



Explanatory Note to Decision 2020/008/R

Amendments to the Acceptable Means of Compliance and Guidance Material to Regulation (EU) 2017/373

RELATED NPAs/CRDs 2016-02 (RMT.0477), 2016-09 (RMT.0464), 2016-13 (RMT.0445) & RMT.0719
OPINIONS No 02/2018 & 03/2018

EXECUTIVE SUMMARY

The objective of this Decision is to maintain a high level of safety in the provision of air traffic management (ATM)/air navigation services (ANS), especially air traffic services (ATS), meteorological services (MET), aeronautical information services (AIS) and flight procedure design services (FPD).

Following the amendment of Commission Implementing Regulation (EU) 2017/373 (ATM/ANS Regulation) by Commission Implementing Regulation (EU) 2020/469, this Decision amends the acceptable means of compliance (AMC) and guidance material (GM) to the referenced Regulation in order to facilitate the uniform implementation of the requirements by providing suitable tools for the ATM/ANS providers and the competent authorities when performing certification and oversight in ATS, MET, AIS, FPD and design of airspace structures.

The AMC and GM have been developed and consulted concurrently with the related IRs. The related notices of proposed amendments (NPAs) went through extensive public consultations. The comments received during the consultations of the various NPAs were addressed at a number of thematic meetings with the contribution of experts who were members of the Rulemaking Groups and participated in the drafting, as well as with the contribution of individuals and organisations who were not members of the Rulemaking Groups. Following the assessment of the comments and reactions, EASA published the related Opinions Nos 02/2018 and 03/2018, accompanied by the proposed draft Commission regulations.

Based on the said Opinions, the European Commission adopted the above-mentioned Commission Implementing Regulation (EU) 2020/469 of 14 February 2020.

With a view to providing AMC and GM fully coherent with the text of the rule as adopted, EASA undertook the necessary adaptations. Stakeholders, who contributed to the drafting and subsequent review of that material, were consulted to ensure their agreement on the changes.

Action area:	Air traffic management/air navigation services		
Related rules:	AMC & GM to Regulation (EU) 2017/373 (ATM/ANS Regulation)		
Affected stakeholders:	ATM/ANS providers, especially ATS providers, MET providers, aeronautical information service (AIS) providers, air traffic controllers (ATCOs), aircraft operators, GA pilots, MSs, competent authorities (CAs) and EASA		
Driver:	Efficiency/proportionality	Rulemaking group:	Yes (RMT.0445; 0464; 0477), no (RMT.0719)
Impact assessment:	Light (RMT.0445; 0477), full (RMT.0464), none (RMT.0719)	Rulemaking Procedure:	Standard (RMT.0445 & 0464 & 0477), accelerated (RMT.0719)

● EASA rulemaking process



	11.10.2013	28.4.2016	8.3.2018	14.2.2020	2.7.2020
RMT.0477					
RMT.0464	9.7.2014	14.9.2016	22.5.2018	14.2.2020	2.7.2020
RMT.0445	14.7.2014	25.10.2016	8.3.2018	14.2.2020	2.7.2020
RMT.0719	18.8.2017	20.12.2017 (AB consultation)	8.3.2018	14.2.2020	2.7.2020



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1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2020/008/R in line with Regulation (EU) 2018/1139¹ ('Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) [2020-2024](#) under rulemaking tasks (RMTs).0477, .0464, .0445, and .0719. The scope and timescales of the tasks were defined in the related Terms of Reference³.

The *draft* text of this Decision was consulted with the interested parties, including industry, national aviation authorities (NAAs) and social partners:

- as regards RMT.0477, through NPA 2016-02 'Technical requirements and operational procedures for aeronautical information services and aeronautical information management', published on 28 April 2016;
- as regards RMT.0464, through NPA 2016-09 'Requirements for air traffic services' published on 14 September 2016; and
- as regards RMT.0445, through NPA 2016-13 'Technical requirements and operating procedures for airspace design, including flight procedure design', published on 25 October 2016.

The *draft* text of this Decision pertaining to the amendment of Annex V (Part-MET) to the ATM/AMS Regulation⁴, was consulted with the EASA Advisory Bodies (ABs), in accordance with Article 16 'Special rulemaking procedure: accelerated procedure' of MB Decision No 18-2015, under RMT.0719.

The *final* text of this Decision with the AMC & GM has been developed by EASA based on the analysis of the comments and inputs received.

