

	<p style="text-align: center;">Aeronautical Services Advisory Memorandum (ASAM) Focal Point: ANSP</p>	<p style="text-align: center;">ASAM No: 037 Issue 6 Date 31.10.24</p>
<p>Title</p>	<p>Guidance on the application and exposition requirements for Service Providers seeking Competent Authority certification for the provision of services across the Member State Ireland under Commission Implementing Regulation (EU) 2017/373</p>	

1. Introduction

To obtain certification for the provision of a service or services, a service provider (SP) must, in addition to submitting an application, forward an exposition that outlines an organisation's compliance with the requirements as laid down in Commission Implementing Regulation (EU) 2017/373.

ATM/ANS.OR.A.035 'Demonstration of compliance' states

"A service provider shall provide all the relevant evidence to demonstrate compliance with the applicable requirements of this Regulation at the request of the competent authority".

1.1. Scope

The Irish Aviation Authority (IAA) is the Competent Authority (CA) for Ireland with regard to Regulation (EU) 2018/1139 and Commission Implementing Regulation (EU) 2017/373.

This guidance applies to all SPs who fall within the scope of Commission Implementing Regulation (EU) 2017/373 and wish to be certified to operate in Ireland.

1.2. Responsible Person

The Head of Aviation Infrastructure, Operations Directorate has overall responsibility for this guidance material.

2. References

- Commission Regulation (EU) 2017/373.
- Regulation (EC) 2018/1139.
- EASA Easy Access Rules for ATM-ANS (Reg. (EU) 2017/373).

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3. Submission requirements

3.1 Application for a certificate (ATM/ANS.OR.A.005)

Application for a service provider certificate or an amendment to an existing certificate shall be made in accordance with section 4 and 5 of this ASAM.

3.2 Application for a limited certificate (ATM/ANS.OR.A.010*)

(a) Notwithstanding point (b) hereunder, the air traffic services provider may apply for a certificate limited to the provision of services in the airspace under the responsibility of the Member State where its principal place of operation or, if any, registered office is located, when it provides or plans to provide services only with respect to one or more of the following categories:

(1) aerial work.

(2) general aviation.

(3) commercial air transport limited to aircraft with less than 10 tonnes of maximum take-off mass or less than 20 passenger seats.

(4) commercial air transport with less than 10 000 movements per year, regardless of the maximum take-off mass and the number of passenger seats; for the purposes of this provision, 'movements' means, in a given year, the average over the previous three years of the total number of take-offs and landings.

(b) In addition, the following air navigation service providers may also apply for a limited certificate:

(1) an air navigation service provider, other than a provider of air traffic services, with a gross annual turnover of EUR 1 000 000 or less in relation to the services they provide or plan to provide.

(2) an air navigation service provider providing aerodrome flight information services by operating regularly not more than one working position at any aerodrome.

(c) As determined by the competent authority, an air navigation service provider applying for a limited certificate in accordance with points (a) or (b)(1) shall comply, as a minimum, with the following requirements set out in:

(1) point ATM/ANS.OR.B.001 Technical and operational competence and capability.

(2) point ATM/ANS.OR.B.005 Management system.

(3) point ATM/ANS.OR.B.020 Personnel requirements.

(4) point ATM/ANS.OR.A.075 Open and transparent provision of services.

(5) Annexes IV, V, VI, VIII and XIII, where those requirements are applicable in light of the services that the service provider provides or plans to provide, in accordance with Article 6.

- (d) As determined by the competent authority, the air navigation service provider applying for a limited certificate in accordance with point (b)(2) shall comply, as a minimum, with the requirements set out in points (c)(1) to (c)(4) and with the specific requirements set out in Annex IV.

*See appendix 1 for guidance GM1 ATM/ANS.OR.A.010 'Application for a limited certificate'.

4. Application for a certificate or limited certificate

4.1 An application form

4.1.1 Initially the SP must submit an application using the Competent Authority form **OPS.ANS.F.320**.

4.1.2 This application form is available via email from the contact details at section 11 of this notice. When ANSD receive a request for an application form it may request a pre-application meeting prior to starting the regulatory process for the issuance of a certificate.

