



European Aviation Safety Agency
Comment-Response Document 2016-13

Appendix
to Opinion No 02/2018

RELATED NPA 2016-13 — RMT.0445 — 7.3.2018

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1. Summary of the outcome of the consultation

NPA 2016-13 was publicly consulted from 25 October 2016 to 31 March 2017 — the consultation period was extended once. In total, 586 comments were submitted by 36 stakeholders: national aviation authorities (NAAs), service providers, air navigation services (ANS) organisations, aerodromes, trade unions, aircraft operators, as well as an individual.

As already explained in Opinion 02/2018, in order to take an informed decision, EASA also held a focused consultation in the form of a thematic meeting that took place on 5-6 September 2017 to analyse the issues raised by stakeholders during the NPA public consultation as well as to establish guidance for the review of the proposals towards drafting Opinion 02/2018. Said meeting was attended not only by members of RMG RMT.0445, but also by other experts who had contributed actively to the NPA public consultation.

Although several comments were duplicates and of editorial nature, EASA concluded that the NPA 2016-13¹ public consultation benefited this rulemaking task (RMT) by contributing to the development of Opinion 02/2018. Stakeholders provided valuable comments to the NPA and, in some instances, alternative proposals to the proposed rule text. These proposals were substantiated by justifications, which facilitated the review and subsequent change of the NPA rule text and the development of the final one in Opinion 02/2018.

The most contentious and most commented issues during the NPA 2016-13 consultation were the following:

- the introduction of a term to be used for the portions of the airspace zone around aerodromes, where aerodrome flight information service (AFIS) (i.e. flight information service (FIS) and alerting service for aerodrome traffic) is provided;
- the scope of the regulated activities (i.e. what airspace design includes);
- the introduction of a ‘buffer zone’;
- the transition period;
- the identification of a common term to be used, e.g. ‘flight procedure design services provider (FPDSP)’; and
- the link with other rules, e.g. Regulation (EU) No 139/2014 (the ‘ADR Regulation’).

For further information on the main comments as well as conclusions on the main issues that were identified during the NPA public consultation, please refer to Section 2.3, especially Subsections 2.3.1-2.3.6 and 2.3.9-2.3.10, of Opinion 02/2018.

The distribution of the comments received on the various parts of NPA 2016-13, the distribution of the comments received per stakeholders’ sector, as well as the distribution of EASA’s responses to the comments are shown in Table 1 as well as Figures 1 and 2, respectively.

¹ NPA 2016-13 on technical requirements and operating procedures for airspace design, including flight procedure design (FPD).



NPA 2016-13	Pages	Comments
General	N/a	14
Explanatory note	1-15	246
Implementing rules (IRs)	16-38	91
Acceptable means of compliance (AMC)/guidance material (GM)	39-67	196
Regulatory impact assessment (RIA)	68-75	36
References	79-90	3
Total	90	586

Table 1 — Distribution of the comments received on the various parts of NPA 2016-13

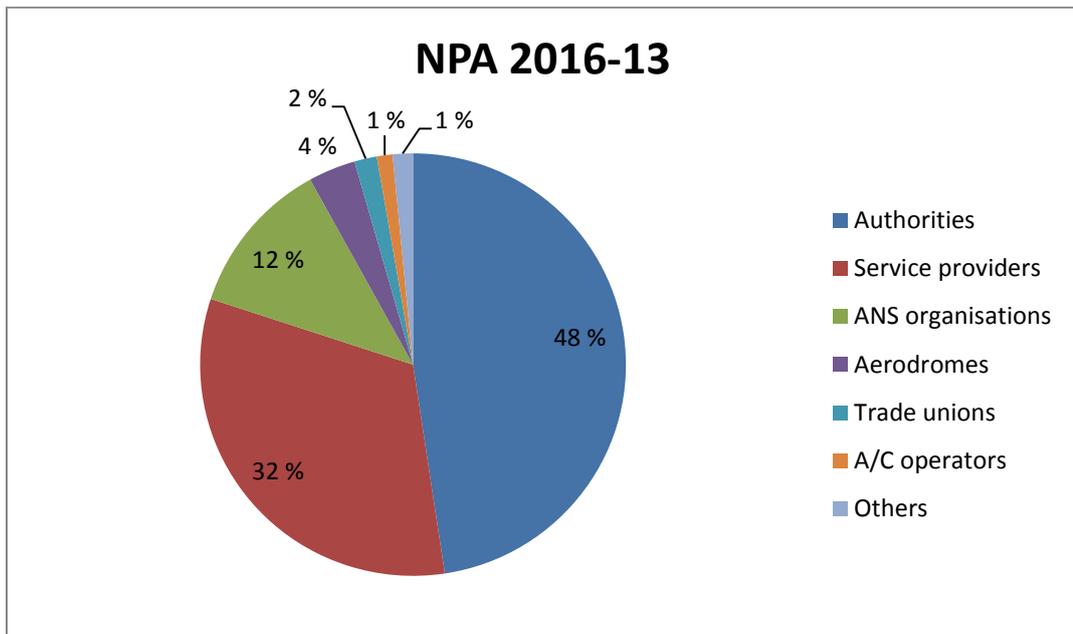


Figure 1 — Distribution of the comments received per stakeholders' sector

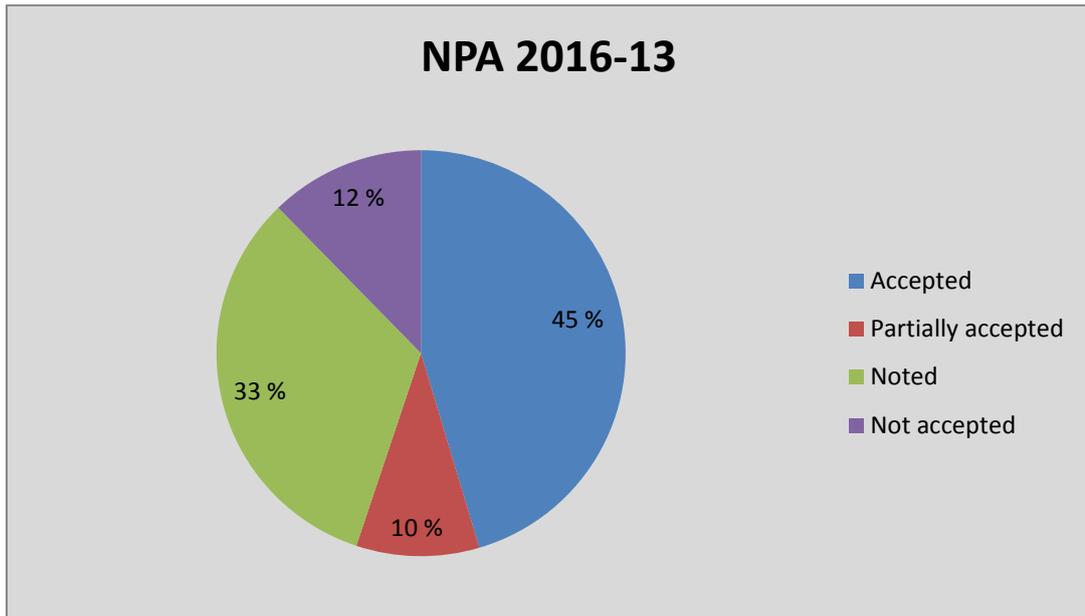


Figure 4 — Distribution of EASA's responses in CRD 2016-13

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.



(General Comments) -

comment 65 comment by: skyguide Compliance Management

Inconsistent use of terminology

- Title for that NPA " " airspace design (ASD), including flight procedure design _
- "....Design of airspace structure and flight procedures (i.e. ASD)
- Later on Page 60 (§3.2) "The flight procedure design process is embedded in the airspace change process specified by the competent authority")

response *Accepted*

EASA took the comment into consideration.

Furthermore, EASA organised focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.

For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.

comment 66 comment by: skyguide Compliance Management

Request clear definitions :
The relationship between airspace and flight procedures is not clearly defined

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.

For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.

comment 285 comment by: German NSA (BAF)

The Notice of Proposed Amendment (NPA) „Technical requirements and operating



procedures for airspace design, including flight procedure design” (2016-13) in its present form is welcomed by Germany, because as part of the “Common Requirements Regulation” (2016/1377) it adds to a regulatory harmonisation in this area. However, certain aspects need to be clarified and fine tuned.

The approach taken not to prescribe a certain organisational model is welcomed, in order to accommodate the different national models and to take into account the varying degrees of involvement of the stakeholders. This is especially the case in Germany, with the Ministry of Transport and Digital Infrastructure being responsible for the airspace structure and any related changes, the ATM/ANS Provider planning and designing the flight procedures and the NSA being responsible for the stipulation of flight procedures. Therefore it is important to grant a certain amount of flexibility in this area and to allow the stakeholders to maintain their role and models in general.

response *Noted*

EASA welcomes the comment.

comment *344*

comment by: *CANSO*

A certification-requirement for the providers of flight procedure design (FPD) currently goes beyond the basis for certification within the EASA Basic Regulation. The reason for this is that only ATM/ANS providers need a certificate according to article 8b Basic Regulation(BR). The definitions of EC 549/2004 to which article 3(q) BR refers for the definition of ATM/ANS do not contain flight procedure design/ASD.

CANSO Recommendation: It is recommended to not implement any certification of FPD until the proper basis has been created in the BR.

response *Noted*

The subject on the legal basis has already been acknowledged by EASA and clearly highlighted in the subject NPA 2016-13, please refer to Section 2.1 and Section 4.1 as well.

As these sections state, Article 8b(6)(a) as well as point 2(i) of Annex Vb (Essential Requirements) to the Basic Regulation (EC) 216/2008 address the obligation to ensure safe airspace structure and flight procedure design. It is also recognised, however, that the airspace design is not explicitly falling within ‘ATM/ANS’ as defined in the Basic Regulation or the SES framework. Consequently, it may appear disproportionate to regulate all the activities related to airspace design as ATM/ANS according to Article 8b of the Basic Regulation (i.e. all areas of airspace design activities to be a subject to certification, particularly in reference to the design of airspace structures).

In this context, it should be noted that airspace design contains two aspects:

- Design of the airspace structure; and



- Design of flight procedures;

On the other hand, today no common European rules on airspace design are in place. Therefore, this proposal is limited to responding to the safety objectives of the Basic Regulation to cover the way for safely designed, validated, maintained and reviewed flight procedures and airspace structures.

Having said that and fully respecting the principle of proportionality, the proposal contains two parts by proposing implementing measures as follows:

- Technical requirements on the design of airspace structures; how these requirements would be met, it is left to the discretion of the Member States to employ the most efficient national administrative model in order to assign the roles as regards the airspace structures;
- Specific organisation and technical requirements for the organisations performing the design of flight procedures. It should be stressed that this part of the proposal is fully aligned with the latest Amendment 50 to Annex 11 concerning procedure design and oversight of the subject SARPs (please refer to Appendix 8 od Annex 11).

In addition, a revised EASA Basic Regulation is currently being discussed in the co-decision procedure. Whilst the discussion is based on a Commission proposal, it is now in the hands of the co-legislators i.e. the European Parliament and the Council of Member States, both of which make amendments to the original text. In these discussions a proposal for an amendment to the ATM/ANS definition has been accepted in Council in order to list explicitly all the ATM/ANS services in the definition. As part of this amendment, also airspace and procedure design were added to the definition. The text of the article containing the requirement to certify ATM/ANS providers has not been changed in this respect. Consequently, all ATM/ANS providers except small scale of FIS provision and certain services provided in areas outside ICAO EUR region are required to be certified.

Whilst the final text still needs to be agreed between the Parliament and Council and it is thus too early to provide a definitive legal analysis of its impact, it is evident that the legal ambiguity contained in current EASA Basic Regulation no longer exists in the Council version.

comment 351

comment by: *CANSO*

CANSO General comment - (SECTION III Identification of standard departure and arrival routes and associated procedures)

Compliance with the ICAO/Part-ASD STAR naming requirement is something all ANSPs want to achieve but we think if we are to minimise turbulence/cost, etc., an iterative approach is best.

Impact

Some countries may struggle to meet the timescales without using a single change, i.e., all STARs renamed to comply with ICAO/Part-ASD naming convention on a single date. This single change, achieves compliance with ICAO and EU requirements but results in increased service provider and regulator change burdens; potentially high costs; potential aircraft



	<p>operator confusion if navigation databases are not updated in time.</p> <p>Suggested Resolution</p> <p>Suggest an additional point be added to Article 10</p> <p>By way of derogation from paragraph 1, Member States may decide not to apply Appendices XX and YY to Article 3, in whole or in part, until [25 January 2024].</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>401 comment by: <i>CANSO</i></p> <p>The terms 'airspace structure', 'airspace design' and 'flight procedure design' are not used consistently throughout the NPA. E.g. Explanatory Note mentions ASD several times as a comprehensive term for airspace design (which is understood to be ASD in full) and flight procedure design. Moreover in Art. 2. (Definitions) the NPA defines flight procedure designers as a service provider, but in the title of Art. 3. the provision of airspace structure and flight procedure design are mentioned separately and yet this Art only appears to apply to States and not Service Providers. Thus there is confusion over the applicability of airspace design and flight procedure design to States and/or service providers (it is noted that States are tasked with specifying design criteria for flight procedures). Additionally there is a confusion over state, CA and service provider responsibilities, while only service providers and CAs fall under the scope of the Regulation. It is acknowledged that there is a need for traceability to the BR Annex Vb where airspace design is identified as a service to the provisions within the NPA and the Articles should reflect this such that satisfying the Regulation satisfies the BR.</p> <p>Suggestion: do not use the term 'airspace design' (or the abbreviation ASD) as a comprehensive term for ASD+FPD, define both terms and use them consequently together or separately as needed in the context of each requirement/sentence and provide an explanation in the Articles whereby the satisfaction of the BR is achieved through the application of the proposed Regulation. Moreover provide explanation on the scope of the Regulation regarding states and service providers.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for</p>

discussion.

For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.

comment

406

comment by: EUROCONTROL

Introduction

The EUROCONTROL Agency comments sent directly to EASA reflect the views of its ATS provision branch, namely Maastricht Upper Area Control (MUAC), and the other expert departments. The EUROCONTROL Agency military views developed by its military department have been communicated to the European Defence Agency.

The following general comments made by the EUROCONTROL Agency reflect the views of MUAC whereas all specific comments were made by the expert departments.

General Comments

Scope

Throughout Europe, several initiatives have been taken to implement or study Free Route Airspace. Other initiatives will come probably. The document, however, does not address or even mention the design of such a Free Route Airspace.

Process

Looking at the proposal, it seems that airspace design will become a lengthy process, with more layers, including the political layer. There is therefore a clear risk that changes considered necessary for operational reasons can be stopped using inappropriate arguments. To take the example of the Maastricht UAC (MUAC) airspace, as a consequence of the proposed regulation MUAC will lose its design freedom which is currently established under the MUAC Treaty.

Regulatory

The document is not clear as to whether Airspace Design needs to be certified or only Procedure Design.

response

Accepted

EASA takes the comments into consideration.

Following the order thereof the following should be noted:

- Scope: FRA has a mean in the context of airspace management (ASM). The initiatives of the FRA were taken into account during this rule development, however, further consideration in the scope of this proposal is not anticipated;
- Process: The NPA 2016-13 consultation indicates clearly that the commented GM on airspace change process is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation. Consequently, the commented GM was redrafted in a more generic manner;
- Regulatory: EASA organised focussed consultation in a form of a thematic meeting



with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.

- For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.

comment	438	comment by: <i>ATC the Netherlands</i>
	LVNL supports the comments made by CAA-NL (caa-nl@minienm.nl).	
response	<i>Noted</i>	

comment	452	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	The Federal Office of Civil Aviation (FOCA) appreciates the opportunity to comment on this draft NPA and would like to congratulate the Agency for the good work.	
	As a general remark we would like to mention that we miss the mention of UAS as airspace users in this draft NPA. UAS should be added.	
response	<i>Accepted</i>	

comment	464	comment by: <i>NATS National Air Traffic Services Limited</i>
	General comment	
	(SECTION III Identification of standard departure and arrival routes and associated procedures)	
	Comment:	
	Compliance with this requirement would facilitate removal of a current UK Difference which currently reads ‘In the UK, the basic indicator for standard arrival routes is the name code of the holding facility or fix where the arrival route terminates’ and afford a number of operational benefits. Compliance with the ICAO/Part-ASD STAR naming requirement is something the UK wants to achieve but we think if we are to minimise turbulence/cost, etc., an iterative approach is best.	
	Impact:	
	UK may struggle to meet the timescales without using a single change, i.e., all STARs renamed to comply with ICAO/Part-ASD naming convention on a single date. This single change, achieves compliance with ICAO and EU requirements but results in increased service provider and regulator change burdens; potentially high costs; potential aircraft operator confusion if navigation databases are not updated in time.	



	<p>Suggested Resolution:</p> <p>Suggest an additional point be added to Article 10</p> <p>By way of derogation from paragraph 1, Member States may decide not to apply Appendices XX and YY to Article 3, in whole or in part, until [25 January 2024].</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>522 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>General Comment</p> <p>Comment:</p> <p>The term ASD (i.e. airspace design (ASD), including flight procedure design) has not been used within the draft regulation (pages 16-67). It is unclear whether these requirements relate to the design of airspace structures when they are not part of Flight Procedure Design (FPD)?</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p>For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.</p>
comment	<p>534 comment by: <i>Finnish Transport Safety Agency</i></p> <p>It is not clear whether “airspace (structure) design service” is planned to be a certified service.</p> <p>If it is, there should be AMC/GM for training, competence etc. requirements.</p> <p>Rationale: The airspace design service organisation is not necessarily the same as the instrument flight procedure design service organisation. Both services are interdependent and in our opinion there should be one entity responsible for total airspace change management which includes both instrument flight procedure design and airspace design.</p>

response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p>For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/‘Definitions’.</p>
comment	<p>586 comment by: <i>HungaroControl</i></p> <p>General comment: HungaroControl fully supports the comments submitted by CANSO.</p>
response	<p><i>Noted</i></p>
comment	<p>595 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>General comment : ETF does not understand the absence of regulation of who and how the flight procedure service provider is designated as competent to design a flight procedure over a certain airspace.</p> <p>For example, the opening of a market for ATS provision leads to various ATS providers being appointed in the vicinity of major cities like around London for example : who and how should SID and STAR be designed in this context where even a slight change of route leads to favor or disfavor this or that aerodrome hence its ATS provider.</p> <p>ETF reminds the EU community that we have always been against the opening of a market for ATM/ANS provisions but the consequences of this market competition should be drawn and appropriate regulation put in place to manage its drawbacks.</p> <p>A simple GM (GM1 to Article 3(x)) is not enough to regulate this appropriately : comprehensive authority requirements are needed so to answer the explicit question in the NPA : elevation to AMC is not sufficient to cover the importance of this subject.</p>
response	<p><i>Noted</i></p> <p>EASA noted the comment.</p> <p>It should be pointed out that the subject of a service provider designation (i.e. ATS and MET providers) is regulated in Regulation (EC) No 550/2004 of the European Parliament and of the Council, i.e. by the co-legislators, while the commented proposal is a draft Commission implementing rule subject to comitology procedure.</p> <p>On the other hand, the commented proposal sets up the regulatory framework, based on which the flight procedure design service provider would be competent and entitle to exercise the privileges granted within the scope of a certificate issued by a competent</p>

authority after demonstration of compliance with the applicable requirements.

Notice of Proposed Amendment 2016-13

p. 1

comment

164

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

General comments

The title on Annex IX should be changed to include “Design of airspace structure”.

Justification: A person looking for regulation concerning that subject will not search in an Annex named “Specific requirements for providers of procedure design”.

We are very thankful for your initiative to implement “as last amended” when reference to ICAO documents. It will simplify our work as a competent authority.

response

Not accepted

Airspace design contains two aspects - design of flight procedures and design of airspace structures. During the discussions leading to the approval of Regulation (EU) 2017/373, Member States maintained the view that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for (ATM/ANS) service providers. For that reason, to employ the most efficient national model in order to assign the roles and responsibilities as regards the airspace structure design, this proposal focuses on describing the required output and objectives of the activity itself by setting up the design criteria (please refer to Appendix 1 to Annex XI (Part-FPD)) only.

Therefore, the service providers subject to certificate as proposed by this rule would be limited to flight procedure design services providers and therefore, the Annex XI will apply only to organisations providing flight procedure design (FPD) services.

Considering the above, the comment is not accepted.

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

p. 6-7

comment

67

comment by: *skyguide Compliance Management*

The unnecessary complexity of ASD was identified in an EASA study as a safety issue that needs to be addressed

The complexity has never been considered necessary.

It is there for other reasons:

From an ATC perspective, the complexity has never been considered necessary because it



has a direct impact on the controllers' workload.

That complexity, directly linked with consideration on traffic flows density has led/is leading to some specific environments such as, for instance, these surrounding some big airports or other congested airspace.

That point is reinforced by the political level when promoting some particular interests against general interest (ex: defense of GA activities

in the proximity of international airports, preservation for GA of a maximum access to airspace ...).

response *Accepted*

EASA took due consideration of the comment.

comment 68

comment by: *skyguide Compliance Management*

The organisation of airspace has a direct effect on the trajectory followed by aircraft; poor and/or erroneous design of airspace structures and flight procedures (i.e. ASD) would increase ...

response *Accepted*

comment 69

comment by: *skyguide Compliance Management*

ASD plays a key role in the safety of air operations and is also a key enabler for the implementation of new navigation concepts such as PBN. Therefore, consistent ASD (that includes the design of airspace structures and the design of the flight procedures) contributes in ensuring safe operations within the European airspace.

Not a conclusive example for two reasons::

- 1. Regarding PBN : There tends to be less airspace used in order to protect trajectories;**
- 2. Airspace should follow "concepts" (or procedures) , not the other way around.**

Therefore 1 fundamental point is missing in that NPA:

- the real* link between airspace and flight procedures.

*: more than the one which is done with the airspace change process in the second part of that NPA.

Moreover, too many repetitions about the meaning of ASD which are sometimes in contradiction from a concept point of view. It would be a good idea to write a clear and unique definition of ASD.



response *Accepted*

EASA took the comments into consideration.

Taking into account that the design of flight procedures 'drive' the design of the airspace structure, the respective order of the design of flight procedures and the design of airspace structures activities have been amended.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. The subject on the meaning of the 'airspace design' was tabled for discussion. For the sake of clarity, EASA introduced a new GM associated to the 'Subject matter and scope'/'Definitions'.

comment 70

comment by: *skyguide Compliance Management*

Moreover, today no common European rules on ASD are in place

There is within ICAO annex 11

response *Noted*

It is duly acknowledged that ICAO Annex 11 includes standards on instrument flight procedure design services and oversight of the services by States. In this context, the aim of this NPA is to facilitate a common transposition of ICAO Annex 11 requirements related to the subject.

However, while those requirements exist in the ICAO Documents, their transposition, implementation and use across the European Union varies and thus increases the risk of misunderstanding between the different airspace actors, i.e. airspace designers, ANSPs, and airspace users.

Considering the mentioned above, EASA still would state that '(...) Moreover, today no common European rules on ASD are in place (...)'

comment 71

comment by: *skyguide Compliance Management*

This proposal is limited to responding to the safety objectives of the Basic Regulation to pave the way for safely designed, validated, maintained and reviewed flight procedures and airspace structures.

What is meant by "maintained and reviewed flight procedures and airspace structures"? Details and areas need to be defined.



response	<p><i>Accepted</i></p> <p>ICAO Annex 11, Chapter 2, point 2.33 requires the ‘State shall ensure that maintenance and period review of instrument flight procedures for aerodromes and airspace under the authority of the State are conducted. Each State shall establish an interval for periodic review of instrument flight procedures not exceeding five years’.</p> <p>Considering the comment and to promote clarity and better link between the design of flight procedure(s) and the design of airspace structure(s), based on the advice gathered during the focussed consultation, EASA proposes an amendment to Article 3 so that it would read:</p> <p>‘Member States shall ensure that maintenance and periodic review of flight procedures for aerodromes and in airspace under its responsibility are conducted.’</p> <p>While the associated AMC introduces the timeframe for this periodic review.</p>
comment	<p>72 comment by: <i>skyguide Compliance Management</i></p> <p>ASD is an issue that would be most effectively addressed at EU level (not at national level), as the harmonised rules would add value in addressing the identified safety issues and would promote cost-efficiency in the regulatory and certification processes.</p> <p>1. ASD as a whole is not an issue.</p> <p>2. Inconsistency in implementation at national level</p> <p>3. What about the process of harmonization?</p> <p>is the long term aim to make the national level irrelevant?</p>
response	<p><i>Noted</i></p> <p>The overall objectives of EASA are established by Article 2 of the Basic Regulation. An additional objective, in the fields covered by this Regulation, is ‘to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level’ (Article 2.2(c)).</p> <p>Hence, EASA is acting in accordance with the subject provisions in order to propose implementing measures for the referenced organisations dealing with the design of flight procedures.</p>
comment	<p>391 comment by: <i>CANSO</i></p> <p>The unnecessary-complexity of ASD was identified in an EASA study as a safety issue that needs to be addressed</p> <p>The complexity has never been considered necessary.</p>

	<p>It is there for other reasons:</p> <p>From an ATC perspective, the complexity has never been considered necessary because it has a direct impact on the controllers' workload.</p> <p>That complexity, directly linked with consideration on traffic flows density has led/is leading to some specific environments such as, for instance, these surrounding some big airports or other congested airspace.</p> <p>That point is reinforced by the political level when promoting some particular interests against general interest (ex: defense of GA activities in the proximity of international airports, preservation for GA of a maximum access to airspace ...).</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p>
comment	<p>392 comment by: <i>CANSO</i></p> <p>This proposal is limited to responding to the safety objectives of the Basic Regulation to pave the way for safely designed, validated, maintained and reviewed flight procedures and airspace structures.</p> <p>What is meant by "maintained and reviewed flight procedures and airspace structures"?</p> <p>Details and areas need to be defined.</p>
response	<p><i>Accepted</i></p> <p>ICAO Annex 11, Chapter 2, point 2.33 requires the 'State shall ensure that maintenance and period review of instrument flight procedures for aerodromes and airspace under the authority of the State are conducted. Each State shall establish an interval for periodic review of instrument flight procedures not exceeding five years'.</p> <p>Considering the comment and to promote clarity and better link between the design of flight procedure(s) and the design of airspace structure(s), based on the advice gathered during the focussed consultation, EASA proposes an amendment to Article 3 so that it would read:</p> <p>'Member States shall ensure that maintenance and periodic review of flight procedures for aerodromes and in airspace under its responsibility are conducted.'</p> <p>While the associated AMC introduces the timeframe for this periodic review.</p>
comment	<p>393 comment by: <i>CANSO</i></p> <p>ASD plays a key role in the safety of air operations and is also a key enabler for the implementation of new navigation concepts such as PBN. Therefore, consistent ASD (that</p>

includes the design of airspace structures and the design of the flight procedures) contributes in ensuring safe operations within the European airspace.

Not a conclusive example for two reasons::

1. Regarding PBN : There tends to be less airspace used in order to protect trajectories;

2. Airspace should follow "concepts" (or procedures) , not the other way around.

Therefore 1 fundamental point is missing in that NPA:

- the real* link between airspace and flight procedures.

***: more than the one which is done with the airspace change process in the second part of that NPA.**

Moreover, too many repetitions about the meaning of ASD which are sometimes in contradiction from a concept point of view. It would be a good idea to write a clear and unique definition of ASD.

response *Accepted*

Taking into account that the design of flight procedures 'drive' the design of the airspace structure, the respective order of the design of flight procedures and the design of airspace structures activities have been amended.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. The subject on the meaning of the 'airspace design' was tabled for discussion. For the sake of clarity, EASA introduced a new GM associated to the 'Subject matter and scope'/'Definitions'.

comment 436

comment by: CAA-NL

General question regarding FRA

Throughout Europe, several initiatives have been taken to implement or study Free Route Airspace. Have the developments regarding the design of Free Route Airspace taken into account when developing the NPA?

response *Noted*

FRA has a mean in the context of airspace management (ASM). The initiatives of the FRA were taken into account during this rule development, however, further consideration in the scope of this proposal is not anticipated.

comment 440

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

Comment FOCA to Paragraph 2.1 Overview of the issues to be addressed, last sentence of the



first paragraph: In our opinion, the design of "the flight procedures" should be mentioned before the design of "the airspace structure" as the airspace follows the procedures.

Proposed Text: "Therefore, consistent ASD (that includes the design of the flight procedure and the design of the airspace structures) contributes in ensuring safe operations within the European airspace:

response *Accepted*

2. Explanatory note — 2.2. Objectives

p. 7-8

comment 73 comment by: skyguide Compliance Management

Safety: by harmonising at EU level the provisions and providing a common transposition of ICAO Annex 11 requirements related to ASD, those related to the airspace structures and flight procedures requirements. ~~While those requirements exist in the ICAO documentation, their implementation and use across the European Union varies and thus increases~~ In order to decrease the risk of misunderstanding between the different airspace actors, i.e. airspace designers, ANSPs, and airspace users.

If any risks of misunderstanding, the origin is not from the implementation (in which regulatory bodies are involved) but from ICAO itself with GM.

response *Noted*

It is duly acknowledged that ICAO Annex 11 includes standards on instrument flight procedure design services and oversight of the services by States.

On the other hand, the transposition of those ICAO provision requirements across the European Union varies and thus their implementation by the regulated parties. Therefore, this increases the risk of misunderstanding between the different airspace actors, i.e. designers of airspace structures and/or designers of flight procedures, ANSPs, and airspace users.

Consequently, one of the main purposes of this proposal is to facilitate a common transposition of ICAO Annex 11 requirements related to the subject.

comment 74 comment by: skyguide Compliance Management

These objectives will be achieved through the set-up of safely designed, validated flight procedures and airspace structures that are maintained and reviewed in a coherent manner.

Safely designed, validated flight procedures that are maintained and reviewed ==> already in force.

- **Coherent manner =? Not clear**



- **Airspace structures that are maintained and reviewed in a coherent manner =? Not clear**
 - **What is a review of an airspace structure?**
- (See also comment 71).**

response

Noted

EASA took due consideration of the comment.

ICAO Annex 11, Chapter 2, point 2.33 requires the ‘State shall ensure that maintenance and period review of instrument flight procedures for aerodromes and airspace under the authority of the State are conducted. Each State shall establish an interval for periodic review of instrument flight procedures not exceeding five years’.

Considering the comment and to promote clarity and better link between the design of flight procedure(s) and the design of airspace structure(s), based on the advice gathered during the focussed consultation, EASA proposes an amendment to Article 3 so that it would read:

‘Member States shall ensure that maintenance and periodic review of flight procedures for aerodromes and in airspace under its responsibility are conducted.’

While the associated AMC introduces the timeframe for this periodic review.

comment

75

comment by: *skyguide Compliance Management*

Regulatory harmonization: the provisions proposed are to large extent contained in the ICAO documentation (ICAO SARPs and documents), but their transposition and implementation by the Member States vary so the implementation of the SES initiative, including functional airspace blocks (FABs), is not supported.

response

Noted

comment

394

comment by: *CANSO*

Safety: by harmonising at EU level the provisions and providing a common transposition of ICAO Annex 11 requirements related to ASD, those related to the airspace structures and flight procedures requirements. ~~While those requirements exist in the ICAO documentation, their implementation and use across the European Union varies and thus increases~~ **In order to decrease** the risk of misunderstanding between the different airspace actors, i.e. airspace designers, ANSPs, and airspace users.

If any risks of misunderstanding, the origin is not from the implementation (in which regulatory bodies are involved) but from ICAO itself

response

Noted

It is duly acknowledged that ICAO Annex 11 includes standards on instrument flight procedure design services and oversight of the services by States.

On the other hand, the transposition of those ICAO provision requirements across the European Union varies and thus their implementation by the regulated parties. Therefore, this increases the risk of misunderstanding between the different airspace actors, i.e. designers of airspace structures and/or designers of flight procedures, ANSPs, and airspace users.

Consequently, one of the main purposes of this proposal is to facilitate a common transposition of ICAO Annex 11 requirements related to the subject.

comment	<p>445 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA:</i> In the explanation above Figure 1, Annex XI is designated as "reserved for the specific requirements for the providers of flight procedure design (Part-ASD)". In Figure 1, Annex XI is defined as "Specific requirements for providers of procedure design. In our opinion, the text should be check for consistency.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the text associated to Figure 1 is amended to promote consistency.</p>
comment	<p>576 comment by: <i>EANS</i></p> <p>Page 8/90, see Figure 1.</p> <p><u>/EANS/: comment.</u></p> <ul style="list-style-type: none"> - The vertical red lines in Figure 1 do not show structural relationships between Annexes or between each Annex and Cover regulation. - The horizontal red lines in Figure 1 do not have a clearly defined logic of their application: there is no connection between Annex III and Annex IV, Annex V and Annex VI, Annex VII and Annex VIII. <p><u>/EANS/: proposal.</u></p> <ul style="list-style-type: none"> - The Annex XIII box shall be on the right side below Annex XII.
response	<p><i>Noted</i></p> <p>EASA acknowledges that the drawing tool for the graphic is not optimal.</p>

comment	76	comment by: <i>skyguide Compliance Management</i>
	Lack of EU implementing rules in the context of ASD. Leave the Basic Regulation not implemented. The Member States would need to develop their own national ASD criteria and requirements to fulfil their obligation stemming from the Chicago Convention.	
	This already exists in some States.	
response	<i>Noted</i>	
	EASA took due consideration of the comment.	
comment	447	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<i>Comment FOCA:</i> We understand that option 1 might be the most convenient of the three options. However we believe that in that case, there is a need to have the airspace change process as AMC in the Regulation.	
response	<i>Partially accepted</i>	
	EASA took due consideration of the comment.	
	Based on the feedback gathered during the NPA consultation, EASA proposes some of the elements of the airspace structure design process to be elevated at AMC level, while some of the details to remain at GM level.	

2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices

p. 10-13

comment	8	comment by: <i>Humberside Airport</i>
	Page 11	
	Paragraph 2.4.1. Cover regulation and associated appendices.	
	<i>"Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.:</i>	
	Appendix XX, Section II, (c), (7), (ii):	
	<i>Basic ATS route designators shall be assigned in accordance with the following principles:</i>	
	<i>(i) (...)</i>	
	<i>(ii) Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned.</i>	



	<p><i>(iii) (...)"</i></p> <p><i>Comment:</i></p> <p>Duplication of designators should be avoided to prevent potential data issues within flight planning or other systems.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p> <p>However, based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed, which is in line with ICAO provisions.</p>
comment	<p>9 <i>comment by: Humberside Airport</i></p> <p>Page 11</p> <p>Paragraph 2.4.1. Cover regulation and associated appendices.</p> <p><i>"stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on 'establishment and identification of significant points' of Appendix XX to Article 3(X) 'Requirements for airspace structures and flight procedures contained therein and their designation' and comment and provide justification therefor."</i></p> <p><i>Comment:</i></p> <p>The expert advice of the Rulemaking Group (that should have had EASA participation and oversight) should be accepted. Therefore, Option I is the preferred option.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>10 <i>comment by: Humberside Airport</i></p> <p>Page 12</p> <p>Paragraph 2.4.1. Cover regulation and associated appendices.</p> <p><i>"Stakeholders are invited to comment on the use of term 'buffer zones/areas' and, if the term is used, to provide feedback:</i></p> <p><i>— are the buffer zones/areas part of the airspace reservations/restrictions; or</i></p>

- are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or
- are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or
- are the buffer zones/areas used exclusively for the purpose of flight planning."

Comment:

This is a difficult question(s) to answer as 'it depends'. In an ideal world, the 'airspace reservation/restriction' marked onto a map/chart should define the extremities of the activity that takes place within it. That is, you should be able to 'safely' fly to the edge of the 'airspace reservation/restriction' without any danger from the activity within; this should be how new 'airspace reservations/restrictions' are created. However, there are historic 'airspace reservations' where this is not always the case in that some activity is contained (normally with weapons/ordinance) but flying activity is not, such that an aircraft could be outside of the area. To 'redefine' areas now might not be possible as there may not be enough 'free' airspace outside of an area to 'contain' all of the activity that could be expected to take place within the 'buffer zone'. However, a decision needs to be made that also applies to existing areas, even if these areas have to be redesigned to ensure that the activity is contained. Even if this occurred, there would still be some areas that would be designated 'essential' for a particular purpose but that could not meet the requirement. Such areas should be appropriately designated such that attention is drawn to them and appropriate boundaries for flight planning purposes added onto the extremities of these 'airspace reservations/restrictions'.

Under 'Flexible Use of Airspace', 'airspace reservations/restrictions' should be 'dynamically resizable' based on the activity taking place and only activated when the airspace is required. The problem will always be how will other users know where some or all of the airspace does not lie within controlled airspace (CAS) classes A-D? And how do operators plan their fuel loading? The probable answer could be that the maximum dimensions are shown on charts/maps and operators plan to always fly around them; for the airspace reservation that lies within CAS A-D, controllers would be able to provide shorter routings based on the activity taking place subject to any destination arrival limitations (it is often better to reduce speed and save fuel rather than have to enter into a hold owing to there being no available earlier arrival time). Where the 'airspace reservation/restriction' is activated based on a booking time, if there is a minimum booking time before the activity, those aircraft operators that are within a flying distance might be able to take advantage of a lower fuel load where they know that a shorter route is possible.

response **Noted**

EASA takes the comment into consideration.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer



zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

11

comment by: *Humberside Airport*

Page 13

Paragraph 2.4.1. Cover regulation and associated appendices.

"Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2)."

Comment:

Option I provides the best clarity. Any 'controlled aerodrome' that is EASA Certified with air traffic control provided or any non-EASA Certified aerodrome that has air traffic control must have CAS of a minimum of Class D for their Control Zone (CTR). Additionally, where an air traffic control service is provided outside of the CTR, CAS must be provided. For aerodromes that are situated outside of CAS, within 'uncontrolled' Class G airspace, where the non-'controlled aerodrome' is able to provide FIS, the protection of an ATZ (with an RMZ and TMZ if needed) should be provided within which AFIS would apply; outside of this area, only a FIS would be available within 'uncontrolled' airspace or an aerodrome without any FIS provision would be labelled as 'UNICOM stations' without any designated airspace. Therefore, those portions of the airspace where air traffic services will be provided should be nominated as 'control areas/zones' and the particular aerodromes listed as 'controlled aerodromes'. Those portions of the airspace where air traffic services are not provided should be nominated as 'flight information regions/zones', and aerodromes that are able to provide FIS as 'AFIS aerodromes'.

response

Accepted

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.



comment	<p data-bbox="359 235 391 280">12</p> <p data-bbox="1069 235 1484 280">comment by: <i>Humberside Airport</i></p> <p data-bbox="359 291 454 324">Page 13</p> <p data-bbox="359 347 1133 392">Paragraph 2.4.1. Cover regulation and associated appendices.</p> <p data-bbox="359 403 1484 481"><i>"Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC."</i></p> <p data-bbox="359 504 486 537">Comment:</p> <p data-bbox="359 560 1484 1220">The issue is not one of whether this remains AMC or GM. The issue is that aerodromes require appropriate airspace for the service provision being provided; however, the airspace change process within some Member States makes the establishment of CAS difficult as there are competing factors such as public opinion based on environmental concerns (primarily noise) or other affected airspace users such that where CAS is required to be established where air traffic control services are provided – where this is not currently the case – it might be that there would be so many objections such that all activity would have to cease where air traffic control services were required but CAS could not be established. This AMC/GM (depending on which is selected) is acceptable for the ‘steady state’ to accommodate changes, but not where wholly new regulations are being introduced such that current practises have to be changed or cease to meet the regulation. In such cases, a top down process should be implemented such that either the regulation is met by providing the required airspace or activity that requires air traffic control services at an aerodrome that is not able to obtain CAS might have to cease if air traffic control provision can no longer be continued as the airspace does not satisfy the requirements within the legislation for the provision of air traffic control.</p>
response	<p data-bbox="359 1254 438 1288"><i>Noted</i></p> <p data-bbox="359 1332 917 1366">EASA took due consideration of the comment.</p> <p data-bbox="359 1388 1484 1512">Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>
comment	<p data-bbox="359 1590 391 1624">13</p> <p data-bbox="1069 1590 1484 1624">comment by: <i>Humberside Airport</i></p> <p data-bbox="359 1646 454 1680">Page 13</p> <p data-bbox="359 1702 853 1736">Paragraph 2.4.2. Transitional provisions</p> <p data-bbox="359 1758 1484 1836"><i>"Stakeholders are invited to comment on the EASA proposal regarding the transitional provision."</i></p> <p data-bbox="359 1859 486 1892">Comment:</p> <p data-bbox="359 1915 1484 1993">All changes should be made on AIRAC dates as this is consistent with aeronautical documentation changes. Regarding NPA 2016-13, the transitional period should be limited to</p>

	no more than 24-months.
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>26 comment by: CAA CZ</p> <p>All designation principles are prescribed in ICAO Annex 11, Appendix 1.</p>
response	<p><i>Noted</i></p>
comment	<p>27 comment by: CAA CZ</p> <p>The buffer zones/areas are additional to the airspace reservations/restrictions with fixed lateral and vertical limits.</p>
response	<p><i>Accepted</i></p> <p>EASA takes note of the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>28 comment by: CAA CZ</p> <p>Option I is preferred (is in line with ICAO Circular 211/AN).</p>
response	<p><i>Accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for</p>

discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment	29	comment by: CAA CZ
	<p>Req: Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC.</p> <p>Should be elevated to AMC with respect to national procedures.</p>	
response	<i>Not accepted</i>	
	<p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>	
comment	30	comment by: CAA CZ
	<p>Prioritize to be in line with published ICAO Doc.</p>	
response	<i>Accepted</i>	
	<p>EASA takes due consideration of the comment.</p>	
comment	39	comment by: BE CAA
	<p>p12 Comments on "buffer zones/areas"</p> <ul style="list-style-type: none"> ○ Buffer zones/areas are part of the airspace reservations/restrictions ○ Portions of airspace zone around aerodromes where AFIS is provided 	
response	<i>Accepted</i>	
	<p>EASA takes the comments into consideration.</p>	
comment	40	comment by: BE CAA
	<p>p13 Portions of airspace zone around aerodromes where AFIS is provided</p> <p>Option II is preferred as Airspace Users need to be made aware on the correct ATS provided, stipulating and identifying this portions of airspace as AFIS (including the aerodrome)</p>	

response	<p>provides a clear statement to the users using this aerodrome on the AFIS status.</p> <p><i>Accepted</i></p> <p>If EASA correctly understands the comment, it is duly considered.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>
comment	<p>53 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>Question Box page 12 "use of the term buffer zones/areas":</p> <p>In Germany buffer zones/areas are in addition to the airspace reservations with adjustable vertical limits. These are published either as part of the reserved airspace or as a "4D buffer" instead of the airspace below. These zones are exclusively used for the purpose of flight planning.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>56 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>See also our comment on GM1 Article 3(x) Appendix YY para (b) (1) (ii) and (c) (2):</p> <p>We do not use "Flight Information Zone". Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012).</p> <p>So when there is a need to apply such a new term, this should be subject to GM only. Therefore Option II would be the desired approach.</p> <p>However, Option II also proposed to remove references to AFIS aerodromes - as in Appendix</p>

	<p>YY (c) (2) - which is not supported. The removal from IR-text and sole appearance within GM should be limited to "flight information zone" only.</p>
response	<p><i>Not accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>
comment	<p>77 comment by: <i>skyguide Compliance Management</i></p> <p>Page 12</p> <p>Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.:</p> <p>Appendix XX, Section II, (c), (7), (ii):</p> <p>Basic ATS route designators shall be assigned in accordance with the following principles:</p> <p>(i) (...)</p> <p>Agreement with ii.</p> <p>Makes sense for long routes and comes from ICAO. In addition, it provides provision in case of difficulties</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>78 comment by: <i>skyguide Compliance Management</i></p> <p>Page 12</p> <p>stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on 'establishment and identification of significant points' of Appendix XX to Article 3(X) 'Requirements for airspace structures and flight procedures contained therein and their designation' and comment and provide justification therefor.</p>

Preferred option = 2 as it works with a "should" instead of a "shall "in option 1.

Rational:

-1. Per reference to para (c) option 1: "The significant points shall be identified by a designator. The designator for significant points shall be marked by the site of a radio navigation aid. That option 1 is not realistic (requiring to put a NDB or a VOR at each waypoint) and not consistent (option to put a 5-Letter Name code which is obviously not a NAVAID).

-2.The text for option 1 is too long and too much detailed.

-3.Para (d) for option 1 = Where a significant point is required at a position not marked by the site of a radio navigation aid, and is used for ATC ==> a little bit confusing because coming after the title of the option with a shall

What about generalization of alphanumeric waypoint designation in the En-Route environment? The introduction of alphanumeric waypoints would help a lot in regards to the lack/difficulties with the current rules of waypoints designation (5LNC).

response *Accepted*

EASA took due consideration of the comment.

comment 142

comment by: CAA - Norway

Page 11 regarding significant points: We prefer Option I, due to a need for standardisation.

response *Not accepted*

EASA took due consideration the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.

