS.TR.305(a);(b);(c) Scope of flight information service (d)

Traffic Information is not only passed in terms of the 12-hour clock, but also in terms of cardinal points; as drafted this misses out a standard way of providing traffic.

**Recommendation**



|          |   |
|----------|---|
|          | <p>Amend text:<br/>“Relative bearing of the aircraft concerned in terms of the 12-hour clock or cardinal points; as well as distance...”</p>  |
| response | <p>Not accepted</p> <p>Despite the status of guidance material of the commented provision, it is believed that the traffic information is to be provided unambiguously using the same reference; in this particular case, the direction of the flight and the relevant position of the traffic.</p>   |
| comment  | <p>1062 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM2 ATS.TR.305(a);(b);(c) Scope of flight information service<br/>(d)<br/>Page 181</p> <p><b>CANSO Comment</b><br/>Traffic Information is not only passed in terms of the 12-hour clock, but also in terms of cardinal points.</p> <p><b>Impact</b><br/>This misses out a standard way of providing traffic.</p> <p><b>Suggested Resolution</b><br/>Amend text:<br/>“Relative bearing of the aircraft concerned in terms of the 12-hour clock or cardinal points; as well as distance...”.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #351.</p>  |
| comment  | <p>1138 <span style="float: right;">comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></span></p> <p>This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.</p>  |
| response | <p>Not accepted</p> <p>See the response to comment #147 in CRD 2016-09(A).</p>  |
| comment  | <p>1210 <span style="float: right;">comment by: <i>ENAV</i></span></p> <p><b>GM2 ATS.TR.305(a);(b);(c) Scope of flight information service (d)</b><br/><b>Page 181</b><br/>Traffic Information is not only passed in terms of the 12-hour clock, but also in terms of cardinal points. This misses out a standard way of providing traffic<br/><b>PROPOSAL</b></p>  |

|          |  |
|----------|--|
|          | Amend text:<br>“Relative bearing of the aircraft concerned in terms of the 12-hour clock or cardinal points; as well as distance |
| response | Not accepted<br><br>See the response to comment #351.  |

| comment   | 1408   | comment by: AESA / DSANA   |         |               |   |  |  |  |
|---|--|--|---------|---------------|---|--|--|--|
|   | <table border="1"> <thead> <tr> <th>PART</th> <th>COMMENT</th> <th>JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><br/><i>GM2 ATS.TR.305(a);(b);(c)</i></td> <td>The <b>Traffic Information Area/Traffic Information Zone (TIA/TIZ)</b> referred must be defined.</td> <td>The Traffic Information Area/Traffic Information Zone (TIA/TIZ) referred are not defined within the text. Which characteristics and requirements are expected in this airspace? Which service? Which kind of traffic can be found?</td> </tr> </tbody> </table> | PART   | COMMENT | JUSTIFICATION | <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM2 ATS.TR.305(a);(b);(c)</i> | The <b>Traffic Information Area/Traffic Information Zone (TIA/TIZ)</b> referred must be defined. | The Traffic Information Area/Traffic Information Zone (TIA/TIZ) referred are not defined within the text. Which characteristics and requirements are expected in this airspace? Which service? Which kind of traffic can be found? |  |
| PART  | COMMENT  | JUSTIFICATION  |         |               |   |  |  |  |
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br><i>GM2 ATS.TR.305(a);(b);(c)</i> | The <b>Traffic Information Area/Traffic Information Zone (TIA/TIZ)</b> referred must be defined.   | The Traffic Information Area/Traffic Information Zone (TIA/TIZ) referred are not defined within the text. Which characteristics and requirements are expected in this airspace? Which service? Which kind of traffic can be found? |         |               |   |  |  |  |
| response  | Noted<br><br>See the response to comment #213.   |  |         |               |   |  |  |  |

**1.3. Draft decision (PART-ATS) - GM3 ATS.TR.305(a)(b)(c)**

p. 181

|          |  |   |
|----------|--|---|
| comment  | 1143   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes. |   |
| response | Not accepted<br><br>See the response to comment #147 in CRD 2016-09(A).  |   |

**1.3. Draft decision (PART-ATS) - GM4 ATS.TR.305(a)(b)(c)**

p. 181

|         |   |   |
|---------|---|---|
| comment | 1147  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|         | <b>WAKE TURBULENCE AND JET BLAST HAZARDS INFORMATION TO AIRCRAFT IN THE AFIS CONTEXT</b><br>This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes |   |

response Not accepted  
See the response to comment #147 in CRD 2016-09(A).

