


Irish Aviation Authority The Times Building 11–12 D’Olier Street Dublin 2, Ireland www.iaa.ie	Údarás Eitlíochta na hÉireann Foirgneamh na hAmanna 11–12 Sráid D’Olier Baile Átha Cliath 2, Éire	AERONAUTICAL NOTICE No. S. 39 ISSUE 3 DATE 15.11.19	
Safety Regulation	Rannán na Rialachán		
Division	Sábháilteachta		

Commission Implementing Regulation (EU) 2017/373

Common requirements for providers of air traffic management/air navigation services and other air traffic management network functions

1. PURPOSE

1.1 Introduction

Commission Implementing Regulations (EU) No 1034/2011 and (EU) No 1035/2011 lay down requirements on safety oversight in air traffic management and air navigation services and common requirements for the provision of air navigation services, respectively.

To establish a single regulatory structure for ATM/ANS technical requirements and to ensure a harmonised approach to certification and oversight with uniform requirements for the provision of services across Member States, Commission Implementing Regulation (IR) (EU) 2017/373, entered into EU law on 1 March 2017. This regulation lays down enhanced common requirements for providers of air traffic management (ATM), air navigation services (ANS) and other air traffic management network functions, along with their oversight. It aims, amongst other things, to also bring better consistency with other fields (ADR, ATCO licensing, Ops, FCL), provide better support to implementation via AMCs and GMs and align EU SMS requirements with the ICAO SMS framework.

The new IR consists of a ‘cover regulation’ and thirteen supporting Annexes known as ‘Parts’ and are outlined at appendix 1 to this document.

When Regulation 2017/373 takes effect, it will repeal Commission Regulation (EC) 482/2008 and Implementing Regulations (EU) 1034/2011 and (EU) 1035/2011.

Regulation 2017/373 and most of its Parts take effect on **2 January 2020***.

* Annex VII (Part-DAT), took effect on 1 January 2019.

Service providers, currently holding certificates and providing services in accordance with Commission Implementing Regulations (EU) No 1034/2011 and (EU) No 1035/2011, who wish to continue to provide those services from 2nd January 2020 must meet and be certified in accordance with the requirements of Regulation (EU) 2018/1139 and Commission Implementing Regulation (EU) 2017/373. Therefore, service providers (SPs) must submit a renewal application with a new exposition, in such time that allows for the regulatory review process and the issuance of certificates to be completed before 20th December 2019.

Commission Regulation (EU) 482/2008 (Air Navigation Service Provider (ANSP) software safety assurance system) and certain elements of Regulation (EU) 677/2011 (Network Manager function) have been integrated into 2017/373 as Acceptable Means of Compliance (AMC) and Guidance Material (GM).

Following the conclusion of [NPA 2017-10](#) (*'Software assurance level requirements for safety assessment of changes to air traffic management / air navigation services functional systems'*), EASA published Decision 2019/022/R on 29th October 2019. As a result, additional software assurance related [AMC and GM](#) have now been published and are applicable to Implementing Regulation 2017/373. The EASA decision concluded that this set of software assurance AMC/GM will apply to all service providers of ATM/ANS, including AIS and MET providers.

Additionally, EASA are also expected to publish additional AMC/GM for the safety (support) assessment of changes to ATM/ANS functional systems. This work process and expected publication dates are captured under [EASA NPA 2019-04](#).

1.2 Objective

The objective of this material is to describe the application and regulatory review process for SPs currently certified under Commission Implementing Regulations (EU) No 1034/2011 and (EU) No 1035/2011 to renew or change their certificate so as to continue to provide services in accordance with the requirements of Commission Implementing Regulation (EU) 2017/373, and for those organisations who now fall within the scope of the regulation to be certified so as to provide services.

1.3 Scope

The Safety Regulation Division (SRD) of the Irish Aviation Authority (IAA) is the Competent Authority for Ireland regarding Regulation (EC) 2018/1139 and Commission Implementing Regulation (EU) 2017/373.

This material applies to all service providers involved in the provision of air traffic management and air navigation services ('ATM/ANS') and other air traffic management network functions ('ATM network functions') for general air traffic, in particular for the legal or natural persons providing those services and functions in Ireland. Please see appendix 2 for an outline of the scope of services.

The requirements for service providers to be certified are contained in the pertinent Annexes of the new Regulation.

1.4 Responsible Person

The Assistant Director, Aeronautical Services Department (ASD) of SRD has overall responsibility for this procedure.

