

Title:	<p><b>Opinion and Instruction Document</b></p> <p>Repeal and replacement of aeronautical data quality requirements and introduction of new SNOWTAM format</p>
Package Number	<b>0032(a)</b> (469 Aeronautical Information)
Headline Purpose:	<p>To introduce updated data quality requirements for Air Traffic Management (ATM) / Air Navigation Services (“ANS”) providers and other parties originating, processing or transmitting aeronautical data into Regulation (EU) No. 2017/373 as retained (and amended in domestic law) under the European Withdrawal Act 2018 (“<a href="#">UK (EU) Reg 2017/373</a>”) in similar terms to those set out in Commission Implementing Regulation (EU) 2020/469 of 14 February 2020 (“<a href="#">CIR (EU) 2020/469</a>”).</p>
Proposed action:	<ul style="list-style-type: none"> <li>• To revoke Regulation (EU) No. 73/2010 as retained (and amended in domestic law) under the European Withdrawal Act 2018 (“<a href="#">UK (EU) Reg No. 73/2010</a>”) (known as the ADQ Regulation); and</li> <li>• To amend <a href="#">UK (EU) Reg 2017/373</a> to introduce into UK law updated data quality requirements similar to those set out in the Implementing Rules included in <a href="#">CIR (EU) 2020/469</a>.</li> </ul> <p>This Opinion and Instruction Document (“OID”) includes only those Implementing Rules that the CAA considers it appropriate to introduce at this time. <a href="#">CIR (EU) 2020/469</a> contains several other Implementing Rules which the CAA does not consider should be introduced into UK law at this point, although they may be introduced in due course.</p>

## Objective

Aeronautical Data Quality requirements are being introduced to ensure that:

- ATM/ANS providers and other parties originating, processing and transmitting data perform their data activities at the required quality level to support the intended use of the data; and
- As a result the aeronautical data and aeronautical information are originated, assembled, formatted, edited, published, and finally provided at the required level of quality to the users (such as aircraft operators, aerodrome operators, ATM Providers and other ATM/ANS providers) for all flight phases.

The current data quality requirements are set out in (“[UK Reg \(EU\) No. 73/2010](#)”) which the CAA considers is outdated and no longer appropriate. [CIR \(EU\) 2020/469](#) introduced a new set of requirements on aeronautical information, based on the current ICAO Annex 15 and supported by Procedures for Air Navigation Services — Aeronautical Information Management (“PANS-AIM”). Following review of [CIR \(EU\) 2020/469](#), it is the CAA’s opinion that similar provisions should be introduced into UK law.

## Background

The rules proposed by the CAA on aeronautical data and aeronautical information will provide a clear regulatory framework for those entities involved in the management of aeronautical data and aeronautical information, specifically:

### ATM/ANS PROVIDERS

This proposal contains necessary requirements for service providers when they act as parties originating, processing or transmitting aeronautical data to the AIS provider, including requirements on data management and data quality. In order to ensure data quality throughout the entire data chain, it

is the CAA's opinion that service providers should be required to meet the same requirements as AIS providers or aerodrome operators when originating, processing or transmitting aeronautical data.

## **AIS PROVIDERS**

Part-AIS is currently divided into two categories: data quality requirements based on [UK \(EU\) Reg No. 73/2010](#), and data provision requirements (products and services) based on ICAO Annex 15 and supported by PANS-AIM. Data provision requirements are the aeronautical products and services requirements stemming from the ICAO Annex 15 and PANS-AIM.

It is the CAA's opinion that the UK should amend Part-AIS of [UK \(EU\) Reg 2017/373](#) to introduce requirements applicable to AIS providers which will reflect and complement the current point AIS.OR.100(a) and (b) of [UK \(EU\) Reg 2017/373](#). In addition, the proposed technical requirements will replace the content of point AIS.TR.100 'Working methods and operating procedures for the provision of aeronautical information services'.

Although the principles which underpin it remain relevant, [UK \(EU\) Reg No. 73/2010](#) (the ADQ Regulation) is now out of date. It is the CAA's opinion that [UK \(EU\) Reg No. 73/2010](#) should be revoked and replaced with an updated approach to ensuring that AIS providers meet their obligations. However, this new approach will still embody the principles upon which [UK \(EU\) Reg No. 73/2010](#) rested. The CAA will introduce data quality requirements to ensure that AIS providers perform their data origination activities at the required quality level to meet the intended use of the data.