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.305(a)(5)** p. 181-182

comment 1150 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Scope of flight information service  
ESSENTIAL INFORMATION ON AERODROME CONDITIONS**

This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.

response Not accepted  
See the response to comment #147 in CRD 2016-09(A).

**1.3. Draft decision (PART-ATS) - GM1 to AMC1 ATS.TR.305(a)(5)** p. 182

comment 1140 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

Concerning (c) as it is impractical to broadcast a complete volcanic advisory which could be on two pages or SIGMET concerning volcanic activity both containing a rather huge amount of coordinates we need more information about what the competent authority is expected to establish. More guidance is necessary to understand this scope.

response Noted  
The content of the comment does not seem to relate to GM1 to AMC1 ATS.TR.305(a)(5), addressing ‘ESSENTIAL INFORMATION ON AERODROME CONDITIONS’, where no reference to information related to volcanic activity is made. It shall be noted that volcanic advisory and SIGMET concerning volcanic activity do not include information concerning surface contamination.

comment 1411 comment by: AESA / DSANA

| PART  | COMMENT   | JUSTIFICATION  |
|---|---|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b> | Bullet (b)(4) " <i>water on a runway, a taxiway or an apron;</i> " should be deleted. | The content of <b>bullet (b)(4)</b> has been included in <b>bullet (b)(3)</b> adding the word " <i>water</i> " at the beginning of the sentence. |
|   | Bullet (e) " <i>snow banks or drifts adjacent to a runway or a taxiway</i> "          | The same bullet (e) has been included in <b>GM1</b>  |



|                                 |  |  |
|---------------------------------|--|--|
| GM1 to AMC1<br>ATS.TR.305(a)(5) | of Doc 4444 section<br>7.5.2, should be<br>considered. | ATS.TR.305(a), (b) & (c) only<br>applicable to AFIS aerodromes<br>indicating as source the ICAO<br>Circular 211-AN/128, 'General',<br>6.(d). |
|---------------------------------|--|--|

response Accepted

The text of GM1 to AMC1 ATS.TR.305(a)(5) has been amended accordingly.

With regard to your comment on GM1 ATS.TR.305(a);(b);(c), see the response to comment # 1248.

comment 1493 comment by: German NSA (BAF)

Proposal: No (b) (4) 'water on a runway, a taxiway or an apron' is already included in No (b) (3) and could be deleted.

response Accepted

See the response to comment #1411.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(a)(6)** p. 183

comment 1152 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Scope of flight information service  
INFORMATION ON UNMANNED FREE BALLOONS**

This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.

response Not accepted

See the response to comment #147 in CRD 2016-09(A).

comment 1409 comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-</b> | There is no justification in the PANS ATM Checklist for the exclusion of <b>section 16.2.4</b> from EU | It would be advisable to include it as part of the NPA IR.<br><br>The requirement should |



|   |   |  |
|---|---|--|
| <p><b>ATS))</b><br/><i>GM1 ATS.TR.305(a)(6)</i></p> | <p>Legislation.</p>                                 | <p>also be transposed in SERA as it affects the flight crew and not only the ATC unit.</p> |
| <p>response</p>                                     | <p>Noted<br/>See the response to comment #1377.</p> |  |

**1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.305(a)(7)** p. 184

| <p>comment</p>  | <p>1412</p>  |   | <p>comment by: AESA / DSANA</p> |               |   |  |   |  |  |
|---|--|---|---------------------------------|---------------|---|--|---|--|--|
|   | <table border="1"> <thead> <tr> <th data-bbox="352 853 825 902">PART</th> <th data-bbox="825 853 1074 902">COMMENT</th> <th data-bbox="1074 853 1482 902">JUSTIFICATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 902 825 1158"> <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><i>AMC1 ATS.TR.305(a)(7)</i></p> </td> <td data-bbox="825 902 1074 1158"> <p>Should this provision also be included in SERA framework?</p> </td> <td data-bbox="1074 902 1482 1158"> <p>The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit.</p> </td> </tr> </tbody> </table> | PART  | COMMENT                         | JUSTIFICATION | <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><i>AMC1 ATS.TR.305(a)(7)</i></p> | <p>Should this provision also be included in SERA framework?</p> | <p>The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit.</p> |  |  |
| PART  | COMMENT  | JUSTIFICATION   |                                 |               |   |  |   |  |  |
| <p><b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br/><i>AMC1 ATS.TR.305(a)(7)</i></p> | <p>Should this provision also be included in SERA framework?</p>   | <p>The requirement should also be transposed in SERA as it affects the flight crew and not only the ATC unit.</p> |                                 |               |   |  |   |  |  |
| <p>response</p>   | <p>Not accepted<br/>AMC1 ATS.TR.305(a)(7) addresses actions which have to be undertaken by the aerodrome ATS units upon request of or as a consequence of a request from the pilots, for which the AMC does not stipulate any requirement. Therefore, EASA considers that this AMC is only to be included within Part-ATS.</p>   |   |                                 |               |   |  |   |  |  |

