



## Terms of Reference

for a rulemaking task

### Technical requirements and operational procedures for aeronautical information services (AIS) and aeronautical information management (AIM)

RMT.0477 & RMT.0478 – ISSUE 1 – 11/10/2013

<b>Applicability</b>		<b>Process map</b>	
Affected regulations and decisions:	Commission Regulation (EU) No 73/2010; Commission Implementing Regulation (EU) No 1035/2010	Rulemaking lead:	R5
Affected stakeholders:	AIS providers; competent authorities	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	Yes
Reference:	Annex Vb(a)(2) to the Basic Regulation	RIA type:	TBD
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	2014/Q3
		Duration of NPA consultation:	3 months
		Review group:	TBD
		Focussed consultation:	TBD
		Publication date of the Opinion:	2016/Q1
		Publication date of the Decision:	2016/Q4

## 1. Issue and reasoning for regulatory change

The management, transfer, production, etc., of aeronautical information services (AIS) has always been associated with safety, as it contributes to the safety of aircraft operations. Insufficient, corrupt or erroneous aeronautical information has the potential to adversely affect the safety of aircraft operations.

Since the establishment of the single European sky (SES) framework, the regulatory developments related to the management of AIS have progressed gradually and with precaution. Commission Regulation (EC) No 2096/2005<sup>1</sup> was the first European legislation covering the provision of AIS, but its Annex IV (Specific requirements for the provision of AIS) contained only very general provisions related to the requirements for organisations providing AIS and only made reference to the relevant ICAO Annex 4 (Aeronautical charts) and 15 (Aeronautical information services).

Commission Regulation (EC) No 2096/2005 was replaced by Commission Implementing Regulation (EU) No 1035/2011. However, no substantial changes were made to Annex IV on AIS, meaning that, today, AIS providers need to ensure that their method and working procedures comply with the relevant ICAO annexes. This situation does not provide enough legal certainty on the way affected organisations will comply with national rules stemming from international obligations. Commission Implementing Regulation (EU) No 1035/2011 has been adopted under the EASA Basic Regulation framework and is currently subject to amendment as proposed by the EASA NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof'.

In 2010, a second step to regulate aeronautical information (and data) was made through Commission Regulation (EU) No 73/2010, which is in force today. The overall objective of this Regulation is to achieve the provision of aeronautical information and data of sufficient quality, accuracy, resolution and integrity for use in the SES. This Regulation is the outcome of a mandate issued by the European Commission in 2005 to EUROCONTROL, thus prior to the extension of the Agency's competences to ATM/ANS and Aerodromes, and hence before the Basic Regulation essential requirements (for ATM/ANS services) were defined. In developing the EASA rules, due consideration will be taken of the provision of the current Commission Regulation (EU) No 73/2010.

Today, where ATM/ANS falls under the Agency's competence, the regulatory framework has changed and the EASA Basic Regulation requires the Commission to adopt a comprehensive framework of rules for the implementation of the essential requirements for ATM/ANS. In accordance with the definition of ATM/ANS in the Basic Regulation, these essential requirements are those contained in Annex Vb to the Basic Regulation and the provision of aeronautical information and data is included.

Therefore, the Agency is now required to develop the appropriate Implementing Rules and Acceptable Means of Compliance for aeronautical information and data. According to the EASA Basic Regulation, aeronautical information and data need to be of 'sufficient quality, complete, current and provided in a timely manner'. It also need to be 'accurate, complete, current, and unambiguous and of adequate integrity in a suitable format for users'. Protection against interference and corruption must be ensured as well.

This regulatory responsibility given to the Agency comes at a time where the network of air transport system is becoming even more complex and aeronautical information needs to be improved to meet the operational needs and to make use of emerging information technologies.

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<sup>1</sup> Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services (OJ L 335, 21.12.2005, p. 13).

