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Title	Technical requirements and operating procedures for airspace design, including flight procedure
NPA Number	NPA 2016-13

UK CAA (European.Affairs@caa.co.uk) has placed **16** unique comments on this NPA:

Cmt#	Segment description	Page	Comment	Attachments
307	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices	10 - 13	<p>Page No: 11</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“Stakeholders are invited to comment, put forward alternative proposal(s) and provide justification on this particular provision, i.e.:</i></p> <p>Appendix XX, Section II, (c), (7), (ii):</p> <p><i>Basic ATS route designators shall be assigned in accordance with the following principles:</i></p> <p>(i) (...)</p> <p>(ii) <i>Where two or more trunk routes have a common segment, the segment in question shall be assigned to each of the designators of the routes concerned, except where this would present difficulties in the provision of air traffic service, in which case, by common agreement, one designator only shall be assigned.</i></p> <p>(iii) (...)”</p> <p>Comment: We believe that the reference should read ‘Appendix XX, Section II, (e), (2):’</p> <p>The UK supports the proposed text and suggests that the flexibility to designate in the manner recommended by data providers exists within the proposed requirement, thus obviating the need for change.</p> <p>Application of the proposed requirement additionally confers continued compliance with ICAO requirements and global practice.</p> <p>Justification: Prevention of confusion amongst aircraft operators, airspace users, ATS providers and procedure designers.</p>	
308	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices	10 - 13	<p>Page No: 11</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on ‘establishment and identification of significant points’ of Appendix XX to Article 3(X) ‘Requirements for airspace structures and flight procedures contained therein and their designation’ and comment and provide justification therefor.”</i></p> <p>Comment:</p>	

			<p>The UK CAA supports Option I. The perceived flexibility provided by Option II through the relegation of IR requirements to AMC is unnecessary as the flexibility is also conferred through the use of 'whenever possible' in Section IV Option I (b) line 1.</p> <p>In addition, relegation to AMC and the consequential several uses of the word 'should' undermines the harmonisation aspiration of the proposed rule. This may in turn impact safety through the inconsistent application of route designators, incorrect or overly complex AIP material and consequentially adverse effects upon navigation databases.</p> <p>Once again, Option I's use of 'wherever possible' affords sufficient flexibility'.</p> <p>Justification: Consistency of approach and compliance with ICAO requirements.</p>	
309	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices	10 - 13	<p>Page No: 12</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“Stakeholders are invited to comment on the use of term ‘buffer zones/areas’ and, if the term is used, to provide feedback:</i></p> <p><i>— are the buffer zones/areas part of the airspace reservations/restrictions; or</i></p> <p><i>— are the buffer zones/areas additional to the airspace reservations/restrictions with fixed lateral and vertical limits; or</i></p> <p><i>— are the buffer zones/areas additional to the airspace reservations/restrictions with adjustable lateral or vertical limits; or</i></p> <p><i>— are the buffer zones/areas used exclusively for the purpose of flight planning”.</i></p> <p>Comment:</p> <p>Such buffer zones should exist between airspace structures where they are required. The values should be determined by Member States and/or Competent Authorities and applied in the course of airspace design.</p> <p>See UK CAA Policy Statement 'Special Use Airspace - Safety Buffer Policy for Airspace Design Purposes' (hyperlink provided in the attached word file).</p> <p>Justification: Ease and flexibility of application.</p>	
310	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated	10 - 13	<p>Page No: 13</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>“Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes,</i></p>	