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(b)(1)** p. 184

|                 |  |   |
|-----------------|--|---|
| <p>comment</p>  | <p>1155</p>  | <p>comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</p> |
|                 | <p><b>INFORMATION RELATED TO WEATHER CONDITIONS AT DEPARTURE, DESTINATION, AND ALTERNATE AERODROMES</b><br/>This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.</p> |   |
| <p>response</p> | <p>Not accepted</p>  |   |

See the response to comment #147 in CRD 2016-09(A).

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(b)(2)

p. 184

|          |  |   |
|----------|--|---|
| comment  | 1157   | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes. |   |
| response | Not accepted<br>See the response to comment #147 in CRD 2016-09(A).  |   |

### 1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(c)(1)

p. 184

|                         |   |   |  |                            |  |
|-------------------------|---|---|--|----------------------------|--|
| comment                 | 181   | comment by: <i>IFATCA</i>   |  |                            |  |
|                         | <table border="1"> <tr> <td>GM1<br/>ATS.TR.305(c)(1)</td> <td>RUNWAY INCURSION OR OBSTRUCTED RUNWAY<br/>In the event that the AFIS officer becomes aware of a runway incursion or the imminent occurrence thereof, or the existence of any obstruction on or in close proximity to the runway likely to impair the safety of an aircraft taking off or landing, appropriate action should be taken to inform the aircraft of the runway incursion or obstruction and its location in relation to the runway. As an emergency measure, the AFIS officer should instruct the endangered aircraft to abort its takeoff run or approach as necessary.</td> <td>Emergency authority clause</td> </tr> </table> | GM1<br>ATS.TR.305(c)(1)   | RUNWAY INCURSION OR OBSTRUCTED RUNWAY<br>In the event that the AFIS officer becomes aware of a runway incursion or the imminent occurrence thereof, or the existence of any obstruction on or in close proximity to the runway likely to impair the safety of an aircraft taking off or landing, appropriate action should be taken to inform the aircraft of the runway incursion or obstruction and its location in relation to the runway. As an emergency measure, the AFIS officer should instruct the endangered aircraft to abort its takeoff run or approach as necessary. | Emergency authority clause |  |
| GM1<br>ATS.TR.305(c)(1) | RUNWAY INCURSION OR OBSTRUCTED RUNWAY<br>In the event that the AFIS officer becomes aware of a runway incursion or the imminent occurrence thereof, or the existence of any obstruction on or in close proximity to the runway likely to impair the safety of an aircraft taking off or landing, appropriate action should be taken to inform the aircraft of the runway incursion or obstruction and its location in relation to the runway. As an emergency measure, the AFIS officer should instruct the endangered aircraft to abort its takeoff run or approach as necessary.  | Emergency authority clause  |  |                            |  |
| response                | Not accepted<br>Although the intent of the proposal in the comment is acknowledged, it shall be noted that the issuance of instructions is not included in the provision of FIS and, therefore, of AFIS.<br>See also the response to comment #64.   |   |  |                            |  |
| comment                 | 1159  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |  |                            |  |
|                         | This GM (guidance material) and its descriptions should be transferred into at least AMC level (applicable means of compliance) for safety and harmonisation purposes.  |   |  |                            |  |
| response                | Not accepted<br>See the response to comment #147 in CRD 2016-09(A).   |   |  |                            |  |



