Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units (Text with EEA relevance)

COMMISSION REGULATION (EC) No 633/2007

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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(1) thereof,

Having regard to 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)], and in particular Article 8(2) thereof,

Whereas:

(1) Information exchanges between flight data processing systems are established between air traffic control units for the purposes of notification, coordination and transfer of flights and for the purposes of civil-military coordination. These information exchanges should rely upon appropriate and harmonised communication protocols to secure their interoperability.

(2) The European Organisation for the Safety of Air Navigation (Eurocontrol) has been given a mandate in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for a flight message transfer protocol to be used for the purpose of notification, coordination and transfer of flights. This Regulation is based on the resulting mandate report of 31 March 2005.

(3) The Eurocontrol standard for Flight Data Exchange was annexed to Commission Regulation (EC) No 2082/2000 of 6 September 2000 adopting Eurocontrol standards and amending Directive 97/15/EC, adopting Eurocontrol standards and amending Council Directive 93/65/EEC[(3)], making its use mandatory within the Community in the event of procurement of new flight data processing systems. As Regulation (EC) No 2082/2000 was repealed with effect from 20 October 2005, it is necessary to update Community legislation, so as to ensure the consistency of relevant regulatory provisions.

Changes to legislation: *Commission Regulation (EC) No 633/2007 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*

(4) It is becoming more and more difficult and costly to maintain Communication equipment and software complying with the Eurocontrol standard for Flight Data Exchange. An appropriate new standard to support the exchange of flight data should therefore be adopted.

(5) The Transmission Control Protocol together with the Internet Protocol (TCP/IP) is currently considered as the most appropriate basis to meet the communication requirements of flight data exchanges between air traffic control units.

(6) This Regulation should cover the application of a flight message transfer protocol used for the information exchanges in accordance with Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units[(4)].

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

(8) In a statement on military issues related to the Single European Sky[(5)], the Member States committed themselves to cooperate with each other, taking into account national military requirements, in order that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace.

(9) The application of the concept of flexible use of airspace, as defined in Article 2(22) of Regulation (EC) No 549/2004, requires the establishment of systems for the timely exchange of flight data between air traffic service units and controlling military units.

(10) In accordance with Article 3(3)(d) of 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.

(11) In accordance with Article 10(2) of Regulation (EC) No 552/2004, the date for the application of the essential requirements and transitional arrangements may be specified by the relevant implementing rules for interoperability.

(12) Manufacturers and air navigation service providers should be afforded a period of time to develop new constituents and systems in conformity with the new technical requirements.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee established by Article 5 of Regulation (EC) No 549/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation lays down requirements for the application of a flight message transfer protocol for information exchanges between flight data processing systems for the purpose of

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notification, coordination and transfer of flights between air traffic control units and for the purposes of civil-military coordination, in accordance with Regulation (EC) No 1032/2006.

2 This Regulation shall apply to:

a communication systems supporting the coordination procedures between air traffic control units using a peer-to-peer communication mechanism and providing services to general air traffic;

b communication systems supporting the coordination procedures between air traffic services units and controlling military units, using a peer-to-peer communication mechanism.

Article 2

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. ‘flight message transfer protocol’ means a protocol for electronic communication comprising message formats, their encoding for interchange and sequence rules used for the information exchanges between flight data processing systems;

2. ‘flight data processing system’ means the part of an air traffic services system which receives, automatically processes and distributes to air traffic control units working positions, flight plan data and associated messages;

3. ‘air traffic control unit’ (hereinafter ATC unit) means variously area control centre, approach control unit or aerodrome control tower;

4. ‘working position’ means the furniture and technical equipment at which a member of the air traffic services staff undertakes task associated with their job;

5. ‘area control centre’ (hereinafter ACC) means a unit established to provide air traffic control service to controlled flights in control areas under its responsibility;

6. ‘civil-military coordination’ means the coordination between civil and military parties authorised to make decisions and agree a course of action;

7. ‘air traffic services unit’ (hereinafter ATS unit) means a unit, civil or military, responsible for providing air traffic services;

8. ‘controlling military unit’ means any fixed or mobile military unit handling military air traffic and/or pursuing other activities that, due to their specific nature, may require airspace reservation or restriction;

9. ‘peer-to-peer communication mechanism’ means a mechanism for communication established between two ATC units or between ATS units and controlling military units in which each party has the same communication capabilities for the information exchange between flight data processing systems and either party can initiate the communication.

