

Irish Aviation Authority The Times Building 11–12 D’Olier Street Dublin 2, Ireland www.iaa.ie Safety Regulation Division	Údarás Eitlíochta na hÉireann Foirgneamh na hAmanna 11–12 Sráid D’Olier Baile Átha Cliath 2, Éire Rannán na Rialachán Sábháilteachta	AERONAUTICAL NOTICE No. S.22 ISSUE 3 DATE 14.03.19	
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EU Regulation 1034/2011

On Safety Oversight in Air Traffic Management and Air Navigation Services

1. Purpose

With regard to Regulation (EU) No 1034/2011 dated 17th October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010, this Aeronautical Notice sets out the Irish National Supervisory Authority (NSA) processes in relation to the oversight of air navigation service providers (ANSPs).

2. EU Regulation 1034/2011

EU Regulation 1034/2011 establishes the requirements to be applied in the exercise of the safety oversight function by competent authorities concerning air navigation services, air traffic flow management and air space management and other network functions.

EU Regulation 1034/2011 applies to the activities of competent authorities and qualified entities acting on their behalf. Article 3 identifies the competent authorities for oversight. As stated in Article 3(a) the NSA remains the competent authority “for organisations having their principal place of operation and, if any, their registered office located in a Member State while providing air navigation services in the territory of that Member State”.

Article 3(d) identifies EASA (European Aviation Safety Agency) as the competent authority for organisations providing pan-European ATM/ANS as well as for all other network functions in the airspace to which the Treaty applies.

3. Audit Corrective Actions and Safety Oversight of Changes

Organisations should pay particular attention to Articles 8, 9 and 10 of EU Regulation 1034/2011 in relation to “corrective actions”, “safety oversight of changes” and “review procedure of the proposed changes” respectively.

Regulation 1034/2011 is available from the following EC webpage:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:271:0015:0022:EN:PDF>

4. Additional NSA Requirements – Corrective Actions (Article 8)

In addition to the requirements specified in EC Regulation 1034/2011 applicable to ANSPs, the NSA requires that details of the proposed corrective actions, and the time frame for their implementation, shall be sent to the NSA within one month of the audit closing meeting date.

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5. Notification of Changes to Functional Systems (Article 9)

Article 9 requires ANSPs to notify the relevant competent authority of all planned safety-related changes to their functional systems.

Organisations shall produce an internal procedure in their Safety Management Manuals to notify the NSA of all planned safety related changes.

The submission to the NSA of planned safety related changes shall contain brief details of the proposed changes, including an assessment of their safety significance and be emailed to: ansd@iaa.ie.

Changes to functional systems that must be subject to formal NSA review in accordance with EU Regulation 1034/2011 Article 10 (1) shall be notified to the NSA a **minimum of 6 weeks (30 working days) in advance of the intended change implementation**. Such notifications shall include sufficient information on the proposed change together with the supporting safety assurance documentation to facilitate the commencement of the NSA review. For other notified changes, the documentation should be submitted to the NSA as soon as possible in advance of implementation, however no fixed mandatory notice period is currently specified.

All planned safety-related changes, whether temporary or permanent must be assessed in accordance with the ANSP’s SMS change assessment processes prior to implementation.

In exceptional circumstances, (system failure mitigation, occurrence report recommendation, etc.) and with the endorsement of the ANSP accountable manager, a change to functional systems that is subject to formal NSA review, may be submitted within the 6-week period specified above.

6. NSA Post-Notification Process Overview

Following notification, the NSA will take the following actions:

- Assess the notified safety-related change and decide if a NSA review is required (see Section 7);
- If a NSA review of the change is not required, the NSA will take no further action. The change can be implemented in accordance with the ANSP’s own Safety Management System;
- If a NSA review is required, the ANSP will be notified as soon as practicable prior to planned implementation date. The review will be conducted in accordance with the NSA’s change oversight procedures. The level of review carried out will be commensurate with the level of risk posed by the change and may include an ‘on-site’ pre-implementation visit, where considered appropriate by the NSA;
- On completion of the review, the NSA will issue a formal letter of acceptance for the change if the safety argument is considered acceptable and applicable regulatory requirements have been met. Alternatively, the ANSP will be notified if

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the change is not considered acceptable or if insufficient evidence is available to make a decision.

7. Changes Subject to NSA Review

Changes must be reviewed and accepted by the NSA prior to implementation when:

- (a) the severity assessment conducted in accordance with Annex II, point 3.2.4 of Regulation (EU) No 1035/2011 determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified; or
- (b) the implementation of the changes requires the introduction of new aviation standards.

The NSA may also determine the need for a review in situations other than those referred to in points (a) and (b) {see guidance Appendix A}. In such instances, the organisation will be notified that the NSA will undertake a formal review of the change.

Note:

Substantial and complex changes (that may generate considerable amounts of safety assurance documentation or multiple safety cases) are likely to require more than the minimum 30-working days’ notice period and therefore should be notified at the earliest opportunity, to allow sufficient time for the NSA to review the proposed change in detail.

Failure to notify such changes at the earliest opportunity may result in the NSA being unable to ‘accept’ the change prior to the proposed implementation date and may result in the project being delayed.

8. Further Information

Requests for further information on how EU Regulation 1034/2011 will impact on ANSPs should be addressed to: ansdinfo@iaa.ie

**Chief Executive.
Irish Aviation Authority.**

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Appendix A – Guidance on NSA review decision criteria for those changes not subject to mandatory review under 1034/2011

The decision-making process regarding whether to subject a change to formal review and acceptance will to a certain extent be reliant on the expert judgement of NSA staff. To ensure a consistent approach is adopted by all NSA staff it is recommended that, in addition to those changes mandated for review by EU 1034/2011, ASD review those changes meeting one or more of the following criteria;

Review Criteria	Examples
<i>Complexity</i>	<ul style="list-style-type: none"> • Change has dependencies across a number of parts of the functional system • Generate a large number of mitigating safety requirements • Requires significant and complex changes to existing procedures
<i>Scope</i>	<ul style="list-style-type: none"> • Requires changes across a number of operational units or centres • Involves significant ANSP resources (e.g. human resources, financial resources) to implement the change • Involves significant changes to organizational safety-related roles and/or responsibilities
<i>Novelty</i>	<ul style="list-style-type: none"> • Involves novel technology or novel operational usage
<i>System Performance</i>	<p>Considered a significant change in system capabilities and performance</p>
<i>Interoperability impact</i>	<ul style="list-style-type: none"> • Impacts interfaces with other EATMN systems • Requires the update and NSA review of the associated IOP documentation