**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.305(c)(2)**

p. 184-185

|          |   |   |
|----------|---|---|
| comment  | 94  | comment by: <i>Airport Buochs AG</i>  |
|          | GM1 ATS.TR.305(c)(2) Scope of flight information service SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES, p.184:<br>Standard ATS.TR.260 shall be made available for AFIS too.   |   |
| response | Noted<br><br>See the responses to comments #274 and #162 in CRD 2016-09(A).   |   |
| comment  | 1160  | comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> |
|          | Sweden's opinion:<br>This GM (guidance material) and its descriptions should be removed/deleted. Also see our answer in IR 1.1.2 Amendments to Annex I – Definitions (the term 'Runway-in-use')<br>The term 'Runway-in-use' is not relevant for AFIS.   |   |
| response | Not accepted<br><br>See the responses to comments #274 and #162 in CRD 2016-09(A).  |   |
| comment  | 1249  | comment by: <i>UK CAA</i>   |
|          | <b>Paragraph No:</b> GM1 ATS.TR.305(c)(2)   |   |
|          | <b>Comment:</b> Whilst the wording of GM1 ATS.TR.305(c)(2) indicates that the list of considerations in selecting the runway in use is not exhaustive, the list excludes other relevant considerations which are included in ATS.TR.260. Moreover, EASA has not fully transposed the content of the EUROCONTROL Manual of AFIS paragraph 3.2 on the 'Selection of Runway'. Finally, the presentation of ATS.TR.260 relating to the selection of the runway in use by units providing aerodrome control service allows the reader to more easily assimilate the content. |   |
|          | <b>Justification:</b> Clarity and readability of EU Regulatory materials.   |   |
|          | <b>Proposed Text:</b> The UK CAA proposes that GM1 ATS.TR.305(c)(2) is amended to read as follows:  |   |
|          | <b>"GM1 ATS.TR.305(c)(2) Scope of flight information service</b><br>SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES<br>(a) Normally, an aircraft will land and take off into wind unless safety or other local factors determine that a different direction is preferable.<br><br>(b) In selecting the runway in use for take-off and landing of aircraft, besides surface wind speed and direction, other relevant factors should be taken into consideration such as:<br>(1) runway configuration;  |   |



|          |  |
|----------|--|
|          | (2) meteorological conditions;<br>(3) instrument approach procedures;<br>(4) approach and landing aids available;<br>(5) aerodrome traffic circuits;<br>(6) airspace considerations;<br>(7) length of runways;<br>(8) other factors indicated in local instructions.”  |
| response | Accepted<br><br>Following the analysis of the comment, as well as the discussions held with stakeholders during the AFIS Thematic Review meeting held in June 2017, EASA has revised and elaborated this GM, taking into account the proposal in the comment as well as the text of Chapter 3.2 of the EUROCONTROL AFIS Manual.<br><br>See also the responses to comments #274 and #162 in CRD 2016-09(A).   |
| comment  | 1515 <span style="float: right;">comment by: Airport Grenchen (Switzerland) LSZG</span><br><br>GM1 ATS.TR.305(c)(2):<br>Scope of flight information service SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES,<br>p.184:<br>Standard ATS.TR.260 shall be made available for AFIS too.  |
| response | Noted<br><br>See the responses to comments #274 and #162 in CRD 2016-09(A).  |
| comment  | 1604 <span style="float: right;">comment by: ATCEUC - Air Traffic Controllers European Unions Coordination</span><br><br>This provision doesn't clarify who determines the runway in use. ATCEUC believes that it should be the pilot, therefore this GM does not fit in here.<br><br><del><b>GM1 ATS.TR.305(c)(2) – Scope of flight information service</b></del><br><br><del><b>SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES</b></del><br><br><del><i>Normally, an aircraft will land and take off into wind unless safety, the runway configuration, meteorological conditions and available instrument approach procedures or air traffic conditions determine that a different direction is preferable. In selecting the runway however, besides surface wind speed and direction, other relevant factors such as the aerodrome traffic circuits, the length of runways, and the approach and landing aids available are to be taken into consideration.</i></del> |
| response | Not accepted<br><br>See the responses to comments #274 and #162 in CRD 2016-09(A).   |
| comment  | 1613 <span style="float: right;">comment by: Swiss Aerodromes &amp; GASCO (General Aviation Steering Committee)</span>   |

Switzerland)

GM1 ATS.TR.305(c)(2) Scope of flight information service SELECTION OF THE RUNWAY IN USE AT AFIS AERODROMES, p.184:  
Standard ATS.TR.260 shall be made available for AFIS too.

response

Noted

See the responses to comments #274 and #162 in CRD 2016-09(A).

