

**NOTICE  
TO  
AIR  
NAVIGATION  
SERVICE  
PROVIDERS**

**IRELAND**

**SAFETY REGULATION DIVISION  
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**Recent Legislative Change (7) – EU Regulation 1035/2011**

**Common Requirements for the Provision of Air Navigation Services**

**1. Purpose**

This Notice to Air Navigation Service Providers (NASP) is to advise ANSP's of the entry into force of Commission Regulation (EU) No 1035/2011 dated 17<sup>th</sup> 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.

**2. EU Regulation 1035/2011 Background**

EU Regulation 1035/2011 is based on (and repeals) EC Regulation 2096/2005. As mandated by the Commission, EASA have now completed the development of three 'fast-track' ATM Implementing Rules {ATCO licensing (EC) No. 805/2011, Safety Oversight (EC) No 1034/2011 and (EC) No 1035/2011}.

Regulation 1035/2011 replicates the requirements of 2096/2005 while introducing specific limited changes to integrate with the current regulatory framework including the Basic Regulation (EU No 216/2008).

**3. Regulatory Changes Overview**

This section highlights changes of particular significance to air navigation service providers.

Article 3 identifies the competent authority for the certification of air navigation service providers. The Irish NSA remains the competent authority for organisations having their principal place of operation and, if any, their registered office located in the Irish State. EASA becomes the competent authority for the certification of organisations providing pan-European air navigation services in the airspace of the territory to which the treaty applies.

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The Annexes documenting the General and Specific Requirements remain largely unchanged with some additional requirements to align with recent regulatory developments.

For example Annex I section 2.2.1 requires certain information contained in the ANSP's business plan to be consistent with the national or functional airspace block performance plan. Annex I Section 2.2.2 similarly requires that, for the Annual Plan, performance indicators are consistent with the national or functional airspace block performance plan. Section 2.2.2 (c) requires the Annual Plan to include information on the measures foreseen to mitigate the safety risks identified in the safety plan of the ANSP, including safety indicators to monitor safety risk and, where appropriate, the estimated cost of mitigation measures.

Under Annex I Section 3.1 (Safety Management) is a new explicit requirement for ANSPs to develop procedures for managing safety when introducing new functional systems or changing existing functional systems.

A new section has been added in Annex II section 3.2.5 requiring a provider of air traffic services to implement a software safety assurance system in accordance with Regulation (EC) No 482/2008.

References to requirements applicable from a number of the ICAO Annexes have been updated as appropriate.

Regulation 1035/2011 is available from the following EC webpage:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:271:0023:0041:EN:PDF>

#### **4. Transitional Provisions**

Regulation 1035/2011 entered into force on the 7<sup>th</sup> November 2011. ANSP Certificates will remain valid during the transition period as detailed in Article 11 of (EU) No. 1035/2011.

#### **5. Further Developments**

Work to further develop ATM/ANS Implementing Rules together with Acceptable Means of Compliance (AMC) and Guidance Material (GM) continues under the auspices of three EASA drafting groups. The groups are, ATM001 (Rules for ANSPs), ATM003 (Rules for ATCOs and Approved Training Organisations) and ATM004 (Rules for Competent Authorities). The outcome of this next phase of rulemaking activity is expected to be more far-reaching than the 'fast-track' transposition activity and will be the subject of formal consultation with stakeholders using the EASA Notice of Proposed Amendment (NPA) process.

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## 6. Amending Regulations

It is important for ANSPs to monitor legislative developments as the Common Requirements are subject to ongoing update and change. For example, the following Regulations include provisions that amend EU Regulation 1035/2011:

- EU Regulation 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.
- EU Regulation No 448/2014 of 2 May 2014 amending Implementing Regulation (EU) No 1035/2011 by updating references to the Annexes to the Chicago Convention

## 7. Further Information

Further information on this Regulation is available from the following sources:

A summary of key points from the Regulation is available from:

[http://www.skybrary.aero/index.php/Regulation\\_1035/2011\\_-\\_Common\\_Requirements\\_for\\_the\\_Provision\\_of\\_Air\\_Navigation\\_Services](http://www.skybrary.aero/index.php/Regulation_1035/2011_-_Common_Requirements_for_the_Provision_of_Air_Navigation_Services)

Regulations (EU) No 1035/2011, (EU) No 923/2012 and (EU) No 448/2014 are available from the EUR-Lex webpage: <http://eur-lex.europa.eu/homepage.html>

Requests for further information should be addressed to: [ansdinfo@iaa.ie](mailto:ansdinfo@iaa.ie)

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**Chief Executive.  
Irish Aviation Authority.**

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