	<p>appendices</p>	<p>where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided, and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2)."</p> <p>Comment: See UK CAA comment in response to the Options presented under Appendix YY to Article 3(x)</p> <p>Justification: Consistency with ICAO requirements and inadequate justification for the requirement to be placed at IR level.</p> <p>Proposed Text:</p> <p>Amend Appendix YY to Article 3(x) to read:</p> <p>"Designation of the portions of the airspace where air traffic services will be provided</p> <p>(a) When it has been determined that air traffic services will be provided in particular portions of the airspace or at particular aerodromes, then those portions of the airspace or those aerodromes shall be designated in relation to the air traffic services that are to be provided.</p> <p>(b) The designation of the particular portions of the airspace shall be as follows:</p> <p>(1) Flight information regions. Those portions of the airspace where it is determined that flight information service and alerting service will be provided shall be designated as flight information regions.</p> <p>(2) Control areas and control zones</p> <p>GM1 Article 3(X)</p> <p>APPENDIX YY(b) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED</p> <p>(a) Those portions of the airspace where it is determined that flight information service and alerting service for aerodrome traffic at an aerodrome will be provided may be designated as flight information zones.</p> <p>(b) A flight information zone should have its lateral and vertical limits specified. The dimensions of the flight information zone may coincide with those of the aerodrome traffic zone, where established, or they may be increased to provide added safeguards."</p>	
311	<p>2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.1. Cover regulation and associated appendices</p>	<p>10 - 13</p> <p>Page No: 13</p> <p>Paragraph No: 2.4.1. Cover regulation and associated appendices:</p> <p><i>"Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, paragraphs (a) and (b) should remain GM or be elevated to AMC."</i> AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS</p>	

			<p>Comment: The UK CAA is of the view that the proposed text is not elevated to AMC, rather it remains GM. Part-ASD's introduction of the concept of an airspace change process is a significant step towards a consistent and transparent approach to airspace change. Such processes may exist in some parts of the EU, but not necessarily in others, so presentation as GM represents a proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.</p> <p>No discernible benefit in elevating the proposed text from GM to AMC is perceived.</p> <p>Justification: Proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.</p>	
312	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.2. Transitional provisions	13	<p>Page No: 13</p> <p>Paragraph No: 2.4.2. Transitional provisions:</p> <p><i>"Stakeholders are invited to comment on the EASA proposal regarding the transitional provision."</i></p> <p>Comment: The UK does not name STARs according to the requirements of ICAO Annex 11 (UK Difference: 'In the UK, the basic indicator for standard arrival routes is the name code of the holding facility or fix where the arrival route terminates'), and is believed to be the only State to name STARs in this manner.</p> <p>Whilst the UK aspires to comply with the Part-ASD (and therefore ICAO Annex 11) naming requirement, the UK CAA would seek to transition to the new arrangement with minimum operational and administrative turbulence and cost to ANSPs, procedure designers and airspace users alike. Therefore an iterative approach is preferred.</p> <p>However, the UK CAA is of the view that this cannot be achieved in the short term, and would seek to achieve compliance with the STAR naming compliance by the AIRAC date closest to the 1 January 2024 target date, for deployment of Extended AMAN and PBN in high density TMAs and Time-Based Separation for Final Approach according to Regulation (EU) 716/2014 (SESAR Pilot Common Project). The closest AIRAC date is 4 January 2024, and the UK CAA would develop key milestones leading to compliance by that date.</p> <p>With regards to the effective date of the remainder of Part-ASD, the UK CAA assumes entry into law at some point ahead of the effective date of Regulation (EU) 2017/373. A transition period of two years after entry into law is considered appropriate.</p> <p>Justification: Compliance with this requirement would facilitate removal of a current UK Difference and afford a number of operational as well as compliance benefits. However the UK CAA seeks to minimise the operational and cost impacts of any such change. This can be</p>	

			<p>achieved by an iterative approach over time, ideally for completion to be achieved by the AIRAC date closest to the SESAR PCP delivery deadline, i.e., 4 January 2024.</p> <p>Proposed Text:</p> <p>Amend Regulation (EU) 2017/373 Article 10 'Entry into force' as follows:</p> <p>"This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>It shall apply from 2 January 2020.</p> <p>However,</p> <p>1. Member States shall ensure that the criteria on airspace design laid down in Appendices XX and YY to Article 3 are met by [date of entry into law + 2 years];</p> <p>2. In respect of flight procedure design providers, Article 6(k) shall apply from the date of issuance of the certificate, but not later than [date of entry into law + 2 years].</p> <p>3. By way of derogation from paragraph 1, Member States may decide not to apply Appendices XX and YY to Article 3, in whole or in part, until [25 January 2024].</p> <p>When a Member State makes use of this possibility, it shall notify the Commission and the Agency by [date to be agreed] at the latest. This notification shall describe the scope of the derogation(s) as well as the programme for implementation containing actions envisaged and related timing."</p>
313	2. Explanatory note — 2.4. Overview of the proposed amendments — 2.4.6. Annex XI (Part-FPD) — Specific requirements for the providers of flight procedure design	14 - 15	<p>Page No: 14</p> <p>Paragraph No: FPD.OR.100</p> <p>Comment: The necessary AMC and GM detailing how Flight Procedure Design providers demonstrate that integrity is met is not included in this NPA, nor in NPA 2016-02. The provision of appropriate AMC/GM is necessary to explain how integrity is to be achieved and demonstrated throughout the data chain. This could appear in Part-AIS and suitably cross-referenced in Part-ASD, or vice versa.</p> <p>Justification: All parties throughout the aeronautical data chain are required to demonstrate the integrity of their information to the next intended user. A lack of integrity at the start of the data chain will render it impossible for the next party in the chain to uphold their integrity requirement too.</p>
314	3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 —	16	<p>Page No: 16</p> <p>Paragraph No: Article 3 'Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions'</p> <p>Comment: The UK CAA welcomes the proposed text at Article 3(x) but is of the view that the text would benefit from strengthening to provide enhanced clarity that national legislation is to be taken into account</p>