In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.

comment 143

comment by: CAA - Norway

Page 12 Buffer Zones/areas:

The Flight Planning Buffer Zones (FBZ) are at present used for the purpose of flight planning



	<p>outside the areas. They are used with fixed lateral limits and flexible vertical limits.</p> <p>If they are mixed together with the airspace reservation, we fear that it could lead to misunderstandings/misinterpretations of the actual borders.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of ‘buffer zones’ under different circumstances. ‘Flight planning buffer zone’ (FBZ) is primarily used in the context of airspace management (ASM). And as the ‘buffer’ is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>144 comment by: CAA - Norway</p> <p>Page 13 - Regarding the term to be used for the associated airspace for AFIS:</p> <p>We are not entirely convinced that Traffic information is a part of Flight information before it becomes a “collision hazard”, see ICAO Annex 11 para 4.2.2 b) and the definitions on both terms in Chapter 1. The term “Flight Information Zone (FIZ)” may therefore not be precise enough. We suggest to use the term “Traffic Information Zone (TIZ)” as described in the EUROCONTROL AFIS Manual.</p> <p>Likewise, in those cases where the airspace above the TIZ is not a controlled airspace we need an airspace which ensures that the traffic can remain within airspace where one can set a requirement for two-way radio communication (RMZ) and/or transponder requirements (TMZ). We propose to include a “Traffic Information Area (TIA)” as described in the EUROCONTROL AFIS Manual.</p> <p>Regarding Option I or II:</p> <p>In order to achieve standardisation for AFIS in Europe we propose Option I and to make it an IR. We also propose to change the term used from FIZ to TIZ and TIA.</p>
response	<p><i>Accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of</p>

the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment	145	comment by: CAA - Norway
	<p>Page 13 - regarding the preferred option, GM or AMC:</p> <p>We would prefer it elevated to AMC because it then will put the necessary pressure on the stakeholders to really act according to the intentions and a European standardisation will be achieved. As GM we fear that it will not be implemented as intended.</p>	
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>	
comment	146	comment by: CAA - Norway
	<p>Page 13 - transitional provisions:</p> <p>A transition period of 24 months seems reasonable and an AIRACDATE must be chosen.</p>	
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>	
comment	165	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p>Last paragraph – The abbreviation “FPL” stands for flight plan and should not be used here.</p>	
response	<p><i>Accepted</i></p>	
comment	166	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p>Attachment #1</p>	

	<p>As there seem to be some concern about the practical issue of notifying FIZ (TIZ, TIA) we enclose a picture (VAC) from the Swedish AIP showing how Traffic Information Zones and Traffic Information Areas are depicted.</p>
response	<p><i>Accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>
comment	<p>205 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Appendix XX, Section II, (c), (7), (ii):</p> <p><i>Basic ATS route designators shall be assigned in accordance with the following principles:</i></p> <p>(i) (...)</p> <p>(ii) <i>Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned.</i></p> <p>(iii) (...)</p> <p>We welcome this proposal; it will simplify flight planning/flight plan handling.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>206 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><i>Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Requirements for airspace structures and flight procedures contained therein and their designation’ and comment and provide justification therefor.</i></p>

	We prefer Option I.
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>207 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><i>Stakeholders are invited to comment on the use of term ‘buffer zones/areas’ and, if the term is used, to provide feedback:</i></p> <ul style="list-style-type: none"> — <i>are the buffer zones/areas part of the airspace reservations/restrictions; or</i> — <i>are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or</i> — <i>are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or</i> — <i>are the buffer zones/areas used exclusively for the purpose of flight planning.</i> <p>Sweden uses the last alternative; buffer zones/areas are used exclusively for the purpose of flight planning.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of ‘buffer zones’ under different circumstances. ‘Flight planning buffer zone’ (FBZ) is primarily used in the context of airspace management (ASM). And as the ‘buffer’ is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>208 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><i>Stakeholders are invited to indicate and provide justifications for the preferred option on the</i></p>

	<p><i>EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2).</i></p> <p>We prefer option II, i.e. if the new terminology is introduced.</p> <p><i>Justification:</i> The Scandinavian countries have used the terminology Traffic Information Area and Traffic Information Zone since way back. There will be a risk of confusion if we change well known terminology. The change will also affect the cost and the administrative burden of the competent authority, the ANSP and the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p> <p>In addition, as no clear preferences is indicated during the consultation on the preferred term (either FIZ or TIZ), EASA invites the European Commission to further consider this subject during the comitology process.</p>
comment	<p>209 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><i>Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC.</i></p> <p>We prefer to maintain it as a GM.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>214 comment by: <i>DGAC</i></p> <p>Question 1, page 11, Appendix XX Section II (e)(2):</p> <p>The proposed system includes the possibility to diverge in case of difficulties, France</p>

	therefore supports EASA's proposal as transposed from ICAO.
response	<p><i>Accepted</i></p> <p>If the commentator refers to Section IV (not as indicated Section II), EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate clear preference by stakeholders. Furthermore, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>215 comment by: DGAC</p> <p>Question 2, page 11, Appendix XX Section IV</p> <p>Option II is preferred. The AMC material fully relates to the means how a significant point shall be established and identified, which are the two main requirements in points (a) and (b).</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate clear preference by stakeholders.</p> <p>EASA agrees with the commentator that as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>216 comment by: DGAC</p> <p>Question 3, page 12, on buffer zones:</p> <p>The FBZ are buffer zones/areas used exclusively for the purpose of flight planning. Hence, it is requested to keep FBZ exclusively for this purpose.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer</p>

zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment 217

comment by: DGAC

Question 4, page 13, Appendix YY to article 3(X) (b)(1) and (c)(2)

Option I is not implementable as for instance it will create difficulties when RMZ are established around an AFIS aerodrome. Any provision for designing portion of airspace where ATS are provided should be subject to guidance material only. Therefore Option II approach is preferred.

In addition, France has a comment about (c) "The designation of the particular aerodromes.." which is not in relation with the title of the GM "DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED — FLIGHT INFORMATION ZONE".

response *Not accepted*

EASA takes due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 218

comment by: DGAC

Question 5, page 13, GM1 to article 3 (a)(b)

GM1 Article 3, (a) and (b) should remain GM. This provides the Member States with the necessary flexibility when organising their own processes. As the material is very extensive and detailed it would need to be reworded in order to fulfil the requirement of an AMC.

As indicated by EASA, the regulatory material should cover just the basics for the ASD-process.

response *Accepted*

EASA took due consideration of the comment.



Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.

comment 249 comment by: *skyguide Compliance Management*
no comment

response *Noted*

comment 250 comment by: *skyguide Compliance Management*
 2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices

Comment

See also our comment on GM1 Article 3(x) Appendix YY para (b) (1) (ii) and (c) (2):

We do not use "Flight Information Zone". Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012).

So when there is a need to apply such a new term, this should be subject to GM only. Therefore Option II would be the desired approach.

However, Option II also proposed to remove references to AFIS aerodromes - as in Appendix YY (c) (2) - which is not supported. The removal from IR-text and sole appearance within GM should be limited to "flight information zone" only.

response *Not accepted*

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 262 comment by: *CAA-NL*
Question 1, page 11, on Appendix XX Section II (c)(7)(ii):

The proposed system (including the possibility to diverge in case of difficulties) can be supported.



response

Noted

EASA welcomes the feedback.

comment

263

comment by: CAA-NL

Question 2, page 11, on Appendix XX Section IV

Option 1 (AMC as proposed by EASA) is supported, as The Netherlands indeed is a proponent of performance based rulemaking.

response

Accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

comment

264

comment by: CAA-NL

Question 3, page 12, question on buffer zones:

The FBZ's are, as the name mentions it, buffer zones/areas used exclusively for the purpose of flight planning. Thus, it is recommended to keep FBZ's for this purpose only.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

265

comment by: CAA-NL

Question 4, page 13, on Appendix YY to article 3(X) (b)(1)

In principle, we would support option I as this option is in line with the ICAO Circular.



However, if this option would mean that more information should be added to the aerial charts this would hardly be possible, as these charts are already full. Currently, the information is contained in the AIP (and not in the charts), which is in our opinion sufficiently safe.

response

Accepted

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

266

comment by: *CAA-NL*

Question 5, page 13, on GM1 to article 3 (a)(b)

As indicated by EASA, the regulatory material should cover just the basics for the ASD-process. Within this framework, it would be proportional if paragraphs (a) and (b) would remain GM.

response

Accepted

EASA took due consideration of the comment.

Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.

comment

270

comment by: *Finavia*

As a response to the questions on page 12 regarding to the use of the buffer zones/areas:

If it is decided to provide any regulation regarding the flight plan buffer zones (FBZ), it is important to be careful with the terminology, in order to avoid potential confusion between different terms used.

Current practice regarding to FBZ is that they are exclusively used for the purpose of flight planning.

In case some criteria regarding to the design and application of the buffer zones/areas will be given, it's important that the available aeronautical data models can comply with those requirements.



response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>286 comment by: <i>German NSA (BAF)</i></p> <p><u>Answer to the first question (box) on page 11, Appendix XX, Section II, (c),(7),(ii)</u></p> <p>The reference seems old, (c)(7) ii does not exist anymore. Probably (e)(2) is meant.</p> <p>Being aware of the current request by CFSPs/Data Providers that a common segment should be assigned with only one designator, as EASA explained on page 11, Germany however prefers the flexibility that is provided with the proposed requirement. This is especially the case in particular in cross-border areas, where Germany would need to use separate designators because of a too complex creation of a new RAD restriction. For such single cases individual solutions should be feasible. Germany therefore supports EASA's proposal as transposed from ICAO, which enables such individual treatment; while in general we agree to have one designator for common segments.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>291 comment by: <i>German NSA (BAF)</i></p> <p><u>Answer to the second question (box) on page 11, Appendix XX, Section IV: Establishment and identification of significant points</u></p> <p>Option II is preferred as the AMC material fully relates to the means how a significant point shall be established and identified, which are the two main requirements in points (a) and (b). The Option II approach should also be applied to Section II and Section III. This supports the intent of having performance based rules.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p>

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

EASA agrees with the commentator that as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, the principle of 'performance based' rules would be best applied in this specific case.

comment

292

comment by: *German NSA (BAF)*

Answer to the question on page 12, Appendix XX, Section VI: Buffer zones/areas
In Germany buffer zones/areas are in addition to the airspace reservations with adjustable vertical limits. These are published either as part of the reserved airspace or as a "4D buffer" instead of the airspace below. These zones are exclusively used for the purpose of flight planning.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

293

comment by: *German NSA (BAF)*

Answer to the first question (box) on page 13, Appendix YY(b)(1)(ii) and (c)(2): Designations of airspace/Flight information zones

Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012). So when there is a need to apply such a new term, this should be subject to GM only. Therefore Option II is the desired approach. However, Option II also proposes to remove references to AFIS aerodromes - as in Appendix YY (c)(2) - which is not supported. The removal and replacement within GM should be limited to "flight information zone" only.

response

Not accepted

EASA takes due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.



Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment	<p>294 comment by: <i>German NSA (BAF)</i></p> <p><u>Answer to the second question (box) on page 13, GM1 Article 3: Provision of ATM/ANS, Airspace change process</u></p> <p>GM1 Article 3, (a) and (b) should remain GM. This provides the Member States with the necessary flexibility when organising their processes. Since the material is very extensive and detailed it would need to be reworked in order to fulfil the requirements/principles of AMC. As GM it is acceptable.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>

comment	<p>307 comment by: <i>UK CAA</i></p> <p>Page No: 11</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.:</i></p> <p>Appendix XX, Section II, (c), (7), (ii):</p> <p><i>Basic ATS route designators shall be assigned in accordance with the following principles:</i></p> <p>(i) (...)</p> <p>(ii) <i>Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned.</i></p> <p>(iii) (...)”</p> <p>Comment:</p> <p>We believe that the reference should read ‘Appendix XX, Section II, (e), (2):’</p>
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	<p>The UK supports the proposed text and suggests that the flexibility to designate in the manner recommended by data providers exists within the proposed requirement, thus obviating the need for change.</p> <p>Application of the proposed requirement additionally confers continued compliance with ICAO requirements and global practice.</p> <p>Justification:</p> <p>Prevention of confusion amongst aircraft operators, airspace users, ATS providers and procedure designers.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>It is acknowledged that the reference is incorrect and the commentator provided the right reference.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>308 comment by: UK CAA</p> <p>Page No: 11</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Requirements for airspace structures and flight procedures contained therein and their designation’ and comment and provide justification therefor.”</i></p> <p>Comment:</p> <p>The UK CAA supports Option I. The perceived flexibility provided by Option II through the relegation of IR requirements to AMC is unnecessary as the flexibility is also conferred through the use of ‘whenever possible’ in Section IV Option I (b) line 1.</p> <p>In addition, relegation to AMC and the consequential several uses of the word ‘should’ undermines the harmonisation aspiration of the proposed rule. This may in turn impact safety through the inconsistent application of route designators, incorrect or overly complex AIP material and consequentially adverse effects upon navigation databases.</p> <p>Once again, Option I’s use of ‘wherever possible’ affords sufficient flexibility’.</p> <p>Justification:</p> <p>Consistency of approach and compliance with ICAO requirements.</p>
response	<p><i>Not accepted</i></p>



EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

comment

309

comment by: UK CAA

Page No: 12

Paragraph No: 2.4.1. Cover regulation and associated appendices:

"Stakeholders are invited to comment on the use of term 'buffer zones/areas' and, if the term is used, to provide feedback:

- are the buffer zones/areas part of the airspace reservations/restrictions; or*
- are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or*
- are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or*
- are the buffer zones/areas used exclusively for the purpose of flight planning".*

Comment:

Such buffer zones should exist between airspace structures where they are required. The values should be determined by Member States and/or Competent Authorities and applied in the course of airspace design.

See UK CAA Policy Statement '[Special Use Airspace - Safety Buffer Policy for Airspace Design Purposes](#)' (hyperlink provided in the attached word file).

Justification:

Ease and flexibility of application.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any



advantages to the affected parties.

comment

310

comment by: UK CAA

Page No: 13

Paragraph No: 2.4.1. Cover regulation and associated appendices:

“Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2).”

Comment:

See UK CAA comment in response to the Options presented under Appendix YY to Article 3(x)

Justification:

Consistency with ICAO requirements and inadequate justification for the requirement to be placed at IR level.

Proposed Text:

Amend Appendix YY to Article 3(x) to read:

“Designation of the portions of the airspace where air traffic services will be provided

(a) When it has been determined that air traffic services will be provided in particular portions of the airspace or at particular aerodromes, then those portions of the airspace or those aerodromes shall be designated in relation to the air traffic services that are to be provided.

(b) The designation of the particular portions of the airspace shall be as follows:

(1) Flight information regions. Those portions of the airspace where it is determined that flight information service and alerting service will be provided shall be designated as flight information regions.

(2) Control areas and control zones

GM1 Article 3(X)

APPENDIX YY(b) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED

(a) Those portions of the airspace where it is determined that flight information service and alerting service for aerodrome traffic at an aerodrome will be provided may be designated as flight information zones.

(b) A flight information zone should have its lateral and vertical limits specified. The dimensions of the flight information zone may coincide with those of the aerodrome traffic zone, where established, or they may be increased to provide added safeguards.”



response *Not accepted*

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

311

comment by: UK CAA

Page No: 13

Paragraph No: 2.4.1. Cover regulation and associated appendices:

“Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC.”
AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS

Comment:

The UK CAA is of the view that the proposed text is not elevated to AMC, rather it remains GM. Part-ASD’s introduction of the concept of an airspace change process is a significant step towards a consistent and transparent approach to airspace change. Such processes may exist in some parts of the EU, but not necessarily in others, so presentation as GM represents a proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.

No discernible benefit in elevating the proposed text from GM to AMC is perceived.

Justification:

Proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.

response

Accepted

EASA took due consideration of the comment.

Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.

comment

332

comment by: CANSO



See also our comment on GM1 Article 3(x) Appendix YY para (b) (1) (ii) and (c) (2):

Some ANSPs do not use "Flight Information Zone". Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012).

So when there is a need to apply such a new term, this should be subject to GM only.

Therefore Option II would be the desired approach for at least sections III and IV in order to facilitate States to be able to make minor differentiations in order to address local safety issues for specific operational requirements.

However, Option II also proposed to remove references to AFIS aerodromes - as in Appendix YY (c) (2) - which is not supported. The removal from IR-text and sole appearance within GM should be limited to "flight information zone" only.

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 346

comment by: *CANSO*

The buffer areas are exclusively for the purpose of flight planning. These limits should be adjustable lateral as well as vertical.

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.



comment	<p>352</p> <p>Page 11 & 12 (Stakeholder Question)</p> <p>CANSO comment:</p> <p>The following text provides an explanation of FPL Buffer zones:</p> <p>A FPL Buffer Zone (FBZ) is the associated airspace which may be applied to a reserved/restricted airspace, published in AIP or established ad-hoc. The FBZ defines the lateral and vertical limits for the purpose of submitting a valid IFR flight plan when such areas are active or planned to be active. Flight plans can be filed up to the boundary of the FBZ.</p> <p>Harmonised publication guidance for a FPL Buffer Zone is provided in ERNIP Part 3 - ASM Handbook [RD 9], paragraph 6.1.5.4.</p> <p>http://www.eurocontrol.int/publications/european-route-network-improvement-plan-ernip-part-3-airspace-management-handbook</p>	comment by: <i>CANSO</i>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>	
comment	<p>407</p> <p>2.4.1 Cover regulation and associated appendices - Page 10</p> <p>The EUROCONTROL Agency following comments concern the 'buffer zones/areas' (page 12).</p> <p>The FBZ is, as the name mentions it (i.e. 'Flight planning (FPF) buffer zone', page 11), a buffer zone/area used exclusively for the purpose of flight planning. If the FBZ becomes part of the restricted zone, the ATCO will be obliged to keep traffic out of this zone while in reality, with an FBZ, the ATCO can use this airspace as long as he/she is able to maintain the required separation with the traffic within the restricted zone. It is therefore recommended to keep FBZs exclusively for the purpose of flight planning.</p> <p>It is recommended that GM1 Article 3, paragraphs (a) and (b) remain GM since Sates should be given the freedom to make appropriate arrangements. In this respect, in chapter 3.2 on 'Draft acceptable means of compliance and guidance material (draft EASA decision)' – page 39, reference is made to the change sponsor as being any entity proposing change to the airspace structure. With such a provision there is a risk to see a large number of requests for</p>	comment by: <i>EUROCONTROL</i>

	<p>changes being introduced by entities which would deem these changes necessary for their own benefit only. Any airspace design change should be initiated on a performance driven basis. If the competent authority has to follow a process by which it has to assess each change proposal then it would be more efficient to let the competent authority have the freedom to create a process that is matching with the specifics of their state / airspace / situation.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comments into consideration.</p> <p>In reference to the 'Flight planning buffer zone' (FBZ) issue, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. FBZ is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p> <p>In reference to the comment on GM1 addressing airspace changes process, it should be pointed out that the NPA 2016-13 consultation indicated clearly that it is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation. Consequently, the subject GM was redrafted in a more generic manner to promote clarity and flexibility. Thus, EASA believes that the concerns raised by the commentator are addressed.</p>
comment	<p>424 comment by: ENAV</p> <p>Para 2.4.1 Pag.13 + Para 3.1.1 Pag.27: ENAV supports OPTION 1. To address some AIS concerns, we would suggest not to establish an ATZ at aerodromes where an AFIZ is established.</p>
response	<p><i>Partially accepted</i></p> <p>EASA welcomes the feedback.</p> <p>In reference to GM1 to Article 3(y) (former (x)), based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed, i.e. GM.</p> <p>In reference to a term associated to the portions of the airspace around aerodromes, where AFIS is provided, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is</p>

introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

426

comment by: ENAV

2.4.1. Cover regulation and associated appendices (page 11)

Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.:

Appendix XX, Section II, (c), (7), (ii):

Basic ATS route designators shall be assigned in accordance with the following principles:

(i) (...)

(ii) Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned.

(iii) (...)

For operational and safety reasons common segment should be uniquely identified and should not have a double-designator.

However the unique designation of a common route segment to more routes (two or more) at the moment seems could create problems in the FPL processing and also in EAD database.

If the segment is assigned to one route the same segment in the other route (or routes) should be identified as CLOSED and the route (or routes) interrupted.

That indicated in the text seems to be the best solution but should be accompanied by the appropriate systems updates, also by FPL providers.

response

Accepted

EASA welcomes the feedback.

Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.

In reference to the proposal on ‘appropriate systems updates, also by FPL providers’, the commentator is kindly invited also to consider whether a more detailed rulemaking proposal on the issue would be possible and EASA would take appropriate action to evaluate the subject via e.g. a separate rulemaking activity, where more detailed discussion would be foreseen.

comment

427

comment by: ENAV

2.4.1. Cover regulation and associated appendices (page 11)



Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Requirements for airspace structures and flight procedures contained therein and their designation’ and comment and provide justification therefor.

Option 1 adding the text in ***bold italic*** to para (a):

“(a) The points shall be established for the purpose of defining an ATS route or flight procedure and/or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight, ***included Free Route operations.***”

response

Noted

EASA took note of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment

428

comment by: ENAV

2.4.1. Cover regulation and associated appendices (page 12)

Stakeholders are invited to comment on the use of term ‘buffer zones/areas’ and, if the term is used, to provide feedback:

- are the buffer zones/areas part of the airspace reservations/restrictions; or
- are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or
- are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or
- are the buffer zones/areas used exclusively for the purpose of flight planning.

According to our rules buffer zones/areas are part of the airspace reservations/restrictions, but in some cases, especially for FPL processing in Free Route Airspace, an additional external buffer value (horizontal and/or vertical) is applied.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of ‘buffer zones’ under different circumstances. ‘Flight planning buffer zone’ (FBZ) is primarily used in



the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

429

comment by: ENAV

2.4.1. Cover regulation and associated appendices (page 13)

Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2).

Option 1

If you define a portion of space around the airfield as "Flight information zones" seems more consistent that the associated airport is defined as "AFIS aerodrome".

response

Accepted

EASA takes due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

430

comment by: ENAV

2.4.1. Cover regulation and associated appendices (page 13)

Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC

Better to left at GM stage, this allow more space for intervention.

response

Accepted

EASA took due consideration of the comment.

Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received,



GM1 to Article 3 addressing the airspace change process is redrafted.

comment	<p>434 comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></p> <p>Page No: 11 and 19</p> <p>Paragraph No: 2.4.1 and Appendix XX to Article 3(x), Section II, (e), (2)</p> <p>Comment: We support the proposed rule for basic ATS route designators to be assigned in accordance with some principles as to where two or more trunk routes have a common segment.</p> <p>Justification: As the proposed rule is in line with the existing ICAO standard, we see no reason to change the rule. If the rule was changed so that the common segment would have only one designator, then one of the routes would have to end at the beginning of the common segment and continue as a new route at the end of the common segment. This would mean more new routes to be established, and we do not see that as a good solution.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>446 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA to Paragraph 2.4.1 Cover regulation and associated appendices:</i></p> <p>Same comment as comment 440: In our opinion, the design of "the flight procedure" should be mentioned before the design of "the airspace structure" as the airspace follows the procedure.</p>
response	<p><i>Accepted</i></p>
comment	<p>448 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA to Article 5 :</i> the use of different terms is confusing. We suggest to use ICAO terminology "Flight Procedure Design Service Provider (FPDSP)"</p>
response	<p><i>Accepted</i></p>
comment	<p>465 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 11/12</p>



	<p>Comment:</p> <p>The following text provides an explanation of FPL Buffer zones:</p> <p>A FPL Buffer Zone (FBZ) is the associated airspace which may be applied to a reserved/restricted airspace, published in AIP or established ad-hoc. The FBZ defines the lateral and vertical limits for the purpose of submitting a valid IFR flight plan when such areas are active or planned to be active. Flight plans can be filed up to the boundary of the FBZ. Harmonised publication guidance for a FPL Buffer Zone is provided in ERNIP Part 3 - ASM Handbook [RD 9], paragraph 6.1.5.4. http://www.eurocontrol.int/publications/european-route-network-improvement-plan-ernip-part-3-airspace-management-handbook</p> <p>Impact:</p> <p>Text offered for clarification</p> <p>Suggested Resolution:</p> <p>See text in Comment above</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>479 comment by: PANS-OPS ENAC</p> <p>Appendix XX, section II, (e) (2)</p> <p>As it is possible to have only one designator in case of difficulty, no remark on this point.</p> <p>Appendix XX, section IV</p> <p>Option 2 is preferred. The description of the way to establish and identify a significant point is clear in the AMC and answers to the requirements of points (a) and (b) of the regulation.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comments.</p> <p>The NPA 2016-13 consultation did not indicate clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a</p>

significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment 481 comment by: PANS-OPS ENAC

Buffer zones :

As a procedure design office and procedure design training provider, we have no comment on this point.

response *Noted*

comment 483 comment by: PANS-OPS ENAC

Appendix YY to article 3(x) (b) (1)

As a procedure design office, no comment on this point except that as the RMZ/TMZ concept is defined in SERA the definition of a new airspace should be in a GM, so in option II.

GM1 to article 3 (x) (a)(b)

Should remain a GM, allowing a state to decide and organize it’s process.

response *Not accepted*

EASA takes due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 526 comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
Explanatory Note Section 2.4.1 <i>Cover regulation and associated</i>	<i>Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an</i>	In order to achieve a proper standarisation, we strongly support the definition of a single term for this kind of airspace.

<p>appendices</p>	<p>aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2).</p>	<p>In Spain, the term FIZ (Flight Information Zone) has been used since 2010, as stated in our national regulation related to AFIS.</p>
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response

Accepted

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

550

comment by: IATA

Page 11

Reference - Appendix XX, Section II, (c), (7), (ii):

Appendix XX to Article 3(X) 'Requirements for airspace structures and flight procedures contained therein and their designation'

Comment: IATA does not object to the proposal. Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned as this allows for better management of data with regard to FMS and Flight Planning systems

response

Accepted

EASA welcomes the feedback.

Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.

comment

552

comment by: IATA

Page 12

Reference: Buffer Zones

IATA Comment: IATA believes that the options on buffer zones could be expanded and be



described as: *the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits which can be used for purposes of Flight Planning*. This can allow for flexibility and could be seen to be in line with the FUA concept. At times both the authorities and airspace users are faced with a temporary or permanent danger area activation which would impact on normal traffic flows and have a detrimental economic and environmental effect, the above process would allow for better co-ordination and mitigation of both the risk and cost. A good real time example of this notion is the activation of the D201A danger area off the south east coast of the UK in Summer 2016, where all of the stakeholders got together to find a best case scenario to allow the airspace be used by the military while also allowing the normal traffic flow to pass through a flexible area of the danger area which avoided significant cost for the Airspace users of having to reroute traffic inbound to Dublin on to longer airway structure. All aspects were risked assessed by the military/service providers and operators and found to be acceptable.

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment 564

comment by: *Finnish Transport Safety Agency*

Finnish Transport Safety Agency comments for "buffer zone/area" -question:

-Buffer zones/areas are not part of the airspace reservations/restrictions – they are purely used for flight planning

-Buffer zones/areas can't be determined with fixed lateral and vertical limits they must be adjustable both laterally and vertically

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design



feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment 573 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*

Page No: 11 and 21

Paragraph No: 2.4.1 and Appendix XX to Article 3(x), section IV

Comment: We prefer option I regarding setting up rules on establishment and identification of significant points, with the exception that we do not support any change to the original wording from ICAO Annex 11 as regards "shall" and "should".

Justification: We do not see how the option II would address safety issues as the rules would not be binding enough to promote harmonisation across states. This opens for the states to apply different sets of rules.

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.

comment 575 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*

Page No: 12

Paragraph No: 2.4.1

Comment: Regarding the use of buffer zones/areas, we use the Flight Planning Buffer Zones (FBZ) exclusively for the purpose of flight planning. The FBZ are used surrounding the areas with fixed lateral limits, and we suggest to develop GM to support this approach.

Justification: Use of FBZ should be used separate from the airspace reservations to avoid any misinterpretation as to FBZ's being part of the actual areas.

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the



aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

583

comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)***Page No:** 13 and 27**Paragraph No:** 2.4.1 and Appendix YY to Article 3(x)

Comment: We prefer option I regarding the proposed term to be used for the portions of the airspace around aerodromes where AFIS is provided. Further more we suggest that it shall be made an IR, and to use the terms TIZ (Traffic Information Zone) and TIA (Traffic Information Area) for the associated airspace. TIZ is described in the EUROCONTROL AFIS Manual, and should replace the proposed FIZ (Flight Information Zone).

Justification: The use of TIZ and TIA will support the necessity for this associated airspace to ensure the provision of Traffic information, as the definition of terms and also Para 4.2.2 b) in ICAO Annex 11 indicates that Traffic information not necessarily is included in the provision of Flight information. TIA should be available for use for a portion of airspace above TIZ not being a controlled airspace, but where there is a need for a associated airspace designated as RMZ and/or TMZ.

response

Accepted

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

584

comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)***Page No:** 13 and 39**Paragraph No:** 2.4.1 and GM1 Article 3(x)

Comment: Regarding the proposed GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions', paragraphs (a) and (b) should in our opinion be elevated to AMC



	<p>Justification: The proposal should promote harmonisation across states, and therefore AMC should be chosen as the minimum level.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>587 comment by: <i>HungaroControl</i></p> <p>GM1 Art. 3(x) (a) (b) should be elevated to AMC level.</p> <p>HungaroControl believes that based on the importance of this provision it should be regulated on an AMC level.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>588 comment by: <i>Icelandic Transport Authority</i></p> <p>the buffer zone are additional to the airspace reservation with adjustable lateral or vertical limits, depending on the separation needed in that area.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. 'Flight planning buffer zone' (FBZ) is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>
comment	<p>602 comment by: <i>European Transport Workers Federation - ETF</i></p>

	ETF believes it to be safer to include all buffer zones in the airspace reservation as suitable.
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of ‘buffer zones’ under different circumstances. ‘Flight planning buffer zone’ (FBZ) is primarily used in the context of airspace management (ASM). And as the ‘buffer’ is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.</p>

2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.2. Transitional provisions

p. 13

comment	<p>42</p> <p>p13 Transitional provision</p> <p>Anyhow an AIRAC date is required to proceed for the implementation.</p> <p>In order to prepare, train and update all necessary documents etc, 24 months would be highly appreciated when receiving the consolidated version of these changes in due time (i.e. 18 months in advance)</p>	comment by: <i>BE CAA</i>
response	<p><i>Accepted</i></p> <p>EASA takes into consideration the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>	
comment	<p>54</p> <p>DFS supports a transition period of 24 months and an applicability date coinciding with AIRAC effective dates.</p>	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p>	



Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment

79

comment by: skyguide Compliance Management

Stakeholders are invited to comment on the use of term 'buffer zones/areas' and, if the term is used, to provide feedback:

- are the buffer zones/areas part of the airspace reservations/restrictions; or*
- are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or*
- are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or*
- are the buffer zones/areas used exclusively for the purpose of flight planning.*

Buffer zones/areas used exclusively for the purpose of flight planning = yes.

The definitions shall be unambiguous. Additionally, as mentioned before, the subject of buffers is so complex that merging these FBZ with other "definitions" or "concepts" would add even more unnecessary complexity to the system and would possibly lead to situation where the airspace becomes unworkable.

It is the only part of the text which is applicable in Switzerland.

response

Accepted

EASA takes due consideration of the comment.

EASA organised focussed a consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion and based on the advice received, it is concluded that there is variety of 'buffer zones' under different circumstances. FBZ is primarily used in the context of airspace management (ASM). And as the 'buffer' is considered as a design feature and not as a design criteria, therefore, in the context of the airspace structure design, this term should not be introduced as it would bring more confusions rather than any advantages to the affected parties.

comment

80

comment by: skyguide Compliance Management

In this respect, Option I proposes that the portions of the airspace where air traffic services will be provided will be nominated as 'flight information regions/zones' or 'control areas/zones' and the particular aerodromes are listed as 'controlled aerodromes' and 'AFIS



	aerodromes’.
	Some consideration must be given to non-controlled aerodromes without AFIS.
response	<p><i>Noted</i></p> <p>The aerodromes, at which no ATS is provided, but equipped with an aeronautical station that facilitates the relevant airspace users, are considered to be ‘UNICOM-Type’ stations. The relevant GMs are provided in NPA 2016-09 and are currently under review, based on the stakeholders’ comments to the mentioned NPA and input made during the dedicated Thematic Meeting earlier this year. It should be noted that such stations are not regulated since they are considered not providing ATS (hence outside the scope of Part ATS. This is the reason we developed only GM.</p>
comment	<p>167 <i>comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Article 5 - The text in this Article should be changed to include “Design of airspace structure”.</p> <p><i>Justification: To clarify that both designs are included in ASD.</i></p>
response	<p><i>Not accepted</i></p> <p>Airspace design contains two aspects - design of flight procedures and design of airspace structures. During the discussions leading to the approval of Regulation (EU) 2017/373, Member States maintained the view that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for (ATM/ANS) service providers. For that reason, to employ the most efficient national model in order to assign the roles and responsibilities as regards the airspace structure design, this proposal focuses on describing the required output and objectives of the activity itself by setting up the design criteria (please refer to Appendix 1 to Annex XI (Part-FPD) (former Appendixes XX and YY to Article 3)) only.</p> <p>Therefore, the service providers subject to a certificate as proposed by this rule would be limited to flight procedure design services providers and therefore, the Annex XI will apply only to organisations providing flight procedure design (FPD) services.</p> <p>Considering the above, the comment is not accepted.</p>
comment	<p>210 <i>comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><i>Stakeholders are invited to comment on the EASA proposal regarding the transitional provision.</i></p> <p>Our opinion is that a transitional period of 24 months is the best option.</p> <p>If the name of areas where AFIS is being provided is changed to FIZ (compared to what we</p>

	<p>name them today (TIZ/TIA)) Sweden likes to have a transitional period of 60 months. This is so that we can make the change in charts and text in the AIP during our normal periodic review of our instrument procedures.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes an amendment to Article 10.</p> <p>As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.</p>
comment	<p>219 comment by: DGAC</p> <p>Question 6, page 13, transitional provisions</p> <p>The provisions make sense and are supported: a 24 months transitional period and an AIRAC date as effective date.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>251 comment by: skyguide Compliance Management</p> <p>2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.2. Transitional provisions</p> <p>Comments :</p> <p>DFS supports a transition period of 24 months and an applicability date coinciding with AIRAC effective dates.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the</p>

aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment

267

comment by: CAA-NL

Question 6, page 13, on transitional provisions

The provisions make sense and are supported: a 24 months transitional period and an AIRAC date as effective date.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment

271

comment by: Finavia

The alternative transitional provision of 24 months adaptation time is supported.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment

288

comment by: German NSA (BAF)

Germany supports the suggested alternative transitional provision of 24 months and an applicability date coinciding with AIRAC effective dates.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.



comment

312

comment by: UK CAA

Page No: 13**Paragraph No:** 2.4.2. Transitional provisions:

“Stakeholders are invited to comment on the EASA proposal regarding the transitional provision.”

Comment:

The UK does not name STARs according to the requirements of ICAO Annex 11 (UK Difference: ‘In the UK, the basic indicator for standard arrival routes is the name code of the holding facility or fix where the arrival route terminates’), and is believed to be the only State to name STARs in this manner.

Whilst the UK aspires to comply with the Part-ASD (and therefore ICAO Annex 11) naming requirement, the UK CAA would seek to transition to the new arrangement with minimum operational and administrative turbulence and cost to ANSPs, procedure designers and airspace users alike. Therefore an iterative approach is preferred.

However, the UK CAA is of the view that this cannot be achieved in the short term, and would seek to achieve compliance with the STAR naming compliance by the AIRAC date closest to the 1 January 2024 target date, for deployment of Extended AMAN and PBN in high density TMAs and Time-Based Separation for Final Approach according to Regulation (EU) 716/2014 (SESAR Pilot Common Project). The closest AIRAC date is 4 January 2024, and the UK CAA would develop key milestones leading to compliance by that date.

With regards to the effective date of the remainder of Part-ASD, the UK CAA assumes entry into law at some point ahead of the effective date of Regulation (EU) 2017/373. A transition period of two years after entry into law is considered appropriate.

Justification:

Compliance with this requirement would facilitate removal of a current UK Difference and afford a number of operational as well as compliance benefits. However the UK CAA seeks to minimise the operational and cost impacts of any such change. This can be achieved by an iterative approach over time, ideally for completion to be achieved by the AIRAC date closest to the SESAR PCP delivery deadline, i.e., 4 January 2024.

Proposed Text:

Amend Regulation (EU) 2017/373 Article 10 ‘Entry into force’ as follows:

“This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 2 January 2020.

However,

1. Member States shall ensure that the criteria on airspace design laid down in Appendices



	<p>XX and YY to Article 3 are met by [date of entry into law + 2 years];</p> <p>2. In respect of flight procedure design providers, Article 6(k) shall apply from the date of issuance of the certificate, but not later than [date of entry into law + 2 years].</p> <p>3. By way of derogation from paragraph 1, Member States may decide not to apply Appendices XX and YY to Article 3, in whole or in part, until [25 January 2024].</p> <p>When a Member State makes use of this possibility, it shall notify the Commission and the Agency by [date to be agreed] at the latest. This notification shall describe the scope of the derogation(s) as well as the programme for implementation containing actions envisaged and related timing.”</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>333 comment by: <i>CANSO</i></p> <p>CANSO supports a transition period of 24 months and an applicability date coinciding with AIRAC effective dates.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>431 comment by: <i>ENAV</i></p> <p>2.4.2. Transitional provisions (page 13)</p> <p>Stakeholders are invited to comment on the EASA proposal regarding the transitional provision.</p> <p>A transitional phase is encouraged, although 24 months could be considered a short period</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p>

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment	<p>449 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA to the Paragraph 2.4.2 Transitional provisions:</i></p> <p>The 24 months adaptation time sounds very challenging: it would be useful to know when compliance is required for each part FPD, ASD, current structure and process if it becomes an AMC.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>484 comment by: <i>PANS-OPS ENAC</i></p> <p>Transitional provision</p> <p>24 months seems sufficient to adapt to the new regulation.</p>
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.</p>
comment	<p>551 comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></p> <p>Page No: 13</p> <p>Paragraph No: 2.4.2</p> <p>Comment: We support the suggested transitional provisions with 24 months adaptation time. We also support the use of an AIRAC-date (as published in ICAO Doc 8126) as the applicability date for this Regulation, and not a calendar date, .</p>

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment 553 comment by: IATA

Page 13

2.4.2. Transitional provisions

IATA believes that the implementation date of Jan 1 2019 is sufficient time for authorities and procedure designers to be compliant with the regulation.

response *Not accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on the advice received, EASA proposes amendment to Article 10.

comment 566 comment by: Finnish Transport Safety Agency

"Stakeholders are invited to comment on the EASA proposal regarding the transitional provision."

Finnish Transport Safety Agency support EASA proposal for adaptation time of 24 months.

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

comment 591 comment by: Icelandic Transport Authority

The CA's need at least 24 months to adapt.

response *Accepted*



EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes amendment to Article 10.

2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.3. Table of contents

p. 14

comment

81

comment by: skyguide Compliance Management

Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1) (ii) and (c)(2).

Option II=GM.

The benefit of option I is not clear nor for the reasoning behind. Does that particular topic of AFIS constitute a real issue?

response

Not accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.4. Definitions

p. 14

comment

82

comment by: skyguide Compliance Management

Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC.

Preferred option is Guidance Material.



-With the proposed definition of an airspace change, all has to go through ACP. Some changes in flight procedures (some MCA changes for instance) do not have to go via that process because they are "controlled" by the competent authority_ ...

The aim of processes within the ANSP is to take into account all consequences of a change whatever it is.

Additionally, why are topics such as VFR routes included in that process? We have a relatively complex system for changes in airspace, aviation system, so the impact would be really important.

The choice of the application of the airspace change process should be left in the hand of the competent authority.

- As a matter of fact: the number and the level of details (elements) to be provided is the same in any airspace change.. The choice of the elements to provide has to remain in the hand of the competent authority.

response *Accepted*

EASA took due consideration of the comment.

Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 to Article 3 addressing the airspace change process is redrafted.

comment

83

comment by: *skyguide Compliance Management*

Page 14 - para 2.4.2.

... procedure design (FPD) ~~to adopt their systems~~ to comply with the new requirements proposed in this NPA.

1. To adopt or to adapt ?

2. Systems are too restrictive

response *Accepted*

EASA took the comment into consideration.

comment

84

comment by: *skyguide Compliance Management*

Stakeholders are invited to comment on the EASA proposal regarding the transitional provision.

As we do not know about the results of that consultation process and we do not know



when the EU regulation will be published, it is for sure well appreciated to get that alternative transitional period.

The expectation is that for the entire CRSO it will be 2020 with an option for the SES certificate to be updated by the end of 2020.

response *Accepted*

EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Considering this consultation, EASA proposes amendment to Article 10 to address the transitional period.

2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.6. Annex XI (Part-FPD)
— Specific requirements for the providers of flight procedure design

p. 14-15

comment 85 comment by: *skyguide Compliance Management*

Moreover, it is important that the safety assessment is carried out prior to the deployment of a flight procedure.

Important or mandatory?

response *Noted*

It should be noted that Subpart C of Annex III to Regulation (EU) 2017/373 is applicable to Flight Procedure Design Service Providers (FPDSP), i.e. the FPDSP shall perform safety support assessment, while the responsibility for the performing safety assessment remains with the ATS providers.

Furthermore, the commented provision requires the FPDSP to design, survey and validate flight procedures prior to their approval as part of the safety assessment of change by ATS providers, publication in the AIP and use by aircraft.

comment 168 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

FPC.OR.100 – What is the meaning of/actions in “survey”?

response *Noted*

'Survey' is used in the context of 'periodic review'.



comment	<p data-bbox="359 235 406 280">272</p> <p data-bbox="1220 235 1498 280" style="text-align: right;">comment by: <i>Finavia</i></p> <p data-bbox="359 291 1498 705">Regarding to the description of the GM associated to FPD.OR.100 on page 15, it is to be noted that according to Annex 11 the State is responsible for the approval of the flight procedures. The approval, however, does not necessarily need to mean an explicit approval of individual flight procedures by the competent authority. The state approval can also be based on the approval and regular audits of the design processes and organisations. This kind of arrangement may be much more effective and requires less resources while reaching out the same objectives. It is also the currently existing arrangement in some European states. Thus, the approval of individual flight procedure designs should not be explicitly required, by introducing the regulation based requirement exceeding the level of Annex 11 requirement.</p> <p data-bbox="359 716 1498 840">This aspect should be taken into account in the associated GM defining the different processes of the flight procedure approval and the approval of changes to the functional ATS system.</p>
response	<p data-bbox="359 873 478 918"><i>Accepted</i></p> <p data-bbox="359 952 1498 1041">EASA agrees with the principles provided in the comment and amended the commented provision to promote the clarity.</p>
comment	<p data-bbox="359 1108 406 1153">313</p> <p data-bbox="1220 1108 1498 1153" style="text-align: right;">comment by: <i>UK CAA</i></p> <p data-bbox="359 1176 518 1220">Page No: 14</p> <p data-bbox="359 1232 694 1276">Paragraph No: FPD.OR.100</p> <p data-bbox="359 1288 494 1332">Comment:</p> <p data-bbox="359 1344 1498 1556">The necessary AMC and GM detailing how Flight Procedure Design providers demonstrate that integrity is met is not included in this NPA, nor in NPA 2016-02. The provision of appropriate AMC/GM is necessary to explain how integrity is to be achieved and demonstrated throughout the data chain. This could appear in Part-AIS and suitably cross-referenced in Part-ASD, or vice versa.</p> <p data-bbox="359 1568 518 1612">Justification:</p> <p data-bbox="359 1624 1498 1803">All parties throughout the aeronautical data chain are required to demonstrate the integrity of their information to the next intended user. A lack of integrity at the start of the data chain will render it impossible for the next party in the chain to uphold their integrity requirement too.</p>
response	<p data-bbox="359 1814 582 1859"><i>Partially accepted</i></p> <p data-bbox="359 1892 1498 1982">EASA took due consideration of the comment and proposes an introduction of new AMC/GM that would ensure the aeronautical data integrity at the start of the data chain.</p>

comment	<p>574</p> <p style="text-align: right;">comment by: <i>Finnish Transport Safety Agency</i></p> <p>Finnish Transport Safety Agency comment on the approval of flight procedures:</p> <p>The approval does not necessarily need to mean an explicit approval of individual flight procedures by the competent authority, nor regulatory decision. The state approval can also be based on the approved Change Process to a functional systems and regular audits of the design processes and organisations.</p> <p>This kind of arrangement may be much more effective and require less resources while reaching out the same objectives. Thus, the approval of individual flight procedures by the competent authority should not be explicitly required, by introducing the regulation based requirement exceeding the level of Annex 11 requirement.</p> <p>This aspect should be taken into account in the associated GM defining the different processes of the flight procedure approval and the approval of changes to the functional ATS system.</p>
response	<p><i>Accepted</i></p> <p>EASA agrees with the principles provided in the comment and amended the commented provision to promote the clarity.</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Article 1 — Subject matter and scope

p. 16

comment	<p>25</p> <p style="text-align: right;">comment by: <i>BE CAA</i></p> <p>Overall comments on the EASA NPA paper</p> <ul style="list-style-type: none"> ▪ Change Sponsor for airspace change ▪ All requests for changes need to be driven by/on performance basis (for instance; the design of an airspace should not be effectuated based on the lowest common denominator). ▪ In this airspace changes, quid Stakeholder management? How will it be fulfilled? Is EC and or NM playing a part in this and which one? ▪ Annex XI – Subpart B – Tech. Requirements; Who and How will the validation of the software tools be performed? ▪ Roles and Responsibilities of change sponsor (ref p41) is made lengthy which will not allow for swift airspace design changes => Not supported, an assessment needs to be made whether the proposed airspace change is actually requiring consultation. Furthermore, based on the outcome of this, additional changes might be required. ▪ Consultation with affected stakeholders (ref iii p43) is referring to the execution of a safety case => assurance is required that this activity is carried out by an accredited (by
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	<p>the affected Member State) safety practitioner</p> <ul style="list-style-type: none"> ▪ Finalization of airspace change proposal (ref IV p45) not all envisaged changes are initiated to prove the positive case. This phrasing must remain more general ▪ Standard format for airspace change proposals (ref p47) is becoming too lengthy, the entire process doesn't enable for swift and easy airspace changes. In addition, this process needs to be verified and endorsed by the approved authority which needs to be aware on the lengthy and time/HR-consuming new process for an airspace change.
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comments.</p> <p>In reference to the GM on airspace change process, the NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provisions nor to support the implementation. Consequently, the commented GM was redrafted in a more generic manner. In doing this, the commented provisions are redrafted aiming at promoting clarity.</p> <p>In reference to point 3, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received, the commented provision is amended.</p>
comment	<p>355 comment by: <i>CANSO</i></p> <p>Page 16 - Article 1</p> <p>CANSO Comment: Is the “(airspace design)” text required as ASD appears to have been dropped with Annex XI now Part – FPD? It is acknowledged that this is sourced from BR Annex Vb however the term does not appear to be used elsewhere. If a link to the BR is required then a more direct reference may be necessary.</p> <p>Impact</p> <p>As what was Part - ASD is now Part - FPD the AMC/GM to Part – ATM/ANS.OR needs to be amended to reflect this change e.g.GM1 ATM/ANS.OR.A.001</p> <p>Suggested Resolution:</p> <p>Amend AMC/GM to reflect the use of FPD as appropriate.</p>
response	<p><i>Accepted</i></p> <p>During the discussions leading to the approval of Regulation (EU) 2017/373, Member States maintained the view that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for (ATM/ANS) service providers. For that reason, to employ the most efficient national model in</p>

order to assign the roles and responsibilities as regards the airspace structure design, this proposal focuses on describing the required output and objectives of the activity itself by setting up the design criteria (please refer to Appendix 1 to Annex XI (Part-FPD) (former Appendixes XX and YY to Article 3)).