2. References

- Commission Implementing Regulation (EU) 2017/373;
- Commission Regulation (EC) 2018/1139.
- Commission Regulation (EC) No 549/2004;
- ASD application form ASD.F320
- ASAM No 37

3. Submission requirements

3.1 Application (ATM/ANS.OR.A.005)

(a) Application for a service provider certificate or an amendment to an existing certificate shall be made in accordance with this S Notice and ASAM No. 37.

(b) In accordance with Article 6 (Commission Implementing Regulation (EU) 2017/373), in order to obtain a certificate, the service provider shall comply with:

(1) the requirements referred to in Article 40 (1) of Regulation (EU) 2018/1139¹ i.e.

“The provision of ATM/ANS referred to in point (g) of Article 2(1) shall comply with the essential requirements set out in Annex VIII and, if applicable, Annex VII.”

Note¹: this equates to Article 8b (1) of Regulation (EU) No 216/2008.

(2) the common requirements set out in Annex III — Part-ATM/ANS.OR;

(3) 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.

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

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

ASD shall acknowledge applications within twenty (20) working days of receipt. The ASD inspector appointed to handle the service providers application will correspond with the applicant in writing within thirty (30) working days to outline the regulatory review process. This process can include: the conduct of the

review, inspections, audits (desk top / 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 etc.

When date or dates are agreed the SP will present ASD with its exposition as outlined in ASAM No 39 and provide supporting management documents where requested by the CA. 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. 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

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

Once all is in order and any non-conformities have been satisfactorily addressed, ASD 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.

Certificates shall be signed by the Assistant Director Safety Regulation Division or an authorised officer.

The 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.

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

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 8b (1) of Regulation (EC) No 216/2008², 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.

Note²: this equates to Article 40 (1) of Regulation (EU) 2018/1139.

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

(a) 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.

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

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

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.

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.

8. Further Information

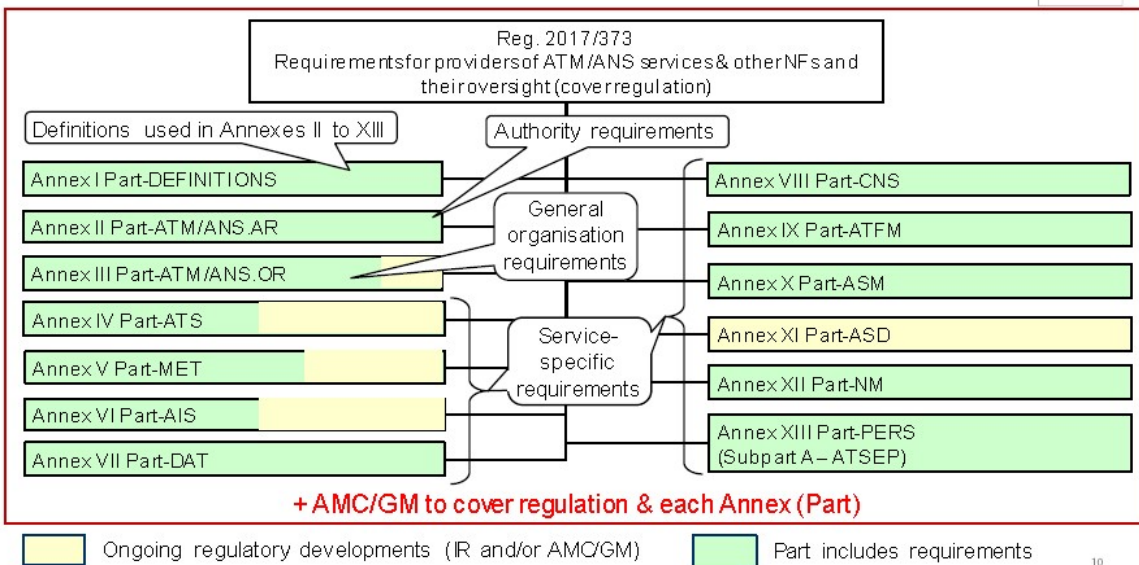
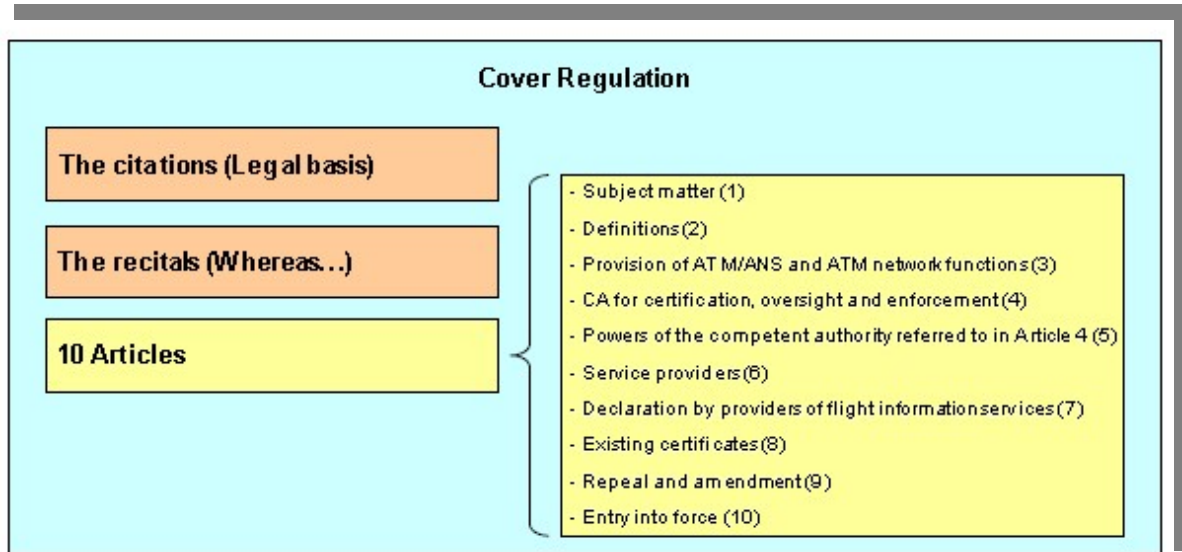
Any queries or requests should be addressed to the following ANSD email address: ansdinfo@iaa.ie.