Moreover, in the context of the alignment of the draft AMC & GM with the Commission proposal that considers the changes introduced during the committee procedure, in order to ensure a timely publication of this Decision and to take informed decisions, EASA has held also various thematic meetings (on 'Part-ATS', on 'Part-MET', 'Part-AIS', and 'Part-FPD, including design of airspace

¹ 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>).

² 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 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

³ RMT.0477: <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0477-rmt0478>

RMT.0464: <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0464>

RMT.0445: <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0445>

RMT.0719: <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0719>

⁴ 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) (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522164345205&uri=CELEX:32017R0373>).



structures') with the participation of experts representing stakeholders representatives to amend the AMC and GM, as necessary. The way forward was well received by the involved stakeholders.

The major milestones of this rulemaking activity are presented on the title page.



2. In summary — why and what

2.1. Why we need to change the AMC & GM

Through this Decision, EASA is providing for the domains covered by Regulation (EU) 2020/469⁵ the necessary AMC & GM in order to facilitate the uniform implementation of the implementing rule (IR) requirements.

The AMC and GM will enable the national authorities and the industry to prepare for the implementation of the new and amended requirements by offering clear directions and possible means of compliance with the rules.

The AMC and GM annexed to this Decision have been developed concurrently with the associated IR. The details of and reasons for the proposed material have been thoroughly described in the Explanatory Notes of the NPAs referred to on the cover page and subsequently adjusted in the Explanatory Notes of the CRDs and Opinions related to this rulemaking activity. Therefore, this Explanatory Note focuses only on the changes performed since the draft AMC & GM were published (for information) along with Opinions Nos 02/2018 and 03/2018.

Such changes are triggered either due to the amendments of the associated IR requirements during the adoption process of the rule or following stakeholder initiatives communicated to EASA. Explanations in detail for the changes are provided in Section 2.3.

2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The specific objective of this Decision is, therefore, to:

- fill the existing gaps between the Basic Regulation objectives and the existing IRs;
- improve the effectiveness of the services provision, especially ATS, MET, AIS and FPD; and
- establish the necessary synergies for Member States in the design of airspace.

Moreover, as regards the provision of aeronautical data, this Decision aims at ensuring that the objectives on interoperability with respect to data are achieved.

Additionally, a specific objective is to assist Member States in fulfilling their obligations under the Chicago Convention by providing a basis for a common interpretation and uniform implementation of its requirements and by ensuring that its provisions are duly taken into account in the rules drawn up, e.g. on the provision of air traffic services, meteorological services, aeronautical information services and flight procedure design.

⁵ Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586259489914&uri=CELEX:32020R0469>).

The AMC and GM provided with this Decision facilitate the uniform implementation of the IR requirements by providing means of compliance and by assisting with the necessary level of guidance.

2.3. How we want to achieve it — overview of the amendments

Proposals put forward through Opinions Nos 02/2018 and 03/2018

The Commission proposal based on EASA Opinions Nos 02/2018 on ‘Specific requirements for providers of meteorological services, aeronautical information services/aeronautical information management, and flight procedure design services; common rules for airspace structure design’ and 03/2018 ‘Requirements for air traffic services’ was tabled for several discussions at the EASA Committee meetings and presented as well at the Single Sky Committee (SSC) meetings as from the middle of 2018. Additionally, it was subject to several EASA Committee commenting consultations.

The Commission launched the written procedure of the referenced proposal and received a positive opinion by the EASA Committee in the beginning of January 2020.

2.3.1 GM to Annex I to Regulation (EU) 2017/373 on the definitions of terms used in Annexes II to XIII (Part-Definitions)

To illustrate the meaning of some definitions and to leave no room for misinterpretation, GM complementing them can be found in Annex I to this ED Decision pertaining mainly to the terms used in Annex VI (Part-AIS) and Annex XI (Part-FPD).

2.3.2 AMC & GM to Annex II to Regulation (EU) 2017/373 on the requirements for competent authorities — oversight of services and other ATM network functions (Part-ATM/ANS.AR)

GM2 ATM/ANS.AR.C.020 has been amended to add examples of limitations for the provision of flight procedure design services. In addition, GM3 ATM/ANS.AR.C.020 has been introduced to provide examples of conditions attached to the certificate based on and linked to the ones provided in Annex II to Regulation (EC) No 550/2004⁶.

2.3.3 AMC & GM to Annex III to Regulation (EU) 2017/373 on the common requirements for service providers (Part-ATM/ANS.OR)

GM1 ATM/ANS.OR.A.001 has been mainly ‘fine-tuned’ to address the changes in the IR stemming from the inclusion of flight procedure design in the services subject to certification.

