European Union Aviation Safety Agency

FAQ n.139828

FAQs:

Scope/Applicability, Air Traffic Management / Air Navigation Services (ATM/ANS) ground equipment, Regulations

Question:

Does the conformity assessment framework for ATM/ANS ground equipment, including Commission Implementing Regulation (EU) 2023/1771, apply to flight procedure design (FPD) providers?

Answer:

ATM/ANS equipment used in support of FPD services is out of the scope of Regulation (EU) 2023/1768. Articles 4, 5, and 6 of that Regulation determine what ATM/ANS equipment is subject to conformity assessment. Equipment supporting FPD, data services (DAT) and other network functions (other than air traffic flow management (ATFM)) is not listed, and thus **FPD is not within the scope of Regulation (EU) 2023/1768**.

However, FPD organisations **are** within the scope of Regulation (EU) 2017/373. This includes the latest amendment to Regulation (EU) 2017/373, i.e. Regulation (EU) 2032/1771. This amendment applies to FPD in its entirety. Indeed, GM1 ATM/ANS.OR.A.045(g)(4) to Regulation (EU) 2017/373 is intended to explain this aspect. In short, point ATM/ANS.OR.A.045(g) applies to FPD, in particular its point 4, because this equipment does not fall within points 1, 2, or 3.

In summary, for equipment used in the provision of FPD services, the Conformity Assessment Regulation (i.e. Regulation (EU) 2023/1768) **does not apply** . However, Regulation (EU) 2017/373, as amended by Regulation (EU) 2023/1771, **does apply**.

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Link:

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