Considering the above, the service providers subject to certification as proposed by this rule would be limited to flight procedure design services providers.

Considering the comment, the AMC/GM issued with ED Decision 2017/001/R are amended to reflect this notion.

comment

356

comment by: *CANSO*

Page 16 - Article 1

CANSO Comment: Does the title of the overarching Regulation need to be amended to specifically include design of airspace structures and flight procedure?

Impact

Inconsistency between title of Regulation and subject matter and scope in Article 1.

Suggested Resolution:

Amend title of Regulation to align with subject matter and scope.

response

Noted

EASA took due note of the comment.

It should be highlighted that a revised EASA Basic Regulation is currently being discussed in the co-decision procedure. Whilst the discussion is based on a Commission proposal, it is now in the hands of the co-legislators i.e. the European Parliament and the Council of Member States, both of which make amendments to the original text. In these discussion a proposal for an amendment to the ATM/ANS definition has been accepted by the Council in order to list explicitly all the ATM/ANS services in the definition. As part of this amendment, also flight procedure and airspace structure design were added to the definition so that it would read:

(16) 'ATM/ANS' ('air traffic management and air navigation services') means the air traffic management functions and services as defined in Article 2(10) of Regulation (EC) No 549/2004 laying down the framework for the creation of the Single European Sky, the air navigation services defined in Article 2(4) of that Regulation, including the network management functions and services referred to in Article 6 of Regulation (EC) No 551/2004 on the organisation and use of the airspace in the Single European Sky, airspace and procedures design, and services consisting in the origination and processing of data and the formatting and delivering of data to general air traffic for the purpose of air navigation;

Thus, no amendment to the title of the Regulation would be required.



Furthermore, EASA will invite the Commission to consider this issue when the adoption process of this proposal is launched.

comment	450	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<i>Comment FOCA to Article 1: same comment as Nr. 440 and Nr. 446 the design of "the flight procedure" should be mentioned before the design of "the airspace structure" as the airspace follows the procedures.</i>	
response	<i>Accepted</i>	

comment	469	comment by: <i>NATS National Air Traffic Services Limited</i>
	Page 16 Article 1	
	Comment:	
	Does the title of the overarching Regulation need to be amended to specifically include design of airspace structures and flight procedure?	
	Impact:	
	Inconsistency between title of Regulation and subject matter and scope in Article 1.	
	Suggested Resolution:	
	Amend title of Regulation to align with subject matter and scope.	

response	<i>Noted</i>	
	EASA took due note of the comment.	
	On another hand, it should be highlighted that a revised EASA Basic Regulation is currently being discussed in the co-decision procedure. Whilst the discussion is based on a Commission proposal, it is now in the hands of the co-legislators i.e. the European Parliament and the Council of Member States, both of which make amendments to the original text. In these discussion a proposal for an amendment to the ATM/ANS definition has been accepted by the Council in order to list explicitly all the ATM/ANS services in the definition. As part of this amendment, also flight procedure and airspace structure design were added to the definition so that it would read:	
	(16) 'ATM/ANS' ('air traffic management and air navigation services') means the air traffic management functions and services as defined in Article 2(10) of Regulation (EC) No 549/2004 laying down the framework for the creation of the Single European Sky, the air navigation services defined in Article 2(4) of that Regulation, including the network management functions and services referred to in Article 6 of Regulation (EC) No 551/2004 on the organisation and use of the airspace in the Single European Sky, airspace and procedures design, and services consisting in the origination and processing of data and the	



formatting and delivering of data to general air traffic for the purpose of air navigation;

Thus, no amendment to the title of the Regulation would be required.

Furthermore, EASA will invite the Commission to consider this issue when the adoption process of this proposal is launched.

comment

470

comment by: *NATS National Air Traffic Services Limited*

Page 16 Article 1

Comment:

Is the “(airspace design)” text required as ASD appears to have been dropped with Annex XI now Part – FPD? It is acknowledged that this is sourced from BR Annex Vb however the term does not appear to be used elsewhere. If a link to the BR is required then a more direct reference may be necessary.

Impact:

As what was Part - ASD is now Part - FPD the AMC/GM to Part – ATM/ANS.OR needs to be amended to reflect this change e.g.GM1 ATM/ANS.OR.A.001

Suggested Resolution:

Amend AMC/GM to reflect the use of FPD as appropriate.

response

Accepted

During the discussions leading to the approval of Regulation (EU) 2017/373, Member States maintained the view that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for (ATM/ANS) service providers. For that reason, to employ the most efficient national model in order to assign the roles and responsibilities as regards the airspace structure design, this proposal focuses on describing the required output and objectives of the activity itself by setting up the design criteria (please refer to Appendix 1 to Part-FPD).

Considering the above, the service providers subject to certification as proposed by this rule would be limited to flight procedure design services providers.

Considering the comment, the AMC/GM issued with ED Decision 2017/001/R are amended to reflect this notion.

comment

523

comment by: *Finnish Transport Safety Agency*

Finnish Transport Safety Agency proposes the following amendment to Article 1:

This Regulation lays down common requirements for the provision of air traffic management and air navigation services ('ATM/ANS'), **instrument flight procedure design service and airspace design,** and other air traffic management ('ATM') network functions for general air



	<p>traffic...</p> <p>Rationale: This would be in line with ICAO Annex 11 provision.</p> <p>We also propose to add definition of "instrument flight procedure design service" to Annex I of this Regulation</p>
response	<p><i>Partially accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>In reference to the comment on the definition, the purpose thereof is to illustrate the meaning of a certain term. In this context a provider of instrument flight procedure design is the one who designs IFP. In addition, the EASA proposal contains a definition of 'instrument flight procedure' ('IFP' means a description of a series of predetermined flight manoeuvres by reference to flight instruments, published by electronic and/or printed means).</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Article 2 — Definitions

p. 16

comment	<p>169</p> <p>comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Article 2 - The definitions in this Article should also include "airspace structure design service".</p> <p><i>Justification:</i> The airspace structure design organisation is not by de fault the same organisation as the flight procedure design organisation. In Sweden the flight procedure design organisation, the airspace structure design organisation, the flight validation pilot and the flight validation organisation all have their own separate certificates /approvals.</p>
response	<p><i>Not accepted</i></p> <p>During the discussions leading to the approval of Regulation (EU) 2017/373, Member States maintained the view that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for (ATM/ANS) service providers. For that reason, to employ the most efficient national model in order to assign the roles and responsibilities as regards the airspace structure design, this proposal focuses on describing the required output and objectives of the activity itself by setting up the design criteria (please refer to Appendix 1 to Annex XI (Part-FPD) (former Appendixes XX and YY to Article 3)).</p> <p>Considering the above, the service providers subject to certification as proposed by this rule would be limited to flight procedure design services providers and therefore, the definition on 'service provider' does not require further adjustments.</p>



comment	524	comment by: <i>Finnish Transport Safety Agency</i>
	Finnish Transport Safety Agency proposes to amend Article 2 text "flight procedure design service" to "instrument flight procedure design service" to be in line with our proposal in Article 1 and ICAO Annex 11.	
response	<i>Not accepted</i>	
	During the rule development, EASA was advised to keep the scope of flight procedure design service providers' activity wider and thus, not limiting only to instrument flight procedure design. Considering this, the comments is not accepted.	

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Article 3 — Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions

p. 16

comment	20	comment by: <i>BE CAA</i>
	p16, Art 3(a) AMDT request Considering ICAO Resolution A39-2 <i>"Whereas airspace management and design can play a role in addressing the impacts of aviation greenhouse gas emissions on the global climate, and the related economic and institutional issues need to be addressed by States, either individually or collectively on a regional basis;..."</i> BCAA recommends amending the last sentence of Art 3(a) as follows: <i>"... while taking into account safety considerations, and traffic requirements <u>and environmental impact.</u>"</i>	
response	<i>Accepted</i>	
	EASA took due consideration of the proposal and amended the commented provision.	
comment	260	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	The design of airspace structures and flight procedures contained therein and their designation is in the Appendixes to this Article. Is the competent authority supposed to review the providers to ensure that they follow the regulation or should the member states regulate design of airspace in national regulation? What is meant by "the responsibility of the MS with regard to airspace structure within the airspace under its jurisdiction? We would like a clarification on this Article.	



response *Noted*

In the discussions leading to approval of the new Common Requirements and Oversight Regulation (Regulation (EU) 2017/373) Member States maintained that airspace structure design (as opposed to flight procedure design) is a sovereign State function and should thus not be part of the certification scheme for ATM/ANS service providers. Considering this, this proposal focuses on describing the required output and objectives of the activity on airspace structure design itself. Thus, it will be at the discretion of the Member States to employ the most efficient national administrative model in order to assign the roles as regards the airspace structure design. While, the organisations dealing with the design of flight procedures would be subject to certification with clear definition of roles and responsibilities.

comment 314

comment by: UK CAA

Page No: 16

Paragraph No: Article 3 ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

Comment:

The UK CAA welcomes the proposed text at Article 3(x) but is of the view that the text would benefit from strengthening to provide enhanced clarity that national legislation is to be taken into account in terms of wider Member State obligations around airspace. These wider duties may encompass operational/technical issues (e.g., airspace designation, classification, equitable access, national security and flexible use of airspace) and non-operational and other non-operational (e.g., environmental and/or social) considerations and/or obligations.

Justification:

National legislation is required to be taken into account in terms of wider Member State duties around airspace. This is necessary to ensure that national legislative obligations continue to be met, including that at Regulation (EU) 677/2011 Annex I Part A(3) (‘Member States will remain responsible for the detailed development, approval and establishment of the airspace structures for the airspace under their responsibility’). It does not diminish the requirement in Regulation (EU) 677/2011 Annex I Part B(1) ‘Planning Principles’ (‘Without prejudice to Member States’ sovereignty over the airspace and to the requirements of the Member States relating to public order, public security and defence matters, the Network Manager, Member States, third countries, airspace users, functional airspace blocks and air navigation service providers as part of functional airspace blocks or individually shall develop, using a cooperative decision-making process, the European Route Network Improvement Plan, while applying the airspace design principles set out in this Annex.’)

Clarity regarding the need for national law to be accounted for will also ensure that the roles of the Network Manager under Regulation (EU) 677/2011 Annex I Parts B ‘Planning



	<p>Principles’ and C ‘Airspace Design Principles’ are duly considered in the development of airspace arrangements contributing to the development of ‘an integrated European Route Network Design’.</p> <p>Proposed Text: Amend to read:</p> <p>(x) Without prejudice to the responsibilities of the Member State in accordance with national law with regard to airspace structures within the airspace under its jurisdiction, the Member State shall ensure that the criteria on airspace design laid down in Appendices XX and YY to this Article are met.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the proposal.</p> <p>However, to promote clarity and to link the Member States’ responsibilities laid down in Article 3(1) with the design criteria proposed with this rule, the commented provision was redrafted.</p>
comment	<p>444 comment by: <i>CANSO</i></p> <p>Page 16 Article 3</p> <p>CANSO Comment: Apparent inconsistent use of terminology. Art 1 has “design of airspace structures and flight procedures”; Art 2 (2) has “flight procedure design service”; Art 3 Title has “airspace structure and flight procedure design”; “Art 3(a) (sic) has “airspace structure, flight procedure design”. Is it the design or the service that needs to be used for flight procedures?</p> <p>Impact:</p> <p>Potential confusion over where flight procedure design service or flight procedure design is appropriate.</p> <p>Suggested Resolution:</p> <p>Follow the EASA “house style” as per the other published Annexes such that Annex XI reads “A flight procedure design services provider ...” if this is at the beginning of a sentence and “...the flight procedure design services provider...” if in the main body text. Whilst this has not been consistently applied throughout the Annexes it is mostly prevalent.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p>For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and</p>

scope’/’Definitions’ to illustrate the meaning of the terminology used.

comment	<p>451 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA:</i> We suggest to replace "airspace structure and flight procedure design" in Article 3 with "airspace design (ASD), including flight procedure design" as in the title of the NPA.</p>
response	<p><i>Not accepted</i></p> <p>EASA took the comment due consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Following the consultation, the commented provision is amended.</p>
comment	<p>471 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 16 Article 3</p> <p>Comment:</p> <p>Apparent inconsistent use of terminology. Art 1 has “design of airspace structures and flight procedures”; Art 2 (2) has “flight procedure design service”; Art 3 Title has “airspace structure and flight procedure design”; “Art 3(a) (sic) has “airspace structure, flight procedure design”. Is it the design or the service that needs to be used for flight procedures?</p> <p>Impact:</p> <p>Potential confusion over where flight procedure design service or flight procedure design is appropriate.</p> <p>Suggested resolution:</p> <p>Follow the EASA “house style” as per the other published Annexes such that Annex XI reads “A flight procedure design services provider ...” if this is at the beginning of a sentence and “...the flight procedure design services provider...” if in the main body text. Whilst this has not been consistently applied throughout the Annexes it is mostly prevalent.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p>For the sake of clarity, EASA introduced a new GM associated to the ‘Subject matter and scope’/’Definitions’ to illustrate the meaning of the terminology used.</p>



comment	<p>525 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Finnish Transport Safety Agency proposes to amend heading of Article 3 as follows:</p> <p>"Provision of ATM/ANS, airspace structure and instrument flight procedure design and ATM network functions "</p> <p>To be in line with our proposals from Article 1 and 2.</p> <p>We propose also to amend part (a) as follows:</p> <p>(a) Member States shall ensure that the appropriate ATM/ANS, airspace structure and instrument flight procedure design and ATM network functions are provided in accordance with this Regulation....</p>
response	<i>Partially accepted</i>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Article 5 — Service providers

p. 17

comment	<p>170 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Article 5 - The Article should be changed to also include “providers of airspace structure design”.</p> <p><i>Justification:</i> To clarify that both designs are included in the regulation.</p>
response	<i>Not accepted</i>
comment	<p>348 comment by: <i>CAA-NL</i></p> <p>The Basic Regulation (BR) at this moment lacks a proper legal basis for certification of FPD Service. Article 8b(2) BR states that a certificate is required for ATM/ANS providers. Article 8b(6) solely contains a basis to adopt measures necessary for the implementation of the required certification of ATM/ANS providers.</p> <p>The definitions of EC 549/2004 to which article 3(q) BR refers for the definition of ATM/ANS do not contain flight procedure design/ASD.</p> <p>It is therefore in the first place recommended to not implement any certification of FPD until the proper basis has been created in the BR.</p> <p>Provided there is a proper legal basis created in the Basic Regulation, the next issue we</p>

would like to address is proportionality of the proposed requirements

We agree with EASA that requirements for safeguarding the proper functioning of flight procedure design (FPD) organizations, in line with the relevant provisions of Annex 11, are necessary.

However, in our opinion the current package of requirements –Annex XI of the NPA combined with Annexes III and XIII of the new Common Requirements- could be not sufficiently proportional for organisations that carry out FPD but are not an integral part of ‘standard’ ATM/ANS providers.

These organizations (quite often specialized and sometimes small consultancy-organisations) might not be able to live up to the combined specialized requirements for FPD-organisations and the ‘standard’ ATM/ANS-requirements of the Common Requirements. This would mean that they would be forced to leave the FPD-market, which is regarded to be an undesired side-effect.

It also needs to be noted that an FPD-organisation (stand-alone or part of an ATM/ANS provider) does not possess direct operational privileges. Eventually, its product is issued to the State/Authority for its formal establishment. This establishment, including a check if the product is in line with the ICAO and (if relevant) local requirements (including safety), is the prerogative of the State.

Seen the above, we would welcome a dialogue on the package of requirements for FPD-organisations. In how far could a package be pursued (based on the current proposal) that safeguards a proper functioning of these organizations in line with the relevant provisions of ICAO Annex 11, however taking account of their possibilities and the fact that they do not possess direct operational privileges?

In our opinion, not to disrupt the market such an eventual package of FPD-requirements should be equal for ‘stand-alone’ FPD-organizations and FPD-organisations that are part of a ‘standard’ ATM/ANS provider. They could in our opinion really be tailored to the FPD-related work, which is different from the direct operational tasks of a ‘standard’ ATM/ANS provider.

The dialogue could in our opinion also entail the need to certify an FPD-organisation. Should an FPD-organisation, not being a ‘standard’ provider, always be certified or should also another manner of setting the requirements be explored? An example for this could be found in the introduction of the ‘aviation undertaking’ (AIM) which is an organization, other than a service provider, that is affected by or affects a service delivered by a service provider.

response *Noted*

The subject on the legal basis has already been acknowledged by EASA and clearly highlighted in the subject NPA 2016-13, please refer to Section 2.1. and Section 4.1 as well.

As these Sections state, Article 8b(6)(a) as well as point 2(i) of Annex Vb (Essential Requirements) to the Basic Regulation (EC) 216/2008 address the obligation to ensure safe airspace structure and flight procedure design. It is also recognised, however, that the



airspace design is not explicitly falling within 'ATM/ANS' as defined in the Basic Regulation or the SES framework. Consequently, it may appear disproportionate to regulate all the activities related to airspace design as ATM/ANS according to Article 8b of the Basic Regulation (i.e. all areas of airspace design activities to be a subject to certification, particularly in reference to the design of airspace structures).

In this context, it should be noted that airspace design contains two aspects:

- Design of the airspace structure; and
- Design of flight procedures;

On the other hand, today no common European rules on airspace design are in place. Therefore, this proposal is limited to responding to the safety objectives of the Basic Regulation to cover the way for safely designed, validated, maintained and reviewed flight procedures and airspace structures.

Having said that and fully respecting the principle of proportionality, the proposal contains two parts by proposing implementing measures as follows:

- Technical requirements on the design of airspace structures. How these requirements would be met, it is left to the discretion of the Member States to employ the most efficient national administrative model in order to assign the roles as regards the airspace structures;
- Specific organisation and technical requirements for the organisations performing the design of flight procedures. It should be stressed that this part of the proposal is fully aligned with the latest Amendment 50 to Annex 11 concerning procedure design and oversight of the subject SARPs (please refer to Appendix 8 od Annex 11).

In addition, a revised EASA Basic Regulation is currently being discussed in the co-decision procedure. Whilst the discussion is based on a Commission proposal, it is now in the hands of the co-legislators i.e. the European Parliament and the Council of Member States, both of which make amendments to the original text. In these discussion a proposal for an amendment to the ATM/ANS definition has been accepted in Council in order to list explicitly all the ATM/ANS services in the definition. As part of this amendment, also airspace and procedure design were added to the definition. The text of the article containing the requirement to certify ATM/ANS providers has not been changed in this respect. Consequently, all ATM/ANS providers except small scale of FIS provision and certain services provided in areas outside ICAO EUR region are required to be certified.

Whilst the final text still needs to be agreed between the Parliament and Council and it is thus too early to provide a definitive legal analysis of its impact, it is evident that the legal ambiguity contained in current EASA Basic Regulation no longer exists in the Council version.

In reference to the proportionality and the compliance demonstration with the applicable rules by 'non-complex' FPDSPs, especially Annex III of regulation (EU) 2017/373, the topic was tabled for discussion during the focussed consultation organised by EASA. Considering this consultation and the advice received, EASA proposes a GM to clarify that considering the fact that 'the management system shall be proportionate to the size of the service provider and the complexity of its activities, taking into account the hazards and associated risks



inherent in those activities.’, the relevant evidence to demonstrate compliance with the applicable requirements of the Regulation should be also proportionate to the size of the service provider and the complexity of its activities. Furthermore, it should be highlighted that the AMC/GM for ‘non-complex’ service providers would apply also for ‘non-complex’ FPDSP.

comment	358	comment by: <i>CANSO</i>
	Page 17 Article 5 (k)	
	Note that (m) has been deleted in latest version of Articles.	
	Suggested Resolution: Delete “(m)” and rephrase as (a) and (b).	
response	<i>Accepted</i>	

comment	453	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<i>Comment FOCA:</i> as mentioned under comment Nr. 448, we suggest to use ICAO terminology "Flight Procedure Design Service Provider (FPDSP)".	
response	<i>Accepted</i>	

comment	472	comment by: <i>NATS National Air Traffic Services Limited</i>
	Page 17 Article 5 (k)	
	Comment:	
	Note that (m) has been deleted in latest version of Articles.	
	Suggested Resolution:	
	Delete “(m)” and rephrase as (a) and (b).	
response	<i>Accepted</i>	

comment	538	comment by: <i>Finnish Transport Safety Agency</i>
	Finnish Transport Safety Agency proposes the following amendment to Article 5:	
	(k) for providers of instrument flight procedure design services and airspace design , in addition to the requirements of points (a), (b) and (m), the requirements laid down in Annex XI (Part- ASD)	
	Rationale: In line with our proposal in Article 1 and ICAO Annex 11. Also, Part-FPD seems to be wrong reference in our opinion, thus proposal to change to Part-	



	ASD.
response	<p><i>Not accepted</i></p> <p>During the rule development, EASA was advised to keep the scope of flight procedure design service providers' activity wider and thus, not limiting only to instrument flight procedure design. Considering this, the comment is not accepted.</p>



3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Appendix XX to Article 3(x) — SECTION I — Specifications for flight information regions, control areas and control zones p. 17-18

comment	147	comment by: CAA - Norway
	<p>Section I, Flight Information Regions para b):</p> <p>Which FL should be chosen if you want the limit to be above FL285?</p> <p>This is also relevant in the next paragraph for Control Areas point (c).</p>	
response	<p><i>Noted</i></p>	
	<p>EASA took due consideration of the comment.</p> <p>Following the analysis of the query, EASA reallocated the commented details at AMC level in order to provide more flexibilities to the Member States when addressing this subject. However, it should be noted that the rule text now placed at AMC level still ensures compliance with ICAO Annex 2.</p>	
comment	255	comment by: CAA-NL
	<p>Appendix XX to Article 3(x), Section I, CONTROL ZONES (b)</p> <p>Current text:</p> <p><i>(...), the control zone shall extend upwards from the surface of the earth to at least the lower limit of the control area.</i></p> <p>Comment:</p> <p>Regarding the requirement that a CTR shall initiate at GND the following can be stated. Schiphol's CTR 2 and 3 initiate at 1200 ft. Lowering these CTRs would lead to limitations for GA which is now allowed to fly under CTR 2 and 3 in Class G airspace.</p> <p>A requirement to lower these CTRs to GND would lead to undesirable consequences, as the current initiation at 1200 ft makes it possible to make optimum use of the scarce airspace around Schiphol. Lowering the CTR to GND would not serve a clear purpose, whereas it would lead to GA calls on a very busy frequency, which would be a very undesired and even non-acceptable consequence.</p> <p>An additional point of attention would be the developments with regard to drones. Within this framework, a development is in progress to re-classify a lower border-part of the CTR to Class G. This would then no longer be a part of the CTR. It would be questionable if this development would still fit within the requirements of NPA 2016-13.</p> <p>Seen the above, the requirement that a CTR shall initiate at GND should be re-drafted as follows: <i>(...), the control zone shall extend upwards from the surface of the earth to at least the lower limit of the control area, <u>except where the lower part of the CTR can be made</u></i></p>	

available to other airspace users , in which case, based on a safety case, the Competent Authority can agree to a different set-up.

response *Not accepted*

EASA took due consideration of the comment.

It should be noted that 'control zone' means a controlled airspace extending upwards from the surface of the earth to a specified upper limit in accordance with Regulation (EU) 923/2012.

In ensuring consistence between the SES framework, EASA believes that the specific case described by the commentator should be reconsidered.

comment 349

comment by: *CANSO*

Regarding the requirement that a CTR shall initiate at GND the following can be stated. CANSO supports that lowering the CTR to GND would not serve a clear purpose, whereas it would lead to GA calls on a very busy frequency, which would be a very undesired and even non-acceptable consequence.

For example:

Schiphol's CTR 2 and 3 initiate at 1200 ft. Lowering these CTRs would lead to limitations for GA which is now allowed to fly under CTR 2 and 3 in Class G airspace.

A requirement to lower these CTRs to GND would lead to undesirable consequences, as the current initiation at 1200 ft makes it possible to make optimum use of the scarce airspace around Schiphol. .

CANSO recommendation: CANSO requests to see this rule as an AMC. The competent authority may then, based on, for example, a safety assessment, be allowed to deviate from the AMC.

response *Not accepted*

EASA took due consideration of the comment.

It should be noted that 'control zone' means a controlled airspace extending upwards from the surface of the earth to a specified upper limit in accordance with Regulation (EU) 923/2012.

In ensuring consistence between the SES framework, EASA believes that the specific case described by the commentator should be reconsidered.

comment 454

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

Comment FOCA to Appendix XX to article 3 (x): same comment as Nr. 440, Nr. 446 and Nr. 450 the design of "the flight procedure" should be mentioned before the design of "the



	airspace structure" as the airspace follows the procedures.
response	<i>Accepted</i>
comment	596 comment by: <i>European Transport Workers Federation - ETF</i> Wouldn't it be simpler to mandate all EU airspace to be encompassed in an FIR ? It is what we have and what we need to achieve a minimal level of safety.
response	<i>Noted</i> EASA took due note of the comment. However, EASA believes that it is better to retain ICAO approach and leave that decision to the Member States responsible for the service provision in that airspace.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Appendix XX to Article 3(x) — SECTION II — Identification of navigation specifications and the identification of ATS routes other than standard departure and arrival routes p. 18-19

comment	36 comment by: <i>BE CAA</i> p19 Section II (e)(2) No specific issue with this new principle although vigilance is required whether all technical systems can cope with an 'double' designator for the same segment
response	<i>Accepted</i> EASA welcomes the feedback. Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.
comment	43 comment by: <i>DFS Deutsche Flugsicherung GmbH</i> Answer to the question on page 11 "Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.: Appendix XX, Section II, (c), (7), (ii):..." Note: the reference c 7 ii was related to the previously consulted draft. It should be e) 2) now. We are aware of the current request by CFSPs/Data Providers that a common segment

	<p>should be assigned with only one designator, as EASA explained on page 11; however we prefer the flexibility that is provided with the proposal as transposed from ICAO. In particular in cross-border areas, we would need to remain with separate designators because of too complex creation of a new RAD restriction. For such single cases individual solutions should be feasible. We therefore support EASA's proposal which enables such individual treatment while in general we agree to have one designator for common segments.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>It is acknowledged that the reference is incorrect and the commentator provided the correct one.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>148 comment by: CAA - Norway</p> <p>Section II (d)(1)(ii)</p> <p>Is «the appropriate ATS authority» the correct term to be used here?</p>
response	<p><i>Accepted</i></p> <p>It should read 'when prescribed by the competent authority' (...)</p>
comment	<p>171 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</p> <p>(d)(1)(ii) – Who is the “appropriate ATS authority” in this case; the competent authority or the ANSP?</p>
response	<p><i>Accepted</i></p> <p>It should read 'when prescribed by the competent authority' (...)</p>
comment	<p>172 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</p> <p>Please change the order of (d)(1) and (d)(2) to get a more logical order of the text.</p>
response	<p><i>Accepted</i></p>
comment	<p>252 comment by: skyguide Compliance Management</p>



3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Appendix XX to Article 3(x) — SECTION II — Identification of navigation specifications and the identification of ATS routes other than standard departure and arrival routes

comments :

Answer to the question on page 11 "Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.: Appendix XX, Section II, (c), (7), (ii):..."

Note: the reference c 7 ii was related to the previously consulted draft. It should be e) 2) now.

We are aware of the current request by CFSPs/Data Providers that a common segment should be assigned with only one designator, as EASA explained on page 11; however we prefer the flexibility that is provided with the proposal as transposed from ICAO. In particular in cross-border areas, we would need to remain with separate designators because of too complex creation of a new RAD restriction. For such single cases individual solutions should be feasible. We therefore support EASA's proposal which enables such individual treatment while in general we agree to have one designator for common segments.

response

Accepted

EASA welcomes the feedback.

It is acknowledged that the reference is incorrect and the commentator provided the correct one.

Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.

comment

334

comment by: *CANSO*

Answer to the question on page 11 "Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.: Appendix XX, Section II, (c), (7), (ii):..."

Note: the reference c 7 ii was related to the previously consulted draft. It should be e) 2) now.

We are aware of the current request by CFSPs/Data Providers that a common segment should be assigned with only one designator, as EASA explained on page 11; however we prefer the flexibility that is provided with the proposal as transposed from ICAO. In particular in cross-border areas, we would need to remain with separate designators because of too complex creation of a new RAD restriction. For such single cases individual solutions should be feasible. We therefore support EASA's proposal which enables such individual treatment



	<p>while in general we agree to have one designator for common segments.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>It is acknowledged that the reference is incorrect and the commentator provided the correct one.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>
comment	<p>434 comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></p> <p>Page No: 11 and 19</p> <p>Paragraph No: 2.4.1 and Appendix XX to Article 3(x), Section II, (e), (2)</p> <p>Comment: We support the proposed rule for basic ATS route designators to be assigned in accordance with some principles as to where two or more trunk routes have a common segment.</p> <p>Justification: As the proposed rule is in line with the existing ICAO standard, we see no reason to change the rule. If the rule was changed so that the common segment would have only one designator, then one of the routes would have to end at the beginning of the common segment and continue as a new route at the end of the common segment. This would mean more new routes to be established, and we do not see that as a good solution.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Appendix XX to Article 3(x) — SECTION III — Identification of standard departure and arrival routes and associated procedures	p. 19-21
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comment	<p>86 comment by: <i>skyguide Compliance Management</i></p> <p>(C) routes requiring navigation by reference to ground-based radio aids or self-contained airborne aids, and routes requiring navigation by visual reference to the ground;</p> <p>Needs to be clarified: between (ii)c and b 1 V</p>
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response *Noted*

Considering the comment and towards ‘performance-based’ rules, EASA redrafted the commented provisions and allocated the means to facilitate ‘the identification of each route in a simple and unambiguous manner’ at AMC level.

comment

87

comment by: *skyguide Compliance Management*

(v) followed by the word ‘visual’, if the route has been established for use by aircraft with visual portion in the IFR flight plan ~~operating in accordance with the visual flight rules (VFR).~~

Disagreement on VFR rules meaning → Visual portion of an IFR flight plan.

response

Partially accepted

Based on the NPA 2016-13 consultation, the commented provision was reallocated at AMC level, thus, providing more flexibility.

Considering this change and this subject comment, the provision in question was amended to address the proposal.

comment

220

comment by: *DGAC*

Section III page 21 – (d)(3)

France points out that the incrementing to the next higher number requires the renumbering of the whole SID/STAR named with the same designator. We proposed to replace « the next higher » par « a higher » as follows.

(d) Assignment of validity indicators

(1) A validity indicator shall be assigned to each route to identify the route which is currently in effect.

(2) The first validity indicator to be assigned shall be the number ‘1’.

(3) Whenever a route is amended, a new validity indicator, consisting of ~~the next~~ a higher number, shall be assigned. The number ‘9’ shall be followed by the number ‘1’.

response

Not accepted

EASA took due consideration of the comment.

In ensuring consistence between the ICAO provisions, EASA believes that the specific case



described by the commentator should be reconsidered.

comment

256

comment by: CAA-NL

Appendix XX to Article 3(x), Section III, (b)(2):

Current text:

The basic indicator shall be the name or name-code of the significant point where a standard departure route terminates or a standard arrival route begins.

Comment:

At Amsterdam (EHAM) standard departure routes do not always have the name of the point where the departure route terminates. There are six runways and many of them can be in use simultaneously. It is considered a huge safety risk to give different departure routes (to a common point) the same basic indicator. There have been many safety incidents in the past. It was concluded that these routes should have different names and basic indicators in order to minimize pilot and controller confusion. This has been supported by safety reports and is fully accepted by the regulator. We believe this situation was not completely understood at the time of drawing up of the corresponding ICAO SARPS. For the sake of safety, the current situation at EHAM should remain possible.

Text proposal:

The basic indicator shall be the name or name-code of the significant point where a standard departure route terminates or a standard arrival route begins. In case multiple runways are used with the same significant point as end or starting point a different basic indicator for each runway and subsequent route shall be used.

response

Partially accepted

EASA took the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled and thoroughly discussed at the focussed review meeting organised, which provided EASA with further valuable advice on how to proceed with the subject. Based on the advice gathered, EASA proposes a revision of the commented provision by keeping the essential elements at IR level when identifying standard departure and arrival routes and associated procedures, while the details thereto are to be found at AMC level. This approach would provide flexibility by ensuring at the same time compliance with ICAO provisions.

comment

273

comment by: Finavia

Ref. Section III, paragraph (b) (2) on page 20, concerning the definition of the basic indicators, there may be certain situations where it is preferable to define the basic indicator differently. An example of such situations is when there is more than one route from/to the



	<p>same waypoint and for the same runway. The use of the same basic indicator in such situations has been considered as a safety hazard. Thus, deviation from this requirement should be allowed in this kind of exceptional cases, regardless of whether the proposed Option I or Option II is going to be applied.</p>
response	<p><i>Noted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled and thoroughly discussed at the organised focussed review meeting, which provided EASA with further valuable advice on how to proceed with the subject. Based on the advice gathered, EASA proposes a revision of the commented provision by keeping the essential elements at IR level when identifying standard departure and arrival routes and associated procedures, while the details thereto are to be found at AMC level. This approach would provide flexibility by ensuring at the same time compliance with ICAO provisions.</p>
comment	<p>350 comment by: <i>CANSO</i></p> <p>At some airports (e.g. Amsterdam (EHAM)) standard departure routes do not always have the name of the point where the departure route terminates. There are six runways and many of them can be in use simultaneously. It is considered a huge safety risk to give different departure routes (to a common point) the same basic indicator. There have been many safety incidents in the past. It was concluded that these routes should have different names and basic indicators in order to minimize pilot and controller confusion. This has been supported by safety reports and is fully accepted by the regulator. We believe this situation was not completely understood at the time of drawing up of the corresponding ICAO SARPS. For the sake of safety, the current situation at EHAM should remain possible.</p>
response	<p><i>Noted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled and thoroughly discussed at the organised focussed review meeting, which provided EASA with further valuable advice on how to proceed with the subject. Based on the advice gathered, EASA proposes a revision of the commented provision by keeping the essential elements at IR level when identifying standard departure and arrival routes and associated procedures, while the details thereto are to be found at AMC level. This approach would provide flexibility by ensuring at the same time compliance with ICAO provisions.</p>
comment	<p>437 comment by: <i>EUROCONTROL</i></p>

	Appendix XX to Article 3(x), Section III, (b) (2) - Page 20	
	The EUROCONTROL Agency highlights the fact that standard departure routes do not always have the name of the point where the departure route terminates. It is therefore considered that giving to different departure routes (to a common point) the same basic indicator creates a safety risk which should be avoided.	
response	<i>Noted</i>	
	EASA took the comment into consideration.	
	Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled and thoroughly discussed at the organised focussed review meeting, which provided EASA with further valuable advice on how to proceed with the subject. Based on the advice gathered, EASA proposes a revision of the commented provision by keeping the essential elements at IR level when identifying standard departure and arrival routes and associated procedures, while the details thereto are to be found at AMC level. This approach would provide flexibility by ensuring at the same time compliance with ICAO provisions.	
comment	455	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<i>Comment FOCA to Section III (b) (1) (5):</i> In our opinion, the work "visual" in that context does not mean flying according VFR. A ACFT flies with certain requirements but is still under IFR Regulation.	
	Proposed Text: visual portion of an IFR flight plan or visual portion of an IFP.	
response	<i>Accepted</i>	
	Based on the NPA 2016-13 consultation, the commented provision was reallocated at AMC level, thus, providing more flexibility.	
	Considering this change and this subject comment, the provision in question was amended to address the proposal.	
comment	539	comment by: <i>Finnish Transport Safety Agency</i>
	Finnish Transport Safety Agency proposes amendment for Section III part (b) 2:	
	(2) Unless otherwise prescribed by the Competent Authority, the basic indicator shall be the name or name-code of the significant point where a standard departure route terminates or a standard arrival route begins.	
	Rationale: There may be certain situations where it is preferable to define the basic indicator differently. An example of such situations is when there is more than one route from/to the same waypoint and for the same runway. The use of the same basic indicator in such	

	<p>situations has been considered as a safety hazard. Thus, deviation from this requirement should be allowed in this kind of exceptional cases, regardless of whether the proposed Option I or Option II is going to be applied.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled and thoroughly discussed at the organised focussed review meeting, which provided EASA with further valuable advice on how to proceed with the subject. Based on the advice gathered, EASA proposes a revision of the commented provision by keeping the essential elements at IR level when identifying standard departure and arrival routes and associated procedures, while the details thereto are to be found at AMC level. This approach would provide flexibility by ensuring at the same time compliance with ICAO provisions.</p>

<p>3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Appendix XX to Article 3(x) — SECTION IV — Establishment and identification of significant points</p>	<p>p. 21-23</p>
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comment	<p>2</p> <p>comment by: <i>MATS</i></p> <p>Preferred option is Option 2.</p> <p>Rationale: The provisions regarding the establishment and identification of significant points as indicated under appendix XX are more appropriate as AMC material rather than being a standard and mandatory requirement.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment due consideration.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>Furthermore, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>38</p> <p>comment by: <i>BE CAA</i></p> <p>p21 Section IV OPTION 1</p> <p>Option I is the preferred option as reference towards the provided ATS needs to be stipulated clearly in order not to confuse the airspace users when arriving or departing from</p>

response	<p>an aerodrome situated in an flight information zone.</p> <p><i>Not accepted</i></p> <p>EASA took the comment due consideration.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p> <p>Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.</p>
comment	<p>88 comment by: <i>skyguide Compliance Management</i></p> <p><u>page 22 option 1</u></p> <p>(c) The significant points shall be identified by a designator.</p> <p>(d) The designator for significant points shall be marked by the site of a radio navigation aid:</p> <p>c) and (d) Seem to contradict each other (need review and/or deletion as appropriate)</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>89 comment by: <i>skyguide Compliance Management</i></p> <p>4) The unique five-letter pronounceable name-code designator assigned to a significant point shall not be assigned to any other significant point.</p> <p>The rule is not the same as Option 1 (c)(2)(ii). Wouldn't it make sense to harmonize both?</p>

response *Noted*

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders, which of the option is the preferred one. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment 149

comment by: CAA - Norway

Section IV, Option I (a)

The para says “The points shall...”. Is it more precise to say “The significant points shall...” as there could be a difference between “a point” and “a significant point”?

response *Noted*

EASA took note of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment 150

comment by: CAA - Norway

Section IV, Option I (d)(1)

Could “ATC” be substituted with “ATS” because:

- It would extend the purposes for which the significant point could be used
- It would be in line with the term used in (d)(2) and (e)(1)

response *Noted*

EASA took note of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.



comment	<p>173 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>(b) – In Sweden “transfer of control points” are not significant points. The transfer of control points are only used between the ATS units and they are not published.</p>
response	<p><i>Noted</i></p> <p>EASA took due note of the comment.</p>
comment	<p>174 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>(c) – The second sentence is a title and should be marked with (d). Remove “shall be” in the title.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>As the major part of the commented provision provides the means how a significant point shall be established and identified, the provision in question was allocated at AMC level and the comment was addressed in this way.</p>
comment	<p>175 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>(e)(5) – Please define what is being meant by “regularly”; how often shall the points be reviewed? Regularly can be e.g. once a year or once every 100 year.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>As the major part of the commented provision provides the means how a significant point shall be established and identified, the provision in question was allocated at AMC level.</p> <p>Furthermore, it should be noted that AMC1 Article 3(7) Provision of ATM/ANS, flight procedure design and airspace structure design and ATM network functions provides ‘periodic review’ to be conducted at an interval not exceeding five years.</p>
comment	<p>268 comment by: <i>CAA-NL</i></p> <p>SECTION IV (OPTION I)</p> <p>In paragraph (c)(1)(c) the word “should” followed by “if possible” is used. This does not</p>

	<p>seem the correct wording for an IR. Should the wording not be “shall” ? Why are the words “should” and “if possible” used in an IR?</p> <p>It is furthermore assumed that this proposal has the same meaning as ICAO Annex 11. This means that ATC uses designators (for significant points not marked by the site of a radio navigation aid) with the unique five-letter name-code designator.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>395 comment by: <i>CANSO</i></p> <p>page 22 option 1</p> <p>(c) The significant points shall be identified by a designator. The designator for significant points shall be marked by the site of a radio navigation aid:</p> <p>(d) The designator for significant points not marked by the site of a radio navigation aid</p> <p>(c) and (d) Seem to contradict each other (need review and/or deletion as appropriate)</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>396 comment by: <i>CANSO</i></p> <p>4) The unique five-letter pronounceable name-code designator assigned to a significant point shall</p> <p>not be assigned to any other significant point.</p> <p>The rule is not the same as Option 1 (c)(2)(ii). Wouldn't it make sense to harmonize both?</p>
response	<p><i>Noted</i></p>

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders, which of the option is the preferred one. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment

439

comment by: EUROCONTROL

SECTION IV - OPTION I (c)(1)(ii)(C) - Page 22

The EUROCONTROL Agency notes that, in this implementing rule, the word “should” is followed by “if possible”. This does not seem the correct wording for an IR. Should the appropriate word not be “shall” in this case?

response

Noted

EASA took note of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment

456

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

Comment FOCA to Section IV, Option I: We are in favour of option I. However, the text of option I should be restructured to be in line with ICAO Annex 11 (e.g. (b)(1) and (b)(2) otherwise the "shall" in (c) does not make sense in our opinion).

(C) and (D) seem to be contradictory

response

Not accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment

457

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



	<p><i>Comment FOCA:</i> we suggest to shift the examples in the GM instead of having the example in the text.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>458 <i>comment by: Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA:</i> as mentioned under comment Nr. 456, we are in favour of option I if the current text is going to be amended to be in line with ICAO Annex 11.</p> <p>If EASA decides to keep the current text, due to inconsistencies in the current text, we prefer to choose option II.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>541 <i>comment by: Finnish Transport Safety Agency</i></p> <p>Finnish Transport Safety Agency prefers option II.</p> <p>This would allow flexibility and be in line with EU Better Regulation Strategy as well as our national "higher regulation" strategy.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that</p>

the principle of 'performance based' rules would be best applied in this specific case.

comment	<p>573 comment by: <i>Avinor Air Navigation Services (Avinor Flysikring AS)</i></p> <p>Page No: 11 and 21</p> <p>Paragraph No: 2.4.1 and Appendix XX to Article 3(x), section IV</p> <p>Comment: We prefer option I regarding setting up rules on establishment and identification of significant points, with the exception that we do not support any change to the original wording from ICAO Annex 11 as regards "shall" and "should".</p> <p>Justification: We do not see how the option II would address safety issues as the rules would not be binding enough to promote harmonisation across states. This opens for the states to apply different sets of rules.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p> <p>Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.</p> <p>In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.</p>
comment	<p>597 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>Pages 21 until 25 : Significant points</p> <p>With two regulatory options proposed</p> <p>Designation of significant points is crucial to safe air traffic services provision. Option 1 gives a clear view of what is expected as designators which make it ETF's favourite option.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down</p>



in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.