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.310(g)**

p. 185

comment

1250

comment by: UK CAA

**Paragraph No:** GM1 ATS.TR.310(g)

**Comment:** GM1 ATS.TR.310(g) states that “The ATIS broadcast message should take into consideration human performance” but provides no further guidance on this matter to detail these principles, nor in which way they should be considered. PANS-ATM includes a note which refers to the Human Factors Training Manual (*Doc 9683*). Whilst acknowledging the age of this publication, the absence of any detailed guidance on the Human Factors principles referred to in GM1 ATS.TR.310(g) weakens the value of the GM itself. In other areas of Part-ATS there are GM which refer the reader to specific documents which can be utilised to access specific information. The UK CAA proposes that EASA should identify more recent documents relating to Human Factors principles which could be referred to within the GM.

**Justification:** Ensuring the value of EU regulatory materials.

response

Accepted

The text of the GM has been further elaborated.

See the response to comment #529.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.320(d)**

p. 186

comment

548

comment by: ATC the Netherlands



|   |   |   |  |
|---|---|---|--|
| GM1<br>ATS.TR.320(d)<br>Automatic<br>terminal<br>information<br>service (voice<br>and/or data link) | This GM introduces the possibility to instruct the pilot to obtain the latest ATIS information, in case the acknowledged receipt is no longer current. This possibility is highly appreciated and already in operation. However this possibility is not introduced to the related SERA.9010(a)(4) provision.<br><br>Furthermore, the status of GM might be too limited.   | Inconsistent<br>approach<br>legislation | Include<br>possibility in<br>SERA.9010(a)(4)<br><br>Consider upgrade<br>to AMC |
| response  | <p>Partially accepted</p> <p>GM1 ATS.TR.320(d) has been removed and the two options are introduced within point (d) of ATS.TR.320, in order to promote clarity on how the updates to the information included in ATIS messages have to be communicated to aircraft. The corresponding provision in point (a)(4) of SERA.9010 in Regulation (EU) No 923/2012 (SERA) has been proposed for amendment accordingly.</p>   |   |  |
| comment   | <p>1063 <span style="float: right;">comment by: <i>CANSO</i></span></p> <p>GM1 ATS.TR.320(d) Automatic terminal information service (voice and/or data link)<br/>Page 186</p> <p><b>CANSO Comment</b><br/>This GM introduces the possibility to instruct the pilot to obtain the latest ATIS information, in case the acknowledged receipt is no longer current. This possibility is highly appreciated and already in operation. However this possibility is not introduced to the related SERA.9010(a)(4) provision.<br/><br/>Furthermore, the status of GM might be too limited.</p> <p><b>Impact</b><br/>Inconsistent approach legislation.</p> <p><b>Suggested Resolution</b><br/>Include possibility in SERA.9010(a)(4)<br/><br/>Consider upgrade to AMC.</p> |   |  |
| response  | <p>Partially accepted</p> <p>See the response to comment #548.</p>  |   |  |

|          |   |
|----------|---|
| comment  | <p>1212</p> <p style="text-align: right;">comment by: ENAV</p> <p>GM1 ATS.TR.320(d) Automatic terminal information service (voice and/or data link)<br/>Page 186</p> <p>This GM introduces the possibility to instruct the pilot to obtain the latest ATIS information, in case the acknowledged receipt is no longer current. This possibility is highly appreciated and already in operation. However this possibility is not introduced to the related SERA.9010(a)(4) provision.</p> <p>Furthermore, the status of GM might be too limited.<br/>PROPOSAL</p> <p>Include possibility in SERA.9010(a)(4)</p> <p>Consider upgrade to AMC</p> |
| response | <p>Partially accepted</p> <p>See the response to comment #548.</p>  |

|   |            |
|---|------------|
| <b>1.3. Draft decision (PART-ATS) - GM1 ATS.TR.400(b)</b> | p. 186-187 |
|---|------------|