4.1.3 Applications for a certificate shall be submitted in due time to allow the competent authority to evaluate the application.

4.2 An exposition

4.2.1 The exposition is made up of a CA produced excel spreadsheets which act as compliance matrices for each of the annexes (or parts) of the regulation. All service providers must complete the compliance matrix OPS.ANS.F.243 and thereafter an appropriate compliance matrix depending on the services to be provided. Please see appendix 2 for an outline of services.

5. Exposition guidance

5.1 Compliance Matrixes.

5.1.1 The SP shall track and document how it complies with the requirements of Commission Implementing Regulation (EU) 2017/373 by using the appropriate CA compliance matrixes.

The service provider shall comply with:

- (1) the common requirements set out in Annex III — Part-ATM/ANS.OR by using compliance matrix OPS.ANS.F.243.

and

- (2) the specific requirements set out in Annexes IV to XIII, where those requirements are applicable in light of the services that the service provider provides or plans to provide, by using the appropriate compliance matrix listed from OPS.ANS.F.244 to OPS.ANS.F.253.

5.2.2 Specific instructions on how to fill in the compliance matrixes is contained within each document. In respect to any manuals or documents that are referenced as supporting evidence these should be forwarded (in soft copy) with the exposition where requested by the CA. A non-exhaustive list of documents and manuals are listed as examples of what may be requested, some of which can be combined under one document title.

- Management systems
- Procedures/operations Manual
- Safety manual
- Organisation responsibilities
- Quality Management manual
- Unit Training Plan / Unit Competence Scheme (if applicable)
- Assessment and examination procedures
- Record keeping.
- Capacity to review and adopt new regulations or changes to existing regulations.
- Staff training requirements
- Maintenance of staff competence
- Record keeping & Confidentiality.
- Security management manual
- Safety management manual
- Specific agreement with other service providers
- Facilities list, Equipment procurement and maintenance...

6. Regulatory action on receipt of application (ATM/ANS.AR.C.020)

- 6.1 ANSD shall acknowledge applications within twenty (20) working days of receipt. The ANSD inspector appointed to handle the service providers application will correspond with the applicant in writing to outline the regulatory review process. This process can include the conduct of the review, inspections, audits (desktop / on-site) or assessments; how and when to submit material and expected submission milestones plus possible dates to meet for side-by-side reviews if required.
- 6.2 When date or dates are agreed the SP will present ANSD with its exposition(s) and provide supporting management documents. These shall be submitted in soft copy. The duration for conducting the review, inspections, audits and assessments necessary for the oversight process will depend upon various factors (including range and detail of documentation, previous organisational experience, previous interactions with the competent authority, systems' complexities, the correction of non-conformities, etc.) and will therefore be a subjective estimate.
- 6.3 Depending on the maturity and compliance of the individual submissions the duration of the review process should take no longer than 3 months for renewals / change of scope and 6 months for new SP applications.

7. Regulatory action for certification (ATM/ANS.AR.C.020 Issue of certificates)

- 7.1 Once all is in order and any non-conformities have been satisfactorily addressed, ANSD shall arrange for the issue of certificates. The certificate shall be issued for an

unlimited duration. The privileges of the activities that the service provider is certified to conduct shall be specified in the service provision conditions attached to the certificate.

7.2 Certificates shall be signed by the Head of Aviation Infrastructure or an authorised officer. A certificate shall not be issued where a level 1 finding remains open. In exceptional circumstances, finding(s), other than level 1, shall be assessed and mitigated as necessary by the service provider and a corrective action plan for closing the finding(s) shall be approved by the competent authority prior to the certificate being issued.

8. Terms of approval and privileges of a service provider organisation certificate

8.1 Service providers shall be granted a certificate and be entitled to exercise the privileges granted within the scope of that certificate, where, in addition to the requirements referred to in Article 40 (1) of Regulation (EU) 2018/1139, they comply and continue to comply with the appropriate requirements for their organisation as listed under Article 6 (a) to (l) of Commission Regulation (EU) 2017/373.