In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — AMC1 to Article 3(X), Appendix XX, Section IV 'Establishment and identification of significant points'

p. 24-26

comment	3	comment by: <i>MATS</i>
	Reference to sections 2 and 3, we propose that the option 2 approach is not applicable for these sections.	
response	<i>Not accepted</i>	
	EASA took due consideration of the comment. The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case. Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU. In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.	
comment	14	comment by: <i>Humberside Airport</i>
	Page 26 SECTION IV Establishment and identification of significant points <i>"Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on 'establishment and identification of significant points' of Appendix XX to Article 3(X) 'Establishment and identification of significant points' and comment and provide justification therefor.</i> <i>In this context, the stakeholders are also invited to indicate their views on the possibility to</i>	



	<p><i>apply Option II approach to Section II and Section III as well."</i></p> <p>Comment:</p> <p>Option I is our preferred option as it would provide consistency across the whole area. The 'Option II' approach should not be taken forward for Section II and Section III either.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p> <p>Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.</p> <p>In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.</p>
comment	<p>31 comment by: CAA CZ</p> <p>All these principles are prescribed in ICAO Annex 11, Appendix 1, 2 and so on.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p>
comment	<p>45 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>Section IV</p> <p>Option II is preferred as the AMC material fully relates to the means how a significant point shall be established and identified, which are the two main points (a) and (b) of the IR. This supports the intent of having performance based rules.</p> <p>This approach should also be applied to sections II and III where feasible.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>EASA agrees with the commentator that as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the</p>

two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, the principle of ‘performance based’ rules would be best applied in this specific case.

comment 90 comment by: skyguide Compliance Management

OPTION II

(a) Significant points shall be established for the purpose of defining an ATS route or flight procedure and/or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight.

(b) Significant points shall be identified by designators.

Option II for skyguide due to inconsistent use of wording in option 1

response *Accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

comment 91 comment by: skyguide Compliance Management

no comment

response *Noted*

comment 151 comment by: CAA - Norway

AMC1 to Article 3(x)(c)(1)

Could “ATC” be substituted with “ATS” because:

- It would extend the purposes for which the significant point could be used
- It would be in line with the term used in (c)(2) and (d)(1)

response *Not accepted*

The intent of the transposed provision is that such significant points shall be used to ATC purposes such as e.g. mandatory reporting, horizontal borders of clearances, etc.

The extension of the requirements for ATS purposes may have significant negative impact



since the five-letter pronounceable ‘name-code’ has a limited number and some restrictions in the geographical areas that they may be used.

comment	<p>152 comment by: CAA - Norway</p> <p>Page 26 - preferred option:</p> <p>In order to standardize we support to keep the level of binding as strong as possible and would prefer Option I (IR). The same solution is preferred for Section II and III as well.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>253 comment by: skyguide Compliance Management</p> <p>3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — AMC1 to Article 3(X), Appendix XX, Section IV ‘Establishment and identification of significant points’</p> <p>comments :</p> <p>Section IV</p> <p>Option II is preferred as the AMC material fully relates to the means how a significant point shall be established and identified, which are the two main points (a) and (b) of the IR. This supports the intent of having performance based rules.</p> <p>This approach should also be applied to sections II and III where feasible.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>EASA agrees with the commentator that as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, the principle of ‘performance based’ rules would be best applied in this specific case.</p>



comment	<p>261 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>We prefer option I for all sections.</p> <p><i>Justificaiton:</i> As there are many different flight procedure design organisations and airspace structure design organisations approved in Sweden it will be easier to handle and assess applications for approval if it is regulated at national level.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p> <p>Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.</p> <p>In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.</p>
comment	<p>274 comment by: <i>Finavia</i></p> <p>In certain exceptional cases there may be a justified need to deviate slightly from the Annex 11 requirements. From this point of view, Option II could be more flexible. If Option I is to be implemented, the provisions should still allow a possibility for exceptions in certain well justified cases.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>315 comment by: <i>UK CAA</i></p> <p>Page No: 26</p> <p>Paragraph No: AMC1 to Article 3(X), Appendix XX, Section IV ‘Establishment and</p>

identification of significant points’:

“Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Establishment and identification of significant points’ and comment and provide justification therefor.

In this context, the stakeholders are also invited to indicate their views on the possibility to apply Option II approach to Section II and Section III as well.”

Comment:

The UK CAA supports Option I. The perceived flexibility provided by Option II through the relegation of IR requirements to AMC is unnecessary as the flexibility is also conferred through the use of ‘whenever possible’ in Section IV Option I (b) line 1.

In addition, relegation to AMC and the consequential several uses of the word ‘should’ undermines the harmonisation aspiration of the proposed rule. This may in turn impact safety through the inconsistent application of route designators, incorrect or overly complex AIP material and consequentially adverse effects upon navigation databases.

Once again, Option I’s use of ‘wherever possible’ affords sufficient flexibility’.

Justification:

Consistency of approach and compliance with ICAO requirements.

response

Not accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.

Furthermore, transposing the ICAO provisions at AMC level would not jeopardise the harmonisation within EU.

In addition, when the regulated party wishes to use an AltMOC, it shall provide an assessment demonstrating compliance with the requirements of the Regulation.

comment

335

comment by: *CANSO*

Section IV

Option II is preferred as the AMC material fully relates to the means how a significant point shall be established and identified, which are the two main points (a) and (b) of the IR. This supports the intent of having performance based rules.



response	<p>This approach should also be applied to sections II and III where feasible.</p> <p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>432 comment by: ENAV</p> <p>3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 (page 26)</p> <p>Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Establishment and identification of significant points’ and comment and provide justification therefor.</p> <p>In this context, the stakeholders are also invited to indicate their views on the possibility to apply Option II approach to Section II and Section III as well.</p> <p>See comment to para 2.4.1. Cover regulation and associated appendices (page 11)</p> <p>Option 1 adding the text in <i>bold italic</i> to para (a):</p> <p>“(a) The points shall be established for the purpose of defining an ATS route or flight procedure and/or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight, <i>included Free Route operations.</i>”</p>
response	<p><i>Noted</i></p> <p>EASA took a note of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of ‘performance based’ rules would be best applied in this specific case.</p>
comment	<p>555 comment by: IATA</p> <p>Page 26</p>

	Reference - Appendix XX to Article 3(X) 'Establishment and identification of significant points IATA Comments: IATA supports the EASA view of performance based regulation and application.
response	<i>Accepted</i> EASA took due consideration of the comment. The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.
comment	592 comment by: <i>Icelandic Transport Authority</i> Option 2 is preferred, keep the details in the AMC.
response	<i>Accepted</i> EASA took due consideration of the comment. The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. However, as the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.
comment	593 comment by: <i>Icelandic Transport Authority</i> For section II and section III the same goes, the details should be in the AMC.
response	<i>Accepted</i> Considering the comment, EASA believes that the principle of 'performance based' rules would be best applied in these specific cases.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Section V — Minimum flight altitudes

p. 26

comment	4 comment by: <i>MATS</i> Could there be a clarification in respect to the requirement to determine minimum flight
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	altitudes for ATS routes and control areas over the high seas, given that obstacles (eg. oil rig) located in the highseas are not known by the data originators.
response	<p><i>Noted</i></p> <p>It should be noted that the examples provided in the comment could be considered as controlling obstacle. Furthermore, such obstacles should be considered during the design of the airspace concerned, including determination of the minimum flight altitude.</p>
comment	<p>92 comment by: <i>skyguide Compliance Management</i></p> <p>(4) The unique five-letter pronounceable name-code designator assigned to a significant point should not be assigned to any other significant point.</p> <p>No rules like the one in b(2) (ii). Wouldn't it make sense to harmonize both? (same comment as in comment 90)</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>As the major part of the commented provision provides the means how a significant point shall be established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.</p>
comment	<p>153 comment by: <i>CAA - Norway</i></p> <p>In our opinion the requirement for determination and promulgation of minimum flight altitudes should not be limited to «ATS-route and control area», but also to the airspace below and outside the control area. In addition, since the minimum flight altitude is limited to the lower limit of the control area it is not necessarily the really minimum flight altitude. It is of a general interest for ATS, and of a special interest for the pilot, to know what the real minimum flight altitude is in an area and not limited to an ATS-route or the control area. ATS-routes can be in uncontrolled airspace so the requirement is already for some areas expanded out of controlled airspace. When we also keep in mind that we introduce AFIS (uncontrolled airspace) in the regulations and that Free Route Airspaces are introduced we would like to see that the requirement is expanded to include that minimum flight altitudes shall be determined and promulgated for all classes of airspace within the whole area of the ANSPs responsibility.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p>

It should be noted that the rule states:

'Minimum flight altitude shall be determined for (...) and control area. (...)'

Taking into consideration that the 'Free route airspace' is a controlled airspace, EASA considers that the comment is addressed.

In reference to the introduction of AFIS, the concern is partially addressed.

Furthermore, EASA proposal is consistent with ICAO Annex 11 provisions.

comment

221

comment by: DGAC

Section V page 26 – Minimum flight altitudes

Minimum flight altitudes shall be determined for each ATS route and control area and shall be provided for promulgation. These minimum flight altitudes shall provide a minimum clearance above the controlling obstacle located within the areas concerned.

France requests EASA to clarify the requirement and to explain what is meant behind.

response

Noted

EASA took note of the comment.

The commentator is invited to refer to GM5 Article 3(6) 'Provision of ATM/ANS, flight procedure design and airspace structure design, and ATM network functions', Appendix 2 associated to Section V 'Minimum flight altitudes' for further details.

comment

275

comment by: Finavia

Strictly, this wording does not allow establishment of a minimum flight altitude higher than an altitude providing exactly the minimum clearance above the controlling obstacle. It's suggested to change the wording so that at least the minimum clearance above the controlling obstacle is required.

response

Accepted

The objective of the provision is to allow the aircraft to descend to the minimum altitude, which provides safety of the flight in case of e.g. emergency.

Considering the NPA 2016-13 consultation, the commented provision is amended and EASA believes that the new wording addresses also the concern raised by the commentator.

comment

485

comment by: PANS-OPS ENAC

What is meant by "minimum clearance above the controlling obstacle" ? Is it possible to have a better definition of this clearance ? What are the criteria used ?



response

Accepted

Considering the comment, to promote clarity the commented provision is amended.

comment

542

comment by: *Finnish Transport Safety Agency*

Finnish Transport Safety Agency proposes following amendment to Section V:

Minimum flight altitudes shall be determined for each ATS route and control area and shall be provided for promulgation. These minimum flight altitudes shall provide **at least** a minimum clearance above the controlling obstacle located within the areas concerned **and when required by the Competent Authority, keeps an aircraft within a specified airspace.**

Rationale: Current proposal does not allow establishment of a minimum flight altitude higher than an altitude providing exactly a minimum clearance above the controlling obstacle.

This proposal would allow, for safety reasons, Competent Authority to regulate aircraft to operate in ATS airspace. Flight procedure design assures only obstacle clearance and does not take into account airspace structures.

response

Partially accepted

The objective of the provision is to allow the aircraft to descend to the minimum altitude, which provides safety of the flight in case of e.g. emergency.

Considering the NPA 2016-13 consultation, the commented provision is amended and EASA believes that the new wording addresses also the concern raised by the commentator.

comment

598

comment by: *European Transport Workers Federation - ETF*

Indication of the entity responsible for this determination is missing and lead to liability issues. Normally it's the Flight Procedure Designer who establishes the Minimum Flight Altitudes and approved by the CAA.

response

Noted

It should be noted that Appendix 1 to Part-FPD (former Appendixes 2 and 3 to Article 3) set up the design criteria for airspace structures and flight procedures contained therein, while FPD.TR.100 requires the flight procedure design services providers to comply with these design criteria when performing the design of flight procedures.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — Section VI — Identification and delineation of prohibited, restricted and danger areas

p. 26-27



comment	<p data-bbox="359 235 406 280">222</p> <p data-bbox="1236 235 1484 280">comment by: DGAC</p> <p data-bbox="359 291 1484 369">Section VI page 26/27 – Identification and delineation of prohibited, restricted and danger areas (b) (3)</p> <p data-bbox="359 392 1484 470">The proposed text is too stringent and does not offer flexibility in naming partitions of e.g. restricted airspace.</p> <p data-bbox="359 492 1484 649">France makes extensive use of restricted areas established temporary for e.g. military exercises which are identified today by a name (locality, region etc...). Identifying those area with a number will require the use of many identification numbers which will be confusing for airspace users.</p> <p data-bbox="359 672 1484 795">In addition, France uses alphanumeric identification for permanently established restricted areas. This alphanumeric coding allows an easy identification of connected restricted areas which may be activated as a set.</p> <p data-bbox="359 817 1484 896">Renaming them would create very significant changes for airspace users and pilots and would introduce safety issues.</p> <p data-bbox="359 918 1484 1030">DGAC requests an amendment of the existing text to allow more flexible identification and use of alternative coding (alphanumeric). If deemed necessary, provisions for identification could be introduced as an AMC or as a GM providing examples.</p>
response	<p data-bbox="359 1064 478 1108"><i>Accepted</i></p> <p data-bbox="359 1142 1484 1265">Considering the comment and towards 'performance-based' rules principles, EASA rearranged the provision by keeping the objective of the requirement at IR level, while the means to do so at AMC level.</p>
comment	<p data-bbox="359 1332 406 1377">460</p> <p data-bbox="702 1332 1484 1377">comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p data-bbox="359 1400 1037 1444"><i>Comment FOCA: to Section IV, Minimum flight altitudes:</i></p> <p data-bbox="359 1456 1356 1500">In our opinion, the minimum flight altitudes should be limited to lower routes only.</p> <p data-bbox="359 1512 1404 1556">We also suggest to use "minimum obstacle clearance" instead of "minimum clearance"</p>
response	<p data-bbox="359 1590 582 1635"><i>Partially accepted</i></p> <p data-bbox="359 1668 1484 1758">The objective of the provision is to allow the aircraft to descend to the minimum altitude, which provides safety of the flight in case of e.g. emergency.</p> <p data-bbox="359 1769 1484 1859">Considering the NPA 2016-13 consultation, the commented provision is amended and EASA believes that the new wording addresses partially the proposal made by the commentator.</p>

comment	<p data-bbox="352 271 1493 309">93 comment by: skyguide Compliance Management</p> <p data-bbox="352 338 1493 495">Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Establishment and identification of significant points’ and comment and provide justification therefor.</p> <p data-bbox="352 517 1493 595">In this context, the stakeholders are also invited to indicate their views on the possibility to apply Option II approach to Section II and Section III as well.</p> <p data-bbox="352 618 1493 651">Already answered for 1st part (see comment 15)</p> <p data-bbox="352 674 1493 707"><u>Option II to Section 2:</u></p> <p data-bbox="352 730 1493 808">Preference for "should" instead of "shall" from section II (a) till e(2) included (page 19 of the NPA).</p> <p data-bbox="352 831 1493 943">A great number of EU countries will not be compliant with the stipulated ATS route designator rules (e.g. for historical reasons, routes that originally were conventional with a compliant designator, but then re-classified into RNAV without re-naming).</p> <p data-bbox="352 965 1493 999"><u>Option I to Section 3:</u></p> <p data-bbox="352 1021 1493 1144">The content is sufficiently “high level” to justify implementing rule (IR) level. However, the application of the word VISUAL in the plain language designator should be clarified before it becomes European law (refer to comments 25 and 26 above).</p>
response	<p data-bbox="352 1249 1493 1283"><i>Partially accepted</i></p> <p data-bbox="352 1305 1493 1339">EASA took due consideration of the comments.</p> <p data-bbox="352 1361 1493 1473">Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p data-bbox="352 1496 1493 1574">As an outcome, the commented provision is amended and EASA believes that the new wording addresses partially the proposals made by the commentator.</p>
comment	<p data-bbox="352 1709 1493 1742">154 comment by: CAA - Norway</p> <p data-bbox="352 1765 1493 1798">Appendix YY to Article 3(x):</p> <p data-bbox="352 1821 1493 1854">Para (b)(1), (b)(1)(ii) and GM1 Article 3(x)</p> <p data-bbox="352 1877 1493 2000">With reference to ICAO Annex 11 para 4.2, is Traffic information part of Flight information before it becomes a collision hazard? We propose to use Traffic Information Zone (TIZ) and Traffic Information Area (TIA) as described in the EUROCONTROL AFIS Manual instead of</p>

	Flight information zone.
response	<p><i>Partially accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p> <p>As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.</p>
comment	<p>176 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>(b)(1)(ii) – The Scandinavian countries have used the terminology Traffic Information Area and Traffic Information Zone since way back. There will be a risk of confusion if we change well known terminology. The change will also affect the cost and the administrative burden of the competent authority and the ANSP.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p> <p>As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.</p>
comment	<p>245 comment by: <i>LFV</i></p> <p>For Swedish aerodromes flight information service is provided in TIZ/TIA.</p>
response	<p><i>Partially accepted</i></p>

EASA took due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.

comment

323

comment by: *ESSP-SAS*

OPTION I

AFIS is considered as an ATS service provider, therefore the texts related to the zones where the service is provided shall have the same level (IR) as the zones allocated for ATC provision. In addition there are FIZ are already implemented within Europe, and including FIZ only as GM could jeopardize an uniform implementation.

response

Accepted

EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in the implementing rule text itself a term associated to the portions of the associated airspace around aerodromes, where AFIS is provided, is introduced.

As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.

comment

459

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

Comment FOCA to Appendix YY to Article 3(x): same comment as comment Nr. 458.

response

Noted

EASA took note of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. As the major part of the commented provision provides the means how a significant point shall be



established and identified, which are the two objectives laid down in points (a) and (b) of the implementing rules text presented in Option II, EASA believes that the principle of 'performance based' rules would be best applied in this specific case.

comment 461 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*
Comment FOCA: we are in favour of Option II.

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 544 comment by: *Finnish Transport Safety Agency*
 Finnish Transport Safety Agency prefers option I.

Rationale: European wide harmonization to AFIS airspace and service is preferred. Finland has been using FIZ for AFIS aerodromes for a long time with good experiences and good safety records.

response *Accepted*

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 583 comment by: *Avinor Air Navigation Services (Avinor Flysikring AS)*

Page No: 13 and 27

Paragraph No: 2.4.1 and Appendix YY to Article 3(x)

Comment: We prefer option I regarding the proposed term to be used for the portions of the



airspace around aerodromes where AFIS is provided. Further more we suggest that it shall be made an IR, and to use the terms TIZ (Traffic Information Zone) and TIA (Traffic Information Area) for the associated airspace. TIZ is described in the EUROCONTROL AFIS Manual, and should replace the proposed FIZ (Flight Information Zone).

Justification: The use of TIZ and TIA will support the necessity for this associated airspace to ensure the provision of Traffic information, as the definition of terms and also Para 4.2.2 b) in ICAO Annex 11 indicates that Traffic information not necessarily is included in the provision of Flight information. TIA should be available for use for a portion of airspace above TIZ not being a controlled airspace, but where there is a need for a associated airspace designated as RMZ and/or TMZ.

response *Partially accepted*

EASA took due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.

comment *599* comment by: *European Transport Workers Federation - ETF*

ETF prefers the first regulatory option proposed.

Some additional guidance should also be provided to clearly indicate that the FIZ only exists when AFIS is indeed provided.

Finally, to avoid any possible confusion as a new terminology is brought forward, no reference to ATZ should be made.

response *Accepted*

EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.



3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — GM1 Article 3(X) — APPENDIX YY(b)(1)(ii) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED — FLIGHT INFORMATION ZONE

p. 27-28

comment	<p>5</p> <p>Any reference to the term Flight Information Zone is not supported because it creates ambiguity with the term FIS / FIR which are well accepted ICAO definitions.</p> <p>Should there be a decision that the FIZ term is adopted, then we would prefer Option 2.</p>	comment by: <i>MATS</i>
response	<p><i>Not accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>	
comment	<p>15</p> <p>Page 27</p> <p>GM1 Article 3(X)</p> <p>APPENDIX YY(b)(1)(ii) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED — FLIGHT INFORMATION ZONE</p> <p><i>"Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2)."</i></p> <p>Comment:</p> <p>Option I provides the best clarity. Any 'controlled aerodrome' that is EASA Certified with air traffic control provided or any non-EASA Certified aerodrome that has air traffic control must have CAS of a minimum of Class D for their Control Zone (CTR). Additionally, where an air traffic control service is provided outside of the CTR, CAS must be provided. For aerodromes that are situated outside of CAS, within 'uncontrolled' Class G airspace, where the non-'controlled aerodrome' is able to provide FIS, the protection of an ATZ (with an RMZ and TMZ if needed) should be provided within which AFIS would apply; outside of this area, only a FIS would be available within 'uncontrolled' airspace or an aerodrome without any FIS provision</p>	comment by: <i>Humberside Airport</i>



	<p>would be labelled as ‘UNICOM stations’ without any designated airspace. Therefore, those portions of the airspace where air traffic services will be provided should be nominated as ‘control areas/zones’ and the particular aerodromes listed as ‘controlled aerodromes’. Those portions of the airspace where air traffic services are not provided should be nominated as ‘flight information regions/zones’, and aerodromes that are able to provide FIS as ‘AFIS aerodromes’.</p>
response	<p><i>Accepted</i></p> <p>EASA takes due consideration of the comment.</p> <p>Based on NPA 2016-13 consultation, no clear preference by stakeholders was indicated.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>
comment	<p>32 comment by: CAA CZ</p> <p>All these principles are prescribed in ICAO Annex 11, Appendix N.</p>
response	<p><i>Noted</i></p>
comment	<p>47 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>We do not use "Flight Information Zone". Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012).</p> <p>So when there is a need to apply such a new term, this should be subject to GM only. Therefore Option II would be the desired approach.</p> <p>However, Option II also proposes to remove references to AFIS aerodromes - as in Appendix YY (c) (2) - which is not supported. The removal from IR-text and sole appearance within GM should be limited to "flight information zone" only.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for</p>

discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment

94

comment by: *skyguide Compliance Management*

Minimum flight altitudes shall be determined for each ATS route and control area and shall be provided for promulgation. These minimum flight altitudes shall provide a minimum clearance above the controlling obstacle located within the areas concerned.

= ICAO provision but is open to interpretation (e.g: MOCA, MEA/procedure altitude)

For upper ATS routes: is there really a need to promulgate as we know the highest peak in EU is Mt Blanc.

Same for control areas: what do we want exactly?

Finally, regarding routes, what will be promulgated? MOCA or MOCA + MEA?

Further to be clarified: What is the minimum flight altitude in the “control area” (AMSA/MVA?)

response

Noted

EASA took note of the comment.

In reference to the concerns raised, please refer to GM5 Article 3(6) 'Provision of ATM/ANS, flight procedure design and airspace structure design, and ATM network functions', Appendix 2 associated to Section V 'Minimum flight altitudes'.

comment

95

comment by: *skyguide Compliance Management*

Page 28 - -GM1 Article 3

A flight information zone should have its lateral and vertical limits specified. The dimensions of the flight information zone should coincide with those of the aerodrome traffic zone, where established, or they should be increased to provide added safeguards.

Not fully logical in the wording: if not established, how could it be increased?

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-



ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment	<p>96 comment by: <i>skyguide Compliance Management</i></p> <p><u>page 28</u></p> <p>Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA</p> <p>proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2).</p> <p>Preferred option is no 2 (+ see previous remarks about AFIS)</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>
comment	<p>155 comment by: <i>CAA - Norway</i></p> <p>GM1 Article 3(x)</p> <p>We are of the opinion that a service need an associated airspace so this point should not be optional, but be elevated from GM and “should” to at least AMC or even better to IR.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. The subject of establishment of FIZ was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are to be</p>

provided, is introduced, while its features are provided in Appendix 1 to Part-FPD and further details are included at GM level.

comment	156	comment by: CAA - Norway
	<p>Option II:</p> <p>As we now are introducing AFIS in the EU legislation we should, for standardisation and safety reasons, keep it as IR. We propose however to replace FIZ with TIZ and TIA.</p>	
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>EASA takes due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p> <p>As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.</p>	

comment	157	comment by: CAA - Norway
	<p>Preferred option and terms to be used:</p> <p>We have used AFIS for over 40 years and more and more states are introducing it for airports where the level and complexity of traffic don't justify the use of ATC. We therefore support, for standardisation and safety reasons, to include AFIS in the legislation. We propose however to use the terms TIZ and TIA instead of the term Flight information zone for the airspace surrounding these airports as described in the EUROCONTROL AFIS Manual.</p> <p>We also support the proposed naming as AFIS aerodromes.</p>	
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is</p>	

introduced, while its features are proposed in Appendix 1 to Part-FPD.

As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.

comment

177

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

Is your intention that a flight information zone can be "on top of" an ATZ or do you mean laterally? In the first case does that imply that the lower limits/altitude of the flight information **zone** starts above ground?

Justification: In ICAO rules all zones are defined as an area from the ground and up. The text needs to be more clear to be able to understand what is intended.

response

Noted

EASA took note of the comment.

The text of the commented provision should read 'a flight information zone should have its horizontal and vertical limits specified.'

EASA acknowledged that the lower vertical limits should coincide with the surface of the earth.

comment

316

comment by: *UK CAA***Page No:** 27**Paragraph No:** Definition 'instrument approach procedure':

"Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2)."

Comment:

The UK CAA supports Option II as this is consistent with the requirements in ICAO Annex 11 paragraphs 2.5.1 and 2.5.2. Option II affords Member States the flexibility to define or not define such airspaces as they see fit. Any level of adherence to the proposed GM fosters a converged approach; Option I's approach is both unnecessary and is not sufficiently justified within the NPA.

Justification:

The need for consistency with ICAO requirements and lack of justification within the NPA for



the requirement to be placed at IR level.

Proposed Text:

Amend Appendix YY to Article 3(x) to read:

‘Designation of the portions of the airspace where air traffic services will be provided’

(a) When it has been determined that air traffic services will be provided in particular portions of the airspace or at particular aerodromes, then those portions of the airspace or those aerodromes shall be designated in relation to the air traffic services that are to be provided.

(b) The designation of the particular portions of the airspace shall be as follows:

(1) Flight information regions. Those portions of the airspace where it is determined that flight information service and alerting service will be provided shall be designated as flight information regions.

(2) Control areas and control zones

GM1 Article 3(X)

APPENDIX YY(b) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED

(a) Those portions of the airspace where it is determined that flight information service and alerting service for aerodrome traffic at an aerodrome will be provided may be designated as flight information zones.

(b) A flight information zone should have its lateral and vertical limits specified. The dimensions of the flight information zone may coincide with those of the aerodrome traffic zone, where established, or they may be increased to provide added safeguards.”

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 324

comment by: *ESSP-SAS*

ATM/ANS Common requirements (Reg 2017/373) introduces UNICOM service (no ATS) within its GM. Accordingly Part-ASD could include within its GM texts to recommend the most suitable airspace structure to be adopted to set the boundaries where UNICOM service



is provided, in a similar way it is done for ATC and AFIS. A region RMZ Class G could be a good figure to provide the UNICOM service.

response *Not accepted*

As correctly noticed in the comment, the UNICOM-type aeronautical stations are introduced in GM with NPA 2016-09 concerning Part-ATS. Such stations are not considered to provide ATS, but rather to facilitate local aviation operations, on the basis on arrangements and directives established at national level; hence, they are outside of the scope of the Regulation. The Agency does not consider it necessary to require the association of certain airspace with such UNICOM-type aeronautical stations and with the facilitation they provide. That is not the case with ATC service and FIS/AFIS providers, which need to be certified and designated within specific airspace blocks of the airspace as requested by Article 8(1) of Regulation 550/2004. The suggestion in your comment for a RMZ in Class G implies that a certain certified ATS provider is designated in the mentioned RMZ.

comment 336

comment by: *CANSO*

We do not use "Flight Information Zone". Terms like "Aerodrome Traffic Zone", "Radio Mandatory Zone", "Transponder Mandatory Zone" are established and defined in SERA IR (923/2012).

So when there is a need to apply such a new term, this should be subject to GM only. Therefore Option II would be the desired approach.

However, Option II also proposes to remove references to AFIS aerodromes - as in Appendix YY (c) (2) - which is not supported. The removal from IR-text and sole appearance within GM should be limited to "flight information zone" only.

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment 425

comment by: *ENAV*

Para 2.4.1 Pag.13 + Para 3.1.1 Pag.27: ENAV supports OPTION 1. To address some AIS concerns, we would suggest not to establish an ATZ at aerodromes where an AFIZ is



established.

response *Not accepted*

Based on NPA 2016-13 consultation, no clear preference by stakeholders was indicated.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD. I.e. Opinion I is promoted and the comment is not accepted, if it is correctly understood.

comment 462 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment FOCA: We suggest to replace "AFIS aerodromes" by "uncontrolled aerodromes" and used the existing definition. As a matter of fact, we believe that there is no need for AFIS aerodromes as the structures exist and AFIS can be provided. However it remains uncontrolled by default.

response *Noted*

EASA took due consideration of the comment.

Based on NPA 2016-13 consultation, no clear preference by stakeholders was indicated.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD, i.e. Opinion I is promoted.

comment 528 comment by: *AESA / DSANA*

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments Section 3.1.1 <i>Proposed amendments to Commission Implementing</i></p>	<p><i>Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for</i></p>	<p>In order to achieve a proper standardisation, we strongly support the definition of a single term for this kind of airspace.</p>



<p>Regulation (EU) 2016/1377 SECTION VI Identification and delineation prohibited, restricted and danger areas</p>	<p>aerodrome traffic at an aerodrome) is provided and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2).</p>	<p>In Spain, the term FIZ (Flight Information Zone) has been used since 2010, as stated in our national regulation related to AFIS.</p>
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response

Accepted

Based on NPA 2016-13 consultation, no clear preference by stakeholders was indicated.

Considering this comment and the links with other Parts of the rule (such as e.g. Part-ATS), the way forward is formed by introducing a term associated to the portions of the associated airspace around aerodromes, where AFIS is provided in Part-DEF, i.e. Opinion I is promoted.

In addition, following the closure of the NPA public consultation period, EASA reviewed all comments and performed a focused consultation, which consisted of a thematic review meeting, where the preference TIZ versus FIZ was addressed without showing a clear favourite. Therefore, EASA invites the European Commission to further consider this subject during the comitology process.

comment

557

comment by: IATA

Page 27

Reference: Appendix YY to Article 3(x) Designation of the portions of the airspace where air traffic services will be provided

IATA comment: IATA would advocate Option 1, whereas our members would have certainty on what level of service is available/provided with a clear distinction between Controlled and AFIS aerodromes, this can then be accounted for in mission planning

response

Accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation did not indicate a clear preference by stakeholders. EASA takes due consideration of the comment.

Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is

introduced, while its features are proposed in Appendix 1 to Part-FPD.

comment	<p>599 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF prefers the first regulatory option proposed.</p> <p>Some additional guidance should also be provided to clearly indicate that the FIZ only exists when AFIS is indeed provided.</p> <p>Finally, to avoid any possible confusion as a new terminology is brought forward, no reference to ATZ should be made.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation did not indicate a clear preference by stakeholders.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — GM1 Article 3(X) — Table of contents

p. 29-31

comment	<p>97 comment by: <i>skyguide Compliance Management</i></p> <p><u>page 29</u></p> <p>c) The designation of the particular aerodromes shall be as follows:</p> <p>What about non controlled aerodromes?</p>
response	<p><i>Noted</i></p> <p>It should be noted that AFIS aerodromes in uncontrolled aerodrome including the mentioned case is covered by point (b).</p>
comment	<p>359 comment by: <i>CANSO</i></p> <p>Page 29</p> <p>Table of contents Annex II Subpart C, typo, “ANS” should be AND.</p>



response	<i>Accepted</i>
comment	<p>360 comment by: <i>CANSO</i></p> <p>Page 29</p> <p>Table of contents Annex V, Subpart A, typo, should be “METEOROLOGICAL SERVICES” not “AIR TRAFIC SERVICES”.</p>
response	<i>Accepted</i>
comment	<p>361 comment by: <i>CANSO</i></p> <p>Page 30</p> <p>Table of contents Annex XI, add “SERVICES” to title and Subpart A title to align with other Annexes as appropriate.</p>
response	<i>Accepted</i>
comment	<p>463 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA to Subpart A:</i> We do not understand why Air traffic safety electronic personnel is addressed in this draft NPA.</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The only place where Air Traffic Safety Electronic Personnel is addresses, is the Table of Contents which aims at improving the readability of and to ease the detection of the respective Part, Subparts and Sections in Regulation (EU) 2017/373.</p>
comment	<p>473 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 29 Table of contents</p> <p>Comment:</p> <p>Annex II Subpart C, typo, “ANS” should be AND.</p>
response	<i>Accepted</i>
comment	<p>474 comment by: <i>NATS National Air Traffic Services Limited</i></p>



	Page 29 Table of contents Comment: Annex V, Subpart A, typo, should be “METEOROLOGICAL SERVICES” not “AIR TRAFIC SERVICES”.
response	<i>Accepted</i>
comment	475 comment by: NATS National Air Traffic Services Limited Page 30 Table of contents Comment: Annex XI, add “SERVICES” to title and Subpart A title to align with other Annexes as appropriate.
response	<i>Accepted</i>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.2. Proposed amendments to Annex I ‘Definitions of terms used in Annexes II to XIII’

p. 32-33

comment	46 comment by: DFS Deutsche Flugsicherung GmbH II. "holding procedure": although this is the provision of ICAO, it is recommended to delete that this is for awaiting further clearance. E.g. in case of radio comm failure the holding is a predetermined manoeuvre but not awaiting further clearance. Suggest to re-word to " II. ‘holding procedure’ means a predetermined manoeuvre which keeps an aircraft within a specified airspace while awaiting further clearance. "
response	<i>Partially accepted</i> EASA took the comment into consideration. Furthermore, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the commented term is not used in the implementing rule text, the definition is removed.
comment	48 comment by: DFS Deutsche Flugsicherung GmbH mm. "instrument approach procedure (IAP)" The current provisions for IAP in ICAO Annex 14 better reflect the modern features, i.e. the



response	<p>new approach classification (2D, 3D). It is proposed to adapt this definition accordingly.</p> <p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>
comment	<p>98 comment by: <i>skyguide Compliance Management</i></p> <p>aa. 'airspace structure' means a specific volume of airspace designed to ensure the safe and optimal operation of aircraft;</p> <p>Airspace structure consists on controlled airspace, airspace restrictions, (see definition on page 56 in that NPA).</p> <p>This definition will be troublesome as of today some prohibited and restricted areas are not designed to ensure safe and optimal operation of aircraft (see for instance LO-R18 with aiming at bird preservation or prohibited areas).</p>
response	<p><i>Noted</i></p> <p>EASA took due note of the comment.</p> <p>Considering the comment, the commented definition is removed and all details illustrating the meaning of the term 'airspace structure' are placed as GM to Article 3(a) Provision of ATM/ANS, flight procedure design and airspace structure design, and ATM network functions.</p>
comment	<p>99 comment by: <i>skyguide Compliance Management</i></p> <p>bb. 'airway' means a control area or portion thereof established in the form of a corridor;if you add "the use" for cc and dd, wouldn't it be logical to add it as well for bb ?</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>

comment	<p>100 comment by: skyguide Compliance Management</p> <p><u>page 33</u></p> <p>kk. ‘flight procedures’ means a set of predetermined segments intended to be followed by a pilot when arriving to or departing from an aerodrome. Flight procedures are either instrument flight procedures or visual flight procedures.</p> <p>Incorrect: visual is IFR.</p> <p>Suggestion to reword the definition.</p> <p>It would be better to describe or be more specific in order to avoid any confusion.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, EASA proposes a new reworded definition to avoid confusion.</p>
comment	<p>158 comment by: CAA - Norway</p> <p>We propose to introduce the definitions of Traffic Information Zone (TIZ) and Traffic Information Area (TIA) as described in the EUROCONTROL AFIS Manual.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. In addition, considering the links with other Parts of the rule (such as e.g. Part-ATS), the way forward has been formed - in Part-DEF the term associated to the portions of the airspace around aerodromes, where AFIS and alerting service are provided, is introduced, while its features are proposed in Appendix 1 to Part-FPD.</p> <p>As regards TIZ or FIZ to be used as a right term, as no clear preferences were shown during the NPA consultation, EASA invites the European Commission to further consider this subject during the comitology process.</p>
comment	<p>163 comment by: AIRBUS</p> <p>For IAP (item mm), Airbus suggests to use the same definition as the one discussed in AWO project (RMT.0379) proposing amendment of the EU 965/2012:</p> <p>mm. ‘instrument approach procedure (IAP)’ means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial</p>

approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows:

(a) Non-precision approach (NPA) procedure means **an instrument approach procedure designed for Type 2 2D instrument approach operations;**

(b) Approach procedure with vertical guidance (APV) means **a performance-based navigation (PBN) instrument approach procedure designed for Type A 3D instrument approach operations;**

(c) Precision approach (PA) procedure means **an instrument approach procedure based on navigation systems designed for Type A or B 3D instrument approach operations;**

response *Noted*

EASA took note of the comment.

Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.

comment

178

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

Definition “instrument approach procedure” – The “new” ICAO definition with types and 2D/3D should be used.

Justification: Follow ICAO rules to harmonise with the rest of the world.

response *Noted*

EASA took note of the comment.

Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.

comment

223

comment by: *DGAC*

Annex I DEFINITIONS OF TERMS USED IN ANNEXES II to XIII

France suggests removing the following definitions:

‘mm’ Instrument approach procedure

‘ll’ holding

‘nn’ Instrument flight procedure (rationale: either both definitions (instrument



	<p>flight procedures and visual) or none)</p> <p>'oo' missed approach procedure</p> <p>Rationale: these definitions are part of the specific language for procedure design and are defined otherwise within the AMC1.FPD.TR100 (PANS-OPS Volume II).</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced terms are not used in the implementing rule text, the commented definitions are removed.</p>
comment	<p>254 comment by: <i>skyguide Compliance Management</i></p> <p>3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.2. Proposed amendments to Annex I 'Definitions of terms used in Annexes II to XIII'</p> <p>Comments :</p> <p>II. "holding procedure":</p> <p>although this is the provision of ICAO, it is recommended to delete that this is for awaiting further clearance. E.g. in case of radio comm failure the holding is a predetermined manoeuvre but not awaiting further clearance.</p> <p>Suggest to re-word to " II. 'holding procedure' means a predetermined manoeuvre which keeps an aircraft within a specified airspace while awaiting further clearance."</p>
response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>
comment	<p>289 comment by: <i>German NSA (BAF)</i></p> <p><u>kk. "flight procedures" (p. 32)</u></p> <p>When defining flight procedures and talking about segments, it might make sense to include "en-route" as well. PANS-OPS for example refers to the en-route phase in the definition of SIDs (ICAO Doc 8168, Vol. I, I-1-1-6). See also ICAO Doc 8168, Vol.1 1.5.5.2.</p>
response	<p><i>Noted</i></p>

	<p>EASA took due consideration of the comment.</p> <p>However, it should be noted that the SID (or STAR) is a route, therefore, the proposal on 'en-route' aspect is not considered to be appropriate to be reflected in the commented definition.</p>	
comment	<p>290</p> <p><u>ll. “Holding procedure” (pg. 32)</u></p> <p>Although this is the provision of ICAO, it is recommended to delete the part concerning the awaiting for a further clearance. E.g. in case of radio communication failure the holding is a predetermined manoeuvre but not awaiting further clearance.</p>	comment by: <i>German NSA (BAF)</i>
response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>	
comment	<p>295</p> <p><u>mm. “instrument approach procedure (IAP)” (pg. 32)</u></p> <p>The current provisions for IAP in ICAO Annex 14 better reflect the modern features, i.e. the new approach classification (2D, 3D). It is proposed to adapt this definition accordingly.</p>	comment by: <i>German NSA (BAF)</i>
response	<p><i>Noted</i></p> <p>EASA took the comment into consideration.</p> <p>However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>	
comment	<p>317</p> <p>Page No: 32</p> <p>Paragraph No: Definition ‘instrument approach procedure’</p> <p>Comment: The proposed definition does not reflect the definition in ICAO Doc 8168 PANS-OPS Volume II and should be replaced.</p> <p>Justification: Currency of text and synchronisation with source ICAO material.</p>	comment by: <i>UK CAA</i>

Proposed Text:

Amend to read:

Instrument approach procedure (IAP). A series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows:

Non-precision approach (NPA) procedure. An instrument approach procedure which utilizes lateral guidance but does not utilize vertical guidance.

Approach procedure with vertical guidance (APV). An instrument procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations.

Precision approach (PA) procedure. An instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation.”

In addition the following GM to Annex I (mm) - Instrument approach procedure is proposed:

“GMX (mm) ‘Instrument approach procedure”

“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

Noted

EASA took note of the comment.

However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.

comment

337

comment by: *CANSO*

II. "holding procedure":

although this is the provision of ICAO, it is recommended to delete that this is for awaiting further clearance. E.g. in case of radio comm failure the holding is a predetermined manoeuvre but not awaiting further clearance.

Suggest to re-word to " II. ‘holding procedure’ means a predetermined manoeuvre which keeps an aircraft within a specified airspace while awaiting further clearance."

response

Partially accepted



EASA took the comment into consideration.

Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.

comment	<p>338</p> <p>mm. "instrument approach procedure (IAP)"</p> <p>The current provisions for IAP in ICAO Annex 14 better reflect the modern features, i.e. the new approach classification (2D, 3D). It is proposed to adapt this definition accordingly.</p>	comment by: <i>CANSO</i>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.</p>	
comment	<p>362</p> <p>Page 32 Annex 1 Definitions</p> <p>Some of the definitions are duplicates of those proposed in NPA 2016-09 and, in at least one instance there are differing definitions for the same thing. "instrument approach procedure (IAP)" definition is different between NPA 2016-13 and NPA 2016-09.</p> <p>Suggested Resolution: Ensure consistency between proposed definitions in NPA 2016-13 and NPA 2016-09.</p>	comment by: <i>CANSO</i>
response	<p><i>Accepted</i></p> <p>EASA agrees with the commentator that a consistency in the definitions should be ensured.</p> <p>Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text in the context of this proposal, the definition is removed.</p>	
comment	<p>388</p> <p>General observation:</p> <p>We support using the terminology provided by ICAO SARPs and EU regulations in force (for ex. Flight Information Zone is not defined not in ICAO SARPs neither in EU Reg.)</p>	comment by: <i>CANSO</i>



response

Noted

EASA took due consideration of the comment.

comment

476

comment by: *NATS National Air Traffic Services Limited*

Page 32 Annex 1 Definitions

Comment:

Some of the definitions are duplicates of those proposed in NPA 2016-09 and, in at least one instance there are differing definitions for the same thing. “instrument approach procedure (IAP)” definition is different between NPA 2016-13 and NPA 2016-09.

Suggested Resolution:

Ensure consistency between proposed definitions in NPA 2016-13 and NPA 2016-09.

response

Accepted

EASA agrees with the commentator that a consistency in the definitions should be ensured.

Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text in the context of this proposal, the definition is removed.

comment

486

comment by: *PANS-OPS ENAC*

Definitions ll, mm, nn and oo are already given in doc 8168. Therefore they can be removed from this document.

response

Accepted

EASA took the comment into consideration.

Furthermore, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced terms are not used in the implementing rule text, the commented definitions are removed.

comment

535

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

Comment FOCA to Paragraph 3.1.2:

under rr.: In our opinion, a reference to SERA 6005a Regulation should be added in the definition.

under xx.: In our opinion, a reference to SERA 6005b Regulation should be added in the definition.



	<p>under yy.: besides the definition of Visual Flight Rules, we suggest to add a definition on Instrument Flight Rules to be complete.</p>
response	<p><i>Noted</i></p> <p>EASA took the comment into consideration.</p> <p>However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced terms are not used in the implementing rule text, the commented definitions are removed.</p>
comment	<p>554 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Finnish Transport Safety Agency proposes following amendment to definitions:</p> <p>Instrument flight procedure design service. A service established for the design, documentation, validation, maintenance and periodic review of instrument flight procedures necessary for the safety, regularity and efficiency of air navigation.</p> <p>To be in line with ICAO Annex 11 provision.</p>
response	<p><i>Partially accepted</i></p> <p>It should be noted that the subject definition is already proposed in Annex I, point ii. Thus, the proposal is not limited only to instrument flight procedure design service, it is broader and addresses ‘flight procedure design service’ as a whole.</p>
comment	<p>577 comment by: <i>EANS</i></p> <p>Page 32/90, see kk.</p> <p>kk. ‘flight procedures’ means a set of predetermined segments intended to be followed by a pilot when arriving to or departing from an aerodrome. Flight procedures are either instrument flight procedures or visual flight procedures.</p> <p><u>/EANS/:</u> comment.</p> <p>- There is no definition of “instrument flight procedures” or “visual flight procedures” in ICAO Annex 2, Annex 6 and ICAO Docs 4444, 8168, 9906. But in the Annex 2 there is “IFR flight” only:</p> <p>IFR flight. A flight conducted in accordance with the instrument flight rules.</p> <p><u>/EANS/:</u> proposal.</p> <p>... Flight procedures are either instrument flight procedures or visual flight procedures.</p> <p>... Flight procedures are conducted either in accordance with the instrument flight rules (IFR) or visual flight rules (VFR).</p>

response

Accepted

Considering the comment, the subject definition is amended to reflect the proposal.

comment

578

comment by: *EANS****Page 33/90, see (c).***

(c) Precision approach (PA) procedure means an instrument approach procedure using during the final segment precision lateral and vertical guidance with minima as determined by the category of operation;

/EANS/: comment.