The new developed AMC & GM relate to the responsibilities of the ATM/ANS providers to provide their aeronautical data to the AIS provider, when they act as parties originating, processing or transmitting aeronautical data to the AIS provider, including requirements on data management and data quality. In order to ensure data quality throughout the entire data chain, ATM/ANS service providers, other than AIS providers, should meet the same requirements as AIS providers or aerodrome operators when originating, processing or transmitting aeronautical data. The proposed AMC & GM related to aeronautical information was further developed by a group of experts, most of them having already been involved in the drafting of the IRs. The majority of the AMC & GM are

⁶ Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (Official Journal L 096, 31/03/2004 P. 0010) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593089672962&uri=CELEX:32004R0550>).

mirroring those introduced in the AMC & GM to Annex VI (Part-AIS). This ensures overall consistency between the requirements for AIS providers and ATM/ANS service providers, other than AIS providers.

2.3.4 AMC & GM to Annex IV to Regulation (EU) 2017/373 on specific requirements for providers of air traffic services (Part-ATS)

A comprehensive set of AMC & GM, mainly (but not exclusively) transposed from ICAO Annex 11 (15th Edition, Amendment 51) and Doc 4444 'PANS-ATM' (16th Edition, Amendment 8), is introduced. The AMC & GM are established in support of the relevant IRs on the organisational and technical requirements for the ATS provision introduced in Annex IV 'Part-ATS' to Regulation (EU) 2017/373⁷, as follows:

- Subpart A 'Additional organisation requirements for providers of air traffic services (ATS.OR)' by introducing:
 - additional requirements to Section 1 'General requirements';
 - a new Section 4 'Requirements for communications'; and
 - a new Section 5 'Requirements for information'.
- Subpart B 'Technical requirements for providers of air traffic services (ATS.TR)', by:
 - amending the content of the current Section 1 'General';
 - introducing a new Section 2 'Air traffic control service';
 - introducing a new Section 3 'Flight information service'; and
 - introducing a new Section 4 'Alerting service';

In consideration of the close interrelation between the regulatory frameworks for ATS provision and the rules of the air, with ED Decision XXXX/YYY/R, EASA introduces some amendments to the existing AMC & GM to the standardised European rules of the air (SERA), in order ensure full consistency between the two sets of rules.

The other updates performed were mainly corrections of references and some editorials aiming at promoting clarity and ensuring consistency with the IR.

2.3.5 AMC & GM to Annex V to Regulation (EU) 2017/373 on specific requirements for providers of meteorological services (Part-MET)

The AMC & GM related to Part-MET are in line with Amendments 77-A and 77-B to ICAO Annex 3 and have not been subject to major changes compared to the version presented for information along with Opinion No 02/2018.

Since the publication of Opinion No 02/2018, the MET experts group supporting EASA in the 'regular updates' RMT.0719 reviewed them. In the context of this review, the experts focused on ensuring

⁷ 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/?qid=1586259725550&uri=CELEX:32017R0373>).

consistency and removing some editorials throughout the rule text aiming at promoting clarity and simplification of the AMC & GM.

2.3.6 AMC & GM to Annex VI to Regulation (EU) 2017/373 on specific requirements for providers of aeronautical information services (Part-AIS)

The AMC & GM to Part-AIS are mainly based on ICAO Annex 15 and PANS-AIM. In addition, references have been made to existing specific EUROCAE documents as well as EUROCONTROL Specifications and guidance material as those provide useful assistance to implement the data quality requirements.

The AMC & GM were developed by a group of experts, most of whom having already been involved in the drafting of the IRs.

Careful attention has been given to ensuring consistency between this Annex VI and Annex III that introduces some data quality requirements for ATM/ANS providers, other than AIS providers.

2.3.7 AMC & GM to Annex XI to Regulation (EU) 2017/373 on specific requirements for providers of flight procedure design

The AMC and GM associated to Annex XI (Part-FPD) are mainly based on ICAO Annex 11 related provisions.

On 28-29 November 2019 EASA organised a thematic meeting with a focus on 'Technical requirements and operating procedures for the flight procedure design (Part-FPD), and design of airspace structure'. The event aimed at discussing the necessary changes introduced resulting from the committee procedure developments.

One of the improvements introduced was in GM1 FPD.OR.100 that illustrates when an approval of the flight procedure(s) may or may not be required.

In the context of promoting clarity and ensuring consistency, some further changes have been introduced to the AMC & GM, but no significant ones.