Chief Executive

Irish Aviation Authority

Rule Structure

The ATM IR consists of a ‘cover regulation’ made up of citations (legal basis), recitals and 10 Articles with 13 supporting Annexes (known as ‘Parts’):



ANNEX III - PART-ATM/ANS.OR COMMON REQUIREMENTS FOR SERVICE PROVIDERS

ATM/ANS.OR.A.001 Scope

In accordance with [Article 6](#), this Annex establishes the requirements to be met by the service providers.

GM1 ATM/ANS.OR.A.001 Scope

DEFINITIONS AND SCOPE IN RELATION TO SERVICE PROVIDERS

- (a) To recognise which of the annexes applies to which service provider, it is necessary to understand how services are defined. These definitions have determined the structure and the content of Annexes III to XIII.
- (b) Article 3(q) of [Regulation \(EC\) No 216/2008](#) defines ATM/ANS as ‘the air traffic management functions as defined in Article 2(10) of [Regulation \(EC\) No 549/2004](#), air navigation services defined in Article 2(4) of that Regulation, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation’.
- (c) It should, therefore, be noted that ATM/ANS include more services than ‘Air Traffic Management’ and ‘Air Navigation Services’ together.
- (d) In this Regulation, ‘services’ means those specified in Annex Vb(2) to Regulation (EC) No 216/2008. This Annex includes an additional service (airspace design) that is neither directly included in the definition of ATM/ANS nor in the definition of ‘Air Traffic Management’ or ‘Air Navigation Service’.
- (e) As already defined, ‘ATM network functions’ refers to functions performed by the Network Manager in accordance with [Regulation \(EU\) No 677/2011](#)¹.
- (f) Figure 1 below provides a pictorial representation of the services and how they interrelate through the various definitions.
- (g) Figure 1 indicates both a further breakdown of ATS into air traffic control services (ATC), alerting services, air traffic advisory services, and flight information services and groupings of:
 - (1) air traffic management (ATM): comprising ATS, ASM, and ATFM;
 - (2) air navigation services (ANS): comprising ATS, CNS, MET, and AIS; and (3) airspace design (ASD) and data provision (DAT) and ATM network functions.
- (h) It is important to note that ATS is included in ATM and ANS.

Note – taken from page 82 of Easy Rules.