PA procedure shall be designed in accordance with Cat of aircraft using the lateral and vertical guidance during the final segment of PA. Aircraft categories A, B, C, D and E have a different height loss (HL) parameter which changes the minima determined by the category of operation to minima determined by the speed category of aircraft.

/EANS/: proposal.

(c) Precision approach (PA) procedure means an instrument approach procedure using during the final segment precision lateral and vertical guidance with minima as determined by the category of operation **and in accordance with the speed category of aircraft.**

response

Noted

EASA took note of the comment.

However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition is removed.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.3. Proposed amendments to Annex II ‘Requirements for competent authorities — Oversight of services and other ATM network functions’

p. 34-35

comment

179

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

Flight validation is performed by the flight validation organisation and they should have their own certificate / approval. The flight validation is not part of the flight procedure design organisation.

In Sweden the flight procedure design organisation, the airspace structure design organisation, the flight validation pilot and the flight validation organisation all have their own separate certificates /approvals.



Doc 9906 Vol 1

6.3 PROCESS DESCRIPTION

CONDUCT FLIGHT VALIDATION AND DATA VERIFICATION

- Verify for accuracy of terrain data, obstacle data, aerodrome data, aeronautical data, navaid data.
- Validate the “intended use” of FPD as defined by stakeholders and described in the conceptual design.
- Validate flyability and/or human factors.
- Validate safety case.

Parties involved: Designer, All concerned stakeholders, Flight validation organization, Flight inspection organization.

7.9.1 Flight inspection and flight validation

The procedure design organization does not normally have the expertise necessary to determine under which conditions flight inspection and/or flight validation may be necessary. The State is responsible for the overall performance of the procedure, as well as for the quality and suitability of the procedure for publication. For this reason it is recommended that a review of the procedure by the flight inspection and flight validation organizations be included in the State’s procedure design process flow, following the ground validation. This function can also be accomplished during the ground validation if the personnel performing the ground validation are suitably qualified to make determinations concerning flight inspection and/or flight validation requirements.

We think that also airspace structure design organizations shall have their own certificate.

response

Noted

EASA took due consideration of the comment.

EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion.

Based on the advice received, EASA proposes improvements into the attachment to service provider’s certificate that addresses:

- Design and documentation of flight procedures;

and

- Validation of flight procedures, which could be flight or ground validation.

In the context of the design of airspace structure, the proposed rule provides only the technical requirements and how the organisation and oversight thereof will be addressed is left at the discretion of the Member States as it is considered sovereign activity.



comment	<p>180 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>What is the meaning of/actions in “maintenance” in the table?</p>
response	<p><i>Noted</i></p> <p>EASA organised focussed consultation in a form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion in the context of flight procedure design services provider's scope of activities. After extensive discussion thereof, there was a common understanding that the 'design and documentation of flight procedures include maintenance and periodic review' of the flight procedures.</p>
comment	<p>296 comment by: <i>German NSA (BAF)</i></p> <p><u>Annex II, Appendix 1: Certificate (p. 35)</u></p> <p>Appendix 1, Attachment to service provider’s certificate, displays a template with regard to Certificates for different types of services/functions. The question arises whether it is possible to be certified for individual types of services/functions. Having a look at the template it seems that this is possible. However it remains unclear whether this is also possible with regard to individual “scope of service/function”, e.g. would it be possible to be certified just for the function of charting or would that also involve the coding as well. A clarification would be helpful.</p>
response	<p><i>Accepted</i></p> <p>EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion.</p> <p>Based on the advice received, EASA proposes improvements into the attachment to service provider’s certificate.</p> <p>In reference to the query, it should be noted that in the attachment to the certificate template, it is stated ‘(Delete lines as appropriate)’, which does apply to the individual ‘scope of Service/Function ‘as well.</p>
comment	<p>328 comment by: <i>DGAC</i></p> <p>Questions remain open reading the “service provider certificate”.</p> <ul style="list-style-type: none"> - What does it mean “coding”, Is the purpose for data to be inserted within a FMS? - What does it mean "charting"? - Service provider is not necessarily the owner of means used for Flight Validation. Does it

	<p>mean that entity performing Flight Validation (even with a rented aircraft) shall be granted with a certificate ?</p>
response	<p><i>Noted</i></p> <p>EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. The issues raised by the commentator were tabled for discussion.</p> <p>Based on the advice received, EASA proposes improvements to the attachment to the service provider's certificate to address the 'open' questions.</p>
comment	<p>329 comment by: DGAC</p> <p>SERVICE PROVIDER CERTIFICATE</p> <p>The third column of the certificate template requires some explanations. It is understood that the scope of the service/function, title of the column, is the aim to be achieved by the product issued by the service provider. It is not realistic to imagine a FPD provider to code and make charting and validate in flight the procedures designed under it's responsibility. Therefore, the service provider should not have to provide coding, flight validation or charting, but a proposal thereof instead. Thereby, this column doesn't have being understood as a requirement but as possible functions that can be fulfilled by the FDP.</p> <p>Furthermore, for safety reasons, it is unrealistic to separate functions of design, documentation and ground validation with regards to the same given flight procedure. therefore, it should be made clear that the design, documentation and (ground) validation will be provided by the same service provider.</p> <p>Moreover, according to the ICAO doc.8168 Volume II, the procedure designer provides a proposition of coding for the SID and instrument approach procedures, a proposition of charts and as much as possible, a ground validation (i.e. excerpt below). He may participate to the flight validation, but he doesn't conduct it anyway.</p> <p>Excerpt from PANS-OPS: "Ground validation is a review of the entire instrument flight procedure package by one or more person trained in procedure design and with appropriate knowledge of flight validation issues. It is meant to catch errors in criteria and documentation, and evaluate on the ground, to the extent possible, those elements that will be evaluated in a flight validation. Issues identified in the ground validation should be addressed prior to any flight validation. The ground validation will also determine if flight validation is needed for modifications and amendments to previously published procedures."</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for</p>

discussion.

Based on the advice received, EASA proposes improvements to the attachment to the service provider's certificate that addresses:

- Design and documentation of flight procedures;

and

- Validation of flight procedures, which could be flight or ground validation.

comment

408

comment by: ENAV

ANNEX II REQUIREMENTS FOR COMPETENT AUTHORITIES — OVERSIGHT OF SERVICES AND OTHER ATM NETWORK FUNCTIONS (Part-ATM/ANS.AR)

APPENDIX 1 CERTIFICATE FOR SERVICE PROVIDER EUROPEAN UNION COMPETENT AUTHORITY SERVICE PROVIDER CERTIFICATE (Pag. 35)

In relation to the FPD service, the proposed certificate shows among the "Type of Service" the main stages of the design process of IFP (IFP design, documentation, validation, maintenance and periodic review).

Maybe in the certificate it may only be sufficient to differentiate the types of service in design, ground validation and flight validation since other functions are implicit in the design stage.

response

Accepted

EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.

Based on this comment and the advice received, EASA proposes improvements to the attachment to the service provider's certificate.

comment

489

comment by: PANS-OPS ENAC

What do you mean by "coding" ? The procedure designer gives a coding proposal that is published and used by coding entities to ship the procedure in the database. Those coding entities have to cope with the needs of the aircraft operators that may have different issues (i.e. having older planes with older FMS and not capable of the last version of the ARINC 424 standard). They need to adapt the coding to their customer. In our opinion the procedure designer can only produce a "coding proposal" that will be adapted to the need of the operator by the code provider. If the "coding" certificate is to be given to a database provider it's OK, if it's for a procedure design office the wording should be modified.



response

Accepted

EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.

Based on this comment and the advice received, EASA proposes improvements to the attachment to the service provider's certificate.

comment

579

comment by: EANS

Page 35/90, see Table, the first row headings of columns "Type of service/Function" and "Scope of service/Function".

/EANS/: comment.

- Design of flight procedures has a definition in ICAO Doc 9906, Volume I:

Flight procedure design. The complete package that includes all the considerations that went into the development of an instrument flight procedure.

- Function of flight procedure design described in definition:

Flight procedure design process. The process which is specific to the design of instrument flight procedures leading to the creation or modification of an instrument flight procedure.

- ICAO Doc 9906, Volume 5 in its Foreword informs that:

"A procedure design organization may not have the expertise necessary to determine under which conditions flight validation and/or flight inspection may be necessary. For this reason it is recommended that a review by the flight

validation and/or flight inspection organizations be included in the State's procedure design process. The State is responsible for the overall performance of the procedure as well as its quality and suitability for publication.

PANS-OPS, Volume II, Part I, Section 2, Chapter 4, *Quality Assurance*, requires the State to have a written policy requiring minimum qualifications and training for flight validation pilots, including the flight inspection pilots who perform

flight validation of instrument flight procedures. This policy also includes standards for the required competency level for flight validation pilots."

That means for FPD service provider has no obligation to be able to conduct flight validation.

/EANS/: proposal.

- the second row under the heading of column "Type of service/Function"

~~Design of flight procedures~~

Flight procedure design



	<p>- the second row under the heading of column “Scope of service/Function” fit into empty cell the next text:</p> <p>Creation or modification</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion.</p> <p>Based on the advice received, EASA proposes improvements to the attachment to the service provider’s certificate.</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI ‘Specific requirements for providers of flight procedure design’ — FPD.OR.100 Flight procedure design service

p. 36

comment	<p>49</p> <p>comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>FPD.OR.100</p> <p>The current reference to the Data Catalogue in "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The Appendix 1 according to this NPA is the template of the certificate.</p>
response	<p><i>Accepted</i></p> <p>EASA acknowledges that the reference should be updated.</p>
comment	<p>58</p> <p>comment by: <i>Ryanair</i></p> <p>1) add "plus occurrences in accordance with ICAO SMM / Doc 9859"</p>
response	<p><i>Not accepted</i></p> <p>In accordance with the Commission Implementing Regulation (EU) 2017/373, all service providers, including the flight procedure design service providers, will be subject to common requirements laid down in Annex III, Part-ATM/ANS.OR, that contains Occurrence reporting requirements in ATM/ANS.OR.A.065.</p> <p>Considering the above, the proposal is not accepted.</p>
comment	<p>101</p> <p>comment by: <i>skyguide Compliance Management</i></p>



(e) validation of all software tools used to carry out computations and to display aviation-related information in support of a flight procedure design, correctly implement the design criteria and fulfil any other applicable requirements associated with the design task.

Sentence to be rephrased because aiding and expert tools do not require the same level of stringency. (cf. ICAO doc 9906 vol 3). Scope of validation needs to be defined and also needs to address updates to software and any associated requirement if any.

response *Accepted*

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received and EASA further analysis, the provision is amended and now it reads '(e) identification of tools, including configuration management and tools qualification, as necessary;'

comment

224

comment by: DGAC

FPD.OR.100 Flight procedure design service

France suggests modifying the proposed text as follows to be more in line with the title of the section (**ANNEX XI SPECIFIC REQUIREMENTS FOR PROVIDERS OF FLIGHT PROCEDURE DESIGN**) :

FPD.OR.100 Flight procedure design service provider

A flight procedure design service provider provides one or more of the flight procedure design service: design, documentation, validation, maintenance and periodic review of instrument flight procedures necessary for the safety, regularity and efficiency of air navigation prior to their approval by the competent authority.

In this context, the flight procedure design service provider shall use aeronautical data and information that meet the requirements of accuracy, resolution and integrity as required by the Data Catalogue in Appendix 1 to Article 3 of this Regulation.

In specific cases, if aeronautical data is not provided in the Aeronautical Information Publication (AIP) or by an authoritative source or does not meet the applicable data quality requirements (DQRs), such aeronautical data may be originated by the flight procedure design service provider. In this context, such aeronautical data shall be validated by the flight procedure design service provider originating it.

Next, a GM is needed to explain or to describe the means used to validate the data originated by the flight procedure design provider. It might be covered by another regulation, in such case a link to that regulation will be appreciated.



response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comments.</p> <p>The title of FPD.OR.100 is kept as proposed following the approach in other Annexes (i.e. Parts) of Regulation (EU) 2017/373, e.g. MET.OR.100, DAT.OR.100.</p> <p>In response to the request for GM on data validation, a new GM is proposed.</p>
comment	<p>238 comment by: <i>ENAIRE</i></p> <p>Section:</p> <p>3.1.4 Proposed amendments to Annex XI/FPD.OR.100</p> <p>Proposed amended text:</p> <p>The flight procedure design service provider shall design, document, validate, maintain and periodically review flight procedures necessary for the safety, regularity and efficiency of air navigation prior to their approval by the competent authority.</p> <p>Rationale:</p> <p>The continuous maintenance and periodically review occurs after the implementation.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes an amendment to FPD.OR.100.</p>
comment	<p>276 comment by: <i>Finavia</i></p> <p>According to Annex 11 the State is responsible for the approval of the flight procedures. The approval, however, does not necessarily need to mean an explicit approval of individual flight procedures by the competent authority. The state approval can also be based on the approval and regular audits of the design processes and organisations. This kind of arrangement may be much more effective and requires less resources while reaching out the same objectives. It is also the currently existing arrangement in some European states. Thus, the approval of individual flight procedure designs by the competent authority should not be explicitly required, by introducing the regulation based requirement exceeding the level of Annex 11 requirement. Instead, provisions should only require States to define how they fulfill the requirement of the approval of flight procedures.</p>
response	<p><i>Accepted</i></p>



EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes an amendment to FPD.OR.100.

In addition, EASA agrees with the principles provided in the comment and amended the associated GM to promote the clarity.

comment

297

comment by: *German NSA (BAF)*

FDP.OR.100 Flight procedure design service (pg. 36)

The current reference to the Data Catalogue in "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The Appendix 1 according to this NPA is the template of the certificate.

response

Accepted

EASA acknowledges that the reference should be updated.

comment

330

comment by: *DGAC*

FPD.OR.100 Flight procedure design service provider

For safety reasons, it is unrealistic to separate functions of design, documentation and ground validation with regards to the same given flight procedure.

Therefore, DGAC proposes to introduce a new AMC as follows:

AMC2 FPD.OR.100 Flight procedure design service provider

The design, the documentation and as minimum, the ground validation of a given flight procedure should be provided by the same service provider.

response

Partially accepted

EASA took due consideration of the comment.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes an amendment to FPD.OR.100.

comment

363

comment by: *CANSO*

Page 36 Annex XI Title



response	<p>As this is a service as per BR Annex Vb the tile should reflect this (as all other service Annexes do) and be “PROVIDERS OF FLIGHT PROCEDURE DESGN SERVICES”. See earlier comment on table of contents.</p> <p><i>Accepted</i></p>
comment	<p>364 comment by: <i>CANSO</i></p> <p>Page 36</p> <p>FPD.OR.100</p> <p>There does not appear to be an Appendix 1 to Article 3 of this Regulation nor a “Data Catalogue”. The EN does state “Said data catalogue is part of the NPA 2016-02 proposal” so it is unclear as to the intent of this requirement.</p> <p>Impact: Referring to an NPA does not give certainty of the final wording.</p>
response	<p><i>Accepted</i></p> <p>EASA acknowledges that the reference should be updated to promote clarity in the publication of the final proposal.</p>
comment	<p>410 comment by: <i>ENAV</i></p> <p>FPD.OR.100 Flight procedure design service (pag. 36)</p> <p>The references to Annex 1 (Article 3) shall be updated with AIS references.</p>
response	<p><i>Accepted</i></p> <p>EASA acknowledges that the reference should be updated.</p>
comment	<p>441 comment by: <i>EUROCONTROL</i></p> <p>FPD.OR.100 Flight procedure design service - Page 36</p> <p><u>Second paragraph</u></p> <p>The EUROCONTROL Agency would like to make several comments:</p> <p>1/ The AIP is only one of the numerous AISP products. Therefore reference to only one product is not appropriate. It is suggested to remove the text 'in the Aeronautical Information Publication (AIP)'.</p> <p>2/ The reference to 'specific cases' is not clear. It is suggested to remove the text 'In specific cases,' and rephrase the text as '...does not meet the applicable data quality requirements (DQRs), but is required for flight procedure design ...'</p>

3/ The flight procedure design (FPD) service provider (SP) will not be able to originate all missing/below quality data, and will use in some cases the non-authoritative sources. It is therefore suggested to rephrase 'such aeronautical data may be originated by the flight procedure design service provider' into 'the FPD SP may originate such aeronautical data and/or use data from other (non-authoritative) sources.'

4/ The requirement for verification of data is missing. It is therefore suggested to add the following: '...In this context, such aeronautical data shall be **verified and** validated by the flight procedure design service provider'.

5/ There should be a requirement to annotate the data, either originated by the FPD SP or used from the non-authoritative sources.

The five requests for text adaptation justified above have been incorporated in the following proposal:

"If aeronautical data is not provided by an authoritative source or does not meet the applicable data quality requirements (DQRs), but is required for flight procedure design, such aeronautical data may be originated by the flight procedure design service provider and/or used from other (non-authoritative) sources. In this context, such aeronautical data shall be verified and validated by the flight procedure design service provider and annotated accordingly."

response *Partially accepted*

Following the order of the comments:

1) EASA agrees that the AIP is only one of the numerous AISP products; however, it is considered as the main data source from AIS providers. Furthermore, as an AIS provider is considered as an 'authoritative source', the proposal is accepted.

2) the proposal on removal of 'In specific cases' is accepted, while the second proposal to remove 'but is required for flight procedure design' is not accepted, as it is 'self-explanatory'.

3) EASA agrees with the principles provided in this comment. However, it should be noted that the responsibilities of the FPDSP should be regulated at IR level, while the use/non-use of 'non-authoritative' source and the associated actions at AMC/GM level. Considering the comment, EASA proposes associated AMC/GM's by referring to existing ones.

4) It should be noted that verification of data is performed when the data source is 'known'; in this specific case, when the FPDSP is acting as 'data originator', the aeronautical data should only be validated. Consequently, the proposal is not accepted.

5) Please refer to the response provided in point 3.

comment 477

comment by: *NATS National Air Traffic Services Limited*

Page 36 Annex XI Title



response	<p>Comment:</p> <p>As this is a service as per BR Annex Vb the title should reflect this (as all other service Annexes do) and be “PROVIDERS OF FLIGHT PROCEDURE DESGN SERVICES”. See earlier comment on table of contents.</p> <p><i>Accepted</i></p>
comment	<p>478 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 36 FPD.OR.100</p> <p>Comment:</p> <p>There does not appear to be an Appendix 1 to Article 3 of this Regulation nor a “Data Catalogue”. The EN does state “Said data catalogue is part of the NPA 2016-02 proposal” so it is unclear as to the intent of this requirement.</p> <p>Impact:</p> <p>Referring to an NPA does not give certainty of the final wording.</p> <p><i>Accepted</i></p> <p>EASA acknowledges that the reference should be updated to promote clarity in the publication of the final proposal.</p>
comment	<p>490 comment by: <i>PANS-OPS ENAC</i></p> <p>As a FPD service provider may provide part of the service, we would prefer this wording : “A flight procedure design service provider provides one or more of the flight procedure design services (design, documentation, validation, maintenance, review) necessary for the safety...”</p> <p>For the validation of aeronautical data (when not provided by an authoritative source), a GM on the way this data may be validated would be highly appreciated.</p> <p><i>Accepted</i></p> <p>EASA took due consideration of the comments.</p> <p>In response to the request for GM on data validation, a new GM is proposed by referring to an existing one in Annex VII of ED Decision 2017/001/R.</p>
comment	<p>543 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA under FPD.OR.105: we suggest to add requirement for storage; for history</i></p>

	and traceability purposes.
response	<p><i>Accepted</i></p> <p>Considering the comment, EASA proposes a new provision FPD.OR.110 Record-keeping.</p>
comment	<p>556 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Finnish Transport Safety Agency proposes following amendment to FPD.OR.100:</p> <p>The flight procedure design service provider shall design, document, validate, maintain and periodically review flight procedures necessary for the safety, regularity and efficiency of air navigation prior to their approval by the competent authority according to change management procedures for functional systems.</p> <p>Rationale: This would be in line with other ATM/ANS service providers regarding change management procedures. This kind of arrangement could be more effective and could require less resources while reaching out the same objectives.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was tabled for discussion. Based on this comment and the advice received, EASA proposes an amendment to FPD.OR.100.</p> <p>In addition, EASA agrees with the principles provided in the comment and amended the associated GM to promote the clarity.</p>

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI 'Specific requirements for providers of flight procedure design' — FPD.OR.105 Management system

p. 36

comment	<p>225 comment by: <i>DGAC</i></p> <p>FPD.OR.105 Management system</p> <p>In addition to ATM/ANS.OR.B.005, the provider of flight procedure design shall establish and maintain a management system that ensures the quality and safety of the designs and includes, as a minimum, the following elements:</p> <p>(a) data acquisition;</p> <p>(b) flight procedure design according to criteria as set out in FPD.TR.200;</p> <p>(c) elaboration of flight procedure design documentation;</p>
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(d) ground validation and, when appropriate, flight validation of flight procedure; and

(e) validation of all software tools used to carry out computations and to display aviation-related information in support of a flight procedure design, correctly implement the design criteria and fulfil any other applicable requirements associated with the design task.

1) It is understood that a SMS is not intended for flight procedure design providers. If so, France request the removal of “and safety” according to the ICAO annex 11 where solely a QMS is requested.

2) Maintenance and periodic review activities are not included within the QMS. France suggests adding it as point (f) execution of maintenance and periodic review activities.

response

Accepted

EASA took the comments into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received, the commented provision is amended.

comment

239

comment by: ENAIRE

Section:

3.1.4 Proposed amendments to Annex XI/FPD.OR.105 (b)

Proposed amended text:

flight procedure design according to criteria as set out in FPD.TR.100

Rationale:

No reference FPD.TR.200 in NPA

response

Accepted

comment

365

comment by: CANSO

Page 36 FPD.OR.105

CANSO comment: How does a provider of flight procedure design services ensure the safety of the design given that they are not required to have a safety management system and no AMC/GM is provided on this subject?

Impact: Uncertainty over how a requirement can be met.

Suggested Resolution: As SMS is not appropriate develop AMC/GM sufficient to demonstrate the safety of the designs (given that none of the indicated elements appears to contribute to a safety argument that the design is safe).



response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received, the commented provision is amended and now it reads: 'In addition to ATM/ANS.OR.B.005, the flight procedure design service provider shall establish and maintain a management system that includes control procedures for, as a minimum, the following elements: (...)'</p>
comment	<p>366 comment by: <i>CANSO</i></p> <p>Page 36 FPD.OR.105 (b)</p> <p>Should the cross reference be to FPD.TR.100 rather than 200 (there is no 200)? It should be noted that whilst FPD.TR.100 is titled "flight procedure design criteria" it does not actually contain criteria rather it refers to the design criteria specified by the CA.</p> <p>Suggested Resolution:</p> <p>Amend text "(b) flight procedure design according to criteria as specified by the competent authority;"</p> <p>Ideally CA IR should be developed in Annex II on design criteria and referenced from here,</p>
response	<p><i>Partially accepted</i></p> <p>The reference should read 'FPD.TR.100'.</p> <p>It should be noted that Annex II of Regulation (EU) 2017/373 establishes the requirements for the administration and management systems of the competent authorities responsible for certification, oversight and enforcement. Therefore, FPD.TR.100 and its associated AMC addresses the flight procedure design criteria.</p>
comment	<p>409 comment by: <i>ENAV</i></p> <p>FPD.OR.105 Management system (pag. 36)</p> <p>ENAV thinks that reference FPD.TR.200 at point b) is incorrect.</p> <p>The right reference should be FPD.TR.100 unless that TR.200 doesn't refer to a part of FPD specific requirements yet to be defined.</p>
response	<p><i>Accepted</i></p> <p>EASA acknowledges that the correct reference is FPD.TR.100.</p>

comment	<p>480 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 36 FPD.OR.105</p> <p>Comment:</p> <p>How does a provider of flight procedure design services ensure the safety of the design given that they are not required to have a safety management system and no AMC/GM is provided on this subject?</p> <p>Impact:</p> <p>Uncertainty over how a requirement can be met.</p> <p>Suggested Resolution:</p> <p>As SMS is not appropriate develop AMC/GM sufficient to demonstrate the safety of the designs (given that none of the indicated elements appears to contribute to a safety argument that the design is safe).</p>
response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received, the commented provision is amended and now it reads: ‘In addition to ATM/ANS.OR.B.005, the flight procedure design service provider shall establish and maintain a management system that includes control procedures for, as a minimum, the following elements: (...)’.</p>
comment	<p>482 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 36 FPD.OR.105 (b)</p> <p>Comment:</p> <p>Should the cross reference be to FPD.TR.100 rather than 200 (there is no 200)? It should be noted that whilst FPD.TR.100 is titled “flight procedure design criteria” it does not actually contain criteria rather it refers to the design criteria specified by the CA.</p> <p>Suggested Resolution:</p> <p>Amend text “(b) flight procedure design according to criteria as specified by the competent authority;” Ideally CA IR should be developed in Annex II on design criteria and referenced from here,</p>
response	<p><i>Partially accepted</i></p> <p>The reference should read 'FPD.TR.100'.</p> <p>It should be noted that Annex II of Regulation (EU) 2017/373 establishes the requirements</p>

for the administration and management systems of the competent authorities responsible for certification, oversight and enforcement. Therefore, FPD.TR.100 and its associated AMC addresses the flight procedure design criteria.

comment

492

comment by: *PANS-OPS ENAC*

“management system that ensures the quality and safety...” : even if safety is always the first concern, a Safety Management System is not required by ICAO (only a Quality Management System is required). In that case, we propose to remove the “and safety” in this sentence.

On another hand, as "maintenance" and "review" are mentioned in FPD.OR.100 we suggest adding the execution of these tasks in the elements of the management system.

response

Accepted

EASA took the comments into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the NPA 2016-13 consultation. This subject was tabled for discussion. Based on the advice received, the commented provision is amended and now it reads: “In addition to ATM/ANS.OR.B.005, the flight procedure design service provider shall establish and maintain a management system that includes control procedures for, as a minimum, the following elements: (...)”

(f) maintenance and periodic review of the flight procedures, as applicable”.

comment

582

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

Comment FOCA to FPD.OR.105 Management system: The scope of validation should be defined.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation with the aim to analyse issues commented during the consultation. The issue was further discussed and based on the advice received, EASA amended the referenced provisions.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI ‘Specific requirements for providers of flight procedure design’ — FPD.OR.110 Technical and operational competence and capability

p. 36-37

comment

1

comment by: *Prof. Filippo Tomasello*

FPD.OR.110(a)(2) mentions "pilots" who should be competent for validation of procedures



in flight. Actually other skilled personnel, not necessarily pilots, are employed in flight and on the ground. These professionals are named "flight inspectors" in ICAO Doc 8071 (in particular "flight inspector in charge" in paragraph 1 in Attachment 2 to Chapter 1 of volume 1 of said Doc).

It is hence suggested:

- to include a definition for "flight inspector"; and modify FPD.OR.110(a)(2) to read: "... the flight inspectors are competent to perform ..."

response *Not accepted*

The terms 'flight validation' and 'flight inspection' are often misinterpreted as having the same concept. Flight validation and flight inspection are separate activities that, if required, may or may not be undertaken by the same entity.

It should be noted that:

- Flight validation is concerned with factors other than the performance of the navigation aid or system that may affect the suitability of the procedure for publication, as detailed in the Procedures for Air Navigation Services — Aircraft Operations, (PANS-OPS), Doc 8168, Volume II, Part I, Section 2, Chapter 4, Quality Assurance; and

- Flight inspection is conducted with the purpose of confirming the ability of the navigation aid(s)/system upon which the procedure is based to support the procedure in accordance with the Standards in Annex 10 — Aeronautical Telecommunications and guidance in the Manual on Testing of Radio Navigation Aids (Doc 8071). Personnel performing flight inspection duties should be qualified and certified in accordance with the manual on Testing of Ground-based Radio Navigation Systems (Doc 8071, Volume I).

comment

181

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

FPD.OR.110 (a)(2) – In Sweden it is not the provider of flight procedure design that is responsible for the competence of the validation pilot. Each validation pilot has his/her own approval. The flight validation organisation also has their own approval. This is to enable the free movement of the pilots.

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was further discussed and based on the advice received, EASA amended the provision.

comment

182

comment by: *Swedish Transport Agency, Civil Aviation Department*



	<i>(Transportstyrelsen, Luftfartsavdelningen)</i>
	FPD.OR.110 (b) – The records should also be available to the competent authority.
response	<p><i>Noted</i></p> <p>It should be noted that the subject is already addressed, i.e. regulated through ATM/ANS.OR.A.035 Demonstration of compliance and ATM/ANS.OR.A.050 Facilitation and cooperation provisions laid down in Annex III to Regulation (EU) 2017/373.</p>
comment	<p>226 comment by: DGAC</p> <p>FPD.OR.110 Technical and operational competence and capability</p> <p>(a) In addition to ATM/ANS.OR.B.005(a)(6), the flight procedure design service provider shall ensure that:</p> <p>(1) its flight procedure designers:</p> <p>(i) have successfully completed a training course that provides competency in flight procedure design;</p> <p>(ii) are suitably experienced to successfully apply the theoretical knowledge; and</p> <p>(iii) have completed successfully continuation training, including recurrent and refresher training, as required.</p> <p>(2) when flight validation is performed, the pilots are competent to perform the assigned tasks.</p> <p>(b) In addition to ATM/ANS.OR.B.030, the flight procedure design service provider shall maintain records of all the training completed by the employed flight procedure designers and make such records available on request:</p> <p>(1) to the flight procedure designers concerned;</p> <p>(2) and in agreement of the flight procedure designers, to the new employer when a flight procedure designer is employed by a new entity.</p> <p><u>FOPD OR 110</u></p> <p>(1)(iii) France suggests the replacement of “have completed” by “completes”, as it is a continuation training</p> <p>(2) when flight validation</p> <p>It is understood that the flight validation, which is part of flight procedure design activities, is conducted by a service provider granted and this flight validation provider has ensured the pilots are competent. If not, EASA is requested to provide response and guidance about it.</p>
response	<i>Partially accepted</i>

EASA took due consideration of the comments.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. The two subjects were tabled for discussion and based on the advice received, EASA proposes amendments to the commented provisions.

comment

318

comment by: UK CAA

Page No: 37

Paragraph No: FPD.OR.110(a)(2) Technical and operational competence and capability.

Comment:

As currently proposed, FPD.OR.110(a)(2) can be read as meaning that the flight procedure design service provider is responsible for ensuring pilots are competent to perform the assigned tasks. ICAO Doc 8168 Vol II paragraph 4.6.3.1 requires flight validation of instrument flight procedures to be accomplished by a qualified and experienced flight validation pilot, certified or approved by the State.

Justification:

A flight procedure design service provider is not qualified to know if a pilot is competent or not.

Proposed Text:

Amend to read:

“When flight validation is performed, this is undertaken by a qualified and experienced flight validation pilot, certified or approved by the State.”

response

Accepted

EASA takes the comment into consideration.

Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was further discussed and based on the advice received, EASA amended the provision.

comment

339

comment by: CANSO

FPD.OR.100

The current reference to the Data Catalogue in "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The Appendix 1 according to this NPA is the template of the certificate.

response

Accepted



EASA acknowledges that the reference should be updated.

comment	<p>412</p> <p>FPD.OR.110 Technical and operational competence and capability</p> <p>ENAV suggests to leave only continuation training without distinguish between refresh and recurrent training.</p>	comment by: ENAV
response	<p><i>Accepted</i></p> <p>EASA takes the comment into consideration.</p> <p>Furthermore, EASA organised a focussed consultation in form of a thematic meeting with the aim to analyse issues commented during the consultation. This subject was further discussed and based on the advice received, EASA amended the provision.</p>	
comment	<p>495</p> <p>As a procedure design unit, but also a procedure design training provider, we would like to see a specific sentence about flight procedure design trainers. Developing, updating, a course and giving a training to designer trainees is a way for an instructor/designer to remain up to date with the regulation and the proficiencies requested.</p>	comment by: PANS-OPS ENAC
response	<p><i>Noted</i></p> <p>EASA sees the rationale of the proposal. However, extending the scope of the subject proposal would necessitate more detailed discussion. The Agency could foresee a separate rulemaking activity, depending on the support and prioritisation of stakeholders. Therefore, the commentator is kindly invited also to consider whether a more detailed rulemaking proposal on the issue would be possible. EASA would then take appropriate action to consider the subject.</p>	
comment	<p>600</p> <p>ETF welcomes those competence requirements for personnel tasked with designing flight procedures.</p> <p>However, the explicit reference to a change of employer is not understandable in the general context of competence requirements for ATM/ANS workers.</p>	comment by: European Transport Workers Federation - ETF
response	<p><i>Noted</i></p> <p>EASA takes note of the comment.</p> <p>The aim of the commented provision is to facilitate the free movement of people.</p>	



**3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to AnnexXI
'Specific requirements for providers of flight procedure design' — FPD.OR.115 Required interfaces**

p. 37

comment	<p>57 comment by: <i>Aaltronav</i></p> <p>The phrasing “shall ensure the necessary formal arrangements, as applicable” may be overly vague, or at least the language unnecessarily technical. Is this to say that the flight procedure design service provider shall agree a list of required inputs and outputs (data categories and delivery formats) with stakeholders in each of the listed classes?</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, EASA proposes a new GM associated to FPD.OR.120 Required interfaces (former FPD.OR.115) to illustrate the objectives of the requirements.</p>
comment	<p>227 comment by: <i>DGAC</i></p> <p>FPD.OR.115 Required interfaces</p> <p>The necessary formal arrangements could be further developed in a GM in order to give some guidance on how “necessary” and “as applicable” could be interpreted.</p> <p>In particular guidance material for arrangement with aircraft operators is necessary. If the intent is for specific procedures as RNP AR, the partnership with an aircraft operator is part of AMC2 FPD.TR100 (ICAO Doc.9905), so it need not to be referred to here as well. In any case, aircraft operators are airspace users and are consulted as of they are part of the process depicted in the GM1 to Article 3.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, EASA proposes a new GM associated to FPD.OR.120 Required interfaces (former FPD.OR.115).</p>
comment	<p>367 comment by: <i>CANSO</i></p> <p>Page 37 FPD.OR.115 (b)</p> <p>Air navigation services is not a service identified in the BR Annex Vb (although it does encompass services that are in Annex Vb).</p> <p>Suggested Resolution:</p> <p>As services are defined the text “including air navigation and data services providers” is not required and should be deleted.</p>
response	<p><i>Accepted</i></p>



comment	<p>403 comment by: CAA - Norway</p> <p>Annex XI page 37</p> <p>FPD.OR.115 Required interfaces</p> <p>New letter (e) added: Flight Validation Organisations as appropriate</p>
response	<p><i>Partially accepted</i></p> <p>A flight validation organisation is a flight procedure design service provider (FPDSP) with the privileges to provide the following type of services: Validation of flight procedures. Furthermore, this commented NPA 2016-13 proposes an amendment to Article 2(2) aiming at extending the definition of ‘service provider’ to cover also the service providers providing flight procedure design.</p> <p>As a consequence, ‘Flight validation Organisation’ should be considered as a service provider; therefore, the comment (i.e. the proposal) is already covered by FPD.OR.115(b).</p>
comment	<p>442 comment by: EUROCONTROL</p> <p>FPD.OR.115 Required interfaces - Page 37</p> <p>Although it could be expected that the AISP is part of the air navigation services providers, the EUROCONTROL Agency shares the view that it is important that the formal arrangement with the AISP is specifically mentioned due to the fact that there is a considerable amount of data exchange between these service providers. In addition the minimum content of such formal arrangements e.g. the scope of aeronautical data/information provided, should be specified.</p>
response	<p><i>Partially accepted</i></p> <p>As correctly mentioned by the commentator, the AIS provider is a service provider with the privileges to provide the following type of services: AIS. Therefore, the comment (i.e. the proposal) is already covered by FPD.OR.115(b).</p> <p>EASA took the comment related to the content of the formal arrangements into consideration and proposes a new GM to promote clarity.</p>
comment	<p>487 comment by: NATS National Air Traffic Services Limited</p> <p>Page 37 FPD.OR.115 (b)</p> <p>Comment:</p> <p>Air navigation services is not a service identified in the BR Annex Vb (although it does encompass services that are in Annex Vb).</p>

	<p>Suggested Resolution:</p> <p>As services are defined the text “including air navigation and data services providers” is not required and should be deleted.</p>
response	<i>Accepted</i>
comment	<p>488 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 37 SUBPART B</p> <p>Comment:</p> <p>Add “SERVICES” to the title to be consistent with Subpart A.</p>
response	<i>Accepted</i>
comment	<p>496 comment by: <i>PANS-OPS ENAC</i></p> <p>We would like explanations and details (or a GM) about the “necessary” formal arrangements, “as applicable”.</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, EASA proposes a new GM associated to FPD.OR.120 Required interfaces (former FPD.OR.115).</p>
comment	<p>545 comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i></p> <p><i>Comment FOCA to FDP.OR.110(b): We suggest to add "to the CA".</i></p>
response	<p><i>Not accepted</i></p> <p>It should be noted that the provision of all relevant evidence by service providers, including FPDSP, to demonstrate compliance with applicable requirements at the request of the competent authority is already addresses in ATM/ANS.OR.A.035 of Regulation (EU) 2017/373.</p>
comment	<p>601 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF regrets the absence of requirements for flight procedure design providers to get in touch and consult with the population overflown as recommended by Doc 8168 Vol II.</p>
response	<i>Accepted</i>



It should be noted that the issue raised by the commentator is addressed in GM1 associated to Article 3(6) 'Provision of ATM/ANS, flight procedure design and airspace structure design, and ATM network functions' as part of the airspace change process.



**3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI
‘Specific requirements for providers of flight procedure design’ — FPD.TR.100 Flight procedure
design criteria**

p. 37

comment	59	comment by: <i>Ryanair</i>
	<p>2) Add "under special consideration of IFR workload management and 'head down' requirements in departure and approach phases. This includes reasonable airspace protection and/or ANSP service"</p> <p>3) add "and appropriate protection for IFR/VFR mix in lower procedural altitudes"</p>	
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, EASA believes that the concerns raised by the commentator are already addressed in the proposal.</p>	
comment	183	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<p>Why is it named "flight procedure design service" in the title in Subpart A and "flight procedure design" in Subpart B?</p>	
response	<p><i>Noted</i></p> <p>To ensure consistency, the title of Subpart B was amended.</p>	
comment	184	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	<p>FPD.TR.100 – "The design criteria shall permit the establishment of appropriate obstacle clearance for flight procedures, where required." Can we please have examples on when obstacle clearance is not required for a flight procedure?</p>	
response	<p><i>Noted</i></p> <p>Obstacle clearance for flight procedures could not be required whenever the design is based on obstacle assessment surfaces e.g. ILS.</p>	
comment	368	comment by: <i>CANSO</i>
	<p>Page 37 SUBPART B</p> <p>Add "SERVICES" to the title to be consistent with Subpart A.</p>	



response *Accepted*

comment 369

comment by: *CANSO*

Page 37 FPD.TR.100

Whilst it is inferred it is not explicit that the flight design procedure service provider designs the flight procedure (as the explicit service provider)

Where is the CA requirement to specify and provide the design criteria? As this is an implied CA requirement should it not be in Annex II and referenced from here? Given the first sentence then implicitly the second sentence applies to the CA.

Impact:

As written there is no specific entity tasked with designing the flight procedures whilst utilising the design criteria.

Lack of a specific CA requirement could result in a lack of design criteria.

Suggested Resolution:

Amend to read “A flight procedure design services provider shall design flight procedures using..”

Develop IR material for inclusion in Annex II

response *Not accepted*

It should be noted that Annex II of Regulation (EU) 2017/373 establishes the requirements for the administration and management systems of the competent authorities responsible for certification, oversight and enforcement.

Therefore, FPD.TR.100 and its associated AMC addresses the flight procedure design criteria and by whom the design criteria are specified (in a passive form), while FPD.OR.105(b) stipulates that the design criteria should be applied by FPDSP.

comment 491

comment by: *NATS National Air Traffic Services Limited*

Page 37 FPD.TR.100

Comment:

Whilst it is inferred it is not explicit that the flight design procedure service provider designs the flight procedure (as the explicit service provider)

Where is the CA requirement to specify and provide the design criteria? As this is an implied CA requirement should it not be in Annex II and referenced from here? Given the first sentence then implicitly the second sentence applies to the CA.

Impact:



As written there is no specific entity tasked with designing the flight procedures whilst utilising the design criteria. Lack of a specific CA requirement could result in a lack of design criteria.

Suggested Resolution:

Amend to read “A flight procedure design services provider shall design flight procedures using..”

Develop IR material for inclusion in Annex II

response *Not accepted*

It should be noted that Annex II of Regulation (EU) 2017/373 establishes the requirements for the administration and management systems of the competent authorities responsible for certification, oversight and enforcement.

Therefore, FPD.TR.100 and its associated AMC addresses the flight procedure design criteria and by whom the design criteria are specified (in a passive form), while FPD.OR.105(b) stipulates that the design criteria should be applied by FPDSP.

3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI ‘Specific requirements for providers of flight procedure design’ — FPD.TR.105 Coordinates and aeronautical data p. 37-38

comment	<p>50 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>FPD.TR.105</p> <p>(a)</p> <p>The current reference for the WGS-84 coordinates to "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The Appendix 1 according to this NPA is the template of the certificate.</p> <p>(b)</p> <p>Check reference "Appendix 1 to Article 3", see comment above.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p>

comment	<p>298 comment by: <i>German NSA (BAF)</i></p> <p><u>FPD.TR.105 Management System</u></p> <p>The current reference for the WGS-84 coordinates to "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The</p>
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response	<p>Appendix 1 according to this NPA is the template of the certificate.</p> <p><i>Accepted</i></p> <p>EASA took the comment into consideration. When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>340 comment by: <i>CANSO</i></p> <p>FPD.TR.105</p> <p>(a)</p> <p>The current reference for the WGS-84 coordinates to "Appendix 1 to Article 3 of this Regulation" should be corrected once Part AIS and Part ASD become published. The Appendix 1 according to this NPA is the template of the certificate.</p> <p>(b)</p> <p>Check reference "Appendix 1 to Article 3", see comment above.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration. When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>370 comment by: <i>CANSO</i></p> <p>Page 37 FPD.TR.105 (a)</p> <p>There does not appear to be an Appendix 1 to Article 3 of this Regulation.</p> <p>There is Appendices XX and YY to Art 3. Is it intended that one of these become Appendix 1? That said neither Appendix appears to address the subject matter of this IR.</p>
response	<p><i>Noted</i></p> <p>When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>371 comment by: <i>CANSO</i></p> <p>Page 38 FPD.TR.105 (b)</p>

	<p>There does not appear to be an Appendix 1 to Article 3 of this Regulation.</p> <p>There is Appendices XX and YY to Art 3. Is it intended that one of these become Appendix 1? That said neither Appendix appears to address the subject matter of this IR.</p>
response	<p><i>Noted</i></p> <p>When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>411 comment by: ENAV</p> <p>FPD.TR.105 Coordinates and aeronautical data (pag.37-38)</p> <p>The references to Annex 1 (Article 3) shall be updated with AIS references.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration. When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>493 comment by: NATS National Air Traffic Services Limited</p> <p>Page 37 FPD.TR.105 (a)</p> <p>Comment:</p> <p>There does not appear to be an Appendix 1 to Article 3 of this Regulation. There is Appendices XX and YY to Art 3. Is it intended that one of these become Appendix 1? That said neither Appendix appears to address the subject matter of this IR.</p>
response	<p><i>Noted</i></p> <p>When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>
comment	<p>494 comment by: NATS National Air Traffic Services Limited</p> <p>Page 38 FPD.TR.105 (b)</p> <p>Comment:</p> <p>There does not appear to be an Appendix 1 to Article 3 of this Regulation. There is Appendices XX and YY to Art 3. Is it intended that one of these become Appendix 1? That</p>

	said neither Appendix appears to address the subject matter of this IR.
response	<p><i>Noted</i></p> <p>When developing FPD.TR.105, the activities of RMT.0477 resulting in NPA 2016-02 were also considered. For further details please refer to Explanatory Note of NPA 2016-13, Section 2.4.6.</p>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — AMC1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

p. 39

comment	<p>6</p> <p style="text-align: right;">comment by: <i>MATS</i></p> <p>We would like to confirm that the provisions in Article 3 points A and B are to remain as GM as proposed.</p> <p>Justification: the provisions specified are too generic and therefore can be applied in different ways to achieve the same objective.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM.</p> <p>Furthermore, to promote clarity and taking into account proposals received, GM to Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>102</p> <p style="text-align: right;">comment by: <i>skyguide Compliance Management</i></p> <p>continuous maintenance and periodic review of airspace structures, including flight procedures¹³.</p> <p>Note 13 = The process is illustrated in Figure 1 GM3 FPD.OR.105(d) ‘Management system’.</p> <p>The reference in the footnote is incorrect. It should reference GM1 FDP.OR.105.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p>

Based on the feedback gathered during NPA 2016-13 consultation, the commented provision is redrafted to promote clarity.

comment 103

comment by: *skyguide Compliance Management*

... allow for the establishment of airspace structures and/or flight procedures in response to an immediate safety threat or threat to national security.