2.3.8 AMC and GM to the articles of Regulation (EU) 2017/373

AMC and GM that complement the provisions of Articles 1, 2 and 3 of the Regulation with regard to the compliance with the requirements and procedures have been developed.

Following the amendment of Article 1, new GM, associated with design of airspace structures, has been developed.

Furthermore, to align with the changes introduced with the Basic Regulation, GM1 to Article 2 'Definitions' has been amended accordingly.

GM, mainly transposed from ICAO provisions, have been introduced to clarify specific aspects of requirements for Member States concerning air traffic services provision, in particular those on the determination of the need for air traffic services provision, the coordination between military authorities and air traffic services, the coordination of air operations potentially hazardous to civil aviation, and the use of the VHF emergency frequency.

New AMC & GM to Article 3(6) have been introduced. Said AMC & GM address the Member States' responsibilities with regard to the designation of the portion of the airspace and aerodromes where ATS are to be provided.

Additionally, as the design of airspace structure should be a sovereign function, new GM has been developed to illustrate the process design of airspace structures and flight procedures contained therein, and the interactions between airspace change process and flight procedure design process.

Finally, a new AMC on the interval of periodic review has been added.



3. References

3.1. Related regulations

- 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)
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) - Statement by the Member States on military issues related to the single European sky (OJ L 96, 31.3.2004, p. 1)
- Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10)
- Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) - Commission statement (OJ L 96, 31.3.2004, p. 20)
- 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)
- Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 amending Regulation (EU) No 923/2012, Regulation (EU) No 139/2014 and Regulation (EU) 2017/373 as regards requirements for air traffic management/air navigation services, design of airspace structures and data quality, runway safety and repealing Regulation (EC) No 73/2010 (OJ L 104, 3.4.2020, p. 1)
- Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky (OJ L 23, 27.1.2010, p. 6)

3.2. Related decisions

- Executive Director Decision 2017/001/R of 8 March 2017 issuing Acceptable Means of Compliance and Guidance Material to Commission Implementing Regulation (EU) 2017/373

3.3. Other reference documents

- NPA 2016-02 'Technical requirements and operational procedures for aeronautical information services and aeronautical information management'



- NPA 2016-09 ‘Requirements for air traffic services’
- NPA 2016-13 ‘Technical requirements and operating procedures for airspace design, including flight procedure design’
- CRD 2016-02 ‘Technical requirements and operational procedures for aeronautical information services and aeronautical information management’
- CRD 2016-09 ‘Requirements for air traffic services’
- CRD 2016-13 ‘Technical requirements and operating procedures for airspace design, including flight procedure design’
- ICAO Annex 3 to the Convention on International Civil Aviation, ‘Meteorological Service for International Air Navigation’, 19th Edition, 2016
- ICAO Annex 4 to the Convention on International Civil Aviation, ‘Aeronautical Charts’, 11th Edition, 2009
- ICAO Annex 11 to the Convention on International Civil Aviation, ‘Air Traffic Services’, 13th Edition, 2001
- ICAO Annex 14 to the Convention on International Civil Aviation ‘Aerodromes’, Vol I ‘Aerodrome Design and Operations’, 4th Edition, July 2004
- ICAO Annex 15 to the Convention on International Civil Aviation ‘Aeronautical Information Services’, 15th Edition July 2016 and 16th Edition, 2017
- ICAO Document 10066 ‘Procedures for Air Navigation Services: Aeronautical Information Management’ (PANS-AIM), 1st Edition, 2018
- ICAO Document 8168 OPS/611 ‘Procedures for Air Navigation Services: Aircraft Operations’ (PANS-OPS), Vol I ‘Flight Procedures’, 5th Edition, 2006
- ICAO Document 4444 ATM/501, ‘Procedures for Air Navigation Services: Air Traffic Management’ (PANS-ATM), 15th Edition, 2007
- ICAO Document 9426 AN/924, ‘Air Traffic Services Planning Manual’, 1st Edition, 1984
- ICAO Document 9613 AN/937, ‘Performance-based Navigation Manual’, 4th Edition, 2013
- ICAO Document 9906 AN/472, ‘Quality Assurance Manual for Flight Procedure Design’, Volumes 1-6, 1st Edition, 2012
- ICAO Document 9905 AN/471, ‘Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual’, 1st Edition, 2009
- ICAO Document 8126 AN/872, ‘Aeronautical Information Services Manual’, 6th Edition, 2006
- ICAO Document 7910 ‘Location Indicators’, 165th Edition, September 2017
- ICAO Document 9368 ‘Instrument Flight Procedures Construction Manual’, 2nd Edition, 2002

