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Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 1206/2011

of 22 November 2011

laying down requirements on aircraft identification for surveillance for the single European sky

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air traffic Management Network (the interoperability Regulation)[(1)] and in particular Article 3(5) thereof,

Whereas:

(1) The Commission has issued a mandate to Eurocontrol in accordance with Article 8(1) of Regulation (EC) No 549/2004 of the European Parliament and the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)[(2)] to develop requirements for the performance and the interoperability of surveillance within the European air traffic management network (EATMN). This Regulation is based on the resulting mandate report of 9 July 2010.

(2) Individual aircraft identification should be established in accordance with the International Civil Aviation Organisation (ICAO) procedures before air traffic services using a surveillance system are provided for the aircraft.

(3) Seamless operations dependon the unambiguous and continuous identification of individual aircraft operating as general air traffic under instrument flight rules throughout the airspace of the single European sky.

(4) The current method for identifying individual aircraft uses discrete secondary surveillance radar transponder codes ("SSR codes" –), assigned in accordance with ICAO procedures and the air navigation plan for the European region.

(5) Traffic growth over the last decade has resulted in a routine lack of available discrete SSR codes to meet demand during peak periods, and so individual aircraft identification in European airspace cannot currently be guaranteed.

(6) An initial operational capability to use the downlinked aircraft identification feature should be deployed in a harmonised manner within a defined volume of airspace of the single European sky in order to reduce the overall demand for discrete SSR code assignments to achieve individual aircraft identification.

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(7) In order to optimise the availability of discrete SSR codes, improved and harmonised capabilities for the automatic assignment of SSR codes to aircraft should be deployed by those air navigation service providers that will not have a capability to use the downlinked aircraft identification feature.

(8) A capability to use the downlinked aircraft identification feature throughout the airspace of the single European sky should be deployed in order to overcome the need for discrete SSR codes to identify general air traffic operating under instrument flight rules.

(9) A reduction in the requirement for discrete SSR code assignments when using the downlinked aircraft identification feature - can best be achieved by the integrated initial flight plan processing system identifying those flights that are eligible for the assignment of an agreed conspicuity code and on air navigation service providers assigning the agreed conspicuity code to those eligible flights when identification using the downlinked aircraft identification feature is successful.

(10) The downlinked aircraft identification feature can only be used to achieve individual aircraft identification where air navigation service providers deploy appropriate surveillance sensors, surveillance data processing and distribution system functionality, flight data processing system functionality, air-to-ground and ground-to-ground communications, controller display functionality, and provide for procedures and personnel training.

(11) The degree to which air navigation service providers can actually employ the capability to use the downlinked aircraft identification feature to reduce the requirement for the assignment of discrete SSR codes is dependent on the level of equipage of aircraft with the downlinked aircraft identification feature, on the extent that the routes of those aircraft are within contiguous coverage of systems providing the capability, and on the overarching requirement to ensure efficient and safe operations.

(12) Warnings of the unintentional duplication of SSR code assignments to more than one aircraft should be provided to controllers in order to prevent the potential misidentification of aircraft.

(13) The uniform application of specific procedures within the airspace of the single European sky is critical for the achievement of interoperability and seamless operations.

(14) All changes to facilities and services that are made as a result of the implementation of this Regulation should be reflected by Member States in the ICAO European Air Navigation Plan through the normal procedure for amendment.

(15) This Regulation should not cover military operations and training as referred in Article 1(2) of Regulation (EC) No 549/2004.

(16) With a view to maintaining or enhancing existing safety levels of operations, Member States should be required to ensure that the parties concerned conduct a safety assessment including hazard identification, risk assessment and mitigation processes. Harmonised implementation of these processes to the systems covered by this Regulation requires the identification of specific safety requirements for all interoperability and performance requirements.

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(17) In accordance with Regulation (EC) No 552/2004, implementing rules for interoperability should describe the specific conformity assessment procedures to be used to assess either the conformity or the suitability for use of constituents as well as the verification of systems.

(18) In the case of air traffic services provided primarily to aircraft flying as general air traffic under military supervision, procurement constraints could prevent compliance with this Regulation.

(19) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down requirements for the systems contributing to the provision of surveillance information, their constituents and associated procedures in order to ensure the unambiguous and continuous individual identification of aircraft within the EATMN.

Article 2

Scope

1 This Regulation shall apply to the surveillance chain constituted of:

a airborne constituents of surveillance systems and their associated procedures;

b ground-based surveillance systems, their constituents and associated procedures;

c systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human machine interface systems;

d ground-to-ground and air-to-ground communication systems, their constituents and associated procedures used for the distribution of surveillance data.

