Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1332/2011

of 16 December 2011

laying down common airspace usage requirements and operating procedures for airborne collision avoidance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Articles 8(1), 8(5), and 9(4) thereof,

Whereas:

(1) Safety requirements should be imposed on operators of aircraft registered in a Member State or registered in a third country and operated by a Union operator, and on operators of aircraft used by a third country operator within the Union.

(2) Following a series of mid-air encounters in which safety margins have been lost, including accidents in Yaizu (Japan) in 2001 and in Überlingen (Germany) in 2002, the current airborne collision avoidance system software should be upgraded. The studies concluded that with the current airborne collision avoidance system software there is a probability of a mid-air collision risk of $2{,}7 \times 10^{-8}$ per flight hour. Therefore the current ACAS II version 7.0 is considered to be of an unacceptable safety risk.

(3) It is necessary to introduce a new software version of the airborne collision avoidance system (ACAS II) to avoid mid-air collision of all aircraft flying in the airspace covered by Regulation (EC) No 216/2008.

(4) To ensure the highest possible safety standards, aircraft which do not fall within the scope of the mandatory carriage requirement but were equipped with ACAS II prior to entry into force of this Regulation should install ACAS II containing the latest version of collision avoidance software.

(5) In order to ensure that the safety benefits associated with the new software version are achieved, all aircraft need to be equipped as soon as practically possible. However, it is necessary to provide a realistic time for the aeronautical industry to adapt to this new Regulation taking into account the availability of new equipment.

Changes to legislation: *Commission Regulation (EU) No 1332/2011 is up to date with all changes known to be in force on or before 27 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) The Agency prepared draft implementing rules and submitted them as an opinion to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.

(7) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down common airspace usage requirements and operating procedures for airborne collision avoidance to be fulfilled by:

(a) operators of aircraft referred to under Article 4(1)(b) and (c) of Regulation (EC) No 216/2008 undertaking flights into, within or out of the Union; and

(b) operators of aircraft referred to under Article 4(1)(d) of Regulation (EC) No 216/2008 undertaking flights within the airspace above the territory to which the Treaty applies as well as in any other airspace where Member States apply Regulation (EC) No 551/2004 of the European Parliament and of the Council[(2)].

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

(1) ‘airborne collision avoidance system (ACAS)’ means an aircraft system based on secondary surveillance radar (SSR) transponder signals which operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders;

(2) ‘airborne collision avoidance system II (ACAS II)’ means an airborne collision avoidance system which provides vertical resolution advisories in addition to traffic advisories;

(3) ‘resolution advisory (RA) indication’ means an indication given to the flight crew recommending a manoeuvre intended to provide separation from all threats or a manoeuvre restriction intended to maintain existing separation;

(4) ‘traffic advisory (TA) indication’ means an indication given to the flight crew that the proximity of another aircraft is a potential threat.

Article 3

Airborne collision avoidance system (ACAS)

1 The aeroplanes referred to in Section I of the Annex to this Regulation shall be equipped with and operated in accordance with the rules and procedures as specified in the Annex.

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2 Member States shall ensure that operation of aeroplanes referred to in Article 1(2)(a) of Regulation (EC) No 216/2008 comply with the rules and procedures specified in the Annex in accordance with the conditions set out in that Article.

[F1 Article 4

[[F1 Special provisions applying to operators subject to Council Regulation (EEC) No 3922/91]

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Textual Amendments

F1 Deleted by Commission Regulation (EU) 2016/583 of 15 April 2016 amending Regulation (EU) No 1332/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (Text with EEA relevance).

Article 5

Entry into force and application

1 This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

[[F2] 2 Article 3 shall apply as of 1 March 2012.

3 By way of derogation from paragraph 2, in the case of aircraft with an individual certificate of airworthiness issued before 1 March 2012, Article 3 shall apply as of 1 December 2015.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EU) 2016/583 of 15 April 2016 amending Regulation (EU) No 1332/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (Text with EEA relevance).

This Regulation shall be binding in its entirety and directly applicable in all Member States.