	<p>Article 3 — Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions</p>	<p>in terms of wider Member State obligations around airspace. These wider duties may encompass operational/technical issues (e.g., airspace designation, classification, equitable access, national security and flexible use of airspace) and non-operational and other non-operational (e.g., environmental and/or social) considerations and/or obligations.</p> <p>Justification: National legislation is required to be taken into account in terms of wider Member State duties around airspace. This is necessary to ensure that national legislative obligations continue to be met, including that at Regulation (EU) 677/2011 Annex I Part A(3) ('Member States will remain responsible for the detailed development, approval and establishment of the airspace structures for the airspace under their responsibility'). It does not diminish the requirement in Regulation (EU) 677/2011 Annex I Part B(1) 'Planning Principles' ('Without prejudice to Member States' sovereignty over the airspace and to the requirements of the Member States relating to public order, public security and defence matters, the Network Manager, Member States, third countries, airspace users, functional airspace blocks and air navigation service providers as part of functional airspace blocks or individually shall develop, using a cooperative decision-making process, the European Route Network Improvement Plan, while applying the airspace design principles set out in this Annex.')</p> <p>Clarity regarding the need for national law to be accounted for will also ensure that the roles of the Network Manager under Regulation (EU) 677/2011 Annex I Parts B 'Planning Principles' and C 'Airspace Design Principles' are duly considered in the development of airspace arrangements contributing to the development of 'an integrated European Route Network Design'.</p> <p>Proposed Text: Amend to read:</p> <p>(x) Without prejudice to the responsibilities of the Member State in accordance with national law with regard to airspace structures within the airspace under its jurisdiction, the Member State shall ensure that the criteria on airspace design laid down in Appendices XX and YY to this Article are met.</p>	
315	<p>3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — AMC1 to Article 3(X), Appendix XX, Section IV 'Establishment and identification of significant points'</p>	<p>24 - 26</p> <p>Page No: 26</p> <p>Paragraph No: AMC1 to Article 3(X), Appendix XX, Section IV 'Establishment and identification of significant points':</p> <p><i>"Stakeholders are invited to indicate the preferred option on the EASA proposal for Section IV on 'establishment and identification of significant points' of Appendix XX to Article 3(X) 'Establishment and identification of significant points' and comment and provide justification therefor.</i></p> <p><i>In this context, the stakeholders are also invited to indicate their views on the possibility to apply Option II approach to Section II and Section III as well."</i></p> <p>Comment: The UK CAA supports Option I. The perceived flexibility provided by Option II through the relegation of IR requirements to AMC is unnecessary as the flexibility is also conferred through the use of 'whenever possible' in Section IV Option I (b) line 1.</p>	