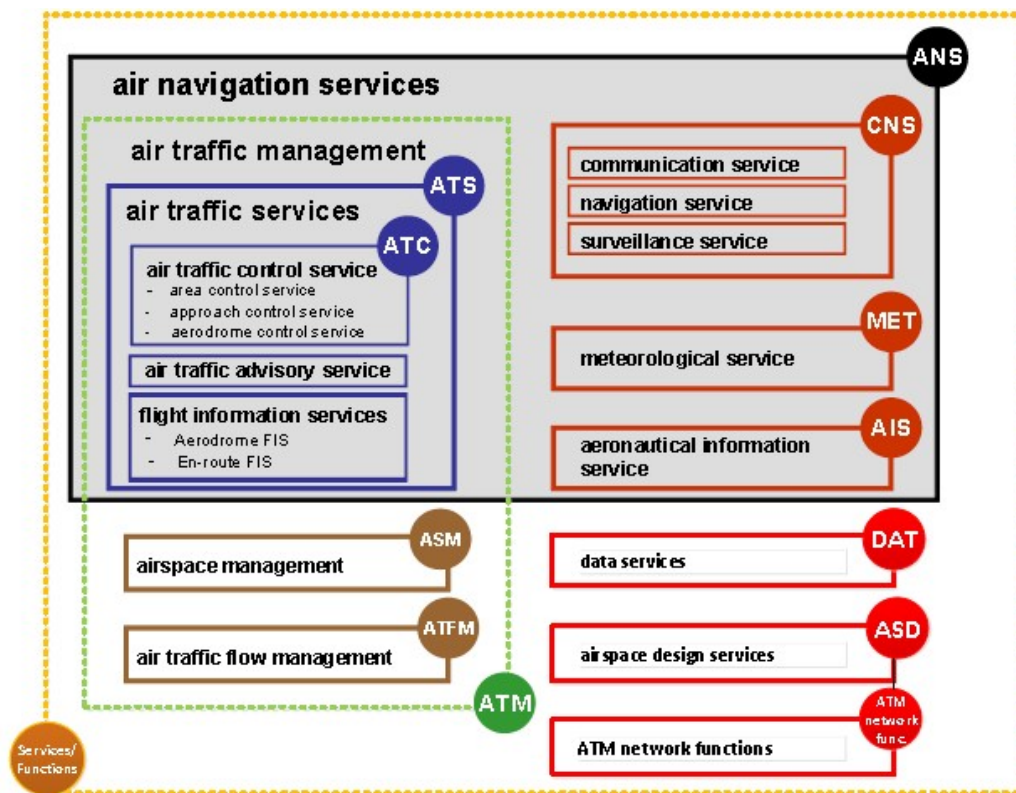


Figure 1: The scope of the services as specified in Annex Vb to Regulation (EC) No 216/2008 and, additionally, the other ATM network functions.

SERVICES

- (a) [Annex III](#) (Part-ATM/ANS.OR) applies to the service providers, as relevant, and contains the common requirements for the service providers. This Annex is broken down into four subparts:
 - (1) Subpart A – General requirements (ATM/ANS.OR.A);
 - (2) Subpart B – Management (ATM/ANS.OR.B);
 - (3) Subpart C – Specific organisational requirements for service providers other than ATS providers (ATM/ANS.OR.C); and
 - (4) Subpart D – Specific organisational requirements for ANS and ATFM providers and the Network Manager (ATM/ANS.OR.D).
- (b) Subpart D applies only to ANS and ATFM providers and the Network Manager (and not to ASM and DAT providers).
- (c) Thereafter, each specific requirement for various service providers is allocated to an annex (Annexes IV to XII) which contains specific requirements for that service provider. Table 1 below indicates which annexes are applicable to each service provided.
- (d) [Annex XIII](#) contains requirements for service providers regarding personnel training and competence assessment.

Note – taken from page 83 of Easy Rules.

	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-ASD)	Annex XII (Part-NM)	Annex XIII (Part-PERS)
	Subpart A	Subpart B	Subpart C	Subpart D										
Air traffic services (see Note 1)	X	X		X	X									
Meteorological services	X	X	X	X		X								
Aeronautical information services	X	X	X	X			X							
Data services	X	X	X					X						
Communication, navigation and surveillance service	X	X	X	X					X					
Air traffic flow management service	X	X	X	X						X				
Airspace management service	X	X	X								X			
Airspace design service	X	X	X									tbd*		
Network Manager	X	X	X	X									X	
service providers (see Note 2)														X

Table 1: Applicability of annexes to service providers

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.

* to be introduced under RMT.0445, as necessary.