It can be both.

Same domain for Immediate safety threat and threat to national security? If the domain is the same then you should delete immediate safety threat:

- Safety is more dedicated to safety in aviation
- Security is more dedicated to threats in the state

This may reduce misinterpretation.

□

response *Noted*

EASA took note of the comment.

Based on the feedback gathered during NPA 2016-13 consultation, the commented provision is redrafted to promote clarity and the commented part is removed.

comment 104

comment by: *skyguide Compliance Management*

(b) An airspace change is a change to an airspace structure and/or the flight procedures contained within it, which includes:

(1) the establishment, designation, modification, reclassification or disestablishment of airspace structures; and/or

(2) the establishment, modification or disestablishment of flight procedures or, where published in the AIP of a Member State, notified VFR routes within or beneath controlled airspace.

See the comment 105 about the airspace structure.

What about flight procedures within no airspace structure or for which a part of the procedure is outside an airspace structure?

What is meant by VFR routes?



Then all changes to a small AD shall be a change (=below controlled airspace).

response *Noted*

comment 105

comment by: *skyguide Compliance Management*

(1) is proportionate to the nature and scale of any airspace change and available to the public; and

(2) includes the following elements:

— identification of the need for an airspace change

Where is the proportionality principle if all following elements are to be included?

response *Noted*

EASA took due consideration of the comment and the commented provision is redrafted.

comment

185

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

Page 39

Lower limits of control areas – Can you please insert ICAO Annex 11 2.11.3.2.1 as an AMC.

ICAO Annex 11 2.11.3.2.1

Recommendation.— The lower limit of a control area should, when practicable and desirable in order to allow freedom of action for VFR flights below the control area, be established at a greater height than the minimum specified in 2.11.3.2.

Justification: To give VFR-flight more freedom to fly below the TMA.

response *Accepted*

The commented AMC was amended to duly reflect the proposal.

comment 497

comment by: *NATS National Air Traffic Services Limited*



Page 39 GM1 Article 3(x)

Comment:

The intent of this GM is not well understood, in particular the distinction between the CA and the service provider and flight procedure design. It is clear that airspace structures lies with the State (and the GM implies the nomination of one or more CAs to act on the State's behalf). However with regard to flight procedures is it the intent that the CA assigned should establish a process ('the airspace change process') for the design, validation, approval, implementation, continuous maintenance and periodic review of airspace structures, including flight procedures and it is for the service provider to follow said process in meeting FPD.OR.100? There appears to be considerable overlap between this GM and FPD.OR.100. If this is correct the GM would benefit elevation to at least AMC so that such a process is produced by the CA. Would this process produce the design criteria by the CA as required by FPD.TR.100?

response *Noted*

EASA took due consideration of the comment.

To promote clarity and taking into account proposals received during the NPA 2016-13 consultation, GM1 Article 3 addressing the airspace change process is redrafted.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions' p. 39-50

comment 16

comment by: *Humberside Airport*

Page 50

GM1 Artical 3

"Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC."

Comment:

GM1 Article 3, points (a) and (b) should be elevated to AMC otherwise there is no necessity to carry out the action. An AltMOC could be proposed where the AMC was considered to be unsuitable for a particular circumstance.

response *Not accepted*

EASA took due consideration of the comment.

However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals



received, GM1 Article 3 addressing the airspace change process is redrafted.

comment	<p>21</p> <p>p41</p> <p>Roles and Responsibilities of change sponsor is made lengthy, which will not allow for swift airspace design changes</p> <p>=> Not supported, an assessment needs to be made whether the proposed airspace change is actually requiring consultation. Furthermore, based on the outcome of this, additional changes might be required.</p>	comment by: <i>BE CAA</i>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>	
comment	<p>22</p> <p>p43</p> <p>Consultation with affected stakeholders is referring to the execution of a safety case</p> <p>=> assurance is required that this activity is carried out by an accredited (by the affected Member State) safety practitioner.</p>	comment by: <i>BE CAA</i>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner aiming at addressing the comment as well.</p>	
comment	<p>23</p> <p>p45, (iv) Finalization of airspace change proposal</p> <p>Not all envisaged changes are initiated to prove the positive case. This phrasing must remain</p>	comment by: <i>BE CAA</i>

	more general.
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>24 comment by: BE CAA</p> <p>p47</p> <p>Standard format for airspace change proposals is becoming too lengthy, the entire process does not enable for swift and easy airspace changes.</p> <p>In addition, this process needs to be verified and endorsed by the approved authority, which needs to be aware on the lengthy and time/HR-consuming new process for an airspace change.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>33 comment by: CAA CZ</p> <p>Should be elevated to AMC with respect to national procedures.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>41 comment by: BE CAA</p>

	<p>p39</p> <p>Option 2: this GM has to remain GM.</p> <p>In chapter 3.2, reference is made to the change sponsor being any entity proposing change to the airspace structure</p> <p>=> Not supported at all as this will induce a ‘storm’ of requests for changes induced by any entity, which deems necessary for his/her benefit to propose changes.</p> <p>This entity entitled to make airspace changes must be limited to the competent authority itself. Expanding the change sponsors to other groups</p> <p>Any airspace design change must be initiated on a performance driven basis</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>51 comment by: DFS Deutsche Flugsicherung GmbH</p> <p>GM1 Article 3 (x) C 2) iii) Consultation with affected stakeholders</p> <p>Please specify in more detail who the competent authority is in this context. If the competent authority is acting as change sponsor, it seems to be contradictory, if that same entity is responsible for the safety assessment to be carried out and for submitting an airspace change proposal to “the competent authority”.</p> <p>Is it expected that for this kind of service other competent authorities exist than established by Regulation 1305/2011 resp. correction of 2016/1377?</p> <p>More clarification/definition of an “airspace change proposal” is desirable.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted to avoid overlaps and/or contradictions with the provisions laid down at IR level such as e.g. who the competent authority for the purpose of this Regulation is.</p> <p>In addition, the commented GM is associated to Member States' responsibilities as regards to the design of airspace structures, the referenced provisions were removed in this context.</p>

comment	<p>52 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>GM1 Article 3 (x) c) 2) iii)</p> <p>ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT (page 43)</p> <p>to be seen in parallel with</p> <p>GM1 FPD.OR.100 Flight procedure design service</p> <p>APPROVAL (page 61):</p> <p>We disagree to the statements in both GM that each change to an airspace or a flight procedure always will result in a change to the functional system of the ATS provider serving the affected airspace.</p> <p>Examples: The establishment of a restricted area in uncontrolled airspace where flight information service is provided, will not affect the functional system of that ATS provider;</p> <p>Flight procedures may be provided as well to VFR aerodromes.</p> <p>Therefore we suggest to reword the paragraphs as follows:</p> <p>GM1 Article 3(x) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT</p> <p>"If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) should needs to perform a safety assessment..."</p> <p>GM1 FPD.OR.100 "Flight procedure design service" APPROVAL</p> <p>"The competent authority is responsible for the approval of the flight procedure. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure.</p> <p>The last paragraph of GM1 Article 3(x) section (In other situations,...") with the example (change of flight procedures), would better belong to GM1 FPD.OR.100.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the three proposals and redrafted the commented provisions.</p>
comment	<p>60 comment by: <i>Ryanair</i></p> <p>p.40 DRIVERS FOR AIRSPACE CHANGES</p> <p>"Drivers for airspace changes include but are not limited to business, technological, legal and social aspects, such as:</p> <p>(A) enhancing operational safety and/or efficiency;"</p>

	<p>add "in accordance with ICAO SMM / DOC 9859".</p> <p><i>Edit: this intends to provide objective guideline on the definition of safety, as front line experience on airspace reconciliation meetings suggest, that the perception of "safety" is strongly influenced by the lobby perspective</i></p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the proposal.</p> <p>Based on NPA 2016-13 consultation the commented GM was redrafted in a more generic manner. However, the redraft took into account the subject proposal.</p>
comment	<p>61 comment by: <i>Ryanair</i></p> <p>p.40 Change Sponsor</p> <p>"Change sponsor may be any entity (as accepted by the competent authority or the competent authority itself) proposing a change to airspace structures and/or associated flight procedures." (5)</p> <p><i>5) add: "In case of an identified safety deficiency in accordance with ICAO SMM 2.15f, the Air Navigation Service Provider becomes change sponsor and must initiate a review in accordance with (viii)."</i></p>
response	<p><i>Not accepted</i></p> <p>The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>In this context, the commented GM was redrafted in a more generic manner. As a consequence, the commented provision was removed.</p>
comment	<p>62 comment by: <i>Ryanair</i></p> <p>p.46</p> <p>"(B) Safety argument" (6)</p> <p><i>6) please specify and define "safety arguments"</i></p>
response	<p><i>Not accepted</i></p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p>

In this context, the commented GM was redrafted in a more generic manner. As a consequence, the commented term was removed.

comment	<p>63</p> <p>p.50</p> <p>“(2) maintain or enhance the safety and efficiency of aircraft operations, as far as practicable Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC.” (7)</p> <p>7) we suggest an AMC to the existing regulation which is of grater benefits as an DM because we consider AMC mor compliant to regulations as gudlines</p>	comment by: <i>Ryanair</i>
response	<p><i>Not accepted</i></p> <p>The NPA 2016-13 consultation clearly indicates that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>In this context, the commented GM was redrafted in a more generic manner. As a consequence, the commented provision was removed.</p>	
comment	<p>106</p> <p><u>page 41</u></p> <p>(D) is accountable for the decisions whether to modify or not its proposed airspace design in light of the responses to the consultation exercise; and ...</p> <p>Is it possible that the sponsor will have the ability to do this?</p>	comment by: <i>skyguide Compliance Management</i>
response	<p><i>Noted</i></p> <p>The NPA 2016-13 consultation clearly indicates that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>In this context, the commented GM was redrafted in a more generic manner. As a consequence, the commented provision was removed.</p>	
comment	<p>107</p> <p><u>page 50</u></p> <p>(3) proportional equitable access to airspace and sharing of airspace between users;</p>	comment by: <i>skyguide Compliance Management</i>

response	<p>Proportional would be a lot more equitable.</p> <p><i>Accepted</i></p>
comment	<p>108 comment by: <i>skyguide Compliance Management</i></p> <p><u>page 50</u></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC.</i></p> <p>See previous comment on page 14 (comment 82)</p> </div>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>159 comment by: <i>CAA - Norway</i></p> <p>Page 50 - preferred option, GM or AMC:</p> <p>We propose to elevate it to AMC in order to get standardisation and commitment from the involved stakeholders and thus give less room for discussions and the possibility of drifting in different directions.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>186 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Page 43 and 44</p> <p>Airspace Change Consultation (A) and (B) – Who decides if it is unnecessary? The last sentence in both para doesn't seem to be a complete sentence.</p>

response *Noted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment *188* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Page 44

Airspace Change Consultation, middle of page between (D) and (A) – Shouldn't this (The Change sponsor should ...) be a title or a title is missing.

response *Accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment *189* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

Page 45

Operational Considerations related to aircraft fleet equipage (B) - ...specification **will** be covered...; will be covered by what/who? Another word instead of "will" should be used.

response *Noted*

The NPA 2016-13 consultation clearly indicates that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

In this context, the subject GM was redrafted in a more generic manner. As a consequence, the commented provision was removed.

comment *190* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*



	<p>Page 48</p> <p>Change Implementation – Amendment of Aeronautical Information Publication (vii)(A) – Please change the order of the words to read “airspace change”.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>191 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Page 48</p> <p>Change Implementation – Amendment of Aeronautical Information Publication (vii)(C) – It should be the responsibility of the competent authority to publish such information.</p> <p><i>Justification:</i> This is to certify that the provided information is correct.</p>
response	<p><i>Partially accepted</i></p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>In this context, the commented GM was redrafted in a more generic manner. As a consequence, the commented provision was removed by considering the comment.</p>
comment	<p>192 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Page 49</p> <p>Post-implementation review (viii), first paragraph – “...review will be undertaken.”. We find that using “will” makes it unclear who is responsible for the review. The competent authority informs the change sponsor that a review will take place. If the intention is that the change sponsor shall do the review the text should say “...review should be undertaken.”.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation clearly indicated that the subject GM is confusing and does</p>

not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted to avoid overlaps and/or contradictions with the provisions laid down at IR level such as e.g. maintenance and periodic review.

In addition, the commented GM is associated to Member States' responsibilities as regards the design of airspace structures and the referenced provision was removed in this context.

comment

240

comment by: ENAIRE

Section:

3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377/GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'

AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS (c) (1)

Comment:

Clarification is needed regarding "available to the public"

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment

241

comment by: ENAIRE

Section:

3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377/GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'

AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS (c) (2)

Comment:

Clarification is needed regarding "regulatory decision"

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and



does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner and the referenced term 'regulatory decision' is removed.

comment	<p>242 comment by: ENAIRE</p> <p>Section:</p> <p>3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377/GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'</p> <p>AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS (c) (2) (vi) / CONDITIONAL CHANGE APPROVALS</p> <p>Comment:</p> <p>Clarification is needed regarding “regulatory decisions”</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner and the referenced term 'regulatory decisions' is removed.</p>
comment	<p>257 comment by: skyguide Compliance Management</p> <p>Page 43 -</p> <p>non-aviation groups (e.g. local government, local communities, environmental interests);</p> <p>Comments :</p> <p>Please specify what are environmental interests groups</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner. In this</p>

context, the term 'environmental interests groups' is replaced by 'environmental organisations'.

comment 258 comment by: skyguide Compliance Management

Page 46

Environmental report: (a) an assessment of the effects on noise; (b) an assessment of the change in fuel burn/CO2; (c) an assessment of the effect on local air quality; (d) an economic valuation of environmental impact; and (e) an assessment of the effect on sensitive fauna

Comments :

Please specify what is a sensitive fauna and how environmental impacts are valued (any standard available?)

response *Noted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner. In this context, the referenced provisions are removed.

comment 259 comment by: skyguide Compliance Management

page 50

improved environmental impacts, including reduced emissions and noise levels

Comments :

Shouldn't 'improved' be replaced with 'Mitigate' ?

response *Noted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner. In this context, the referenced provisions are removed.

comment 277 comment by: Finavia



According to Annex 11 the State is responsible for the approval of the flight procedures. The approval, however, does not necessarily need to mean an explicit approval of individual flight procedures by the competent authority. The state approval can also be based on the approval and regular audits of the design processes and organisations. This kind of arrangement may be much more effective and requires less resources while reaching out the same objectives. It is also the currently existing arrangement in some European states. Thus, the approval of individual procedure designs by the competent authority should not be explicitly required, by introducing the regulation based requirement exceeding the level of Annex 11 requirement. Instead, provisions should only require States to define how they fulfill the requirement of the approval of flight procedures.

Also the AMC and GM associated to the provisions should take into account the possibility that some States do not require the explicit approval of individual flight procedures by the competent authority.

response

Accepted

EASA took due consideration of the comment.

EASA agrees with the principles provided in the comment.

Taking into account proposals received during the NPA consultation, GM1 Article 3 addressing the airspace change process is redrafted to promote clarity on the role and responsibilities of the regulated parties when new flight procedures or changes thereto are introduced.

comment

278

comment by: *Finavia*

Ref. ROLES AND RESPONSIBILITIES OF CHANGE SPONSORS on page 41, the GM associated to Article 3(x) should also include a provision that the change sponsor or the appointed agent developing the airspace change proposal should comply with the provisions and competency requirements defined by the competent authority.

response

Not accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment

279

comment by: *Finavia*

As a response to the stakeholder question on page 50, the provisions shall be kept in GM and not be elevated to AMC in order to provide certain level of flexibility for States to arrange the



response	<p>most cost-efficient airspace change process.</p> <p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.</p>
comment	<p>287 comment by: <i>Romanian CAA</i></p> <p>In our opinion, the roles and responsibilities of change sponsors which are part of GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions' AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS, has to be more specific, depending on the type of the airspace change.</p> <p>For example, the aerodrome operator should be a better choice to fulfil some of roles and responsibilities of change sponsor on flight procedures, taking into account the following:</p> <p>Commission Regulation (EU) No 139/2014, specifies in the article ADR.OR.C.005 that: „(b) The aerodrome operator shall ensure directly, or coordinate through arrangements as required with the accountable entities providing the following services: (2) the design and maintenance of the flight procedures, in accordance with the applicable requirements”;</p> <p>the aerodrome operator has responsibilities in ensuring the obstacle data and the terrain data necessary for flight procedure design (Commission Regulation (EU) No 139/2014, ADR.OPS.B.075 Safeguarding of aerodromes);</p> <p>the aerodrome operator has closed connections with the stakeholders (e.g. airspace users, air navigation service provider, local communities, environmental organisations).</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p> <p>Moreover, duly assessing the comment on the roles and responsibilities of the aerodrome operator in this context, EASA proposes amendments to ADR.OR.B.015, point (b)(2)(ii), ADR.OR.B.025, point (a)(1)(iii) and ADR.OR.B.0400, point (a)(1) to better address these aspects.</p>

comment	<p data-bbox="360 277 411 309">299</p> <p data-bbox="1082 277 1477 309" style="text-align: right;">comment by: <i>German NSA (BAF)</i></p> <p data-bbox="360 333 1401 365"><u>GM1 Article 3(x) “Provision of ATM/ANS”, (b) Airspace Design-change process (pg. 39)</u></p> <p data-bbox="360 392 1485 835">GM1 Article 3 (b) stipulates that “An airspace change is a change to an airspace structure and/or the flight procedures contained within it, which includes” [...] Germany proposes to insert the limitation that an airspace change only occurs if the flight procedure change makes an airspace change necessary. Such a limitation seems necessary, because there are cases in which an airspace change process seems unnecessary and too complex (e.g. a step down fix is inserted or the FAP is moved). In these cases the change process would not need to be adhered to. It is unclear whether the wording in (c)(1), according to which the competent authority should ensure that the airspace change process „is proportionate to the nature and scale of any airspace change and available to the public“, already enables the competent authority to not follow the change process in case of minor changes concerning flight procedures. Therefore the suggested limitation should be inserted.</p>
response	<p data-bbox="360 882 475 913"><i>Accepted</i></p> <p data-bbox="360 958 1485 1070">The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p data-bbox="360 1099 1281 1131">Consequently, the commented GM was redrafted in a more generic manner.</p> <p data-bbox="360 1160 1222 1191">Moreover, the redrafted text duly took the proposal into consideration.</p>
comment	<p data-bbox="360 1272 411 1303">300</p> <p data-bbox="1082 1272 1477 1303" style="text-align: right;">comment by: <i>German NSA (BAF)</i></p> <p data-bbox="360 1330 1485 1406"><u>GM1 Article 3(x) “Provision of ATM/ANS”, (c)(2)(iii) Consultation with affected stakeholders (pg. 42)</u></p> <p data-bbox="360 1433 1485 1711">More detail/guidance is asked regarding the question who the competent authority is in this context. If the competent authority is acting as change sponsor, it seems to be contradictory, if the same entity is responsible for the safety assessment to be carried out and for submitting an airspace change proposal to “the competent authority”. Is it expected that for this kind of service other competent authorities exist than established by Regulation 1035/2011 resp. correction of 2016/1377. Also more clarification/definition of an “airspace change proposal” is desirable.</p>
response	<p data-bbox="360 1756 440 1787"><i>Noted</i></p> <p data-bbox="360 1814 919 1845">EASA took due consideration of the comment.</p> <p data-bbox="360 1872 1485 1984">The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p data-bbox="360 2011 1485 2042">Consequently, the commented GM was redrafted in a more generic manner that would</p>

allow the current Member States' existing models to continue to exist without prescribing a certain organisational model for airspace structure design.

comment

301

comment by: *German NSA (BAF)*

GM1 Article 3(x) "Provision of ATM/ANS", (c)(2)(iii) Organisations performing the safety assessment (pg. 43) in parallel with GM1 FPD.OR.100 Flight procedure design service, Approval (pg. 61):

Germany disagrees with the statements in both GM that each change to an airspace or a flight procedure always will result in a change to the functional system of the ATS provider serving the affected airspace.

Example: The establishment of a restricted area in uncontrolled airspace where flight information service is provided will not affect the functional system of that ATS provider.

Therefore Germany suggests to reword the paragraphs as follows:

GM1 Article 3(x) "Provision of ATM/ANS" Organisations performing the safety assessment (second paragraph)

"If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) ~~should~~ need to perform a safety assessment..."

GM1 FPD.OR.100 "Flight procedure design service", Approval

"The competent authority is responsible for the approval of the flight procedure. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure.

The last paragraph of GM1 Article 3(x) section (In other situations,...") with the example (change of flight procedures), would better belong to GM1 FPD.OR.100.

response

Accepted

EASA took due consideration of the three proposals and redrafted the commented provisions.

comment

302

comment by: *German NSA (BAF)*

GM1 Article 3 (x) "Provision of ATM/ANS", (c)(2)(iii) Operational Considerations related to Aircraft fleet equipage (pg. 45)

Under the heading "Operational Considerations related to Aircraft fleet equipage" there is a textual reference to a "temporary arrangement pending full fleet compliance". Instead of the word compliance the term "equipage" seems more suitable as used in the heading, because compliance could be somewhat misleading.



response

Noted

EASA took note of the comment.

However, based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. In doing so, the commented part is removed.

comment

303

comment by: *German NSA (BAF)*

GM1 Article 3(x) “Provision of ATM/ANS”, (c)(2)(vi) Competent Authority Decision (pg. 47)

According to (c)(2)(vi) “the competent authority should publish its approval of airspace change proposal, if applicable“. The question is what the supplement “if applicable” means. Does this mean in cases where the competent authority deems the publication as necessary, so the competent authority has a certain discretion concerning the publication. A clarification would be desirable.

response

Noted

EASA took note of the comment.

However, based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. In doing so, the commented part is removed.

comment

306

comment by: *DGAC*

GM1 Article 3(x) **AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS (c) (2)**

(c) The competent authority should ensure that the airspace change process referred to in (a):

(1) is proportionate to the nature and scale of any airspace change and available to the public; and

(2) includes the following elements:

DGAC suggests replacing (2) above as follows:

“include part or all of the following elements”

response

Noted

The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner and the



commented provision was removed.

comment

319

comment by: UK CAA

Page No: 50

Paragraph No: GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions' AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS

Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC.

Comment:

The UK CAA is of the view that the proposed text is not elevated to AMC, rather it remains GM. Part-ASD's introduction of the concept of an airspace change process is a significant step towards a consistent and transparent approach to airspace change. Such processes may exist in some parts of the EU, but not necessarily in others, so presentation as GM represents a proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.

No discernible benefit in elevating the proposed text from GM to AMC is perceived.

Justification:

Proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.

response

Accepted

EASA welcomes the feedback.

Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed, i.e. GM.

comment

325

comment by: ESSP-SAS

ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

The GM indicates that "*Whenever air traffic services are provided, any change to the airspace in which they are provided will result in a change to the functional system(s) of the ATS providers serving the affected airspace. When undertaking and/or implementing an airspace change, the affected ATS provider(s) should perform a safety assessment as per ATS.OR.205 of Subpart A of Annex IV to this Regulation.*"

This GM does not give guidance to conduct proportionate safety assessments for airspace



	changes with low complexity or carried out within small AD
response	<p><i>Noted</i></p> <p>EASA took due note of the comment. Based on the NPA 2016-13 consultation in respect of the provision in question, the commented GM was redrafted so it now reads:</p> <p>‘If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, that/those affected ATS provider(s) need(s) to perform a safety assessment as per ATS.OR.205 to this Regulation.’</p>
comment	<p>326 comment by: <i>ESSP-SAS</i></p> <p>REVIEW OF AIRSPACE CHANGE PROPOSAL</p> <p>A proposed timeline for the review of the airspace proposal would be useful to enable the process of implementing new airspace changes. Today the IFP implementation process is rough and costly in terms of time and resources, and this NPA introduces important changes that undoubtedly improve the quality of the process, but if they are not limited on the time (or at least as a proposal) it could lead to timelines even higher than the ones currently achieved.</p>
response	<p><i>Noted</i></p> <p>The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner and the commented provision was removed.</p>
comment	<p>341 comment by: <i>CANSO</i></p> <p>GM1 Article 3 (x) C 2) iii) Consultation with affected stakeholders</p> <p>Please specify in more detail who the competent authority is in this context. If the competent authority is acting as change sponsor, it seems to be contradictory, if that same entity is responsible for the safety assessment to be carried out and for submitting an airspace change proposal to “the competent authority”.</p> <p>Is it expected that for this kind of service other competent authorities exist than established by Regulation 1305/2011 resp. correction of 2016/1377?</p> <p>More clarification/definition of an “airspace change proposal” is desirable.</p>
response	<p><i>Noted</i></p>

EASA took note of the comment.

Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. However, the GM does not address any specific organisational model.

comment

342

comment by: *CANSO***GM1 Article 3 (x) c) 2) iii)**

ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT (page 43)

to be seen in parallel with

GM1 FPD.OR.100 Flight procedure design service

APPROVAL (page 61):

We disagree to the statements in both GM that each change to an airspace or a flight procedure always will result in a change to the functional system of the ATS provider serving the affected airspace.

Examples: The establishment of a restricted area in uncontrolled airspace where flight information service is provided, will not affect the functional system of that ATS provider;

Flight procedures may be provided as well to VFR aerodromes.

Therefore we suggest to reword the paragraphs as follows:

GM1 Article 3(x) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

"If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) ~~should~~ needs to perform a safety assessment..."

GM1 FPD.OR.100 "Flight procedure design service" APPROVAL

"The competent authority is responsible for the approval of the flight procedure. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure.

The last paragraph of GM1 Article 3(x) section (In other situations,...") with the example (change of flight procedures), would better belong to GM1 FPD.OR.100.

response

Accepted

EASA took due consideration of the three proposals and redrafted the commented provisions.

comment

372

comment by: *CANSO*

	<p>Page 39 GM1 Article 3(x)</p> <p>The intent of this GM is not well understood, in particular the distinction between the CA and the service provider and flight procedure design. It is clear that airspace structures lies with the State (and the GM implies the nomination of one or more CAs to act on the State's behalf). However with regard to flight procedures is it the intent that the CA assigned should establish a process ('the airspace change process') for the design, validation, approval, implementation, continuous maintenance and periodic review of airspace structures, including flight procedures and it is for the service provider to follow said process in meeting FPD.OR.100?</p> <p>There appears to be considerable overlap between this GM and FPD.OR.100. If this is correct the GM would benefit elevation to at least AMC so that such a process is produced by the CA. Would this process produce the design criteria by the CA as required by FPD.TR.100?</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. However, the GM does not address any specific organisational model, while it describes further the main principles and steps in the airspace change process.</p>
comment	<p>373 comment by: <i>CANSO</i></p> <p>Page 39 GM1 Article 3(x)(a)</p> <p>The reference to footnote 15 is to FPD.OR which applies to the FPD service provider however this GM makes it clear that the Member State is responsible for the airspace change process. This being the case it would be clearer to have the Figure here and refer to it from FPD.OR.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the proposal and the commented GM (former GM1 FPD.OR.105 Management system, GENERAL) was reallocated as GM2 associated to Article 3(6) addressing the interactions between the airspace change process and the flight procedure design process.</p>
comment	<p>374 comment by: <i>CANSO</i></p> <p>Page 40 GM1 Article 3(x)(c)(2)(ii)</p> <p>The examples of Change Sponsor include entities not bound by this Regulation so how can this (even though it is GM) be made to apply to those entities?</p>



response

Noted

It is important to be noted that ‘guidance material’ means non-binding material developed by the Agency that helps to illustrate the meaning of the requirement and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules and AMC. In this context, the commented GM is a non-binding material that helps to illustrate the requirements in Article 3(y) (former Article (x)) and to support the interpretation of the proposed rule; consequently, the Member States are the regulated parties in question and the aim of the subject GM is to support Member States if following an introduction of a new flight procedure and/or change thereto, a change to the (design of) the airspace structure is required.

comment

375

comment by: *CANSO*

Page 43 GM1 Article 3(x)(c)(2)(iii)

The GM states that “the change sponsor should ensure that a safety assessment will be carried out”. However this then relates to the assessment and assurance of the airspace change; however the regulation requires only ATS providers undertake a safety assessment. The change sponsor may not even be a service provider (e.g. Member State) therefore how can this requirement (albeit GM) be met?

There should be an explicit requirement for a safety support assessment to be undertaken otherwise, if an airspace change impacts ATS provision the ATS provider cannot undertake a safety assessment.

The reference to an uncontrolled aerodrome is unnecessary as it is not within the scope of this Regulation.

response

Accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation clearly indicated that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner to reflect the comments made by the commentator.

comment

413

comment by: *ENAV*

GM1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

It’s not clear what part of Article 3(x) the GM is referred to.



response

Noted

It is important to be noted that 'guidance material' means non-binding material developed by the Agency that helps to illustrate the meaning of the requirement and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules and AMC. In this context, the commented GM is a non-binding material that helps to illustrate the requirements in Article 3(y) (former Article (x)) and to support the interpretation of the proposed rule; consequently, the Member States are the regulated parties in question and the aim of the subject GM is to support Member States if following an introduction of a new flight procedure and/or change thereto, a change to the (design of) the airspace structure is required.

comment

414

comment by: ENAV

CHANGE SPONSOR

Change sponsor may be any entity (as accepted by the competent authority or the competent authority itself) proposing a change to airspace structures and/or associated flight procedures.

In this case is not clear the process of acceptance by the competent authority.

Explain if a list should be published

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment

415

comment by: ENAV

INITIAL BRIEFING

[...]

The initial briefing provides the competent authority with the opportunity to provide appropriate and tailored advice and guidance on the specific requirements of each airspace change proposal, including the safety assessment to be carried out in conjunction with any affected ATS providers. The competent authority can also provide advice and guidance on the requirements of each stage of the airspace change process, according to the scale and scope of each airspace change proposal.

[...]



response	<p>Following the initial briefing, the airspace change proposal should be developed by the change sponsor according to the <u>criteria set out by the competent authority</u>. An example list of elements to be considered is as follows</p> <p>A reword could be useful in order to better differentiate Criteria and Requirements.</p> <p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>416 comment by: ENAV</p> <p>PREFERRED CHANGE OPTION</p> <p>The change sponsor should indicate the preferred airspace change option and explain why other options are not being carried forward.</p> <p>The justification why other options are not being carried forward could be proportionate to the nature and scale of the airspace change. In some circumstances, this justification may be very simple, but it should be based on valid arguments:</p> <p>[...]</p> <p>(C) Assessment of air traffic management enablers and constraints;</p> <p>In the case the change sponsor is not the ANSP (e.g. airspace user...), it could be not so easy to assess air traffic management enablers and constraint.</p> <p>In these cases a formal pre-consultation phase with ANSP should be foreseen, with the change sponsor responsible to ensure that appropriate arrangements are in place with ANSP.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>417 comment by: ENAV</p> <p>(iii) Consultation with affected stakeholders</p>

[...]

Whenever the airspace change results in a change to the functional system of a service provider, the requirements on the service provider planning the change to its functional system related to multifactor changes, as laid down in ATM/ANS.OR.A.045(e), are also applicable and may help in the identification of affected stakeholders

[...]

ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

Whenever air traffic services are provided, any change to the airspace in which they are provided will result in a change to the functional system(s) of the ATS providers serving the affected airspace.

When undertaking and/or implementing an airspace change, the affected ATS provider(s) should perform a safety assessment as per ATS.OR.205 of Subpart A of Annex IV to this Regulation. In that situation, the safety acceptability of the change is determined by providing the assurance that the safety criteria required by ATS.OR.210 are satisfied

In the case the change sponsor is not the ANSP (e.g. airspace user...), the Safety Assessment is foreseen to be developed before any form of preventive approval of the airspace change by the competent authorities.

This could lead to a waste of effort from ATM/ANS/ATS provider in conducting related Safety Assessment and/or a waste of resources for the change sponsor.

A pre-approval (or other form of agreements based on the output of initial briefing) by the competent authority should be foreseen.

response

Noted

EASA took due note of the comment.

The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provisions nor to support the implementation.

As a consequence, the commented GM was redrafted in a more generic manner.

comment

418

comment by: ENAV

The change sponsor should communicate details of the consultation(s) in order to allow the participation of all affected stakeholders and thereafter maintain accurate and complete records of the consultation exercise, including an audit trail of any changes to the proposal that arise from the consultation.

Affected stakeholders should be considered to be:

(A) affected service providers;



(B) aviation undertakings (e.g. airspace users or aerodrome operators);
 (C) non-aviation groups (e.g. local government, local communities, environmental interests);
 (D) adjacent States;
 (E) any other groups affected by the airspace change identified by the sponsor or specified by the competent authority.

COMMENT

This phase is foreseen for every change and for any type of change sponsor.

In the case the change sponsor is the ANSP (presumably being the change sponsor of the vast majority of airspace changes) this process could be too complex, even because, due to the extended provided list, it's not clear what the word "affected" exactly means.

It should be foreseen a simplified process, as for initial briefing phase, for which the competent authority may decide that certain small-scale and routine airspace changes do not require a consultation process (or require a simplified one). The list of those changes, and the type of sponsors for which the consultation is not required, should be documented as for initial briefing phase.

response

Noted

EASA took note of the comment.

Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. However, the GM does not address any specific organisational model, while it describes the main principles and steps in the airspace change process.

comment

419

comment by: ENAV

ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

Whenever air traffic services are provided, any change to the airspace in which they are provided will result in a change to the functional system(s) of the ATS providers serving the affected airspace.

In practical terms, this means "always" (except "P", "R" and other regulated zones), ATS include ALS and FIS which are provided in the vast majority of airspace. Is this considered?

response

Noted

EASA took due consideration of the comment.

Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity, but in a more generic manner.

Now the commented provision should read:

‘If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, that those affected ATS provider(s) need(s) to perform a safety assessment as per ATS.OR.205 to this Regulation.’ As it is not always the case.

comment

420

comment by: ENAV

ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

[...]

In other situations, the organisation performing the safety assessment may vary. For example, a change of flight procedures at an uncontrolled aerodrome may be performed by the aerodrome operator as per ADR.OR.B.040(f) of Commission Regulation (EU) No 139/2014.

The mentioned example is not clear and has to be reworded in order to better define in which case the responsibility to develop the safety assessment is not assigned to ATM/ANS/ATS provider but, according to ADR.OR.B.040(f) of Commission Regulation (EU) No 139/2014, is the aerodrome operator which has the responsibility to “*determine the interdependencies with any affected parties, plan and conduct a safety assessment in coordination with these organisations*”

response

Partially accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner, while the referenced aspects are better clarified.

comment

421

comment by: ENAV

(iii) Consultation with affected stakeholders

[..]

(C) In any other case where there is a need to modify the design after the consultation exercise, the change sponsor should consider whether it is necessary to reconsult

In the case the change sponsor is not the ANSP (e.g. airspace user...), in every case the the design is modified after the consultation exercise, the ATM/ANS/ATS provider should be ALWAYS reconsulted and Safety Assessment should be updated accordingly.



response	<p><i>Partially accepted</i></p> <p>EASA took the comment into consideration .</p> <p>Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity. However, the GM does not address any specific organisational model, while it describes the main principles and steps in the airspace change process.</p>
comment	<p>422 comment by: ENAV</p> <p>(vii) Change implementation</p> <p>The change sponsor should implement those aspects of the airspace change that are under its remit; however, the implementation of the airspace change may require many stakeholders implementing changes in their organisations. The overview of the implementation of all changes required is part of the responsibility of the change sponsor</p> <p>The term overview is not clear. Please specify what are intended to be the responsibilities of the change sponsor in relation to other stakeholders' activities</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner and the commented provision of this GM is removed.</p>
comment	<p>433 comment by: ENAV</p> <p>3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 (page 50)</p> <p>Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC.</p> <p>See comment to para 2.4.1. Cover regulation and associated appendices (page 13)</p> <p>Better to left at GM stage, this allow more space for intervention.</p>
response	<p><i>Accepted</i></p> <p>EASA welcomes the feedback.</p> <p>It is acknowledged that the reference is incorrect and that the commentator has provided</p>

the correct one.

Based on the outcome of the NPA 2016-13 consultation on this subject, the commented provision remains as initially proposed.

comment

443

comment by: EUROCONTROL

GM1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS

(ii) Initial briefing by an entity seeking an airspace change (the change sponsor) with competent authority

INITIAL BRIEFING - Page 41

In the airspace change process, the EUROCONTROL Agency shares the view that it is essential that the impact on aeronautical data management and systems implementation, as well as aeronautical information publication aspects are identified at an early stage of the planning process and in the communication with the competent authority, to serve as input to the following assessment of air traffic management enablers and constraints.

It is therefore proposed to consider reflecting these aspects by inserting the following text into the third and fourth paragraphs:

· The initial briefing provides the competent authority with the opportunity to provide appropriate and tailored advice and guidance on specific requirements of each airspace change proposal. This includes the safety assessment to be carried out in conjunction with any affected ATS provider, and assessment of airspace data management impact and aeronautical information publication aspects.

· Furthermore, the competent authority may decide that certain small-scale and routine airspace changes do not require an initial briefing. The list of those changes, and the type of sponsors for which the initial briefing is not required, should be documented. In all cases, the requirement for an initial briefing regarding airspace data management impact and aeronautical information publication aspects shall be considered.”

PREFERRED CHANGE OPTION - Page 42

The EUROCONTROL Agency is of the opinion that airspace data management and aeronautical information management aspects should be taken into consideration in the required assessment on ATM enablers and constraints, by adding:

(C) Assessment of air traffic management enablers and constraints, including airspace data management and systems impact and aeronautical information publication aspects;

(vii) Change implementation

CHANGE IMPLEMENTATION - AMENDMENT OF AERONAUTICAL INFORMATION PUBLICATION - Page 48



The EUROCONTROL Agency considers that it is essential that the GM includes guidance for the change sponsors, reflecting their role and responsibilities as data originator, to establish formal arrangements with the relevant aeronautical information services provider regarding the transmission of data for aeronautical information publication, including data quality requirements.

It is therefore proposed to include the following text as guidance:

'In accordance with its role and responsibilities as data originator, the change sponsor shall establish formal arrangement with the relevant aeronautical information services provider regarding the transmission of data for aeronautical information publication, including data quality requirements.'

In addition, there should be a single place in European regulatory framework defining the timeliness of aeronautical publications. NPA 2016-02 (future part AIS) should be the single place for these provisions and duplication within other parts should be avoided.

(vii) Change implementation

CHANGE IMPLEMENTATION - SCOPE OF AERONAUTICAL INFORMATION PUBLICATION - Page 48

The change sponsor should not only consider the impact of an amendment, but shall include the AISP within the consultation on a change proposal for the determination of the AIRAC required publication date and, most importantly, for the assessment of the change proposal coding in the aeronautical database. The EUROCONTROL Agency therefore suggests to raise to AMC level the need for the change sponsor to consult the AISP at the earliest stage for:

- assessment of change proposal coding within the aeronautical database and coordination with adjacent States AISPs;
- determination of the lead time required for AIRAC.

(vii) Change implementation

CHANGE IMPLEMENTATION — PRE-NOTIFICATION OF AIRSPACE CHANGE - Page 49

AMENDMENT OF AERONAUTICAL INFORMATION PUBLICATION

As mentioned before with respect to the amendment of aeronautical information publication, the EUROCONTROL Agency believes that there should be a single place in European regulatory framework defining the timeliness of aeronautical publications. Again, NPA 2016-02 (future part AIS) should be the single place for these provisions.

response *Noted*

EASA took note of the comment.

The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

As a consequence, the commented GM was redrafted in a more generic manner and in doing



so the subject provisions were removed.

comment	<p>466 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 49</p> <p>Comment:</p> <p>NPA Text: CHANGE IMPLEMENTATION — PRE-NOTIFICATION OF AIRSPACE CHANGE (A) The change sponsor may identify the need to pre-notify details of the an approved permanent change by means of an Aeronautical Information Circular (AIC) at least one month prior to the distribution of the AIP amendment containing the airspace change and in accordance with the requirements specified by the competent authority. Such pre-notification may include the effective date of the change, the airspace dimensions and, where appropriate, a map of the revised airspace structure.</p> <p>Impact:</p> <p>Why publish an AIC when the publication of an AIP SUPPLEMENT would be more appropriate? Justification: AICs are outside of ADQ (EC73/2010) and therefore any aeronautical data that might be contained within the AIC will not be quality assured? Definition: AIC. A notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters. Definition AIP SUP: Temporary changes to the information contained in the AIP which are provided by means of special pages. (Note: The purpose of a SUP is to bring to the attention of users both temporary changes of long duration (three months or longer) and information of short duration containing extensive text or graphics which affect one or more parts of the AIP)</p> <p>Suggested Resolution:</p> <p>Consider publication of AIP SUP for pre-notification - not an AIC.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>
comment	<p>498 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 39 GM1 Article 3(x)(a)</p> <p>Comment:</p> <p>The reference to footnote 15 is to FPD.OR which applies to the FPD service provider however</p>



	<p>this GM makes it clear that the Member State is responsible for the airspace change process. This being the case it would be clearer to have the Figure here and refer to it from FPD.OR.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the proposal and the commented GM (former GM1 FPD.OR.105 Management system, GENERAL) was reallocated as GM2 associated to Article 3(6) addressing the interactions between the airspace change process and the flight procedure design process.</p>
comment	<p>499 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 40 GM1 Article 3(x)(c)(2)(ii)</p> <p>Comment:</p> <p>The examples of Change Sponsor include entities not bound by this Regulation so how can this (even though it is GM) be made to apply to those entities?</p>
response	<p><i>Noted</i></p> <p>It is important to be noted that ‘guidance material’ means non-binding material developed by the Agency that helps to illustrate the meaning of the requirement and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules and AMC. In this context, the commented GM is a non-binding material that helps to illustrate the requirements in Article 3(y) (former Article (x)) and to support the interpretation of the proposed rule; consequently, the Member States are the regulated parties in question and the aim of the subject GM is to support Member States if following an introduction of a new flight procedure and/or change thereto, a change to the (design of) the airspace structure is required.</p>
comment	<p>500 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 43 GM1 Article 3(x)(c)(2)(iii)</p> <p>Comment:</p> <p>The GM states that “the change sponsor should ensure that a safety assessment will be carried out”. However this then relates to the assessment and assurance of the airspace change; however the regulation requires only ATS providers undertake a safety assessment. The change sponsor may not even be a service provider (e.g. Member State) therefore how can this requirement (albeit GM) be met? There should be an explicit requirement for a safety support assessment to be undertaken otherwise, if an airspace change impacts ATS provision the ATS provider cannot undertake a safety assessment. The reference to an uncontrolled aerodrome is unnecessary as it is not within the scope of this Regulation.</p>



response

Accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner to reflect the comments made by the commentator.

comment

529

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments</p> <p>Section 3.2.1.</p> <p>GM1 Article 3(x)</p> <p>‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’ AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS</p> <p><i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i></p>	<p>It is stated: <i>"In establishing an airspace change process, the competent authority should also allow for the establishment of airspace structures or flight procedures in response to an immediate safety threat or threat to national security"</i>.</p> <p>Is this response expected to be also immediate? how could a flight procedure could be implemented in a very short period?</p>	<p>Because of the needed reaction time, it seems illogical to think about the establishment of airspace structures or flight procedures as the first mitigation mean in case of such an immediate threat. The process in these cases should be very similar to other airspace change processes.</p> <p>In any case, if such a requirement is finally established, the following conditions should be taken into consideration:</p> <ul style="list-style-type: none"> - it shall only be used in particular and pre-fixed scenarios, and always under motivated conditions; - Member State approval shall be mandatory; - Minimum requirements to be complied with shall be defined. At least theses will include the need to define specific operating conditions; - special care must be taken when publishing the change: users shall be properly warned, describing

		<p>the approval conditions; - it shall only be used in a temporal way and always defining the lifetime of the event. After that time, it will be managed in a normal way or cancelled.</p>
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response *Noted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicated clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

As a consequence, the commented provision was removed.

comment 530

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments Section 3.2.1. GM1 Article 3(x) (c) 2) <i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i></p>	<p>The element "Safety Argument" is missing in the list.</p>	<p>This element is however explained in the subsequent section. It should be thus included for completeness' and coherence's sake.</p>

response *Not accepted*

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.



comment

531

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments</p> <p>Section 3.2.1.</p> <p>GM1 Article 3(x)</p> <p>(c) 2) (ii) Initial briefing by the entity seeking an airspace change (the ‘change sponsor’) with the competent authority</p> <p>ROLES AND RESPONSIBILITIES OF CHANGE SPONSORS</p> <p><i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i></p>	<p>In the case of changes which should be mandatorily implemented because a regulation so disposes it, is the change sponsor still accountable for the decisions whether to implement the change or not?</p>	<p>In these cases, the change sponsor may not have a choice.</p>

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment

532

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments</p> <p>Section 3.2.1.</p> <p>GM1 Article 3(x)</p> <p>(c) 2) (ii) Initial briefing by the entity seeking an airspace change (the ‘change sponsor’) with the competent authority</p>	<p>An additional letter should be include in the list of valid arguments: "<i>J) An initial assessment of the safety implications and / or benefits of the preferred option</i>".</p>	<p>Common sense indicates that this item would be of paramount importance in the justification of the final decision.</p>

	PREFERRED CHANGE OPTION		
	<i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i>		
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>		

comment	533	comment by: <i>AESA / DSANA</i>						
	<table border="1" style="width: 100%;"> <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> Proposed amendments Section 3.2.1. GM1 Article 3(x) (c) 2) (iii) Consultation with affected stakeholders <i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i> </td> <td> Militar organisations should be highlighted as one of the main potential affected stakeholders. </td> <td> Common sense indicates that the Military is one of the most relevant actors in the activities covered by the NPA 2016-13. Actually, ASD is so intertwined with ASM that the Military have to be taken into account for most of the ASD activities. </td> </tr> </tbody> </table>	PART	COMMENT	JUSTIFICATION	Proposed amendments Section 3.2.1. GM1 Article 3(x) (c) 2) (iii) Consultation with affected stakeholders <i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i>	Militar organisations should be highlighted as one of the main potential affected stakeholders.	Common sense indicates that the Military is one of the most relevant actors in the activities covered by the NPA 2016-13. Actually, ASD is so intertwined with ASM that the Military have to be taken into account for most of the ASD activities.	
PART	COMMENT	JUSTIFICATION						
Proposed amendments Section 3.2.1. GM1 Article 3(x) (c) 2) (iii) Consultation with affected stakeholders <i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i>	Militar organisations should be highlighted as one of the main potential affected stakeholders.	Common sense indicates that the Military is one of the most relevant actors in the activities covered by the NPA 2016-13. Actually, ASD is so intertwined with ASM that the Military have to be taken into account for most of the ASD activities.						
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner to reflect the</p>							

proposal made by the commentator.
 In this context, military should be read as 'State's authority'.

comment 536

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments Section 3.2.1. GM1 Article 3(x) (c) 2) (iii) Consultation with affected stakeholders ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT <i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i></p>	<p><i>"Whenever air traffic services are provided, any change to the airspace in which the are provided will result in a change to the functional system(s) of the ATS providers serving the affected airspace".</i></p> <p>OK to this statement. However, according to the regulation, the safety assessment performed by the ATS providers will assess the safety of the change to its functional system, not the safety of the airspace change itself. If it is intended the safety assessment of the airspace change to be included in the safety assessment of the change to the ATS functional system, a clarification should be explicitly added.</p>	<p>It is already clarified in FPD.OR.100. It should also be clarified in this section GM1 Article 3(x).</p>

response *Accepted*

EASA took due consideration of the comment.