2 This Regulation shall apply to all flights operating as general air traffic in accordance with instrument flight rules within the airspace defined in Article 1(3) of Regulation (EC) No 551/2004 of the European Parliament and of the Council[(3)].

Article 3

Definitions

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 shall apply.

The following definitions shall also apply:

(1) ‘aircraft identification’ means a group of letters, figures or a combination thereof which is either identical to, or the coded equivalent of, the aircraft call sign to be used

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in air-ground communications, and which is used to identify the aircraft in ground-ground air traffic services communications;

(2) 'SSR code' means one of the 4 096 secondary surveillance radar identity codes that can be transmitted by airborne constituents of surveillance systems;

(3) 'discrete SSR code' means a four-digit secondary surveillance radar identity code with the last two digits not being "00";

(4) 'downlinked aircraft identification' means the aircraft identification transmitted by airborne constituents of surveillance systems via an air-to-ground surveillance system;

(5) 'conspicuity code' means an individual SSR code designated for special purposes;

(6) 'over-flight' means a flight that enters defined airspace from an adjacent sector, then transits across the defined airspace and exits the defined airspace into an adjacent sector outside;

(7) 'arriving flight' means a flight that enters defined airspace from an adjacent sector, then transits across the defined airspace and lands at a destination within the defined airspace;

(8) 'departing flight' means a flight that originates at an aerodrome within defined airspace, then transits across the defined airspace and either lands at an aerodrome within the defined airspace or exits the defined airspace into an adjacent sector outside;

(9) 'operator' means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

(10) 'code allocation list' means a document specifying the overall distribution of SSR codes to Member States and air traffic service (ATS) units that has been agreed by Member States and published in the air navigation plan for the ICAO European Region;

(11) 'co-operative surveillance chain' means a surveillance chain requiring both ground and airborne components to determine surveillance data items;

(12) 'integrated initial flight plan processing system' means a system within the European Air Traffic Management Network through which a centralised flight planning processing and distribution service, dealing with the reception, validation and distribution of flight plans, is provided within the airspace covered by this Regulation.

Article 4

Performance requirements

1 Member States responsible for the provision of air traffic services in the airspace defined in Annex I shall ensure that a capability is implemented to be able to establish individual aircraft identification using downlinked aircraft identification for:

a at least 50 % of all over-flights of the defined airspace of the individual Member State and;

b at least 50 % of the combined total number of all arriving flights and departing flights within the defined airspace of the individual Member State.

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2 Air navigation service providers shall ensure that, at the latest, by 2 January 2020, the cooperative surveillance chain has the necessary capability to allow them to establish individual aircraft identification using the downlinked aircraft identification feature.

3 Air navigation service providers establishing individual aircraft identification using the downlinked aircraft identification feature shall ensure that they comply with the requirements laid down in Annex II.

4 Air navigation service providers establishing individual aircraft identification using discrete SSR codes outside of the airspace defined in Annex I shall ensure that they comply with the requirements laid down in Annex III.

5 Air navigation service providers shall ensure that:

a systems referred to in points (b), (c) and (d) of Article 2(1) are deployed as necessary to support the requirements laid down in paragraphs 3 and 4 of this Article;

b systems or procedures referred to in points (b), (c) and (d) of Article 2(1) are deployed as necessary to inform controllers when SSR code assignments are unintentionally duplicated.

6 Member States shall ensure that:

a volumes of airspace are declared to the centralised flight planning processing and distribution service referred to in point (1) of Annex II to support the requirements of paragraphs 1 and 2 of this Article and point (b) of this paragraph;

b the integrated initial flight plan processing system communicates to all affected air navigation service providers those flights that are eligible for the use of the conspicuity code referred to in point (c);

c a single conspicuity code is agreed by all Member States and coordinated with European third countries for assignment solely to aircraft where individual aircraft identification is established by using the downlinked aircraft identification feature.

Article 5

Safety requirements

1 Member States shall ensure that any changes to the existing systems referred to in points (b), (c) and (d) of Article 2(1) or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned.

2 During the assessments identified in paragraph 1, the requirements set out in Annex IV shall be taken into consideration as a minimum.

Article 6

Conformity or suitability for use of constituents

Before issuing an EC declaration of conformity or suitability for use provided for in Article 5 of Regulation (EC) No 552/2004, manufacturers of constituents of the systems referred to in Article 2(1) of this Regulation or their authorised representatives established in the Union, shall assess the conformity or suitability for use of those constituents in compliance with the requirements set out in Annex V.