|          |  |
|----------|--|
| comment  | <p>1214</p> <p style="text-align: right;">comment by: ENAV</p> <p><b>GM1 ATS.TR.400 Application (a) (2)</b></p> <p>In a regulatory document, this requirement calls for AMC/GM to clarify the operational meaning of “in so far as practicable” and “otherwise known”.</p> <p>PROPOSAL</p> <p>Add AMC/GM such as:</p> <p>ALRS to aircraft having filed a flight plan shall be provided from the moment when ATS becomes aware that the flight commenced;</p> <p>ALRS to aircraft not having filed a flight plan shall be provided only when ATS becomes aware that the operational efficiency of the aircraft is impaired, and search and/or rescue is needed.</p> |
| response | <p>Not accepted</p> <p>See the response to comment #65, in particular with regard to the introduction of GM1 ATS.TR.400(a)(2).</p>   |
| comment  | <p>1251</p> <p style="text-align: right;">comment by: UK CAA</p> <p><b>Paragraph No:</b> GM1 ATS.TR.400(b), point (a)</p> <p><b>Comment:</b> As currently worded, GM1 ATS.TR.400(b) point (a) can be interpreted as meaning that the ATS unit of the FIR or control area are responsible for coordinating the alerting service in all 3 situations described in (a)(1), (a)(2) and (a)(3) simultaneously. The text should read as either option (a)(1) or option (a)(2) or option (a)(3). Whilst cognisant that this error exists within the original PANS-ATM text (9.2.2.2), the UK CAA believes that it should be</p>   |



resolved before transposition into the EU regulatory framework.

**Justification:** Clarity of EU regulatory materials.

**Proposed Text:** The UK CAA proposes the following amendment to GM1 ATS.TR.400(b) point (a):

“(a) When alerting service is required in respect of a flight operated through more than one FIR or control area, and when the position of the aircraft is in doubt, responsibility for coordinating such service should rest with the ATS unit of the FIR or control area:

(1) within which the aircraft was flying at the time of last air–ground radio contact; **or**,

(2) that the aircraft was about to enter when last air–ground contact was established at or close to the boundary of two FIRs or control areas; **or**,

(3) within which the aircraft’s intermediate stop or final destination point is located if the aircraft was not:

(i) equipped with suitable two-way radio communication equipment; or

(ii) under obligation to transmit position reports.”

response

Accepted

The text of the provision has been amended accordingly.

### 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.400(d)

p. 187

comment

182

comment by: IFATCA

|                       |   |
|-----------------------|---|
| AMC1<br>ATS.TR.400(d) | ALERTING OF RESCUE AND FIREFIGHTING SERVICES<br>Aerodrome control towers, approach control units or AFIS units <del>should</del> <b>shall</b> alert the rescue and firefighting services whenever: (a) an aircraft accident has occurred on or in the vicinity of the aerodrome; or (b) information is received that the safety of an aircraft which is or will come under the jurisdiction of the aerodrome control tower or of the AFIS unit may have or has been impaired; or (c) requested by the flight crew; or (d) when otherwise deemed necessary or desirable. |
|-----------------------|---|

response

Partially accepted

EASA has interpreted the comment as an invitation to consider the transposition of the ICAO provision (Section 7.1.2.1 of PANS-ATM) as IR within the EU regulatory framework. In consideration of the safety relevance of the provision, EASA has transposed the aforementioned ICAO provision as ATS.TR.400(d), which is amended by merging the content



of the said AMC with the current text originating from the Standard in Section 5.1.3.1 of ICAO Annex 11.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.405(a)(2)(ii)**

p. 188

comment

1163

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

Sweden's opinion is that EASA should regulate that all European AFIS/FIS-providers shall perform alerting service. It cannot be up to national authorities to decide this, then it will be a big differences between the AFIS/FIS providers across Europe. The lack of united regulation in this question will affect the level of safety negative.

Proposal:

Change this GM to an AMC.  
Modify the headline and text so it also becomes applicable for AFIS units

**MISSED AIRCRAFT – ACTIONS OF THE AERODROME CONTROL TOWERS AND AFIS TOWERS**

*When an aircraft fails to report after having been transferred to an aerodrome control tower or AFIS tower, or, having once reported, ceases radio contact and in either case fails to land 5 minutes after the expected landing time, the same aerodrome control tower or AFIS tower should, in accordance with ATS.TR.400(c), report the situation to the approach control unit, ACC or flight information centre, or to the rescue coordination centre or rescue sub-centre.*

response

Not accepted

The requirement for ATS units (FIC, ACC, approach control unit, aerodrome control tower and AFIS unit **TO PROVIDE**, inter alia, **ALERTING SERVICE** is clearly and explicitly stipulated in ATS.TR.110(a).