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Article 3

Application of the flight message transfer protocol

1 Air navigation service providers shall ensure that the systems referred to in Article 1(2)(a) apply the flight message transfer protocol in accordance with the interoperability requirements specified in Annex I.

2 Member States shall ensure that the systems referred to in Article 1(2)(b) apply the flight message transfer protocol in accordance with the interoperability requirements specified in Annex I.

Article 4

Conformity assessment of constituents

Before issuing an EC declaration of conformity referred to in Article 5 of Regulation (EC) No 552/2004, manufacturers of constituents of the systems referred to in Article 1(2) of this Regulation applying a flight message transfer protocol shall assess the conformity of these constituents in compliance with the requirements set out in Annex II.

Article 5

Verification of systems

1 Air navigation service providers which can demonstrate that they fulfil the conditions set out in Annex III shall conduct a verification of the systems referred to in Article 1(2)(a) in compliance with the requirements set out in Annex IV Part A.

2 Air navigation service providers which cannot demonstrate that they fulfil the conditions set out in Annex III shall subcontract to a notified body a verification of the systems referred to in Article 1(2)(a).

This verification shall be conducted in compliance with the requirements set out in Annex IV, Part B.

3 Member States shall ensure that the verification of the systems referred in Article 1(2)(b) demonstrates the conformity of these systems with the interoperability requirements of this Regulation.

Article 6

Compliance

Member States shall take the necessary measures to ensure compliance with this Regulation.

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Article 7

Transitional arrangements

[[F1]1.**]** The essential requirements set out in Annex II to Regulation (EC) No 552/2004 shall apply to the putting into service of European air traffic management network (hereinafter EATMN) systems referred in Article 1(2), of this Regulation from 1 January 2009.

[[F1]2.**]** The transitional arrangements in Article 10(3) of Regulation (EC) No 552/2004 shall apply, where appropriate, from the same date.

[[F1]3 Where a Member State or an air navigation service provider is developing a flight message transfer protocol in conjunction with the implementation of Regulation (EC) No 1032/2006 between its systems, the systems referred to in Article 1(2)(a) and (b) shall comply with the requirements of Annex I by 31 December 2012.

4 Where a Member State or an air navigation service provider has ordered or signed a binding contract to that effect or developed a flight message transfer protocol for the systems referred to in Article 1(2)(a) and (b) before the date of entry into force of this Regulation so that the compliance with the requirements of point 6 of Annex I cannot be guaranteed, the air navigation service provider or the controlling military unit may use other versions of the Internet protocol for peer-to-peer communications between their systems until 31 December 2014.

Those Member States and air navigation service providers shall ensure that all peer-to-peer communications from their systems to those of other Member States or air navigation service providers comply with the requirements specified in Annex I, unless a bilateral agreement concluded before 20 April 2011 allows the use of other versions of the Internet protocol for a transitional period ending no later than 31 December 2014.

5 The Member States referred to in paragraphs 3 and 4 shall communicate to the Commission before 20 April 2011 detailed information on the measures applied by the air navigation service provider or the controlling military units to ensure interoperability of the systems referred to in Article 1(2)(a) and (b) within the EATMN.**]**

Textual Amendments

F1 Inserted by Commission Regulation (EU) No 283/2011 of 22 March 2011 amending Regulation (EC) No 633/2007 as regards the transitional arrangements referred to in Article 7 (Text with EEA relevance).

Article 8

Entry into force and application

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

It shall apply from 1 January 2009 to all EATMN systems referred to in Article 1(2) put into service after that date.

It shall apply from 20 April 2011 to all EATMN systems referred to in Article 1(2) in operation by that date.