EASA [Opinion 02/2018](#) sets out the background and rationale to the decision to revoke the (EU) ADQ Regulation as follows:

*"The proposal to repeal the ADQ Regulation brings several benefits to the regulated parties as regards the overall implementation of the aeronautical data and aeronautical information management. Not only two sets of rules with several overlapping requirements cease to exist in parallel, but also the more proportionate and flexible requirements introduced facilitate such implementation. (...)*

*The proposal is expected to limit the cost of implementing new technologies as the requirements for the information exchange model and data protection are performance-based. In addition, this approach ensures that the objectives of the ADQ Regulation are maintained, thus also securing the investments done so far by the regulated parties. (...)*

*The proposal ensures that the requirements are suitable to achieve the required objective and that they do not go beyond what is necessary to achieve this objective. The proposal is now objective-based, while the developed means of compliance provide the necessary flexibility. (...)"*

In the CAA's opinion, the rationale expressed by EASA is correct and similar amendments should be introduced into UK law to streamline the requirements and ensure consistency with ICAO SARPs.

## **OTHER PARTIES**

Article 3(5) of [CIR \(EU\) 2020/469](#) imposes requirements applicable to other entities (such as surveyors and aerodromes with Instrument Flight Procedures which are not certificated as per Commission Regulation (EU) No 139/2014 as retained (and amended in UK domestic law) under the European Withdrawal Act 2018 ("[UK Reg \(EU\) No. 139/2014](#)") which originate data for aviation purposes. Such entities are essential players involved from the very beginning of the aeronautical data chain, as they affect a service provider when they create, modify or delete aeronautical information and aeronautical data for aviation purposes. Therefore, there is a need to ensure that, when they originate aeronautical information and aeronautical data, they provide data of sufficient quality. Article 3(5) is based on Annex III to [Executive Director Decision 2017/001/R](#) (Part-ATM/ANS.OR), and it is the State's responsibility to ensure that these entities implement such requirements. It is the CAA's opinion that these provisions should apply only to parties originating, processing and transmitting data intended to be used in Instrument Flight Rules ("IFR") flights (as per article 2(2) of [UK \(EU\) Reg No. 73/2010](#)).

The CAA has proposed equivalent rules (amending [UK Reg \(EU\) No. 139/2014](#)) for aerodrome operators under a separate OID 0032(b) (2148 Aeronautical Data Quality/Global Reporting Format).

[CIR \(EU\) 2020/469](#) is wide in scope and its provisions are complex. The changes proposed within this OID are only a part of the changes which have been implemented in the EU covered by that Regulation.

In the CAA's opinion, some of the Regulation's other elements may well be appropriate to be introduced into UK law, and the CAA will review the Regulation further and produce further opinions recommending a phased implementation of those elements of the Regulation that it considers appropriate, starting in the fourth quarter of 2022.

### What legal powers are being used to achieve the change?

Points (c) and (g) of Article 36(1), points (a) and (f) of Article 43(1) and Article 44(1) of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 ("[the UK Basic Regulation](#)").

### Consequence of not making these legislative changes

If these legislative changes were not made, the UK would be misaligned with the other ICAO Contracting States and would miss the opportunity to tailor requirements to stakeholders' needs and apply flexibility which the current UK legislation ([UK \(EU\) Reg No. 73/2010](#)) cannot offer.

### Affected Law (and, if applicable, UK AMC)

What is the existing UK legal framework which is relevant here?	<a href="#">UK (EU) Reg 2017/373</a> and <a href="#">UK (EU) Reg No. 73/2010</a> .
Identify the law that the CAA proposes be changed	Amendment of <a href="#">UK (EU) Reg 2017/373</a> and the revocation of <a href="#">UK (EU) Reg No. 73/2010</a> .
Are any consequential amendments needed to other pieces of law?	Amendments to <a href="#">UK Reg (EU) No. 139/2014</a> , covering equivalent requirements on aeronautical information for aerodrome operators, which are proposed in a separate OID 0032(b) (2148 Aeronautical Data Quality/Global Reporting Format).
If the change proposed is to retained EU Implementing Rules made under the UK Basic Regulation is there any UK Acceptable means of compliance ("AMC"), Guidance Material ("GM") or Certification Specification ("CS") that will be changed/newly adopted as a consequence?	Yes. EASA has developed new AMC/GM to support <a href="#">CIR (EU) 2020/469</a> . The CAA will review this AMC/GM and adopt such UK AMC as the CAA considers appropriate.
Is this proposal related to changes the EU have made that are not retained EU law (e.g. EU law that was published but not in force and so did not come across under the terms of the Withdrawal Act), or EU law changes since End of Transition?	Yes. The data quality requirements were included in <a href="#">CIR (EU) 2020/469</a> , with an applicability date of 27 January 2022. Therefore, they did not come across under the terms of the Withdrawal Act.  Some of the requirements relating to GRF included in <a href="#">CIR (EU) 2020/469</a> would have come across under the terms of the Withdrawal Act but due to the COVID-19 pandemic, in August 2020 Commission Implementing Regulation (EU) 2020/1177 (" <a href="#">CIR (EU) 2020/1177</a> ") amended <a href="#">CIR (EU) 2020/469</a> by postponing the applicability dates included in the regulation to 2021. Accordingly, these rules also did not come across under the Withdrawal Act.
Is there an EU Notice of Proposed Amendment considering the same issue?	Yes.