9. Continued validity (ATM/ANS.OR.A.025).

9.1 A service provider's certificate shall remain valid subject to:

- (1) the service provider remaining in compliance with the applicable requirements of Commission Regulation (EU) 2017/373, including those concerning facilitating and cooperating for the purposes of the exercise of the powers of the competent authorities and those concerning the handling of findings as specified in points ATM/ANS.OR.A.050 and ATM/ANS.OR.A.055 respectively.
- (2) the certificate not having been surrendered, suspended, or revoked.

9.2 Upon revocation or surrender, the certificate shall be returned to the competent authority without delay.

10. Alternative means of compliance (ATM/ANS.OR.A.020)

10.1 When an organisation wishes to use an alternative means of compliance, it shall, prior to implementing it, provide the competent authority with a full description of the alternative means of compliance. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating compliance with Regulation (EC) 2018/1139 and its implementing rules.

10.2 The organisation may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification as prescribed in point ATM/ANS.AR.A.015(d) of Commission Regulation (EU) 2017/373.

11. Further Information

To request an application form or make enquiries please email 'To whom it concerns' at ansdinfo@iaa.ie.

GM1 ATM/ANS.OR.A.010 Application for a limited certificate

ED Decision 2017/001/R

GENERAL

The relationship between the type of service provision, criteria to be complied with and the applicable rules are indicated in Table 2 below.

Type of service	Type of approval	Criteria to be complied with	Applicable Rules
Air traffic service providers	Limited Certificate	ATM/ANS.OR.A.010(a)	ATM/ANS.OR.B.001 ATM/ANS.OR.B.005 ATM/ANS.OR.B.020 ATM/ANS.OR.A.075 Annex IV
Air navigation service providers (other than the air traffic services providers) (gross annual turnover of EUR 1 000 000 or less)	Limited Certificate	ATM/ANS.OR.A.010(b)(1)	ATM/ANS.OR.B.001 ATM/ANS.OR.B.005 ATM/ANS.OR.B.020 ATM/ANS.OR.A.075 Annexes V, VI and VIII depending upon service provision
Air navigation service providers (aerodrome flight information services providers operating regularly not more than one working position at any aerodrome)	Limited Certificate	ATM/ANS.OR.A.010(b)(2)	ATM/ANS.OR.B.001 ATM/ANS.OR.B.005 ATM/ANS.OR.B.020 ATM/ANS.OR.A.075 Annex IV

Table 2: Type of service provision, criteria to be complied with, and the applicable rules

Appendix 2

ED Decision 2020/008/R

	Annex III (Part-ATM/ANS.OR)				Annex IV (Part-ATS)	Annex V (Part-MET)	Annex VI (Part-AIS)	Annex VII (Part-DAT)	Annex VIII (Part-CNS)	Annex IX (Part-ATFM)	Annex X (Part-ASM)	Annex XI (Part-FPD)	Annex XII (Part-NM)	Annex XIII (Part-PERS)
	Subpart A	Subpart B	Subpart C	Subpart D										
Air traffic services providers (see Note 1)	X	X		X	X									
Meteorological services providers	X	X	X	X		X								
Aeronautical information services providers	X	X	X	X			X							
Data services providers	X	X	X					X						
Communication, navigation and surveillance service providers	X	X	X	X					X					
Air traffic flow management service providers	X	X	X	X						X				
Airspace management service providers	X	X	X								X			
Flight procedure design services providers	X	X	X									X		
Network Manager service providers (see Note 2)	X	X	X	X									X	
														X

Table 1: Applicability of annexes to service providers

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X = Applicable annexes for each service provider.

Note 1: Section 3 of Annex IV (Part-ATS) only applies to providers of air traffic control services and not to providers of alerting, air traffic advisory, and flight information services.

Note 2: The applicability of Annex XIII is dependent upon the scope as specified within each of the subparts of Annex XIII.