# 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 (Text with EEA relevance)

## 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

## (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 of 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) Operation of air traffic management requires safe and efficient mechanisms for the notification, coordination and transfer of flights between air traffic control units. Provision of such mechanisms within the European Air Traffic Management Network requires the automatic exchange of flight data between flight data processing systems. Examination of the current situation within the Community has revealed that in some Member States those mechanisms have not yet reached a satisfactory level, and require further improvement. It is therefore necessary to lay down requirements for flight data processing systems with regard to interoperability, performance and quality of service of their flight data exchange functions.

(2) The European Organisation for the Safety of Air Navigation (Eurocontrol) has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for automatic systems for the exchange of flight data 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 on-line 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

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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.

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

(5) In a Statement by the Member States on military issues related to the single European sky[(4)], 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.

(6) The application of the concept of the 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.

(7) Automated processes related to notification and initial coordination should be implemented by area control centres to provide consistent flight information at both the transferring and receiving units and to support the coordination of the planned transfer of flights. They were part of the standards laid down by Regulation (EC) No 2082/2000 and should therefore be applied from the date of entry into force of this Regulation.

(8) Flight information transmitted during the initial coordination process should be kept up to date. Automated processes should therefore be implemented progressively in order to allow revision of the information related to flights previously subject to an initial coordination process or abrogation of coordination when the accepting unit is no longer concerned by the flight.

(9) Air traffic control units other than area control centres could draw benefit from the implementation of automated processes for notification, initial coordination, revision of coordination and abrogation of coordination of flights. If they choose to do so, the need for interoperability of the European Air Traffic Management Network (hereinafter EATMN) means that they must apply the same requirements as apply to area control centres.

(10) Timely exchange of flight data between air traffic services units and controlling military units should rely on the progressive implementation of automated processes. A first step should be the introduction of transmission of basic flight data between such civil and military units, together with the possibility to update them as required.

(11) Additional automated processes have been identified which would further strengthen the coordination between air traffic control units or between air traffic services units and controlling military units. If they choose to apply additional automated processes, the need for interoperability of the EATMN means that they must apply harmonised requirements to these processes.

(12) The implementation of this Regulation should allow further developments for the achievement of higher levels of interoperability.

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(13) With a view to maintaining or enhancing existing safety levels of operations Member States should be required to ensure the conduct by the parties concerned of 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 mandatory interoperability, performance and quality of service requirements.

(14) 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.

(15) In accordance with Article 10(1) and (2) of Regulation (EC) No 552/2004, the dates for the application of transitional arrangements may be specified by the relevant implementing rules for interoperability.

(16) 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.

(17) 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 automatic exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units and for the purposes of civil-military coordination.

2 This Regulation shall apply to:

a flight data processing systems serving air traffic control units providing services to general air traffic;

b flight data exchange systems supporting the coordination procedures between air traffic services units and controlling military units.

3 This Regulation shall not apply to the exchange of flight data between air traffic control units served by flight data processing systems identified in paragraph 2 for which the flight data covered by this Regulation are synchronised by means of a common system.

*Article 2*

**Definitions**

1 For the purpose of this Regulation the definitions set out in Regulation (EC) No 549/2004 shall apply.

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2 In addition to the definitions referred to in paragraph 1 the following definitions shall apply:

1. ‘notification’ means the transmission by the transferring unit of data to update the system at the receiving unit in preparation for the coordination;

2. ‘coordination’ means the coordination between air traffic control units of the planned passage of flights across the common boundary, in order to ensure flight safety;

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

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

5. ‘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;

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

7. ‘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;

8. ‘transferring unit’ means the air traffic control unit in the process of transferring the responsibility for providing an air traffic control service to an aircraft to the next ATC unit along the route of flight;

9. ‘receiving unit’ means the air traffic control unit who receives data;

10. ‘boundary’ means a lateral or vertical plane delineating the airspace in which an ATC unit provides air traffic services;

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

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

13. ‘flight plan’ means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

14. ‘warning’ means a message displayed at a working position when the automated coordination process has failed;

15. ‘estimate data’ means the coordination point, the estimated time of an aircraft and the expected flight level of the aircraft at the coordination point;

16. ‘secondary surveillance radar’ (hereinafter SSR) means a surveillance radar system which uses transmitters or receivers and transponders;

17. ‘letter of agreement’ means an agreement between two adjacent ATC units that specifies how their respective ATC responsibilities are to be coordinated;

18. ‘transfer of control point’ means a point on the flight path of an aircraft, at which the responsibility for providing air traffic services to the aircraft is transferred from one ATC unit to the next;

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19. ‘coordination data’ mean data of interest to operational staff in connection with the process of notification, coordination and transfer of flights and with the process of civil-military coordination;

20. ‘transfer flight level’ means the flight level agreed during the coordination if in level flight, or the cleared flight level to which the flight is proceeding if climbing or descending at the coordination point;

21. ‘accepting unit’ means the air traffic control unit next to take control of an aircraft;

22. ‘coordination point’ (hereinafter COP) means a point on or adjacent to the boundary used by the ATC units and referred to in coordination processes;

23. ‘notified unit’ means the ATC unit that has received the notification information;

24. ‘correlation’ means the process of linking the flight plan data and the radar track of the same flight;

25. ‘release’ means the authorising by the controller transferring an aircraft of a controller at the accepting unit to issue control instructions to the aircraft prior to its passing the transfer of control point;

26. ‘availability’ means the degree to which a system or component is operational and accessible when required for use;

27. ‘reliability’ means the probability that the ground installation operates within the specified tolerances.

*Article 3*

**Interoperability and performance requirements**

1 Air navigation service providers shall ensure that the systems referred to in Article 1(2)(a) and serving ACCs, comply with the interoperability and performance requirements specified in Annex I, Parts A and B.

2 Air navigation service providers that have specified in their letter of agreement that they will implement the notification, the initial coordination, the revision of coordination, the abrogation of coordination, the basic flight data or the change to basic flight data processes between ATC units other than ACCs, shall ensure that the systems referred to in Article 1(2)(a), comply with the interoperability and performance requirements specified in Annex I, Parts A and B.

3 Air navigation service providers that have specified in their letter of agreement that they will implement the pre-departure notification and coordination, the change of frequency or the manual assumption of communications processes, shall ensure that the systems referred in Article 1(2)(a) comply with the interoperability and performance requirements specified in Annex I, Parts A and C.

**[**[F1]**[**[X1]3a**]** Air navigation service providers providing data link services in accordance with Regulation (EC) No 29/2009 shall ensure that the systems referred to in Article 1(2)(a) and serving area control centres, comply with the interoperability and performance requirements specified in Annex I, Parts A and D.**]**