Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky (Text with EEA relevance)

COMMISSION REGULATION (EU) No 73/2010

of 26 January 2010

laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky

(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 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,

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(1) thereof,

Whereas:

(1) Aeronautical data and aeronautical information of appropriate quality are required to ensure safety and support new concepts of operation within the European air traffic management network (hereinafter EATMN).

(2) The International Civil Aviation Organisation (hereinafter ICAO) has defined aeronautical data and aeronautical information quality requirements in terms of accuracy, resolution and integrity that should be met and maintained within the EATMN when processing aeronautical data and aeronautical information.

(3) Those ICAO requirements are considered to provide a sufficient baseline for current data quality requirements but there are known deficiencies that should be addressed, notably to support future applications.

(4) Annex 15 to the Convention on International Civil Aviation (hereinafter the Chicago Convention) should provide the main baseline for the data quality requirements. References to provisions of Annex 15 to the Chicago Convention should not automatically imply a reference to Annex 4 to the Chicago Convention or other Annexes to the Chicago Convention.

(5) Examination of the current situation has demonstrated that the quality requirements relating to aeronautical data and aeronautical information are not always met within the EATMN, in particular the accuracy and integrity requirements.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 73/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A significant amount of paper-based, manual activity still takes place within the aeronautical data chain, which leads to significant opportunities for the introduction of errors and the degradation of data quality. Measures should therefore be adopted to improve the situation.

(7) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements supplementing and strengthening Annex 15 to the Chicago Convention in order to achieve aeronautical information of sufficient quality. This Regulation is based on the resulting mandate report of 16 October 2007.

(8) In accordance with the requirements of Regulation (EC) No 552/2004, aeronautical information should be provided progressively in an electronic form, based on a commonly agreed and standardised data set. Those requirements should eventually be applicable to all aeronautical data and aeronautical information within the scope of this Regulation.

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

(10) Military organisations providing aeronautical information for use in general air traffic operations are an essential part of the aeronautical data process and Member States should ensure that the quality of such data is sufficient to meet its intended use.

(11) The timely provision and publication of new or amended aeronautical data and aeronautical information in accordance with the amendments and update cycle requirements of ICAO and Member States are considered essential to support the achievement of data quality.

(12) Member States should exercise effective management and control over all aeronautical data and aeronautical information origination activities to ensure that data is provided with sufficient quality to meet its intended use.

(13) The constituents and procedures that are used by originators of data need to be interoperable with the systems, constituents and procedures used by aeronautical information service providers in order to enable safe, seamless and efficient operation of the EATMN.

(14) With a view to maintaining or enhancing existing safety levels of operations, Member States should be required to ensure that the parties concerned carry out 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.

(15) 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 the conformity or suitability for use of constituents as well as the verification of systems.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 73/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(16) This Regulation has an impact on a wide range of parties. It should therefore take into account the individual capabilities and levels of involvement within the data chain of the parties, to ensure that provisions are applied progressively to achieve required data quality.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the requirements on the quality of aeronautical data and aeronautical information in terms of accuracy, resolution and integrity.

Article 2

Scope

1 This Regulation shall apply to European air traffic management network (EATMN) systems, their constituents and associated procedures involved in the origination, production, storage, handling, processing, transfer and distribution of aeronautical data and aeronautical information.

It shall apply to the following aeronautical data and aeronautical information:

a the integrated aeronautical information package as defined in Article 3(7) made available by Member States, with the exception of aeronautical information circulars;

b electronic obstacle data, or elements thereof, where made available by Member States;

c electronic terrain data, or elements thereof, where made available by Member States;

d aerodrome mapping data, where made available by Member States.

2 This Regulation shall apply to the following parties:

a air navigation service providers;

b operators of those aerodromes and heliports, for which instrument flight rules (IFR) or Special-visual flight rules (VFR) procedures have been published in national aeronautical information publications;

c public or private entities providing, for the purposes of this Regulation:

(i) services for the origination and provision of survey data;

(ii) procedure design services;

(iii) electronic terrain data;

(iv) electronic obstacle data.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 73/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

3 This Regulation shall apply up to the moment when the aeronautical data and/or aeronautical information are made available by the aeronautical information service provider to the next intended user.

In the case of distribution by physical means, this Regulation shall apply up to the moment when the aeronautical data and/or aeronautical information has been made available to the organisation responsible for providing the physical distribution service.

In the case of automatic distribution through the use of a direct electronic connection between the aeronautical information service provider and the entity receiving the aeronautical data and/or aeronautical information, this Regulation shall apply:

a up to the moment when the next intended user accesses and extracts aeronautical data and/or aeronautical information held by the aeronautical information service provider; or

b up to the moment when the aeronautical data and/or aeronautical information is delivered by the aeronautical information service provider, into the next intended user's system.

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. 'aeronautical data' means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing;

2. 'aeronautical information' means information resulting from the assembly, analysis and formatting of aeronautical data;

3. 'data quality' means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;

4. 'accuracy' means a degree of conformance between the estimated or measured value and the true value;

5. 'resolution' means a number of units or digits to which a measured or calculated value is expressed and used;

6. 'integrity' means a degree of assurance that a data item and its value have not been lost or altered since the data origination or authorised amendment;

7. **[**[F1]'integrated aeronautical information package' (hereinafter IAIP) means a package in paper, or electronic media, which consists of the following elements:

   (a) aeronautical information publications (hereinafter AIP), including amendments;

   (b) supplements to the AIP;

   (c) the NOTAM, as defined in point 17 and pre-flight information bulletins;

   (d) aeronautical information circulars; and

   (e) checklists and lists of valid NOTAMs;**]**

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 73/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

8. **[**[F1]‘obstacle data’ means data concerning all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight or that stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;**]**

9. ‘terrain data’ means data about the surface of the earth containing naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent ice and snow, and excluding obstacles;

10. **[**[F1]‘aerodrome mapping data’ means data collected for the purpose of compiling aerodrome mapping information;**]**

11. ‘survey data’ means geospatial data that is determined by measurement or survey;

12. ‘procedure design’ means the combination of aeronautical data with specific flight instructions to define instrument arrival and/or departure procedures that ensure adequate standards of flight safety;

13. **[**[F1]‘aeronautical information service provider’ means the organisation responsible for the provision of an aeronautical information service, certified in accordance with the requirements of Commission Implementing Regulation (EU) No 1035/2011;**]**

14. ‘next intended user’ means the entity that receives the aeronautical information from the aeronautical information service provider;

15. ‘direct electronic connection’ means a digital connection between computer systems such that data may be transferred between them without manual interaction;

16. ‘data item’ means a single attribute of a complete data set, which is allocated a value that defines its current status;

17. ‘NOTAM’ means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

18. ‘digital NOTAM’ means a data set that contains the information included in a NOTAM in a structured format which can be fully interpreted by an automated computer system without human interpretation;

19. ‘data originator’ means an entity responsible for data origination;

20. ‘data origination’ means the creation of a new data item with its associated value, the modification of the value of an existing data item or the deletion of an existing data item;

21. ‘period of validity’ means the period between the date and time on which aeronautical information is published and the date and time on which the information ceases to be effective;

22. ‘data validation’ means the process of ensuring that data meets the requirements for the specified application or intended use;

23. ‘data verification’ means the evaluation of the output of an aeronautical data process to ensure correctness and consistency with respect to the inputs and applicable data standards, rules and conventions used in that process;