



Brussels, **XXX**
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Annex I to EASA Opinion No 03/2024

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Commission Regulation (EU) No 1332/2011 as regards common airspace requirements and operating procedures for airborne collision avoidance and Implementing Regulation (EU) 2017/373 as regards common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 216/2008 and (EC) No 552/2004 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 44(1)(a) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1332/2011 ⁽²⁾ of 16 December 2011 lays down common airspace usage requirements and operating procedures for airborne collision avoidance.
- (2) Commission Regulation (EU) No 1332/2011 requires turbine-powered aeroplanes, with a maximum certificated take-off mass (MCTOM) of more than 5 700 kg or authorised to carry more than 19 passengers to be equipped with a collision avoidance logic version 7.1 of the airborne collision avoidance system (ACAS II) to avoid mid-air collision. This requirement also applies to operators of certain aeroplanes registered in a third country.
- (3) Commission Regulation (EU) No 1332/2011 also requires that aeroplanes not referred in point (2) above which are equipped on a voluntary basis with ACAS II, to have the collision avoidance logic version 7.1.
- (4) Commission Implementing Regulation (EU) 2017/373 ⁽³⁾ lays down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ OJ L 336, 20.12.2011, p. 20.

⁽³⁾ 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)

- (5) Commission Regulation (EU) 2017/373 requires communication, navigation or surveillance services providers to demonstrate that their working methods and operating procedures are compliant with the standards of Annex 10 to the Chicago Convention on aeronautical telecommunications as far as they are relevant to the provision of communication, navigation or surveillance services in the airspace concerned.
- (6) Amendment 91 to the International Standards and Recommended Practices, Aeronautical Telecommunications — Surveillance and Collision Avoidance Systems (Annex 10, Volume IV to the Convention on International Civil Aviation) introduced the airborne collision avoidance system X (ACAS X) as an alternate to the TCAS collision avoidance logic version 7.1 (TCAS version 7.1). ICAO Annex 10, Volume IV refers to both ACAS X and TCAS version 7.1 as ACAS II systems.
- (7) ACAS Xa is the only ACAS X specific variation that has been shown to be equivalent with TCAS II collision avoidance logic version 7.1 for operations in the single European sky (SES) airspace environment.
- (8) 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, taking into account worldwide aviation experience and scientific and technical progress in the respective fields. Therefore, Commission Regulation (EU) No 1332/2011 should be amended to allow access of the aircraft equipped with ACAS Xa to the SES airspace.
- (9) EASA shall, pursuant to Article 1(2)(g) of Regulation (EU) 2018/1139, assist Member States, in exercising their rights and fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and a uniform and timely implementation of its provisions. Therefore, Commission Regulation (EU) 2017/373 should be amended to refer to the latest ICAO Annex 10 provisions, as applicable.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 (3) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Commission Regulation (EU) No 1332/2011

Regulation (EU) No 1332/2011 is amended as follows:

1. In Article 2, point (2) is replaced by the following:

‘(2) “airborne collision avoidance system II (ACAS II)” means an airborne collision avoidance system which provides vertical resolution advisories in addition to traffic advisories. ACAS Xa and traffic alert and collision avoidance system II collision avoidance logic version 7.1 (TCAS II version 7.1) are considered as ACAS II systems.’;

2. In the Annex, point AUR.ACAS.1005 is replaced by the following:

‘AUR.ACAS.1005 Performance requirement

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).

- (1) The following turbine-powered aeroplanes shall be equipped with ACAS II:
 - (a) aeroplanes with a maximum certificated take-off mass exceeding 5 700 kg;
 - (b) aeroplanes authorised to carry more than 19 passengers.
- (2) Aircraft not referred to in point 1 but which are equipped on a voluntary basis with ACAS II, shall have TCAS II version 7.1 or ACAS Xa.
- (3) Point 1 shall not apply to unmanned aircraft systems.’.

Article 2

Amendment to Commission Implementing Regulation (EU) 2017/373

Regulation (EU) No 2017/373 is amended as follows:

In point CNS.TR.100 of Annex VIII, point (d) is replaced by the following:

- ‘(d) Volume IV on surveillance radar and collision avoidance systems in its 5th edition of July 2014, including all amendments up to and including No 91;’.

Article 3

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

[...]