Based on the feedback gathered during NPA 2016-13 consultation, the subject provision addressing the airspace change process is redrafted to promote clarity.

Now the commented provision should read:

'If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) need(s) to perform a safety assessment as per ATS.OR.205 to this Regulation.' EASA believes that it addresses the issue raised by the commentator.

comment

537

comment by: AESA / DSANA

PART	COMMENT	JUSTIFICATION
<p>Proposed amendments</p> <p>Section 3.2.1.</p> <p>GM1 Article 3(x)</p> <p>(c) 2) (iii)</p> <p>AIRSPACE CHANGE CONSULTATION (D)</p> <p><i>Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377</i></p>	<p><i>"The change sponsor should take into account the significance of the modifications both in terms of the people affected and the severity of the effects".</i></p> <p>The term <i>"significance of the modifications"</i> is ambiguous and fully subjective, and also <i>"severity of the effects"</i> and <i>"people affected"</i>. Some classification schemes should be provided as GM, in order to achieve standardisation in evaluating this <i>"significance"</i>.</p>	<p>As said in the comment, some classification schemes should be provided as GM, in order to achieve standardisation in evaluating this <i>"significance"</i>.</p>

response

Noted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicates clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner.

comment

547

comment by: DGAC

GM1 Article 3(x) AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS

DGAC requests the removal of "(c) Economic impact" from (A) as this paragraph is related to "operational requirements".

In addition, the proposed content of the consultation report is too much detailed for its purpose which is mainly to confirm that consultations took place. DGAC requests for the removal of the sub-paragraphs (a) to (d) following "D Consultation report"

response

Accepted

EASA took due consideration of the comment.

The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and

does not help to illustrate the meaning of the associated provision nor to support the implementation.

Consequently, the commented GM was redrafted in a more generic manner to reflect the proposals made by the commentator.

comment	<p data-bbox="352 490 411 526">548</p> <p data-bbox="1236 490 1498 526" style="text-align: right;">comment by: DGAC</p> <p data-bbox="352 548 1181 584">GM1 Article 3(x) AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS</p> <p data-bbox="352 607 1498 685">Articles 6 and 20 of Regulation (EC) 216/2008 establish the competence of the Agency for the environmental certification of aircraft according to ICAO Annex 16 .</p> <p data-bbox="352 707 1498 864">However, the basic regulation does not endow the Agency with competence regarding environmental impact in the surroundings of aerodromes, be they related to the deployment of flight procedures or not. Hence, DGAC asks for the removal of any reference to environment in this NPA.</p> <p data-bbox="352 887 1498 965">As such, DGAC requests the removal of the sub-paragraphs (a) to (e) below "C Environmental report"</p>
response	<p data-bbox="352 996 582 1032"><i>Partially accepted</i></p> <p data-bbox="352 1077 917 1113">EASA took due consideration of the comment.</p> <p data-bbox="352 1135 1498 1258">The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p data-bbox="352 1281 1498 1359">Consequently, the commented GM was redrafted in a more generic manner to reflect the comments made by the commentator.</p>
comment	<p data-bbox="352 1391 411 1426">558</p> <p data-bbox="1236 1391 1498 1426" style="text-align: right;">comment by: IATA</p> <p data-bbox="352 1449 454 1485">Page 39</p> <p data-bbox="352 1507 1498 1585">Reference: GM1 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions' AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS (a) + (b)</p> <p data-bbox="352 1608 1498 1765">IATA Comments: IATA is in favor of upgrading this GM to AMC as it is aligned to the earlier points on standardization of processes across Europe, this would ensure conformity, this could also be applied to sections II and III</p>
response	<p data-bbox="352 1839 518 1874"><i>Not accepted</i></p> <p data-bbox="352 1919 726 1955">EASA welcomes the feedback.</p> <p data-bbox="352 1977 1498 2036">However, based on the outcome of the NPA 2016-13 consultation on this subject, the</p>

commented provision remains as initially proposed, i.e. GM.

comment	559	comment by: <i>Finnish Transport Safety Agency</i>
	<p>Finnish Transport Safety Agency proposes amendment to paragraph (c) (2) as follows:</p> <p>— Competent Authority review of the proposals and regulatory decision according to change management procedures for functional systems.</p> <p>Rationale: In line with our proposal in FPD.OR.100.</p> <p>Regulatory decisions by competent authority are appealable, and the appeal process could take long time and for example could delay significantly introduction of new flight procedures. This might have negative effect to flight safety and efficiency.</p>	
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.</p> <p>Consequently, the commented GM was redrafted in a more generic manner.</p>	
comment	561	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<p><i>Comment FOCA to GM1 Art 3(x):</i> We suggest to shift the main process steps to the AMC (tracability, cross border changesm audit, etc.) to ensure that each State has the same main process.</p>	
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>However, based on the feedback gathered during the NPA 2016-13 consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account feedback received, GM1 Article 3 addressing the airspace change process is redrafted in a more generic manner.</p>	
comment	562	comment by: <i>Federal Office of Civil Aviation (FOCA), Switzerland</i>
	<p><i>Comment FOCA to GM1 Art 3(x) (c)(2):</i> same comment as under Nr. 561.</p>	
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment.</p>	



However, based on the feedback gathered during the NPA 2016-13 consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account feedback received, GM1 Article 3 addressing the airspace change process is redrafted in a more generic manner.

comment 565 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*
Comment FOCA to (h) (3): In our opinion the word "equitable" access is misleading. We suggest to replace "equitable" with "proportionate".

response *Accepted*

comment 568 comment by: *Finnish Transport Safety Agency*
 Page 50:
 "Stakeholders are invited to indicate preferred option on GM1..."
 Finnish Transport Safety Agency prefers the provision to remain as GM, as it gives flexibility for states.

response *Accepted*
 EASA took due consideration of the comment.
 Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.

comment 585 comment by: *CANSO*
 page 43: (iii) Consultation with affected stakeholders, (C) non-aviation groups (e.g. local government, local communities, environmental interests); - this should be better defined because the scope of meaning for "local communities" and "environmental interests" is quite large.

response *Accepted*
 EASA took due consideration of the comment.
 The NPA 2016-13 consultation indicate clearly that the commented GM is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation.
 Consequently, the commented GM was redrafted in a more generic manner to reflect the proposal made.



comment	589	comment by: <i>Icelandic Transport Authority</i>
	This should remain GM, to detailed to be AMC	
response	<i>Accepted</i>	
	EASA took due consideration of the comment.	
	Based on the feedback gathered during the NPA consultation, the commented provisions remain GM. Furthermore, to promote clarity and taking into account proposals received, GM1 Article 3 addressing the airspace change process is redrafted.	

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM2 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’	p. 51
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comment	109	comment by: <i>skyguide Compliance Management</i>
	GM3 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’	
	APPENDIX XX, SECTION I ‘SPECIFICATIONS FOR FLIGHT INFORMATION REGION, CONTROL AREAS AND CONTROL ZONES’	
	UPPER AIRSPACE	
	...	
	LOWER LIMITS OF CONTROL AREAS	
	(a) The lower limit of a control area should be established at a greater height than 200 m (700 ft), when practicable and desirable in order to allow freedom of action for VFR flights below the control area.	
	(b) ...	
	(c) In a given control area, the lower limit may be established non-uniformly (see Figure A-5 of the ‘Air Traffic Services Planning Manual’ (Doc 9426), Part I, Section 2, Chapter 3).	
	Comments:	
	Is the proposal to make this IR or AMC ?see page 39: AMC1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’	
	APPENDIX XX, SECTION I ‘SPECIFICATIONS FOR FLIGHT INFORMATION REGIONS, CONTROL AREAS AND CONTROL ZONES) and some other parts like the one left which is GM.	
	(c) Would have been appreciated to get some precisions in there.	



response

Accepted

EASA took due consideration of the comment and a new paragraph on lower level of control areas is introduced at IR level, while the commented provision indicated by the commentator was elevated at AMC level taking into account ICAO provisions on the subject.

comment

110

comment by: *skyguide Compliance Management*

GM3 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'

APPENDIX XX, SECTION I 'SPECIFICATIONS FOR FLIGHT INFORMATION REGION, CONTROL AREAS AND CONTROL ZONES'

LATERAL LIMITS OF CONTROL ZONES

Same as first part of comment 109 (page 51)

response

Accepted

Please refer to response to comment #109.

comment

563

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

Comment FOCA to GM2 Art 3(x): same comment as under Nr. 561 and 562

response

Noted

EASA took due consideration of the comment.

As the commented GM2 Article 3(x) addressing temporary airspace arrangements is primarily used in the context of airspace management (ASM) and as it would bring more confusions rather than any advantages to the affected parties, EASA decides to remove it.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM3 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions' p. 51-52

comment

160

comment by: *CAA - Norway*

GM3 Article 3(x), Upper limit of control zones:



Point (a) say that an upper limit “should” be established. Is this entirely correct when we compare with the definition of a CTR on page 32 which say that the CTR “extends upwards to a specified upper limit”?

response *Noted*

As correctly mentioned by the commentator, the definition states that ‘control zone (CTR) means a controlled airspace extending upwards from the surface of the earth to a specific upper limit’. In addition, the IR, especially Annex XI (part-FPD), Appendix 1, Section I, point C(2), addresses if the CTR is located within the horizontal limits of a control area, the specific upper limit should coincide with at least the lower limit of the control area.

On the other hand the commented GM3 addresses the case when the CTR is located outside of the horizontal limits of a control area, then upper limits should be established, i.e. a specific upper limit is defined.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM5 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’ p. 53-55

comment 111

comment by: *skyguide Compliance Management*

page 54

Meaning: This designator identifies a standard departure route for controlled VFR flights which

SID for controlled VFR flight: did you mean "SIDs with a visual portion of flight?", as a SID is by nature IFR and not VFR.

response *Accepted*

Considering the comment, the referenced provision is redrafted and now should read:

‘(...)

Meaning: This designator identifies a standard departure route with visual portion of flight, which terminates at ADOLA, a significant point not marked by the site of a radio navigation facility. The validity indicator FIVE (5) signifies that a change has been made from the previous version FOUR (4) to the now effective version FIVE (5). The route indicator BRAVO (B) identifies one of several routes established with reference to ADOLA.

(...)



comment	<p>193 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Subtitle DESIGNATORS FOR APPROACH PROCEDURES - We don't understand what is meant. What do you mean by Approach procedures; STAR or instrument approach procedures? (Approach procedures don't have designators; ICAO talks about "naming".)</p> <p>ICAO Doc 8168 vol II part I sec 4 Ch 9</p> <p>9.5.1 Instrument flight procedure naming convention</p> <p>This paragraph describes the general aspects of instrument procedure naming. Specific aspects are covered in the appropriate chapters. A standardized naming convention is required to avoid ambiguity between charts, electronic cockpit displays and ATC clearances.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>As a consequence, the provision in question is removed.</p>
comment	<p>194 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Example of plain language and coded designators for approach procedures (a) and (c) – Change “RNAV” to “RNP”.</p> <p><i>Justification:</i> When this regulation becomes applicable the “new” ICAO naming convention in accordance with PANS-OPS Part III, Sec 5 Ch 1 should have been implemented in larger parts of the world.</p> <p>1.4.2.3 From 1 December 2022, charts depicting procedures that meet the RNP APCH navigation specification criteria shall include the term RNP in the identification (e.g. RNP RWY 23). The identification shall also include a parenthetical suffix when exceptional conditions occur as described in Table III-5-1-1.</p>
response	<p><i>Accepted</i></p> <p>At this moment, EASA accepts the proposal.</p>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM6 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

p. 55

comment	<p>112 comment by: <i>skyguide Compliance Management</i></p> <p>ICARD SYSTEM FOR THE ALLOCATION OF 5LNC OF SIGNIFICANT POINTS</p>
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Isn't it already binding?

Reference to: ICARD 5LNC guidelines:

Even though is it a guidelines manual, there are sentences such as "States are required to coordinate usage of unique five-letter pronounceable name-code designator (5LNC)'s with the appropriate Regional Office and adhere to the rules for relocating 5LNC's (Ref Annex 11, Appendix 2, Section 3, Paragraph 3.4 and 3.5)" and "3.5 States requirements for unique five-letter pronounceable name-code designators shall be notified to the Regional Offices of ICAO for coordination." which make it quite unavoidable.

response *Noted*

As correctly mentioned by the commentator, the referenced provision is a GM, i.e. 'non-binding material' that helps to illustrate the meaning of the requirement and is used to support its interpretation

comment

113

comment by: *skyguide Compliance Management*

MINIMUM OBSTACLE CLEARANCE

Typo.

response

Accepted

comment

114

comment by: *skyguide Compliance Management*

Minimum flight altitudes are either the minimum obstacle clearance altitude or the procedure altitude. Both are covered in PANS-OPS (Doc 8168).

This definition doesn't seem to come from ICAO and is quite confusing.

response

Accepted

EASA took due consideration of the comment.

As a consequence, the provision in question is modified.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM7 Article 3(x) 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'

p. 55

comment

501

comment by: *PANS-OPS ENAC*



	second line, spelling : MINIMUM OBSTACLE CLEARANCE instead if MINUMUM...
response	<i>Accepted</i>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM9 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’

p. 56

comment	115	comment by: <i>skyguide Compliance Management</i>
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Airspace structures consist of:

(a) controlled airspace, namely control zones, control areas, terminal control areas and airways

(b) airspace restrictions, namely danger, restricted and prohibited areas;

See previous comments on page 32

response	<i>Noted</i>
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comment	116	comment by: <i>skyguide Compliance Management</i>
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(a) The term ‘ATS route’ is used to mean variously ‘airway’, ‘advisory route’, ‘controlled route’, ‘uncontrolled route’ (i.e. VFR routes or corridors), ‘arrival or departure route’, etc.

Propose to remove the uncontrolled.

response	<i>Not accepted</i>
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According to the definition of ATS route, also provided in point 46 of Article 2 to SERA IR, it is a specified route designed for channelling the flow of traffic as necessary for the provision of ATS, including FIS, which is provided in an uncontrolled airspace.

comment	117	comment by: <i>skyguide Compliance Management</i>
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b) An ATS route is defined by route specifications which include an ATS route designator, the track to or from significant points (waypoints), distance between significant points, reporting requirements and, as determined by the competent authority, the lowest safe altitude.

What is meant exactly by lowest safe altitude?

response	<i>Noted</i>
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Considering the comment, the commented provision was redrafted and now should read '(...) and the minimum flight altitude'.

comment	<p>248</p> <p>(...)</p> <p>FLIGHT INFORMATION REGIONS, CONTROL AREAS, AND CONTROL ZONES AND FLIGHT INFORMATION ZONES</p> <p>(...)</p>	comment by: <i>LFV</i>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the commented provision was rearranged.</p>	

comment	<p>398</p> <p>b) An ATS route is defined by route specifications which include an ATS route designator, the track to</p> <p>or from significant points (waypoints), distance between significant points, reporting requirements</p> <p>and, as determined by the competent authority, the lowest safe altitude.</p> <p>What is meant exactly by lowest safe altitude?</p>	comment by: <i>CANSO</i>
response	<p><i>Noted</i></p> <p>Considering the comment, the commented provision was redrafted and now should read '(...) and the minimum flight altitude'.</p>	

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.2. Proposed amendments to AMC/GM to Annex I 'Definitions of terms used in Annexes II to XIII' to Commission Implementing Regulation (EU) 2016/1377 — GM1 (aa) 'Airspace structure'	p. 57
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comment	<p>118</p> <p>(a) ATS routes other than VFR routes;</p> <p>No need to expand ATS routes.</p>	comment by: <i>skyguide Compliance Management</i>
response	<p><i>Noted</i></p> <p>EASA noted the comment.</p> <p>As Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU)</p>	

2017/373 and as the referenced term is not used in the implementing rule text, the commented definition and associated GM are removed.

comment

195

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

(a) – Terminal control areas and airways are control areas. Suggestion write “...control areas; including terminal control areas and airways.”.

response

Accepted

comment

228

comment by: *DGAC*GM1 (aa) page 57

SERA has introduced RMZ and TMZ. As RMZ and TMZ are not referred to in ICAO standards and recommend practices, some guidance on naming and representation on aeronautical charts could be useful.

response

Noted

EASA sees the rationale of the proposal. However, EASA considers that the proposal would necessitate more detailed discussion.

In this context, EASA could foresee a separate rulemaking activity, depending on the support and prioritisation by stakeholders. Therefore, the commentator is kindly invited also to consider whether a more detailed rulemaking proposal on the issue would be possible. EASA would then take appropriate action to consider the subject.

comment

423

comment by: *ENAV*

GM1 (aa) ‘Airspace structure’

TYPES OF AIRSPACE STRUCTURES

Airspace structures consist of:

(a) controlled airspace, namely control zones, control areas, terminal control areas and airways;

(b) airspace restrictions, namely danger, restricted and prohibited areas;

(c) radio mandatory zones, transponder mandatory zones; and

(d) Other airspaces specified by the competent authority when defining the airspace change process, such as e.g. flight information zones, aerodrome traffic zones, temporary segregated areas, temporary reserved areas or free route airspace

Comment: Aerodrome traffic zones should be mentioned at point a)



response *Not accepted*

The commented GM was removed.

However, GM2 Article 3(1) on 'AIRSPACE STRUCTURE' addresses the same subject. Due to harmonisation purposes it was decided FIZ to be used for the airspace associated with AFIS aerodrome that will be subject for further consideration by the EC. Consequently, the proposal is not accepted.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.2. Proposed amendments to AMC/GM to Annex I 'Definitions of terms used in Annexes II to XIII' to Commission Implementing Regulation (EU) 2016/1377 — GM1 (nn) 'Instrument flight procedure'

p. 57

comment

229

comment by: *DGAC*

GM1 (nn) page 57

As SID and STAR are ATS routes, they are covered by (a). This modification will align the text with SERA, definition n°46 GM1 article 2.

response

Accepted

EASA agrees with the commentator that a consistency in the definitions should be ensured.

Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text in the context of this proposal, the definition and its associated GM are removed.

comment

503

comment by: *PANS-OPS ENAC*

SIDs and STARs are "ATS routes other than VFR routes" and are so included in the routes depicted by the (a) line. We propose to remove the (b) and (c).

response

Noted

EASA took a note of the comment.

However, Annex I (Part-DEF) contains definitions of terms used in Annex II to XIII of Regulation (EU) 2017/373 and as the referenced term is not used in the implementing rule text, the definition and its associated GM are removed.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.3. Proposed amendments to AMC/GM to Annex II 'Requirements for competent authorities — oversight of services and other ATM network functions' to Commission Implementing Regulation (EU) 2016/1377 — GM1ATM/ANS.AR.005(b) Certification, declaration and verification of service providers' compliance with the requirements

p. 58



comment	<p>119 comment by: skyguide Compliance Management</p> <p>GM1 ATM/ANS.OR.B.030(a) Record-keeping GENERAL — FLIGHT PROCEDURE DESIGN PROVIDER</p> <p>Typo</p>
response	<p>Accepted</p>
comment	<p>120 comment by: skyguide Compliance Management</p> <p>b) Supporting information and data used in the design, including assumptions used by the flight procedure designer; common assumptions are aligned and agreed as per ATM/ANS.OR.A.045(f).</p> <p>Propose to remove the words Information and in "supporting information and".</p>
response	<p>Accepted</p>
comment	<p>121 comment by: skyguide Compliance Management</p> <p>(2) controlling obstacle data for each segment of the procedure;</p> <p>In order to be more precise.</p>
response	<p>Accepted</p>
comment	<p>376 comment by: CANSO</p> <p>Page 58 GM1 ATM/ANS.AR.005(b)</p> <p>Typo - It is understood that this GM applies to ATM/ANS.AR.C.005(b).</p> <p>The reference to process in 005(b) is in regard to ATM/ANS.AR.C.005(a) whereas the process referred here is with regard to airspace design. It is not clear how these two processes are meant to interact. It is not clear if the CA referred to in (a) is the same or different to the CA referred to in GM1 Article 3(x).</p>
response	<p>Accepted</p> <p>EASA took the comment into consideration.</p> <p>To avoid any confusions, the commented provision is removed.</p>

comment	<p>502</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 58 GM1 ATM/ANS.AR.005(b)</p> <p>Comment:</p> <p>Typo - It is understood that this GM applies to ATM/ANS.AR.C.005(b).</p> <p>The reference to process in 005(b) is in regard to ATM/ANS.AR.C.005(a) whereas the process referred here is with regard to airspace design. It is not clear how these two processes are meant to interact.</p> <p>It is not clear if the CA referred to in (a) is the same or different to the CA referred to in GM1 Article 3(x).</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p> <p>To avoid any confusions, the commented provision is removed.</p>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.4. Proposed amendments to AMC/GM to Annex III ‘Common requirements for service providers’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 ATM/ANS.OR.B.030(a) Record-keeping p. 59-60

comment	<p>122</p> <p>comment by: <i>skyguide Compliance Management</i></p> <p>GM1 FPD.OR.100 Flight procedure design service APPROVAL</p> <p>In page 6 (footnote 8):</p> <p>It is recognised that Regulation (EU) No 677/2011 lays down the European route network design (ERND) function; however, it is also acknowledged that Member States ‘remain responsible for the detailed development, approval and establishment of the airspace structures for the airspace under their responsibility’</p> <p>è some alignment between IFP and airspace should be there.</p>
response	<p><i>Noted</i></p> <p>EASA took due consideration of the comment by promoting this principle along the proposal.</p>
comment	<p>196</p> <p>comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Please change the spelling of PROCEDUTE in the title to Procedure.</p>

response

Noted

EASA took note of the comment.

The main elements of the Quality Process Documentation are listed into the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 and considering the fact that this GM also lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusions.

comment

230

comment by: *DGAC*

GM1 OR.030(a) [page 59](#)

The sentence “if deviation from approved design criteria is required, it should be accepted by the competent authority as alternative means of compliance (AltMoC)” has to be upgraded as AMC3 FPD.TR.100.

response

Not accepted

The main elements of the Quality Process Documentation are listed into the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 and considering the fact that this GM also lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusions.

Furthermore, it should be noted that ‘alternative means of compliance (AltMOC)’ means those means of compliance that propose an alternative to an existing AMC or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency; considering this definition, the referenced text is removed as well.

comment

377

comment by: *CANSO*

Page 59 GM1 ATM/ANS.OR.B.030(a)

Typo PROCDUTE

response

Noted

EASA took note of the comment.

The main elements of the Quality Process Documentation are listed into the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 and considering the fact that this GM also lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusions.

comment

404

comment by: *CAA - Norway*

	<p>Page 59</p> <p>SUBPART B – Management (ATM/ANS.OR.B)</p> <p>GM1 ATM/ANS.OR.B.030(a) Record-keeping</p> <p>This GM should be elevated to AMC, as the list includes the main elements of the Quality Process Documentation. As described in ICAO Doc 9906 Vol I, Quality assurance Manual for Procedure Design.</p>
response	<p><i>Not accepted</i></p> <p>As correctly mentioned by the commentator, the main elements of the Quality Process Documentation are listed into the commented GM, which is already regulated at IR level via the newly introduced provision FPD.OR.115 on Record-keeping, that requires in addition to ATM/ANS.OR.B.030, the FPDSP to include in its record-keeping system the elements indicated in FPD.OR.105.</p> <p>Considering the above and the fact that also this GM lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusions.</p>
comment	<p>504 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 59 GM1 ATM/ANS.OR.B.030(a)</p> <p>Comment:</p> <p>Typo PROCDUTE</p> <p>Suggested Resolution:</p> <p>Procedure</p>
response	<p><i>Noted</i></p> <p>EASA took note of the comment.</p> <p>The main elements of the Quality Process Documentation are listed into the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 and considering the fact that this GM also lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusions.</p>
comment	<p>505 comment by: <i>PANS-OPS ENAC</i></p> <p>1st line, spelling, FLIGHT PROCEDURE... instead of FLIGHT PROCEDUTE</p> <p>(8) In case of a non compliance with the criteria, the “acceptance by the competent authority” should be an AMC to this regulation</p>

response

Noted

EASA took due consideration of the comments.

The main elements of the Quality Process Documentation are listed in the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 on record-keeping, which in addition to ATM/ANS.OR.B.030 requires the FPDSP to include the elements indicated in FPD.OR.105 in its record-keeping system.

Considering the above and the fact that also this GM lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusion.

comment

506

comment by: *NATS National Air Traffic Services Limited*

Page 59 GM1 ATM/ANS.OR.B.030(a)

Comment:

At (b)(8) there is mention of AltMoC. AltMoC applies when there is no published AMC or when it is an alternative to a published AMC. In this instance to which IR would this be an AltMoC to? It is understood that an AltMoC cannot exist in isolation and should be associated with a specific IR.

Impact:

Unclear as to which IR the proposed AltMoC would apply.

response

Accepted

The main elements of the Quality Process Documentation are listed in the commented GM, which is already regulated at IR level via the newly introduced provision FPD.OR.115 on record-keeping, which in addition to ATM/ANS.OR.B.030 requires the FPDSP to include the elements indicated in FPD.OR.105 in its record-keeping system.

Considering the above and the fact that also this GM lists data used in the operational context of the flight procedure design, the commented GM, including the proposed text by the commentator is removed to avoid potential confusion.

comment

580

comment by: *EANS***Page 59/90**

3.2.4. Proposed amendments to AMC/GM to Annex III 'Common requirements for service providers' to Commission Implementing Regulation (EU) 2016/1377

(...)

SUBPART B — MANAGEMENT (ATM/ANS.OR.B)



GM1 ATM/ANS.OR.B.030(a) Record-keeping

GENERAL — FLIGHT PROCEDURE DESIGN PROVIDER

The flight procedure design provider should document and keep records of the following documentation:

- (a) Documentation required for publication in the AIP;
- (b) Supporting information and data used in the design, including assumptions used by the flight procedure designer; common assumptions are aligned and agreed as per **ATM/ANS.OR.A.045(f)**.

The following is a list, non-exhaustive, of elements that need to be documented, if applicable:

- (1) aeronautical data and information and its validation, as applicable;
- (2) obstacle data for each segment of the procedure;
- (3) effect of environmental considerations on the design of the procedure;
- (4) safety assessment;
- (5) infrastructure, aerodrome and navigation facility data;
- (6) airspace constraints;
- (7) output of the consultations with stakeholders;
- (8) any non-compliance with the design criteria. If deviation from approved design criteria is required, it should be accepted by the competent authority as alternative means of compliance (AltMoC);
- (9) additional information for the ground and/or flight validation, including the results of such validation. In particular, this information includes: all calculations and results of calculations cross-referenced with the design, formulae used for calculations, units of measurements and conversion factors;
- (10) information on tools used by the flight procedure designer including software and its configuration; and
- (11) the results of the periodic review and, for modifications or amendments to existing procedures, the reasons for any changes.

(c) The following documentation forms the basis of the supporting documentation that the flight procedure service provider should produce:

- (1) flight procedure specifications and drawings: all data and properties of the designed flight procedure. This includes the charts and information to be published in the AIP;
- (2) the argument and supporting evidence, as per **ATM/ANS.OR.C.005**, to demonstrate that the flight procedure specifications are complete and correct in the context of their intended use. For the purposes of this Regulation, this document is referred to as a 'safety support case' (see ATM/ANS.OR.C.005 and related AMC/GM, as well as Figure 1 under GM1



FDP.OR.105(a) ‘Management system’), and it is usually known as technical documentation.

/EANS/: comment.

ATM/ANS.OR.A.045(f) which named in item (b) is the part of Annex III to ED Decision 2017/001/R. And has the name “Changes to a functional system LACK OF COORDINATION”.

In its turn ATM/ANS.OR.A.045(f) has the link (see item (a)) to the section **ATM/ANS.OR.A.045(e)(1)**.

But there is no such section in this document! There are five sections named ATM/ANS.OR.A.045(e) and one section ATM/ANS.OR.A.045(e)(2).

The same problem has occurred to find the next link. No one section has the name ATM/ANS.OR.C.005. Even in the title of SUBPART C.

ATM/ANS.OR.C.005 of Annex III to ED Decision 2017/001/R which named in item (c)(2) has six subparts under the name ATM/ANS.OR.C.005(a)(1) from GM1 till to GM6, four subparts under the name ATM/ANS.OR.C.005(a)(2) from AMC1 till to AMC4, three subparts under the name ATM/ANS.OR.C.005(a)(2) from GM1 till to GM3, one subpart under the name GM1 to AMC2 ATM/ANS.OR.C.005(a)(2), one subpart under the name AMC1 ATM/ANS.OR.C.005(b)(1), two subparts under the name ATM/ANS.OR.C.005(b)(1) from GM1 till to GM2, one subpart under the name AMC1 ATM/ANS.OR.C.005(b)(2), one subpart under the name GM1 ATM/ANS.OR.C.005(b)(2).

response

Noted

EASA took due consideration of the comment.

The main elements of the Quality Process Documentation are listed into the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 on record-keeping, which in addition to ATM/ANS.OR.B.030 requires the FPDSP to include the elements indicated in FPD.OR.105 in its record-keeping system.

Considering the above and the fact that also this GM lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusion.

comment

581

comment by: EANS

See item 9 on page 59/90.

In the case of using procedure design software there are not possible to establish all results of calculations with the formulae used for calculations.

Units of measurements are declared in AIP.

/EANS/: proposal

(9) additional information for the ground and/or flight validation, including the results of such validation. In particular, this information includes: all reports of procedure design



software calculations and results of manual calculations cross-referenced with the design, formulae used for calculations, units of measurements and conversion factors;

response *Noted*

EASA took due consideration of the comment.

The main elements of the Quality Process Documentation are listed in the commented GM, which are already regulated at IR level via the newly introduced provision FPD.OR.115 on record-keeping, which in addition to ATM/ANS.OR.B.030 requires the FPDSP to include the elements indicated in FPD.OR.105 in its record-keeping system.

Considering the above and the fact that also this GM lists data used in the operational context of the flight procedure design, the commented GM is removed to avoid potential confusion.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FPD.OR.100 Flight procedure design service

p. 61

comment 64

comment by: *Ryanair*

add: "Existing procedures must be reviewed and safety risk assessed in a reasonable transition period to ensure, that implemented criteria are passed without the requirement for further adjustments."

response *Partially accepted*

Considering the comment, EASA is proposing a new GM to address the issue associated to Article 3(7) that should read:

GM1 Article 3(7) Provision of ATM/ANS, flight procedure design and airspace structure design, and ATM network functions

PERIODIC REVIEW

Periodic reviewed should be performed in a reasonable period after the application of this Regulation to ensure that the design criteria and applicable requirements are met.

comment

197

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

AMC1 FPD.OR.100 Flight procedure design service

In Sweden it is not the responsibility of the flight procedure design organisation to review the procedures. The responsibility lies with the owner of the procedures, i.e. the aerodrome



	operator. When Sweden introduced a competitive market, the responsibility for the airspace around the aerodromes, including the flight procedures, was transferred to the aerodrome operator. It is up to the aerodrome operator to choose who will perform the review, i.e. it doesn't have to be the procedure design organisation that initially designed the procedure.
response	<i>Noted</i> EASA took due consideration of the comment. Following the NPA 2016-13 consultation and considering the principles described in the comment, the commented AMC was removed.
comment	379 comment by: <i>CANSO</i> Page 61 Subpart A At title add "SERVICES" to be consistent with other Annexes and the related IR.
response	<i>Accepted</i>
comment	507 comment by: <i>NATS National Air Traffic Services Limited</i> Page 61 Subpart A Comment: At title add "SERVICES" to be consistent with other Annexes and the related IR.
response	<i>Accepted</i>
comment	560 comment by: <i>Finnish Transport Safety Agency</i> Finnish Transport Safety Agency proposes to add word "instrument" to the title of Subpart A and AMC1 FPD.OR.100 heading. "Instrument flight procedure design" Rationale: This is in line with our proposal to Annex I.
response	<i>Not accepted</i> During the rule development, EASA was advised to keep the scope of flight procedure design service providers' activity wider and thus, not limiting only to instrument flight procedures design. Considering this, the comment is not accepted.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FPD.OR.100 Flight procedure design service

p. 61

comment

55

comment by: *DFS Deutsche Flugsicherung GmbH*

GM1 FPD.OR.100 Flight procedure design service

APPROVAL (page 61)

to be seen in parallel with

GM1 Article 3 (x) c) 2) iii) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT (page 43):

We disagree to the statements in both GM that each change to an airspace or a flight procedure always will result in a change to the functional system of the ATS provider serving the affected airspace.

Examples: The establishment of a restricted area in uncontrolled airspace where flight information service is provided, will not affect the functional system of that ATS provider;

Flight procedures may be provided as well to VFR aerodromes.

Therefore we suggest to reword the paragraphs as follows:

GM1 Article 3(x) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

"If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) ~~should~~ needs to perform a safety assessment..."

GM1 FPD.OR.100 "Flight procedure design service" APPROVAL

"The competent authority is responsible for the approval of the flight procedure. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure.

The last paragraph of GM1 Article 3(x) section (In other situations,...") with the example (change of flight procedures), would better belong to GM1 FPD.OR.100.

response

Accepted

EASA took due consideration of the three proposals and redrafted the commented provisions.

comment

284

comment by: *Finavia*

According to Annex 11 the State is responsible for the approval of the flight procedures. The approval, however, does not necessarily need to mean an explicit approval of individual



flight procedures by the competent authority. The state approval can also be based on the approval and regular audits of the design processes and organisations. This kind of arrangement may be much more effective and require less resources while reaching out the same objectives. It is also the currently existing arrangement in some European states. Thus, the approval of individual flight procedure designs by the competent authority should not be explicitly required, by introducing the regulation based requirement exceeding the level of Annex 11 requirement. Instead, provisions should only require States to define how they fulfill the requirement of the approval of flight procedures.

response *Accepted*

EASA agrees with the principles provided in the comment and amended the commented provision to promote the clarity.

comment 304

comment by: *German NSA (BAF)*

Subpart A, GM1 FPD.OR.100, Flight procedure design service, Approval (p. 61)

Subpart A, GM1 FPD.OR.100 stipulates that “the competent authority is responsible for the approval of the flight procedure. In this context, any change to the flight procedure should be considered as a change to the functional system of the ATS provider. Safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure”.

With this wording, it does not become clear, that the competent authority is also responsible for the approval of the safety assessment and assurance of changes to the functional system of the ATS provider. For reasons of clarification we propose the following wording: “The competent authority is responsible for the approval of the flight procedure, **this includes the approval of the safety assessment and assurance of changes to the functional system of the ATS provider**”.

Taking into account our comment # 301 regarding "GM1 Article 3(x) “Provision of ATM/ANS”, (c)(2)(iii) Organisations performing the safety assessment (pg. 43)" GM1 FDP.OR.100 should then read as follows: “The competent authority is responsible for the approval of the flight procedure, this includes the approval of the safety assessment and assurance of changes to the functional system of the ATS provider. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure”.

response *Noted*

According to Annex 11 the State is responsible for the approval of the flight procedures, however, it does not necessarily need to mean an explicit approval of individual flight procedures by the competent authority.



Based on the NPA 2016-13 consultation the subject GM was redrafted to clarify that if a change to the flight procedures result in a change to the functional system of an ATS provider, a safety assessment of the change to the functional system of that ATS provider needs to be carried out before the deployment of the flight procedure and the commented sentence is removed.

comment 343

comment by: *CANSO*

GM1 FPD.OR.100 Flight procedure design service

APPROVAL (page 61)

to be seen in parallel with

GM1 Article 3 (x) c) 2) iii) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT (page 43):

We disagree to the statements in both GM that each change to an airspace or a flight procedure always will result in a change to the functional system of the ATS provider serving the affected airspace.

Examples: The establishment of a restricted area in uncontrolled airspace where flight information service is provided, will not affect the functional system of that ATS provider;

Flight procedures may be provided as well to VFR aerodromes.

Therefore we suggest to reword the paragraphs as follows:

GM1 Article 3(x) ORGANISATIONS PERFORMING THE SAFETY ASSESSMENT

"If a change to the airspace results in a change to the functional system(s) of the ATS providers serving the affected airspace, those affected ATS provider(s) should needs to perform a safety assessment..."

GM1 FPD.OR.100 "Flight procedure design service" APPROVAL

"The competent authority is responsible for the approval of the flight procedure. If a change to the flight procedure results in a change to the functional system of an ATS provider, safety assessments of the change to the functional system of the ATS provider need to be carried out before the deployment of the flight procedure.

The last paragraph of GM1 Article 3(x) section (In other situations,...") with the example (change of flight procedures), would better belong to GM1 FPD.OR.100.

response *Accepted*

EASA took due consideration of the three proposals and redrafted the commented provisions.

comment 380

comment by: *CANSO*

	<p>Page 61 GM1 FPD.OR.100</p> <p>Where in Annex II IR is the requirement for the CA to approve the flight procedure?</p> <p>If the flight procedure design services provider initiates (or is required to make a change due to a third party) should not this service provider make a safety support assessment and make it available to the ATS provider such that the ATS provider can make a safety assessment?</p>
response	<p><i>Accepted</i></p> <p>EASA agrees with the view provided in the comment and amended the commented provision to promote the clarity that an introduction or any change to the flight procedures should be considered as a change to the functional system and the ATS provider, in this context, should carry out a safety assessment before deployment.</p>
comment	<p>405 comment by: CAA - Norway</p> <p>Page 61</p> <p>SUBPART A- Additional Organisation ...</p> <p>GM1 FPD.OR.100 Flight Procedure Design Service</p> <p>Approval</p> <p>We question if this is correct? Is it really necessary to consider every singel minor change of a Flight Procedure as a change to the functional system of the ATS provider?</p> <p>By including every minor Change, we fear that we will establish unnecessary comprehensive processes even e.g. for a change of Magnetic Variation of 1 degree.</p>
response	<p><i>Partially accepted</i></p> <p>EASA took due consideration of the three proposals and redrafted the commented provisions to promote the clarity. However, an introduction or any change to the flight procedures should be considered as a change to the functional system. In this context, the ATS provider should carry out a safety assessment before deployment.</p>
comment	<p>508 comment by: NATS National Air Traffic Services Limited</p> <p>Page 61 GM1 FPD.OR.100</p> <p>Comment:</p> <p>Where in Annex II IR is the requirement for the CA to approve the flight procedure? If the flight procedure design services provider initiates (or is required to make a change due to a third party) should not this service provider make a safety support assessment and make it available to the ATS provider such that the ATS provider can make a safety assessment?</p>

response	<i>Accepted</i>
	EASA agrees with the view provided in the comment and amended the commented provision to promote the clarity that an introduction or any change to the flight procedures should be considered as a change to the functional system and the ATS provider, in this context, should carry out a safety assessment before deployment.
comment	511 comment by: <i>NATS National Air Traffic Services Limited</i> Page 61 GM1 FDP.OR.105 Comment: Typo should be GM1 FPD.OR.105
response	<i>Accepted</i>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FPD.OR.100 Flight procedure design service

p. 61-62

comment	381 comment by: <i>CANSO</i> Page 61 GM1 FDP.OR.105 Typo should be GM1 FPD.OR.105
response	<i>Accepted</i>
comment	512 comment by: <i>NATS National Air Traffic Services Limited</i> Page 62 GM1 FDP.OR.105(a) Comment: Typo should be GM1 FPD.OR.105(a)
response	<i>Accepted</i>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FDP.OR.105(a) Management system

p. 62



comment	123 comment by: skyguide Compliance Management
	<p>GM1 FDP.OR.105(a) Management system</p> <p>DATA ACQUISITION</p> <p>(b) airspace requirements;</p> <p>= One of the few links with airspace but it remains very vague → Relationship between procedure and airspace needs to be clearly defined.</p> <p>Something more generic would have been more clear: e.g "airspace data in order to complete the flight procedure design process".</p> <p>(b)</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the commented provision is amended and now reads: 'airspace data and associated requirements'.</p>
comment	124 comment by: skyguide Compliance Management
response	<p>(a) Ground validation is always undertaken. Ground validation is a verification undertaken by a person trained in procedure design as per FPD.OR.325 other than the one who designed the procedure to ensure compliance with applicable requirements. It is meant to arrest errors in criteria and documentation, and evaluate on the ground, to the extent possible, those elements that will be evaluated in a flight validation.</p> <p>Not entirely correct: the ground validation is done by the IFP cross-checker and the Flight Validation by a pilot.</p> <p><i>Accepted</i></p> <p>Considering the comment and the corresponding ICAO provision the commented proposal is amended to promote clarity.</p>
comment	125 comment by: skyguide Compliance Management
	<p>(3) verifying all required infrastructure (e.g. runway markings, lighting, communications and navigation sources);</p> <p>This is not part of the ground validation (when an IFR approach already exists at the AD.)</p>

response

Accepted

Considering the comment, the referenced provision is removed.

comment

382

comment by: *CANSO*

Page 62 GM1 FDP.OR.105(a)

Typo should be GM1 FPD.OR.105(a)

response

Accepted

comment

399

comment by: *CANSO*

GM1 FDP.OR.105(a) Management system

DATA ACQUISITION

(b) airspace requirements;

= One of the few links with airspace but it remains very vague → Relationship between procedure and airspace needs to be clearly defined.

Something more generic would have been more clear: e.g "airspace data in order to complete the flight procedure design process".

response

Partially accepted

Considering the comment, the commented provision is amended and now reads:

‘airspace data and associated requirements’.

comment

400

comment by: *CANSO*

(a) Ground validation is always undertaken. Ground validation is a verification undertaken by a person trained in procedure design as per FPD.OR.325 other than the one who designed the procedure to ensure compliance with applicable requirements. It is meant to arrest errors in criteria and documentation, and evaluate on the ground, to the extent possible, those elements that will be evaluated in a flight validation in case it is determined to be necessary.

