

**Application of the interoperability Regulation (EC) N° 552/2004
to legacy system of European ATM network from 20 April 2011
(amended version of 4 September 2008)**

Issue

During the last Single Sky Committee (SSC 26 of 21 May 2008), a RICBAN paper on the "Application of the IOP Regulation to legacy systems from 2011" was presented.

Article 10(2) of the interoperability Regulation (EC) N° 552/2004 lays down: *"Compliance with the essential requirements shall be required for all systems and constituents of the EATMN currently in operation by 20 april 2011, if not otherwise specified in the implementing rules for interoperability"*.

In accordance with this provision, all legacy systems shall be in conformity of the essential requirements (ERs) of the interoperability Regulation by 20 April 2011.

The objective of this paper is to clarify the application of Article 5 on the EC declaration of conformity or suitability for use of constituents and Article 6 on the EC declaration of verification of systems to legacy ATM systems

Interpretation

The provisions of Article 5 on the EC declaration of conformity or suitability for use of constituents only concern *"the manufacturer, or its authorised representative established in the Community"*.

This declaration issued by the manufacturer, or its authorised representative established in the Community, can only be requested before a constituent has been put into the Community market or before the constituent has been put into service in the Community. It cannot be requested to the manufacturer of a constituent put into the Community market before the entry into force of the interoperability Regulation (20 April 2004) and, in accordance with Article 10(1), put into service before 20 October 2005.

The provisions of Article 6 on the EC declaration of verification of systems have to be established by the air navigation service provider *"before a systems is put into service"*.

This obligation is not applicable to legacy systems put into service before the date foreseen in Article 10(1) (20 October 2005). On this point it is useful to remind that *"putting into service means the first operational use after the initial installation or an upgrade of a system"*.

Conclusion

The provisions of Article 5 and 6, and the related Annex III and IV, are not mandatory for constituents put into market before 20 April 2004 or systems put into service before 20 October 2005.

Since the provisions of Article 10(2) for ATM systems are mandatory in any case, it is up to the NSA and ANSP to agree on the procedures and documents that will demonstrate the compliance of all ATM legacy systems with the essential requirements of the interoperability Regulation.

The Commission considers that this task of the ANSP for legacy systems, that has to be agreed with the NSA, could be facilitated by the use, as far as possible, of the procedures and documents foreseen in Article 6, and the related Annex IV, before putting into service ATM systems.