The notification of the alert phase by aerodrome ATC and by the AFIS unit is addressed separately, in GM1 ATS.TR.405(a)(2)(ii) and in GM1 ATS.TR.405(a)(2)(iii) respectively. The proposal in the comment may lead to confusion and may not be feasible since in some cases the AFIS units may not be able to comply with the 5-minute time frame. See also the response to comment #147.

EASA considers that the regulatory force of this provision is appropriate as GM.

comment

1606

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

Sometimes the tower might need to inform both. One option should not exclude the other.

**GM1 ATS.TR.405(a)(2)(ii) Notification to rescue coordination centres**

**MISSED AICRAFT REPORT — ACTIONS OF THE AERODROME CONTROL TOWERS**



When an aircraft fails to report after having been transferred to an aerodrome control tower, or, having once reported, ceases radio contact and in either case fails to land 5 minutes after the expected landing time, the same aerodrome control tower should, in accordance with ATS.TR.400(c), report the situation to the approach control unit, ACC or flight information centre, and/or to the rescue coordination centre or rescue sub-centre.

response

Not accepted

As indicated in ATS.TR.400(b) the ‘flight information centres or area control centres shall serve as the central point for collecting all information’ ... ‘and for forwarding such information to the appropriate rescue coordination centre.’ Therefore the current text is considered appropriate.

**1.3. Draft decision (PART-ATS) - GM1 ATS.TR.405(a)(2)(iii)**

p. 188

comment

183

comment by: IFATCA

|                              |   |   |
|------------------------------|---|---|
| GM1<br>ATS.TR.405(a)(2)(iii) | MISSED AICRAFT REPORT — ACTIONS OF THE AFIS UNIT<br>When an aircraft fails to report to or ceases radio contact with an AFIS unit under the circumstances established by the competent authority and in either case fails to land 5 minutes after the expected landing time, the same AFIS unit should, in accordance with ATS.TR.400(c), report the situation to the approach control unit, ACC or flight information centre, or to the rescue coordination centre or rescue sub-centre. | To align actions of TWR and AFIS units. |
|------------------------------|---|---|

response

Not accepted

See the response to comment #1163.

comment

714

comment by: DTCA

Ad GM1 ATS.TR.405(a)(2)(iii)

DTCHA propose the following wording:  
Unless otherwise prescribed by the competent authority, when an aircraft fails to report after having been transferred to an AFIS unit, or, having once reported, ceases radio contact and in either case fails to land 5 minutes after the expected landing time, the same AFIS unit should, in accordance with ATS.TR.400(c), report the situation to the approach control unit, ACC or flight information centre, or to the rescue coordination centre or rescue sub-centre.

response

Not accepted

See the response to comment #1163.



|          |  |
|----------|--|
| comment  | <p>1164 <span style="float: right;">comment by: Swedish Transport Agency, Civil Aviation Department<br/>(Transportstyrelsen, Luftfartsavdelningen)</span></p> <p>Sweden’s opinion is that EASA should regulate that all European AFIS/FIS-providers shall perform alerting service. It cannot be up to national authorities to decide this, then it will be big differences between the AFIS/FIS- providers across Europe. The lack of united regulation in this question will affect the level of safety negative.</p> <p>Proposal:<br/>Cancel the IR and this GM (see comments above GM1 ATS.TR.405(a)(2)(ii)); or<br/>Change this GM to an AMC and modify the text so it will be comparable to the suggested GM for ATC (ATS.TR.405(a)(2)(ii))</p> <p><i>When an aircraft fails to report after having been transferred to an AFIS tower, or having once reported, ceases radio contact with an AFIS unit under the circumstances established by the competent authority and in either case fails to land 5 minutes after the expected landing time, the same AFIS unit tower should, in accordance with ATS.TR.400(c), report the situation to the approach control unit, ACC or flight information centre, or to the rescue coordination centre or rescue sub-centre.</i></p> |
| response | <p>Not accepted</p> <p>See the response to comment #1163.</p>  |