Not entirely correct: the ground validation is done by the IFP cross-checker and the Flight Validation by a pilot.

response

Accepted

Considering the comment and the corresponding ICAO provision the commented proposal is amended to promote clarity.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FDP.OR.105(d) Management system

p. 63

comment	383	comment by: <i>CANSO</i>
	Page 63 GM2 FDP.OR.105(d)	
	Typo should be GM2 FDP.OR.105(d)	
	The reference to FDP.OR.325 is not found.	
response	<i>Accepted</i>	
	It should read ‘as per FDP.OR.115 (former 110)’.	

comment	514	comment by: <i>NATS National Air Traffic Services Limited</i>
	Page 63 GM2 FDP.OR.105(d)	
	Comment:	
	Typo should be GM2 FDP.OR.105(d) The reference to FDP.OR.325 is not found.	
response	<i>Accepted</i>	
	It should read ‘as per FDP.OR.115 (former 110)’.	

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM2 FDP.OR.105(d) Management system

p. 63-64

comment	199	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	FDP.OR.105(d) Management system	
	A ground validation also includes checking the flyability of the procedure. Se Doc 9906 Vol. 5 för ground validation.	
	1.2.2 Ground validation must always be undertaken. It encompasses a systematic review of the steps and calculations involved in the procedure design as well as the impact of the	



	<p>procedure on flight operations. It must be performed by persons trained in flight procedure design and with appropriate knowledge of flight validation issues.</p>
response	<p><i>Accepted</i></p> <p>EASA agrees with the statement by the commentator. Please refer to GM2 FPD.OR.105(d) Management system on 'GROUND VALIDATION', paragraph (b)(4).</p> <p>Considering the referenced ICAO provision, the commented proposed provision is amended to promote clarity.</p>
comment	<p>200 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>The last sentence in (a)</p> <p>Please change “will” to “would” to clarify that flight validation is not mandatory.</p>
response	<p><i>Partially accepted</i></p> <p>Considering the comment, the commented provision is amended to address the concerns.</p>
comment	<p>231 comment by: <i>DGAC</i></p> <p><u>GM2 FPD.OR.105(d)</u>: There is a mistake in the references to the organisational requirements. The text refers to OR.325 instead of OR.110.</p>
response	<p><i>Accepted</i></p> <p>It should read ‘as per FPD.OR.115 (former 110)’.</p>
comment	<p>243 comment by: <i>ENAIRE</i></p> <p>Section:</p> <p>3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377/SUBPART A/GM2 FDP.OR.105(d) Management system (a)</p> <p>Proposed amended text:</p> <p>Ground validation is always undertaken. Ground validation is a verification undertaken by a person trained in procedure design as per FPD.OR.325 FPD.OR.110 other than the one who designed the procedure to ensure compliance with applicable requirements.</p> <p>Rationale:</p> <p>No reference FPD.TR.325 in NPA</p>

response

Accepted

It should read 'as per FPD.OR.115 (former 110)'.

comment

281

comment by: *Finavia*

The requirement FPD.OR.325 is not provided in the NPA, but it is however used as a reference here.

response

Noted

It should read 'as per FPD.OR.110'.

comment

509

comment by: *PANS-OPS ENAC*

(a) There is a reference to FPD.OR.325 in the text. There may be a mistake as we didn't find this reference.

(b) (5) evaluating the "aerodrome operating minima" is not part of the ground validation. According to 9906 and 8168, OCA/H calculation and publication is mandatory, but minima are not part of procedure design. We propose to change this sentence to "evaluating the charting, obstacle clearance, and other operational factors".

response

Accepted

In reference to FPD.OR.325, it should read 'as per FPD.OR.110'.

In reference to the comment on paragraph (b)(5), the proposal is accepted.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI 'Specific requirements for the providers of flight procedure design' to Commission Implementing Regulation (EU) 2016/1377 — GM3 FPD.OR.105(d) Management system

p. 64

comment

161

comment by: *AIRBUS*

Comments

We suggest to add the following sentence at the end of the paragraph:

"A Flight Simulation Training Device (FSTD) appropriately configured can be used to conduct the flight validation."

Rationale

The justification behind this change is to facilitate the acceptability by the National Authorities of the Full flight simulator (FFS) as an acceptable mean for flight validation. Even



	<p>if the ICAO recommendation and wording in this NPA do not close the door for this validation mean, we would like to be clearer to avoid lengthy discussions with the National Authorities.</p>
response	<p><i>Not accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>It should be pointed out that ICAO Doc. 9906. Volume 5, especially point 1.2.3 states that flight validation consists of flight simulator evaluation and evaluation flown in an aircraft. Considering this, EASA does not consider it necessary to further detail the flight validation requirements.</p>
comment	<p>201 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>First sentence – insert “be” to read “...Flight validation should be carried...”.</p>
response	<p><i>Accepted</i></p>
comment	<p>202 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>First and last sentence - The first sentence says that flight validation should be carried out when necessary and the last sentence implies that flight validation always has to be done. We find the text unclear and it needs to be developed.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>The referenced provision is amended to avoid confusion.</p>
comment	<p>232 comment by: <i>DGAC</i></p> <p>GM3 OR.105.(d) Flight validation</p> <p>As a minimum, flight validation of instrument approach procedures and initial segments of standard instrument departures should be performed.</p> <p>It is not necessary to perform flight validation for any initial segment of a SID and all IAP. The flight validation should take place when required by the results of the ground validation.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p>

The referenced sentence is removed to avoid confusion.

comment

244

comment by: ENAIRE

Section:

3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377/SUBPART A/GM3 FDP.OR.105(d) Management system

Proposed amended text:

Remove the text: *As a minimum, flight validation of instrument approach procedures and initial segments of standard instrument departures should be performed*

Rationale:

In GM1 FDR.OR.105 (d) Management system, VALIDATION, (b) says: “Ground validation is always undertaken, but flight validation may not always required”

response

Accepted

EASA took due consideration of the comment.

The referenced sentence is removed to avoid confusion.

comment

282

comment by: Finavia

Both ICAO Doc 8168 Vol II and Doc 9906 Vol 5 define clearly that if the State can verify, by ground validation, the accuracy and completeness of all obstacle and navigation data considered in the procedure design and any other factors normally considered in the flight validation, then the flight validation requirement may be dispensed with.

When these can be verified by ground validation, there should be no reason to require the flight validation of instrument approach procedures and initial segments of standard instrument departures as a minimum level. The need of the flight validation should rather be assessed during the ground validation also in these cases. Thus, it is suggested to remove this proposed requirement (the last sentence of GM3 FPD.OR.105(d)) from the GM. Alternatively the minimum requirement could be to either provide justification why it has not been considered necessary to perform the flight validation or to perform the flight validation.

response

Accepted

EASA took due consideration of the comment.

The referenced sentence is removed to avoid confusion.

comment

327

comment by: ESSP-SAS



This NPA does not consider flight validation based on simulator techniques to be used instead of flight validations, as considered in ICAO 9906 vol 5. Simulators can validate a procedure using different aircraft fleets and meteo configurations, and the pilot workload can be assessed by the experts judgement.

Additionally, it is not understood how a 'As a minimum, flight validation of instrument approach procedures and initial segments of standard instrument departures should be performed' can be included as a GM, it sounds like a requirement.

response *Partially accepted*

EASA took due consideration of the comments.

In reference to the possibility to use simulators for flight validation, it should be pointed out that ICAO Doc. 9906. Volume 5, especially point 1.2.3 states that flight validation consists of flight simulator evaluation and evaluation flown in an aircraft. Considering this, EASA does not consider it necessary to further detail the flight validation requirements.

In reference to GM3 FPD.OR.105(d), the referenced sentence is removed to avoid confusion.

comment *510*

comment by: *PANS-OPS ENAC*

(e) Same as above about the wording “minima” to be changed to “obstacle clearance”.

response *Noted*

EASA noted the comment.

Based on the NPA 2016-13 consultation, the commented sentence is removed.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FPD.OR.105(e) Management system

p. 64

comment *233*

comment by: *DGAC*

AMC1 FPD.OR.105 (e) minima computations

Software tools are not expected to compute minima but OCH and minimum obstacle clearance altitudes. Minima are not in the scope of the procedure design, they are part of OPS regulation 965/2012.

response *Noted*

As the provision to which the AMC is associated was redrafted so it now reads:

‘(e) identification of tools, including configuration management and tools qualification, as



necessary’.
The commented provision was isolated and therefore removed.

comment 513 comment by: PANS-OPS ENAC
(e) Same as above, software is used to assess obstacles and produce an OCA/H, not minima.

response *Noted*

As the provision to which the AMC is associated was redrafted so it now reads:
‘(e) identification of tools, including configuration management and tools qualification, as necessary’.

The commented provision was isolated and therefore removed.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FPD.OR.110(a)(1) Technical and operational competence and capability p. 65

comment 126 comment by: skyguide Compliance Management

GM3 FPD.TR.100 Flight procedure design criteria
INSTRUMENT FLIGHT PROCEDURE CONSTRUCTION

Additional guidance for the construction of instrument flight procedures can be found in ICAO Doc 9368 ‘Instrument Flight Procedures Construction Manual’.

ICAO Doc 9368 = guidance or requirement

response *Noted*

It should be noted that the commented provision is a GM.

‘Guidance material’ means non-binding material that helps to illustrate the meaning of a requirement and is used to support the interpretation of Regulation (EC) No 216/2008, its implementing rules and AMC.

Consequently, the provision refers to guidance.



3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FDP.OR.110(a)(1)(i) Technical and operational competence and capability

comment	234	comment by: DGAC
	<p>AMC1.OR.110(a)(1)(i) CONTENT OF FLIGHT PROCEDURE DESIGN TRAINING COURSE</p> <p>(a) An initial training course should be based, as a minimum, on:</p> <p>The proposed content of the initial training course is deemed too much for an initial training course and not appropriate for ab initio procedure designers. DGAC requests that either this AMC be downgraded to a GM or that the words “as a minimum” be removed.</p>	
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the NPA 2016-13 consultation feedback, the commented provision is redrafted and rearranged at GM level.</p>	
comment	354	comment by: CANSO
	<p>AMC1 FDP.OR.110(a) Page 65</p> <p>NPA Text: (b) The training course should provide the designer with: ... the list is incomplete and should include a reference to “data catalogue”</p> <p>Suggested resolution: Include the Data Catalogue in the list as part of the training syllabus</p>	
response	<p><i>Accepted</i></p> <p>Considering the comment, the referenced provision is amended to reflect the proposal.</p>	
comment	384	comment by: CANSO
	<p>Page 65 AMC1 FDP.OR.110(a)(1)(i)</p> <p>Typo should be AMC1 FPD.OR.110(a)(i)</p> <p>If this is the initial training course requirement where are the further training requirements documented?</p> <p>The requirements of (a)(1) and (a)(2) appear excessive as no other service provider is required to do this (not even those that employ ATSEP).</p> <p>At (a)(3) and (b)(2), FPD.TR.100 is identified as where the design criteria are defined. FPD.TR.100 does not define the criteria rather it identifies the CA as the source of the design</p>	



	<p>criteria.</p> <p>Excessive regulatory burden not shared (or required) by other service providers.</p> <p>Confusion over roles of CA and service provider.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comments and proposals on the associated AMC/GM of the commented provision.</p> <p>Based on the NPA 2016-13 consultation feedback, the commented AMC/GM are redrafted to promote clarity and in some cases rearranged at e.g. GM level.</p>
comment	<p>467 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>AMC1 FDP.OR.110(a) Page 65</p> <p>Comment:</p> <p>NPA Text: (b) The training course should provide the designer with: ... the list is incomplete and should include a reference to “data catalogue”</p> <p>Suggested Resolution:</p> <p>Include the Data Catalogue in the list as part of the training syllabus</p>
response	<p><i>Accepted</i></p> <p>Considering the comment, the referenced provision is amended to reflect the proposal.</p>
comment	<p>515 comment by: <i>PANS-OPS ENAC</i></p> <p>We propose to remove the “as a minimum” or to put the content of this paragraph as a GM.</p> <p>The list described is too demanding for an initial training. Part of it (i.e. SERA) should be included in the trainee’s ab-initio training, meaning that it is a prerequisite before this trainee can follow a procedure designer training.</p> <p>We understand that the training has to be “based on” these provisions, and in fact (as a procedure design training provider) the courses are based on these documents and regulations. But in a procedure designer training course it is not possible to describe all the details of the different annexes and documentations or the training would be too long (9.5 weeks is already a long time).</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comment.</p> <p>Based on the NPA 2016-13 consultation feedback, the commented provision is redrafted and</p>

rearranged at GM level.

comment	<p>517 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Page 65 AMC1 FDP.OR.110(a)(1)(i)</p> <p>Comment:</p> <p>Typo should be AMC1 FPD.OR.110(a)(i)</p> <p>If this is the initial training course requirement where are the further training requirements documented?</p> <p>The requirements of (a)(1) and (a)(2) appear excessive as no other service provider is required to do this (not even those that employ ATSEP).</p> <p>At (a)(3) and (b)(2), FPD.TR.100 is identified as where the design criteria are defined. FPD.TR.100 does not define the criteria rather it identifies the CA as the source of the design criteria.</p> <p>Impact:</p> <p>Excessive regulatory burden not shared (or required) by other service providers. Confusion over roles of CA and service provider.</p>
response	<p><i>Accepted</i></p> <p>EASA took due consideration of the comments and proposals on the associated AMC/GM of the commented provision.</p> <p>Based on the NPA 2016-13 consultation feedback, the commented AMC/GM are redrafted to promote clarity and in some cases rearranged at e.g. GM level.</p>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FDP.OR.110(a)(1)(i) Technical and operational competence and capability

p. 65

comment	<p>385 comment by: <i>CANSO</i></p> <p>Page 65 AMC1 FDP.OR.110(a)(1)(i)</p> <p>As this AMC reference has already been used then this should be AMC2.</p>
response	<p><i>Accepted</i></p>



comment	519	comment by: NATS National Air Traffic Services Limited
	Page 65 AMC1 FDP.OR.110(a)(1)(i)	
	Comment:	
	As this AMC reference has already been used then this should be AMC2.	
response	Accepted	

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FDP.OR.110(a)(1)(ii) Technical and operational competence and capability

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comment	235	comment by: DGAC
	AMC1 FDP.OR.110(a)(1)(ii) Technical and operational competence and capability	
	FLIGHT PROCEDURE DESIGNER EXPERIENCE	
	(b) Proof of sufficient on-the-job training: Procedure designers who have undergone a minimum of time on-the-job PANS-OPS design training with an IFP design service provider until demonstrating adequate competency in the practical application of IFP design criteria. It is recommended a minimum of 3 years, but this period may be substantially reduced in cases where the designer has experience in flight procedures, e.g. as ATC controller or as a pilot.	
	DGAC requests to replace 3 years by 2 years	
response	Partially accepted	
	The commented provision is redrafted and with the allocation of the referenced text at GM level, the proposal is accepted.	
comment	246	comment by: ENAIRE
	Section:	
	3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377/SUBPART A/AMC1 FDP.OR.110(a)(1)(ii) Technical and operational competence and capability	
	FLIGHT PROCEDURE DESIGNER EXPERIENCE (b)	
	Proposed amended text:	
	Proof of sufficient on-the-job training: Procedure designers who have undergone a minimum of time on-the-job PANS-OPS design training with an IFP design service provider until	



demonstrating adequate competency in the practical application of IFP design criteria. It is recommended a minimum of 3 years, but this period may be substantially reduced in cases where the designer has experience in flight procedures, e.g. as ATC controller or as a pilot.

Rationale:

Why the example about experts is constrained to ATC controllers and pilots?

response *Accepted*

The commented provision is redrafted and the proposal is accepted.

comment **516** comment by: *PANS-OPS ENAC*
 (b) We propose that the minimum length of OJT should be 2 years. It is sufficient to assess a new designer's knowledge, skills and abilities.

response *Partially accepted*

The commented provision is redrafted and with the allocation of the referenced text at GM level, the proposal is accepted.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI 'Specific requirements for the providers of flight procedure design' to Commission Implementing Regulation (EU) 2016/1377 — GM1 FPD.OR.110(a)(1)(iii) Technical and operational competence and capability

p. 66

comment **236** comment by: *DGAC*
GM1 FPD.OR.110(a)(1)(iii) Technical and operational competence and capability
 CONTINUATION TRAINING
 Recurrent and refresher trainings aim at addressing changes in the available criteria (**PANS-OPS**) and regulations.

DGAC suggests removing PANS-OPS which is an AMC to this regulation, as some flight procedure design service providers will use AltMoC, hence "available criteria" is enough.

response *Accepted*

comment **518** comment by: *PANS-OPS ENAC*
 We propose to remove the "PANS-OPS" words as "available criteria and regulations" are sufficient, and a state may decide to use other criteria (such as an AltMOC).



response *Accepted*

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC1 FPD.TR.100 Flight procedure design criteria

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comment *386* comment by: *CANSO*
 Page 66 Subpart B - title
 Add “SERVICES” to title to align with IR and other Annexes.

response *Accepted*

comment *387* comment by: *CANSO*
 Page 66 AMC1 FPD.TR.100
 As the design criteria lie with the CA (see FPD.TR.100) should this be AMC to AR (Annex II)?

response *Noted*
 Considering the comment, the reference in FPD.TR.100 to the design criteria was corrected. Consequently, the commented AMC remains associated to FPD.TR.100.

comment *520* comment by: *NATS National Air Traffic Services Limited*
 Page 66 Subpart B
Comment:
 Add “SERVICES” to title to align with IR and other Annexes.

response *Accepted*

comment *521* comment by: *NATS National Air Traffic Services Limited*
 Page 66 AMC1 FPD.TR.100
Comment:
 As the design criteria lie with the CA (see FPD.TR.100) should this be AMC to AR (Annex II)?

response *Noted*
 Considering the comment, the reference in FPD.TR.100 to the design criteria was corrected.



Consequently, the commented AMC remains associated to FPD.TR.100.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — AMC2 FPD.TR.100 Flight procedure design criteria

p. 66

comment 162

comment by: AIRBUS

Comments:

We suggest to add the following sentence at the end of the paragraph:

"Deviations to the design criteria are acceptable provided they are duly justified, as explained in GM1 ATM/ANS.OR.B.030 Record-keeping - item (a)(8) in this document.

In particular, typical deviations that might be encountered could be deviation to FROP (Final Roll Out Point) location (Doc 9905 §4.5.13), deviation to Bank angle in approach and missed approach (Doc 9905 §3.2.8), or deviation to VSS (Visual Segment Surface) (Doc 9905 §4.1.5)."

Rationale:

This is very often the case where criteria such as bank angle or FROP or VSS are not fulfilled. An update of ICAO 9905 document has been launched at IFPP and PBNSG level, but waiting for this update and to facilitate acceptance of the procedures by the National Authorities, it is worth mentioning it where these criteria are in deviation.

response *Not accepted*

It should be noted that the commented provision is AMC, thus, providing flexibility.

In this context, it should be noted that AMC means non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules. On the other hand, ATM/ANS.OR.A.020 'Means of compliance' introduces the scheme to deal with the means of compliance alternative to the AMC issued by the Agency. It requires to be reviewed by the competent authority prior to implementation by the service provider and meeting the objectives addresses in the comment.

Consequently, no need for inclusion of the proposal is considered.

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM1 FPD.TR.100 Flight procedure design criteria

p. 67



comment	<p>128 comment by: <i>skyguide Compliance Management</i></p> <p>... occurrences in the past 10 years (e.g. it is very difficult for GA pilots to understand the complexity of airspace and the traffic services offered in different types of airspace). In controlled airspace, the ...</p> <p>Is it a Lack of knowledge or understanding (See page 6 of the NPA)?</p>
response	<p><i>Noted</i></p> <p>The complexity of the airspace structure was identified in an EASA study also as a safety issue that needs to be addressed. Said study identifies as the greatest risk in controlled airspace the airspace infringements by General Aviation (GA) aircraft due to the lack of knowledge by GA pilots of both the complex airspace structure and the services provided in different airspace types.</p>

comment	<p>129 comment by: <i>skyguide Compliance Management</i></p> <p>If Commission Implementing Regulation (EU) 2016/1377 is not amended and complemented with the material of this NPA, Member States would fulfil their obligation stemming ...</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>What about implementation for existing airspace and retrospective application?</p> </div>
response	<p><i>Noted</i></p> <p>The overall objectives of EASA are established by Article 2 of the Basic Regulation. An additional objective, in the fields covered by this Regulation, is ‘to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level’ (Article 2.2(c)).</p> <p>Hence, EASA is acting in accordance with the subject provisions in order to propose implementing measures for the referenced organisations dealing with the design of flight procedures.</p>

3. Proposed amendments — 3.2. Draft EASA decision — 3.2.5. Proposed amendments to AMC/GM to Annex XI ‘Specific requirements for the providers of flight procedure design’ to Commission Implementing Regulation (EU) 2016/1377 — GM2 FPD.TR.100 Flight procedure design criteria p. 67

comment	<p>130 comment by: <i>skyguide Compliance Management</i></p> <p>... requirements and procedures, most likely based on those contained in ICAO material. This would possibly lead to maintaining numerous differences between the Member States and ...</p>
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	Remove most likely.
response	<i>Noted</i> EASA took due consideration of the comment.

4. Regulatory impact assessment (RIA) — 4.1. Issues to be addressed	p. 68-70
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comment	127 page 68 4. Regulatory impact assessment (RIA) See comments on pages 6 and 7	comment by: <i>skyguide Compliance Management</i>
response	<i>Noted</i>	

comment	131 <u>page 68</u> Furthermore, EASA would not fulfil its obligation stemming from the Basic Regulation in submitting opinion to the Commission on this subject matter.	comment by: <i>skyguide Compliance Management</i>
	No justification to provide.	
response	<i>Noted</i>	

comment	132 4.2. Objectives Primary objective should be "safety".	comment by: <i>skyguide Compliance Management</i>
response	<i>Noted</i> EASA took note of the comment.	

comment	133 <u>page 69</u> Furthermore, the lack of harmonised ASD criteria would not enable the implementation of	comment by: <i>skyguide Compliance Management</i>
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response	<p>FABs and large projects (like the SESAR projects).</p> <p>Lack of harmonized criteria is too vague and the political level is the key enabler.</p> <p><i>Noted</i></p> <p>EASA took note of the comment.</p>
comment	<p>134 comment by: <i>skyguide Compliance Management</i></p> <p>Page 70</p> <p>Option 0 does not contribute to this objective as the remaining ASD criteria and associated procedures will be developed at national level and are, therefore, likely to be different between them. Hence, the free movements of airspace users varies and the level playing field for the flight procedure design organisations is not facilitated.</p> <p>What is the framework? Country level?</p>
response	<p><i>Noted</i></p> <p>As explained in the EN (explanatory note) to NPA 2016-13, the design of airspace structures and airspace structures is a subject that would be most effectively addressed at EU level and not at national level, i.e. by regulating/transposing the ICAO related provisions into national rules, as the harmonised rules would add value in addressing any identified safety issues and would promote cost-efficiency in the regulatory and certification processes.</p>
comment	<p>203 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>4.1.2 Last sentence</p> <p>The proposal also affects organisations dealing with design of airspace structure.</p>
response	<p><i>Accepted</i></p> <p>EASA took the comment into consideration.</p>
comment	<p>204 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>4.1.3 Can you please explain how increase in traffic and the SESAR project will lead to</p>

different implementation of rules in Member States?

response *Noted*

The commentator is invited to read 'increase in traffic and SESAR project' in the context of the complete commented paragraph in point 4.1.

In conclusion, as confirmed by the NPA 2016-13 consultation, EU harmonised rules on design of flight procedures and airspace structures will effectively address safety issues and promote cost-efficiency in the regulatory and certification processes. In contrary, the national rules would potentially continue maintaining numerous differences in the design criteria implementation by the Member States.

Moreover, harmonised rules would facilitate the improvement of the overall performance of ATM/ANS, with a view to meeting the requirements of all airspace users in environment of an increase traffic and the challenges faced by projects such as the SESAR projects.

4. Regulatory impact assessment (RIA) — 4.2. Objectives

p. 70

comment 135 comment by: *skyguide Compliance Management*
page 70

Option 1 should support this objective by requiring the harmonisation of the ASD requirements and rules applicable within the European airspace and, thus, facilitating the free movement of airspace users and services.

Which are the services mentioned? ATC services? Anything else?

response *Noted*

In the context of this NPA 2016-13, the services should refer to 'flight procedure design services' and/or of 'airspace structure design'.

comment 136 comment by: *skyguide Compliance Management*
page 70

Question to stakeholders on social impacts

Stakeholders are invited to provide quantified justification elements on the possible social impacts of the options proposed.

The question is not precise enough for us to be able to provide quantified elements.



response *Noted*

4. Regulatory impact assessment (RIA) — 4.3. Policy options

p. 70-71

comment 137

comment by: skyguide Compliance Management

Question to stakeholders on economic impacts

To the organisations performing design of flight procedures (e.g. ANSPs)

- 1. What is the current annual workload for designing flight procedures?*
- 2. What is the average cost per hour for designing flight procedures?*
- 3. How much do you expect to increase your workload if you adjust the current existing systems to the new rules
as per Option 1 (performance based rules)?*
- 4. How much do you expect to increase your workload if you adjust the current existing systems to the new rules
as per Option 2 (prescriptive rules)?*
- 5. How much do you expect the additional cost to be in order to adjust the current existing system to the new
rules as per Option 1 (performance based rules)?*
- 6. How much do you expect the additional cost to be in order to adjust the current existing system to the new rules as per Option 2 (prescriptive rules)?*
- 7. How much do you expect the cost to be for training of your staff to adjust to the new rules as per Option 1 (performance-based rules)?*

For skyguide: 14 FTE IFP designers.

The other figures are confidential as it could be easy to guess about commercial contracts. Therefore, these cannot be communicated.

response *Noted*

EASA welcomes the feedback.

4. Regulatory impact assessment (RIA) — 4.4. Analysis of impacts

p. 71-75



comment	<p>7</p> <p style="text-align: right;">comment by: <i>MATS</i></p> <p>Reference to following questions:</p> <p>Do you confirm that the tasks of flight procedure design are performed by the ANSPs in your country? If not, which organisation is performing these tasks?</p> <p>ANS: The airspace design are developed inhouse but the flight procedure design is outsourced to third parties chosen via a tendering system.</p> <p>Are the organisations performing flight procedure design certified to provide flight procedure design service?</p> <p>ANS: Yes</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>17</p> <p style="text-align: right;">comment by: <i>Humberside Airport</i></p> <p>Page 72</p> <p>Paragraph 4.4.2. Social impact</p> <p><i>"Question to stakeholders on social impacts</i></p> <p><i>Stakeholders are invited to provide quantified justification elements on the possible social impacts of the options proposed."</i></p> <p>Comment:</p> <p>This is perhaps a question that could have been asked in NPA 2016-09 as NPA 2016-09 will probably require major airspace redesign/designation within the United Kingdom and there may be social consequences. For other airspace operators, such as GA pilots, there will be more CAS (less 'uncontrolled' airspace) and for the public there may be different flight patterns that could have an impact of increased noise and other environmental issues. Also where the required airspace is not implemented, there could be the consequence that an air traffic control service can no longer be provided, there could be the social consequence of loss of EASA Certification for the ANSP and related Air Traffic Controllers causing a loss of employment or even closure of an aerodrome. NPA 2016-13 will have more limited, manageable, social consequences relating to changes in the way that airspace is designed.</p>
response	<p><i>Noted</i></p> <p>The comment is duly noted.</p>
comment	<p>18</p> <p style="text-align: right;">comment by: <i>Humberside Airport</i></p>

Page 74

Question to stakeholders on economic impacts

"To the organisations performing design of flight procedures (e.g. ANSPs)"

Comment:

Approved Procedure Designers carry out design of flight procedures within the United Kingdom.

"To the competent authorities"

N/A

"To all stakeholders"

11. Stakeholders are invited to provide quantified justification and comments on the possible economic impacts of the options proposed."

Comment:

This NPA is directly linked to NPA 2016-09 in that NPA 2016-09 will probably require many changes to be made to the airspace structure within the United Kingdom if the requirement is to be met. The economic impact to redesign the airspace will be much less than the impact of any consequential aerodrome closure where the required CAS cannot be provided for whatever reason. Once the requirements of NPA 2016-09 are completed, steady state airspace design changes should not be any different in overall cost to today.

response

Noted

The comment is duly noted.

comment

19

comment by: *Humberside Airport*

Page 74

Option 1 — Performance-based rules on ASD, especially on the design of airspace structures

"Stakeholders are invited to comment on these estimated impacts.

"1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country?"

No, not all ANSPs within the United Kingdom are able to carry out this activity.

"If not, which organisation is performing these tasks?"

Approved Procedure Designers (APD), approved by the UK CAA, carry out the activity.

2. Are the organisations performing flight procedure design certified to provide flight procedure design service?"



response	<p>Yes, APDs are approved by the Competent Authority.</p> <p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>34 comment by: CAA CZ</p> <p>Question: N/A</p>
response	<p><i>Noted</i></p>
comment	<p>35 comment by: CAA CZ</p> <p>Question:</p> <p>8. - 30 000EU</p> <p>9. 3x</p> <p>10.3x</p> <p>11. Almost none economic impacts (nothing new).</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>37 comment by: CAA CZ</p> <p>Page 74:</p> <p>Question:</p> <p>1. ANS Czech Rep.</p> <p>2. No, only approval for type of service.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>138 comment by: skyguide Compliance Management</p> <p><u>page 72</u></p> <p>To all stakeholders</p> <p><i>11. Stakeholders are invited to provide quantified justification and comments on the possible</i></p>

	<p><i>economic impacts of the options proposed.</i></p> <p>Too difficult to quantify and some elem</p> <p>Qualified manner = agreement with EASA.ents are confidential (i.e. flight procedures in comment 86 above)</p>
response	<p><i>Noted</i></p>
comment	<p>139 comment by: <i>skyguide Compliance Management</i></p> <p><u>page 72</u></p> <p>In the context of the design of flight procedures, Option 0 could be interpreted as not having impact on proportionality since in most of the cases the flight procedure design is performed by the ANSPs that have already today a quality management system in place.</p> <p>Proportionality in the context of the design of flight procedures ==> the link is not really clear.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p> <p>Considering the comment, the aspects on proportionality were reconsidered and new provision(s) such as GM are proposed to promote clarity.</p>
comment	<p>212 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>Question to stakeholders on economic impacts</p> <p>To the organisations performing design of flight procedures (e.g. ANSPs)</p> <p>To the competent authorities</p> <p>8. <i>How much do you expect the cost to be for training your staff to adjust to the new rules?</i></p> <p>Training of the staff will take approx. two days/person. If you include the activities we, as a competent authority, have to perform according to the regulation this will add another month/person, e.g. review of national regulations and processes.</p> <p>9. <i>How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 1 (performance-based rules)?</i></p> <p>We don't foresee any great increase in workload as we already today apply most of the</p>

proposed rules in the NPA.

We don't foresee any difference in the affect on the workload independent on if the regulation is performance-based or prescriptive.

10. How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 2 (prescriptive rules)?

We don't foresee any great increase in workload as we already today apply most of the proposed rules in the NPA. The national regulation needs to be reviewed and perhaps repealed.

We don't foresee any difference in the effect on the workload independent on if the regulation is performance-based or prescriptive.

To all stakeholders

11. Stakeholders are invited to provide quantified justification and comments on the possible economic impacts of the options proposed.

Today we are 3.5 persons working with approvals of instrument procedures and airspace structure. We need another 2 persons to handle the work load, this is not only due to the coming regulation.

response

Noted

EASA welcomes the feedback.

comment

213

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

Stakeholders are invited to comment on these estimated impacts.

1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country?

No.

If not, which organisation is performing these tasks?

Several organisations, as procedure design and design of airspace structure is open for competition in Sweden. Some of these organisations are private and some are foreign.

2. Are the organisations performing flight procedure design certified to provide flight procedure design service?

Yes, they are approved by the Transport Agency in Sweden to provide flight procedure design at Swedish aerodromes. Two of these organisations are also approved for airspace structure design.

response

Noted



EASA welcomes the feedback.

comment 247

comment by: ENAIRE

1. What is the current annual workload for designing flight procedures?

2015	2016
<ul style="list-style-type: none"> • Aeropuerto de Barcelona. Propuesta de nueva frustrada RWY 25L. • Aeropuerto de A Coruña. Propuesta de nuevas maniobras debidos a la modificación de umbrales. • Región Este. Propuesta de nueva aerovía IBRAP-LORES • Propuesta de nuevas salidas RNAV-1 DME-DME para Lanzarote RWY 03 y Fuerteventura RWY 01 • Aeropuerto de Santiago. Propuesta de nueva STAR RNAV-1 desde FORNO. • Aeropuerto de Tenerife Norte. Propuesta de nuevas maniobras ILS RWY 12 y RWY 30. • Aeropuerto de Fuerteventura. Nuevas maniobras RNP APCH RWY 01 y RWY 19. • Aeropuerto de Gran Canaria. Propuesta de nuevas maniobras RNP APCH RWY 21R. • Aeropuerto de Lanzarote. Propuesta de nuevas maniobras RNP APCH RWY 03. • Aeropuerto de Tenerife Norte. Propuesta de nuevas maniobras RNP APCH RWY 12 y RWY 30. • Aeropuerto de Tenerife Sur. 	<ul style="list-style-type: none"> • Aeropuerto de Almería. Propuesta de nuevas maniobras RNAV1 y RNP APCH. • Aeropuerto de Madrid/Barajas. Propuesta de nuevas SID PRNAV hacia DVOR/DME "SIE" vía DVOR/DME "RBO". • Propuesta de actualización de rutas CDR en AIP-España. • Modificación de Espacio Aéreo para albergar operaciones VFR sobre la ciudad de Madrid. • Propuesta de nuevas rutas de Espacio Aéreo Superior e Inferior de la Región Sur • Aeropuerto de Burgos. Nueva salida RWY 22 a "DGO". • Aeropuerto de Burgos. Nueva llegada RWY 04/22 a "DGO" • Aeropuerto AS Madrid/Barajas. Propuesta de modificación de maniobras con motivo de la Fiesta Nacional. • Propuesta de modificación de Espacio Aéreo y carta VAC para el Aeropuerto de Málaga. • Fuerteventura. Propuesta de modificación de Espacios Aéreos. • Aeropuerto de Barcelona. Reposición CAT II/III 07L. • Aeropuerto de Barcelona. Propuesta de nueva frustrada para las maniobras LOC y VOR RWY 25. • Aeropuerto de Tenerife Norte. Revisión de mínimos de CAT I RWY 30. • Aeropuerto de Córdoba. Propuesta de



<p>Propuesta de nuevas maniobras RNP APCH RWY 08 y RWY 26.</p> <ul style="list-style-type: none"> • Aeropuerto de Logroño. Propuesta de nuevas maniobras alternativas ante la baja del DVOR/DME LPA. • Aeropuerto de Santander. Propuesta de nuevas maniobras alternativas ante la baja del VOR/DME SNR • Aeropuerto de Ibiza. Optimización de maniobras de aproximación. • Aeropuerto de Barcelona. Propuesta de nuevas maniobras ILS RWY 25L y RWY 25R. • Aeropuerto de Barcelona. Propuesta de nuevas maniobras ILS RWY 02, RWY 07L y RWY 07R. • Maniobras alternativas ante la baja programada del DVOR/DME FTV. 	<p>nuevo FIZ.</p> <ul style="list-style-type: none"> • Aeropuerto de Jerez. Propuesta de nuevas maniobras RNP APCH RWY 20. • Aeropuerto de Santiago. Propuesta de nuevas maniobras debido al desplazamiento de THR 35 y modificación de distancias declaradas. • Aeropuerto de Barcelona. Propuesta de nueva carta visual para helicópteros. • Aeropuerto de Barcelona. Propuesta de nuevas maniobras ILS RWY 02, RWY 07L y RWY 07R. • Maniobras alternativas ante la baja programada del DVOR/DME FTV. • Palma de Mallorca AD. Modificación de las llegadas vía LORES y TOLSO RWY 06L/06R. • Propuesta de aerovías de Espacio Aéreo Superior: MGA-ALM y MGA-BERUM. • Aeropuerto de Barcelona. Propuesta de nuevas salidas RNAV RWY 07L y RWY 07R. • Aeropuerto de Barcelona. Propuesta de nueva frustrada RWY 07R.
<p>Periodically review: 7 airports</p>	<p>Periodically review: 10 airports</p>

response

Noted
EASA welcomes the feedback.

comment

269

comment by: CAA-NL

Stakeholders are invited to comment on these estimated impacts.

1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country? If not, which organisation is performing these tasks?

2. Are the organisations performing flight procedure design certified to provide flight procedure design service?

Answers:



	<p>1 - In the Netherlands flight procedure design is performed by ANSPs and by other parties not-certified as ANSP.</p> <p>2 - Organisations performing flight procedure design are not certified for the specific task of procedure design service as such. Organisations performing FPD may be certified ANSPs or not certified at all as per the above answer.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>283 comment by: <i>Finavia</i></p> <p>As a response to the questions on page 74:</p> <p>1. Yes, ANSP is in response of the flight procedure design.</p> <p>2. For the time being, there is no certificate requirement for organisations performing the flight procedure design.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>305 comment by: <i>LFV</i></p> <p>Answer (question 7): Approximately €4000/designer</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>320 comment by: <i>UK CAA</i></p> <p>Page No: 72</p> <p>Paragraph No: 4.4.2. Social impact:</p> <p><i>“Stakeholders are invited to provide quantified justification elements on the possible social impacts of the options proposed.”</i></p> <p>Comment:</p> <p>Although not a quantifiable possible social impact, the introduction of airspace change process requirements should elevate levels of transparency in these regards, thus reinforcing local means of democratic decision making. Part-ASD facilitates greater consistency of airspace and procedure design practice, however as its content is derived from source ICAO material to which Member States already adhere (subject to national Differences), the</p>

	<p>degree to which facilitation of the free movement of airspace users is realised is minimal.</p> <p>However, greater harmonisation of airspace designators, the practices applied to airspace and procedure design requirements can be equated to simplification. This can render said technical requirements easier to understand, with the potential to indirectly enhance safety.</p> <p>Justification:</p> <p>Transparency and accountability of airspace and ATS provision-related decisions, plus increased process/procedural harmonisation generates more readily understood regulatory framework.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>321 comment by: UK CAA</p> <p>Page No: 74</p> <p>Paragraph No: 4.4.3. Economic impact:</p> <p><i>“To the competent authorities</i></p> <p><i>8. How much do you expect the cost to be for training your staff to adjust to the new rules?</i></p> <p><i>9. How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 1 (performance-based rules)?</i></p> <p><i>10. How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 2 (prescriptive rules)?</i></p> <p><i>To all stakeholders</i></p> <p><i>11. Stakeholders are invited to provide quantified justification and comments on the possible economic impacts of the options proposed.”</i></p> <p>Comment:</p> <p>The UK CAA has not yet quantified the cost of transition to the proposed arrangements but with one exception (see UK CAA response to 2.4.2. Transitional provisions) currently foresees implementation as having minimal impact.</p> <p>Justification:</p> <p>The UK is already compliant (subject to national Differences) with ICAO Doc 8168 PANS-OPS requirements, and applies a long-standing and robust airspace change process.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>

comment	<p>322</p> <p>Page No: 74</p> <p>Paragraph No: 4.4.4. General aviation and proportionality issues:</p> <p><i>“Stakeholders are invited to comment on these estimated impacts</i></p> <p><i>1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country? If not, which organisation is performing these tasks?</i></p> <p><i>2. Are the organisations performing flight procedure design certified to provide flight procedure design service?”</i></p> <p>Comment:</p> <p>ANSPs may establish and/or undertake flight procedure design functions; alternatively, appropriately approved non-ANSP procedure designer(s)/organisations may undertake that function.</p> <p>Within the UK, oversight of all flight procedure design activities is undertaken by the UK CAA.</p> <p>See The Air Navigation Order 2016 Article 187 and CAP 785 Approval Requirements for Instrument Flight Procedures for Use in UK Airspace. (Hyperlinks contained in the attached word file)</p>	comment by: UK CAA
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>	
comment	<p>540</p> <p>ECAA is currently assessing the economic impacts of the new regulation regarding the Option I (which ECAA also prefers). It is presumable that the work load would increase in case of Option I and further more in case of Option II. As the assesment is not yet finished, it's not possible to give any numbers regarding the cost of training or the cost of having new inspectors either, if that should be necessary.</p>	comment by: Estonian Civil Aviation Administration
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>	
comment	<p>567</p> <p>Page 72</p> <p>Reference: 4.4.2. Social impact</p> <p>IATA Comments: IATA Supports Option 1 as we need standardization of ASD to ensure the future roll-out of FRA/PBN and future SESAR implementations is harmonized by all service</p>	comment by: IATA

response	<p>providers to decrease the burden on our members to continually adapt to national implementations and interpretations.</p> <p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>569 comment by: IATA</p> <p>Page 74</p> <p>Reference: 4.4.3. Economic impact</p> <p>IATA supports Option 1 in the context of the development of common European rules on ASD. The current model of nationally regulated ASD is less cost-efficient due to the divergent costs applicable in each Member State, thus leading to different financial burdens for the airspace users. We would advocate that the one off costs associated with this regulation should be borne by the ANSP/Service providers and not passed onto our members in the form of additional charges. This would ensure cost effective standardization of their processes and procedures across Europe, which in turn provides for certainty in their designs and subsequent application for use in day to day operation</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>570 comment by: IATA</p> <p>Page: 75</p> <p>Reference: 4.4.5. Impact on ‘better regulation’ and harmonisation</p> <p>IATA Comments: IATA supports Option 1 – performance based regulation and the development of common European rules on ASD. The current model of nationally regulated ASD is less cost-efficient due to the divergent costs applicable in each Member State, thus leading to different financial burdens for the airspace users. We would advocate that the one off costs associated with this regulation should be borne by the ANSP/Service providers and not passed onto our members in the form of additional charges. We also support the requirement that Airspace Design Providers should hold a valid approved certificate. This would ensure standardization of their processes and procedures across Europe, which in turn provides for certainty in their designs and subsequent application for use in day to day operation</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>

comment	<p>571 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Question 9/10 for competent authorities:</p> <p>There will be increase of workload, but it depends on the outcome of this Regulation.</p> <p>If regulatory decisions are required by competent authority, workload and costs will increase dramatically.</p> <p>If competent authority approval is part of ANSP change management process, increase of workload will be lighter and much more efficient.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>572 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Pg. 74, stakeholder comments on estimated impacts:</p> <p>Question 1: ANSP is performing flight procedure design in Finland.</p> <p>Question 2: No, they are not certified.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>590 comment by: <i>Icelandic Transport Authority</i></p> <p>1. Yes.</p> <p>2. No, the individuals are approved by the CA.</p>
response	<p><i>Noted</i></p> <p>EASA welcomes the feedback.</p>
comment	<p>594 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>RIA on social impact</p> <p>ETF regrets that once more the social impact assessment of the proposed rule is partial. Comprehensive requirement on airspace design increases the risk of unbundling of this function from ATM/ANS providers with increased level of competition and the establishment of this activity as a market while ETF believes that there is a clear link to sovereignty issues and that the population overflow should be given a say in the establishment of procedures</p>

for aviation (as recommended in ICAO Doc.8168 Vol II for Noise Abatement) which is render much more difficult with an open market of airspace design.

The proposed rules therefore are likely to affect the job quality of flight procedure operators, more comprehensive rules would affect them with a more important probability.

response *Noted*

EASA took due consideration of the comment.

It should be noted that the NPA 2016-13 consultation indicated clearly that the GM on airspace change process is confusing and does not help to illustrate the meaning of the associated provision nor to support the implementation. Consequently, the subject GM was redrafted in a more generic manner. Thus, EASA believes that it does not limit the concerns raised by the commentator do be addressed when implementing the subject redrafted implementing measures.

6. Appendix — CROSS REFERENCE TABLE — ICAO Annex 11 airspace design (ASD) SARPs, Amendment 50 to the proposed requirements in this NPA

p. 79-90

comment

140

comment by: *skyguide Compliance Management*

page 88

Stakeholders are invited to comment on these estimated impacts.

1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country? If not, which organisation is performing these tasks?

2. Are the organisations performing flight procedure design certified to provide flight procedure design service?

For Skyguide :

1. Not exclusively for some of the tasks.

2. For skyguide = designation by "law" (for others unknown)

response

Noted

EASA took due consideration of the comment.

comment

141

comment by: *skyguide Compliance Management*

page 90



	<p>The minimum flight altitudes determined shall provide a minimum clearance above the controlling obstacle located within the areas concerned.</p> <p>See other comments related to minimum flight altitude.</p>
response	Noted
comment	<p>468 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 2.10.2.3 Page 82</p> <p>Comment:</p> <p>NPA Text: Where a flight information region is limited by an upper flight information region, the lower limit specified for the upper flight information region shall constitute the upper vertical limit of the flight information region and shall coincide with a VFR cruising level of the tables in Appendix 3 to Annex2</p> <p>Impact:</p> <p>UK filed difference against Annex 11 reads as follows: The UK does not fully comply. UK does not apply VFR cruising levels. UK does not apply VFR cruising levels as the lower limit. A level is chosen appropriate to the circumstances.</p>
response	<p>Noted</p> <p>EASA took due consideration of the comment.</p> <p>Following the analysis of the subject, EASA reallocated the commented details at AMC level in order to provide more flexibilities to the Member States when addressing this subject. However, it should be noted that the rule text now placed at AMC level still ensures compliance with ICAO Annex 2.</p>



Attachment #1 to comment #166

 [ES AD 2 ESKM 6-1 en.pdf](#)