## 2. Objectives

The objective is to ensure the provision of quality aeronautical information and data in a timely manner, with the accuracy and resolution appropriate for its intended use, and with the assurance that integrity levels are met and maintained throughout the management process.

## 3. Activities

During the development of the draft rules and the Regulatory Impact Assessment (RIA), the following activities will be considered:

- (a) Review of the existing and proposed provisions of ICAO SARPs, regulations and other standards with respect to aeronautical information services, notably:
  - Commission Regulation (EU) No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky;
  - ICAO Annex 15 with amendments No 37 and No 38;
  - ICAO Annex 4 with amendment No 57;
  - NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof';
  - EASA Opinion 01/2013 on 'Authority, Organisation and Operations Requirements for Aerodromes';
  - Commission Implementing Regulation (EU) No 923/2012 (SERA IR);
  - Commission Regulation (EU) No 965/2012 (OPS)<sup>2</sup>.
- (b) Develop the appropriate harmonised set of Implementing Rules, Acceptable Means of Compliance and Guidance Material for the provision of aeronautical information and data, mainly based on the transposition of ICAO Annex 15 and ICAO Annex 4.

The scope of this task does not include the development of rules for data providers (downstream providers), which is part of the separate rulemaking task RMT.0593 & RMT.0594 'Technical requirements and operational procedures for the provision of data for airspace users for the purpose of air navigation'.

## 4. Deliverables

- (a) publication of a Notice of a Proposed Amendment (NPA),
- (b) publication of a Comment-Response Document (CRD) and Opinion,
- (c) publication of a Decision.

## 5. Interface issues (*optional*)

- (a) The NPA will include both organisation requirements and technical requirements for the provision of AIS/AIM. Therefore, the NPA will take into account the existing EASA draft rules stemming from NPA 2013-08 on 'Requirements for ATM/ANS providers and the safety oversight thereof'. Said NPA already includes provisions applicable to AIS providers and competent authorities, e.g. management system (Annex V and VI to the draft Regulation).

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<sup>2</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (b) The NPA will also ensure consistency with the provisions contained in Commission Regulation (EU) No 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky. During the drafting phase of the NPA, a detailed assessment of this Regulation will be done in order to determine the best approach for regulating the issue.

## 6. Focussed consultation

Focussed consultation, prior to the NPA and during the review of the comments to the NPA, will be determined during the drafting phase and may include:

- (a) meetings with stakeholders,
- (b) conferences, and
- (c) RAG/TAGs and SSCC consultations (written or meetings).

## 7. Profile and contribution of the rulemaking group

Profile of the rulemaking group and its members:

- (a) The group shall:
  - be composed of 8 to 10 experts representing competent authorities and ANSPs;
  - hold 8 meetings between 2013/Q4 and 2014/Q3.
- (b) The members of the rulemaking group shall have expertise in the field of aeronautical information services and/or aeronautical information management.

## 8. Annex I: Reference documents

### 8.1. Affected regulations

- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 23)
- Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 15)
- 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)

### 8.2. Affected decisions

N/A

### 8.3. Reference documents

- Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34)

- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 23)
- Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 15)
- 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)
- 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), as last amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34)
- 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), as last amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34)
- 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), as last amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34)
- Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation), as last amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 34)
- Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1)
- ICAO Annex 15 with amendments No 37 and No 38;
- ICAO Annex 4 with amendment No 57;
- Mandate to EUROCONTROL to assist the European Commission in the development of an interoperability implementing rule on Performance-Based Navigation (PBN), letter MOVE E2/EMM D(2011), 6 April 2011.
- EASA Opinion No 1/2008 'Extension of the EASA system to the regulation of ATM and ANS'
- NPA 2013-08 'Requirements for ATM/ANS providers and safety oversight thereof'
- ICAO Doc 7383 — Aeronautical Information Services Provided by States
- ICAO Doc 8126 — Aeronautical Information Services Manual
- ICAO Doc 8697 — Aeronautical Chart Manual