			<p>In addition, relegation to AMC and the consequential several uses of the word 'should' undermines the harmonisation aspiration of the proposed rule. This may in turn impact safety through the inconsistent application of route designators, incorrect or overly complex AIP material and consequentially adverse effects upon navigation databases.</p> <p>Once again, Option I's use of 'wherever possible' affords sufficient flexibility'.</p> <p>Justification: Consistency of approach and compliance with ICAO requirements.</p>	
316	<p>3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.1. Proposed amendments to Commission Implementing Regulation (EU) 2016/1377 — GM1 Article 3(X) — APPENDIX YY(b)(1)(ii) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED — FLIGHT INFORMATION ZONE</p>	27 - 28	<p>Page No: 27</p> <p>Paragraph No: Definition 'instrument approach procedure':</p> <p><i>"Stakeholders are invited to indicate and provide justifications for the preferred option on the EASA proposals for the term to be used regarding the portions of the airspace zone around aerodromes, where AFIS (i.e. FIS and alerting service for aerodrome traffic at an aerodrome) is provided and on the reference to AFIS aerodromes, which is stipulated in Appendix YY to Article 3(X), paragraphs (b)(1)(ii) and (c)(2)."</i></p> <p>Comment: The UK CAA supports Option II as this is consistent with the requirements in ICAO Annex 11 paragraphs 2.5.1 and 2.5.2. Option II affords Member States the flexibility to define or not define such airspaces as they see fit. Any level of adherence to the proposed GM fosters a converged approach; Option I's approach is both unnecessary and is not sufficiently justified within the NPA.</p> <p>Justification: The need for consistency with ICAO requirements and lack of justification within the NPA for the requirement to be placed at IR level.</p> <p>Proposed Text:</p> <p>Amend Appendix YY to Article 3(x) to read:</p> <p>'Designation of the portions of the airspace where air traffic services will be provided'</p> <p>(a) When it has been determined that air traffic services will be provided in particular portions of the airspace or at particular aerodromes, then those portions of the airspace or those aerodromes shall be designated in relation to the air traffic services that are to be provided.</p> <p>(b) The designation of the particular portions of the airspace shall be as follows:</p> <p>(1) Flight information regions. Those portions of the airspace where it is determined that flight information service and alerting service will be provided shall be designated as flight information regions.</p> <p>(2) Control areas and control zones</p>	

GM1 Article 3(X)

APPENDIX YY(b) DESIGNATION OF THE PORTIONS OF THE AIRSPACE WHERE AIR TRAFFIC SERVICES WILL BE PROVIDED

(a) Those portions of the airspace where it is determined that flight information service and alerting service for aerodrome traffic at an aerodrome will be provided may be designated as flight information zones.

(b) A flight information zone should have its lateral and vertical limits specified. The dimensions of the flight information zone may coincide with those of the aerodrome traffic zone, where established, or they may be increased to provide added safeguards."

317 3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.2. Proposed amendments to Annex I 'Definitions of terms used in Annexes II to XIII'

32 - 33

Page No: 32

Paragraph No: Definition 'instrument approach procedure'

Comment: The proposed definition does not reflect the definition in ICAO Doc 8168 PANS-OPS Volume II and should be replaced.

Justification: Currency of text and synchronisation with source ICAO material.

Proposed Text:

Amend to read:

Instrument approach procedure (IAP). A series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows:

Non-precision approach (NPA) procedure. An instrument approach procedure which utilizes lateral guidance but does not utilize vertical guidance.

Approach procedure with vertical guidance (APV). An instrument procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations.

Precision approach (PA) procedure. An instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation."

In addition the following GM to Annex I (mm) - Instrument approach procedure is proposed:

"GMX (mm) 'Instrument approach procedure"

"Note.— Lateral and vertical guidance refers to the guidance provided either by:

a) a ground-based navigation aid; or

			b) computer generated navigation data.”	
318	3. Proposed amendments — 3.1. Draft EASA opinion — 3.1.4. Proposed amendments to Annex XI ‘Specific requirements for providers of flight procedure design’ — FPD.OR.110 Technical and operational competence and capability	36 - 37	<p>Page No: 37</p> <p>Paragraph No: FPD.OR.110(a)(2) Technical and operational competence and capability.</p> <p>Comment: As currently proposed, FPD.OR.110(a)(2) can be read as meaning that the flight procedure design service provider is responsible for ensuring pilots are competent to perform the assigned tasks. ICAO Doc 8168 Vol II paragraph 4.6.3.1 requires flight validation of instrument flight procedures to be accomplished by a qualified and experienced flight validation pilot, certified or approved by the State.</p> <p>Justification: A flight procedure design service provider is not qualified to know if a pilot is competent or not.</p> <p>Proposed Text:</p> <p>Amend to read:</p> <p>“When flight validation is performed, this is undertaken by a qualified and experienced flight validation pilot, certified or approved by the State.”</p>	
319	3. Proposed amendments — 3.2. Draft EASA decision — 3.2.1. Proposed amendments to AMC/GM to Commission Implementing Regulation (EU) 2016/1377 — GM1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’	39 - 50	<p>Page No: 50</p> <p>Paragraph No: GM1 Article 3(x) ‘Provision of ATM/ANS, airspace structure and flight procedure design, and ATM network functions’ AIRSPACE DESIGN — AIRSPACE CHANGE PROCESS</p> <p><i>Stakeholders are invited to indicate and provide justifications on the preferred option whether GM1 Article 3, points (a) and (b) should remain GM or to be elevated to AMC.</i></p> <p>Comment: The UK CAA is of the view that the proposed text is not elevated to AMC, rather it remains GM. Part-ASD’s introduction of the concept of an airspace change process is a significant step towards a consistent and transparent approach to airspace change. Such processes may exist in some parts of the EU, but not necessarily in others, so presentation as GM represents a proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.</p> <p>No discernible benefit in elevating the proposed text from GM to AMC is perceived.</p> <p>Justification: Proportionate and flexible way forward that will accommodate differing levels of State, Competent Authority and service provider resource and recognises the varying domestic legal frameworks (and obligations) within which they function.</p>	
320	4. Regulatory impact assessment (RIA) — 4.4. Analysis of	71 - 75	<p>Page No: 72</p> <p>Paragraph No: 4.4.2. Social impact:</p>	

	impacts		<p><i>“Stakeholders are invited to provide quantified justification elements on the possible social impacts of the options proposed.”</i></p> <p>Comment: Although not a quantifiable possible social impact, the introduction of airspace change process requirements should elevate levels of transparency in these regards, thus reinforcing local means of democratic decision making. Part-ASD facilitates greater consistency of airspace and procedure design practice, however as its content is derived from source ICAO material to which Member States already adhere (subject to national Differences), the degree to which facilitation of the free movement of airspace users is realised is minimal.</p> <p>However, greater harmonisation of airspace designators, the practices applied to airspace and procedure design requirements can be equated to simplification. This can render said technical requirements easier to understand, with the potential to indirectly enhance safety.</p> <p>Justification: Transparency and accountability of airspace and ATS provision-related decisions, plus increased process/procedural harmonisation generates more readily understood regulatory framework.</p>
321	4. Regulatory impact assessment (RIA) — 4.4. Analysis of impacts	71 - 75	<p>Page No: 74</p> <p>Paragraph No: 4.4.3. Economic impact:</p> <p><i>“To the competent authorities</i></p> <p><i>8. How much do you expect the cost to be for training your staff to adjust to the new rules?</i></p> <p><i>9. How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 1 (performance-based rules)?</i></p> <p><i>10. How much do you expect to increase your workload if you adjust the current existing systems to the new rules as per Option 2 (prescriptive rules)?</i></p> <p>To all stakeholders</p> <p><i>11. Stakeholders are invited to provide quantified justification and comments on the possible economic impacts of the options proposed.”</i></p> <p>Comment: The UK CAA has not yet quantified the cost of transition to the proposed arrangements but with one exception (see UK CAA response to 2.4.2. Transitional provisions) currently foresees implementation as having minimal impact.</p> <p>Justification: The UK is already compliant (subject to national Differences) with ICAO Doc 8168 PANS-OPS requirements, and applies a long-standing and robust airspace change process.</p>
322	4. Regulatory impact assessment	71 - 75	<p>Page No: 74</p> <p>Paragraph No: 4.4.4. General aviation and proportionality issues:</p>

(RIA) — 4.4.
Analysis of
impacts

“Stakeholders are invited to comment on these estimated impacts

1. Do you confirm that the tasks on flight procedure design are performed by the ANSPs in your country? If not, which organisation is performing these tasks?

2. Are the organisations performing flight procedure design certified to provide flight procedure design service?”

Comment:

ANSPs may establish and/or undertake flight procedure design functions; alternatively, appropriately approved non-ANSP procedure designer(s)/organisations may undertake that function.

Within the UK, oversight of all flight procedure design activities is undertaken by the UK CAA.

See [The Air Navigation Order 2016](#) Article 187 and [CAP 785 Approval Requirements for Instrument Flight Procedures for Use in UK Airspace](#). (Hyperlinks contained in the attached word file)