## 1.3. Draft decision (PART-ATS) - AMC1 ATS.TR.415

p. 188

|          |   |
|----------|---|
| comment  | <p>1010 ❖ <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph No:</b> ATS.TR.415 and AMC1 ATS.TR.415</p> <p><b>Comment:</b> The UK CAA perceives that there is an inconsistency between the text of ATS.TR.415 and its associated AMC. ATS.TR.415 describes that “...the ATS unit(s) aware of the emergency shall plot the flight of the aircraft involved on a chart or other appropriate tool”, whereas the associated AMC states that “The progress of an aircraft in emergency should be monitored and (whenever possible) plotted on the situation display...” As such, AMC1 does not illustrate a means of compliance with ATS.TR.415 as the 2 bodies of text relate to different forms in which plotting may take place. UK CAA requests EASA to clarify how ATS units are to “plot the flight of the aircraft involved on a chart”. See also UK CAA comment on AMC1 ATS.TR.160(d)(7) relating to the plotting of aircraft positions.</p> <p><b>Justification:</b> Clarity of EU regulatory materials.</p> |
| response | <p>Not accepted</p> <p>It shall be noted that the Standard in Section 7.1.2.3 of ICAO Annex 11 transposed as ATS.TR.415 is to be interpreted in the context of the EASA response to comment #554, i.e. that in the absence of an ICAO definition for a term, the normal practice is to use the definition of the dictionary. It means that the plotting of an aircraft in this context stands for a marking of the position of the aircraft on a chart. The interpretations of ‘chart’ within the</p>   |



available technology may be various from ‘planchette’ to electronic chart or a radar screen/controller working position (CWP).

With regard to the comment on AMC1 ATS.TR.415, its applicability is for plotting the position of aircraft at units where ATS surveillance services are provided, as clearly stated in its title.

The same comment, with the same identifier (#1010) was submitted with regard to ATS.TR.415.

comment

1413

comment by: AESA / DSANA

| PART   | COMMENT   | JUSTIFICATION  |
|--|---|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC1 ATS.TR.415 | There is no justification in the PANS ATM Checklist for the exclusion of the second sentence of <b>section 8.8.1.2</b> from EU Legislation. | It would be advisable to include it as part of the NPA GM. |

response

Accepted

The second sentence of Section 8.8.1.2 of ICAO PANS-ATM, which was not transposed due to an editorial mistake, has been included in the revised text of AMC1 ATS.TR.415.

comment

1414

comment by: AESA / DSANA

| PART   | COMMENT  | JUSTIFICATION  |
|--|--|--|
| <b>(B) 1.3. Amendments to the upcoming ED Decision issuing the AMC/GM to the ATM/ANS Common Requirements Regulation (draft decision (PART-ATS))</b><br><br>AMC1 ATS.TR.415 | Doc 4444 <b>section 8.8.1.2</b> ICAO Note has not been transposed. | It would be advisable to include it as part of the NPA GM. |

response

Not accepted

The GM does not relate to the application of the requirement in ATS.TR.415 by the ATS units, i.e. to plot aircraft in a state of emergency, but rather describes the operation of a transponder in case of emergency, which is addressed within Section 13 of Regulation (EU) No 923/2012 (SERA).

**2. References**

p. 190-193

comment

416

comment by: CAA CZ

**NPA 2016-09(B) 2.3. Reference documents**

**Commission Regulation (EC) No 2096/2005 of 20 December 2005** laying down common requirements for the provision of air navigation services (OJ L 335, 21.12.2005, p. 13)

**Comment:** *There is no link in NPA 2016-09 to this cancelled document.*

**Recommendation:** *Delete relevant reference document.*

response

Not accepted

The reference to Commission Regulation (EC) No 2096/2005 is made in Section 3.1.1.2 of NPA 2016-09(A).

comment

1510

comment by: René Meier, Europe Air Sports

2 References

2.3. Reference documents

Many thanks for including the Eurocontrol "Manual for Aerodrome Flight Information Service (AFIS)"

Proposal as regards the list if intended for further use: Please arrange all publications in an alphabetical order.

Rationale

It will be more userfriendly if all references are so arranged.

response

Noted

The EUROCONTROL 'Manual for Aerodrome Flight Information Service (AFIS)' Edition 1.0 of 17.06.2010 is included in the list of reference documents in Chapter 2.3 of NPA 2016-09(A), on page 192.



### 3. Attachments

 [IFATCA Comments on NPA2016-09 B ATS requirement FIN.pdf](#)  
Attachment #1 to comment [#184](#)

