



1. TITLE

Mandate to Eurocontrol to assist the European Commission in the development of an interoperability implementing rule on Surveillance performance and interoperability requirements.

2. PURPOSE OF THIS MANDATE

Eurocontrol is mandated to develop a draft interoperability implementing rule on the surveillance performance and interoperability requirements of the European Air Traffic Management network (EATMN).

3. JUSTIFICATION

Pursuant to article 8 of the Single European Sky Framework Regulation¹, and the Memorandum of Co-operation (MoC) between Eurocontrol and the European Commission, the Commission hereby issues a mandate to Eurocontrol for the development of implementing rules.

Article 3.1 of the interoperability Regulation² lays down that implementing rules shall be drawn up whenever necessary to achieve the interoperability of the EATMN.

In order to ensure the interoperability and efficiency of the surveillance systems within the EATMN there is a need to specify the regulatory provisions concerning their interoperability and performance requirements.

4. BACKGROUND

In order to achieve the interoperability of the EATMN, its systems and their constituents and associated procedures shall meet the essential requirements set out in Annex II of the interoperability Regulation concerning:

- Seamless operation,
- Support of new concepts of operation,

¹ Regulation (EC) N° 549/2004, OJ L 96 of 31.3.2004, p. 1

² Regulation (EC) N° 552/2004, OJ L 96 of 31.3.2004, p. 26

- Safety,
- Civil-military coordination,
- Environmental constraints,
- Principles governing the logical architecture of systems,
- Principles governing the construction of systems.

These essential requirements need to be completed by an implementing rule that shall specify the regulatory provisions concerning the interoperability and performance requirements of the surveillance systems within the EATMN.

5. SUBJECT OF THE MANDATE

The approach taken by Eurocontrol in this area shall take into account the provisions of the Single European Sky regulations particularly of article 3 of the interoperability Regulation.

5.1 General Issues

Eurocontrol shall take into account the following aspects:

- (1) Systems, constituents, and associated procedures of the EATMN shall comply with the relevant implementing rule (IR) throughout their lifecycle;
- (2) IR shall determine any specific requirement that complement or refine the essential requirements (ER), in particular in terms of safety, seamless operation and performance, and in accordance with the specific ER for a specific system of Annex II, Part B of the interoperability Regulation;
- (3) IR concerning new, agreed and validated concepts of operation or technologies shall complement or refine the ER, in particular regarding their coordinated introduction;
- (4) IR concerning a system shall determine the constituents;
- (5) IR shall describe the specific conformity assessment procedures involving, where appropriate, notified bodies based in the modules defined in Decision 93/465/EEC to be used to assess either the conformity or suitability for use of constituents as well as the verification of systems;
- (6) IR shall identify, where appropriate, the tasks pertaining to the assessment of conformity or suitability for use of constituents to be carried out by the notified body;
- (7) IR shall identify, where appropriate, the tasks pertaining to the verification of systems to be carried by the notified body;

- (8) IR should rely on rules and standards developed by international organisations such as Eurocontrol and ICAO;
- (9) IR shall specify the conditions of implementation including, where appropriate, the date by which all relevant stakeholders are required to comply with them;

5.2 Specific Issues

Eurocontrol is mandated to develop a draft implementing rule that identifies:

- The objective and scope of the rule;
- The performance requirements of surveillance information in terms of accuracy, availability, continuity and integrity and those of the surveillance systems in general;
- The coverage and redundancy requirements associated to specific airspaces and separation standards;
- The ground and airborne interoperability requirements in terms of data interchange, minimum set of surveillance data, minimum resolution and data fusion requirements;
- As appropriate, the requirements related to surveillance spectrum protection,
- The implementation conditions including implementation dates and transitional arrangements;
- The conformity assessment requirements including the use of test tools.

During the drafting of the implementing rule, Eurocontrol shall consider the compatibility with the ICAO on going work on Required Surveillance Performance (RSP) and also the SESAR working item on surveillance.

The related community specifications will also be identified.

5.3 Impact assessment

Eurocontrol shall develop as appropriate impact assessments of the proposed issues on e.g. Member States, ANSPs, airspace users and institutional bodies, in particular in the areas of safety, civil/military organisation, efficiency and economic aspects. An assessment of the costs and benefits of the proposed solutions for all stake holders concerned shall be attached to each draft implementing rule for interoperability. This assessment shall take into account the specific issues of point 5.2.

5.4 Consultation and Rulemaking Process

Eurocontrol shall also establish a consultation process and take into account the opinions of stakeholders, including:

- Relevant national authorities (Civil and Military),
- Civil and Military air navigation services providers,
- Relevant airspace users' organisations,
- Relevant international organisations,
- Military airspace users,
- Relevant social and industry representatives.

The 1st written consultation will aim at collecting views and opinions of stakeholders on the proposed regulatory approach. The comments of stakeholders collected during this stage will be analysed to define the most suitable approach for the next steps.

The 2nd consultation process will be based on the 1st draft implementing rule and shall at minimum include the following:

- Invite comments;
- Evaluate and report on the comments made;
- Organise a public workshop to discuss the results.

During the consultation process Eurocontrol shall be available for reasonable requests by individual stakeholders for meetings and discussions.

5.5 Material to be used

Eurocontrol shall take into account and build further upon any relevant material available during the scheduled timetable (existing or under development), in particular:

- The Commission’s study on ATM/CNS Interoperability Road Map (September 2003);
- The ICAO Chicago Convention and its relevant Annexes;
- ESARRS;
- EUROCONTROL specifications;
- EUROCAE specifications;
- Operational material developed by ANSPs;
- Regulatory requirements in the Member States.

6. REPORTS AND DELIVERABLES

Eurocontrol shall deliver an initial plan, a regulatory approach and a final report as follows.

The initial plan will describe in detail the work programme, the proposed methodology and processes, the timing and planning of the project, including consultations and visits planned. Eurocontrol may propose additional or refined points (to be taken onboard under 5.1-5.4.) to the Commission for consideration in this mandate.

The regulatory approach is a document outlining the headlines of the regulatory provisions and the key points of the impact assessment, in particular cost-benefit analysis. In this document different possible scenarios will be considered.

The final report will contain the results achieved according to point 5. Furthermore the report will briefly describe current regulatory situation in the area covered by this mandate and the desired regulatory situation after full exploitation of the scope of this mandate. The main part of the final report will consist of the final drafts of the implementing rules (and their respective justifications) to achieve the desired regulatory situation. The final report will also describe Eurocontrol’s actions to support stakeholders’ efforts to implement the implementing rules.

7. TIMETABLE

The work shall start from the acceptance of the Mandate by Eurocontrol (*estimated 1 March 2006*). Eurocontrol is asked to provide deliverables according to the nominal schedule below. The delivery schedule of the draft final reports and the final reports may be reviewed in agreement with the Commission on the basis of the results of the regulatory approach.

Delivery date	Deliverable	Subject
May 2006	Initial plan	Presentation and agreement between Eurocontrol and the Commission of the initial plan.
December 2006	Regulatory approach	Definition of the most suitable approach after the 1 st written consultation of stakeholders
May 2007	Draft final report including proposals for implementing rules	To be submitted to and discussed with the Commission.
October 2007	Final report including draft implementing rules	Update of the draft final report and the implementing rules, taking full account of the Commission's comments. Submission of draft implementing rules for further use to the Commission.

POINT OF CONTACT

The point of contact within the European Commission for this mandate is:

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The initial plan (as described under point 6.) will be agreed with the point of contact. The point of contact will be kept updated on the progress of the work under this mandate