

## Executive Director Decision

**2022/023/R**

**of 16 December 2022**

**issuing the following:**

**Amendment 4 to Issue 1 of the Acceptable Means of Compliance and Guidance Material  
to Annex IV (Part-ATS) to Commission Implementing Regulation (EU) 2017/373  
'AMC and GM to Part-ATS — Issue 1, Amendment 4'**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN UNION AVIATION SAFETY AGENCY (EASA),

Having regard to Regulation (EU) 2018/1139<sup>1</sup>, and in particular Article 104(3)(a) thereof,

Whereas:

- (1) EASA shall, pursuant to Article 76(3) of Regulation (EU) 2018/1139, issue certification specifications and acceptable means of compliance, as well as guidance material, for the application of Regulation (EU) 2018/1139 and of the delegated and implementing acts adopted on the basis thereof.
- (2) Acceptable means of compliance are non-binding standards issued by EASA which may be used by persons and organisations to demonstrate compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, or with the related certification specifications and detailed specifications.
- (3) Guidance material is non-binding material issued by EASA which helps to illustrate the meaning of a requirement or specification and is used to support the interpretation of Regulation (EU) 2018/1139, the delegated and implementing acts adopted on the basis thereof, and of certification specifications and detailed specifications.

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<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

- (4) With Decision 2017/001/R<sup>2</sup> of 8 March 2017, the Executive Director adopted Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight<sup>3</sup>.
- (5) Commission Implementing Regulation (EU) 2017/373 was amended by Commission Implementing Regulation (EU) 2021/665 of 22 April 2021 as regards requirements for providers of air traffic management/air navigation services and other air traffic management network functions in the U-space airspace designated in controlled airspace<sup>4</sup>.
- (6) EASA shall, pursuant to Article 4(1)(a) of Regulation (EU) 2018/1139, reflect the state of the art and the best practices in the field of aviation, and in particular as regards the U-space airspace, U-space services and technical systems, and update its decisions taking into account worldwide aviation experience and the latest scientific and technical progress in the respective fields.
- (7) Therefore, the Executive Director shall amend the existing acceptable means of compliance and guidance material to Commission Implementing Regulation (EU) 2017/373 to reflect the amendments introduced by the insertion of the U-Space provisions in that Regulation.
- (8) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Article 6 of the EASA Rulemaking Procedure<sup>5</sup>, has widely consulted the interested parties on the content of this Decision and provided thereafter a written response<sup>6</sup> to the comments received through the consultation,

HAS DECIDED:

### **Article 1**

Annex IV to Decision 2017/001/R of the Executive Director of the Agency of 8 March 2017 is amended as laid down in the Annex to this Decision.

<sup>2</sup> ED Decision 2017/001/R 'AMC/GM to Regulation (EU) 2017/373' (<https://www.easa.europa.eu/en/document-library/agency-decisions/ed-decision-2017001r>).

<sup>3</sup> Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0373&qid=1669906486711>).

<sup>4</sup> Commission Implementing Regulation (EU) 2021/665 of 22 April 2021 amending Implementing Regulation (EU) 2017/373 as regards requirements for providers of air traffic management/air navigation services and other air traffic management network functions in the U-space airspace designated in controlled airspace (OJ L 139, 23.4.2021, p. 184) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0665&qid=1669794212740>).

<sup>5</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

<sup>6</sup> <http://easa.europa.eu/document-library/comment-response-documents>

**Article 2**

1. This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA.
2. It shall apply from 26 January 2023.

Cologne, 16 December 2022

*For the European Union Aviation Safety Agency  
The Executive Director*

Patrick KY