	<p>EASA issued a Notice of Proposed Amendment (<a href="#">NPA 2016-02</a>) as part of the rule making process leading to the subsequent introduction of <a href="#">CIR (EU) 2020/469</a>. Throughout the rule development process, the CAA's opinion has been that the proposed changes should be made. There has been no material change in circumstances since the issue of the NPA and no change in the CAA's opinion.</p>
Does this proposal relate to an international treaty obligation (e.g. an ICAO SARP)?	<p>Yes</p> <p>Requirements proposed in this OID are aligned with the ICAO SARPs in Annex 15 supported by PANS-AIM.</p>
Is a consultation required?	<p>These proposals were fully developed by EASA and were consulted widely upon at the time. The UK took an active part in the <a href="#">RMT.0477</a> which delivered those provisions. The requirements have been subjected to ICAO State consultation and EU consultation. These consultations have allowed to UK to input additional comments, which were addressed, and the work resulted in EASA <a href="#">Opinion 02/2018</a> (including <a href="#">Comment-Response Document 2016-02</a> contained within the Appendix of the Opinion).</p> <p>The amendments now proposed are materially the same as the amendments adopted into EU law. The CAA does not consider that there has been any material change in circumstances since the date of the EASA consultation.</p> <p>As the EASA consultation meets the requirement for consultation under Article 115 of the UK Basic Regulation for the purpose of these proposed amendments, there is no requirement to carry out an additional consultation.</p>
Is an Impact Assessment under the Better Regulation Framework necessary?	<p>No.</p> <p>EASA carried out an Impact Assessment as part of the Notice of Proposed Amendment prior to publishing its opinion and prior to the adoption of the new EU law. The CAA does not consider that there has been any material change in circumstances since the date of the EASA Impact Assessment.</p>
When is it intended that these provisions should be brought into force?	<p>27 January 2022, with the exception of the NOTAM and SNOWTAM format which are related to GRF implementation and should come into force as soon as possible after the SI is laid.</p>
Has an SI "slot" been agreed with the Department for Transport?	<p>October 2021</p>
Will there be any criminal offences?	<p>The Department for Transport is looking for the earliest parliamentary opportunity to grant the</p>

	Secretary of State the power to make breach of requirements to retained EU aviation safety law an offence. It is therefore anticipated that offences will be created once such powers are available.
If so, is a Justice Impact Test required?	Once the power to impose criminal sanctions has been granted, the question of a Justice Impact Test will be considered by the CAA in collaboration with the Department for Transport.
What is the intended extent of the provision?	The UK
Are there any devolved issues?	No
Are any transitional provisions needed? If so, what are they?	No

### Suggested Changes to existing wording of Law - optional

**As set out above, the substance of the amendments detailed below have already been the subject of consultation. These proposals are therefore published for information purposes only. It should be noted that the amendments set out in this section constitute the CAA's initial opinion on possible amendments to the relevant legislation. While it is anticipated that any amendments ultimately enacted will broadly reflect the CAA's proposals, all amendments to legislation are subject to an iterative legislation drafting process by Government. The proposals set out below may therefore not be the final wording in the UK law.**

In the CAA's opinion, amendments to [UK \(EU\) Reg 2017/373](#) should be made which reflect the following provisions of [CIR \(EU\) 2020/469](#):

- Article 3 (3)(c) paragraph 5
- Article 3 (6):
  - Annex I (relevant definitions);
  - Annex II (only the table on 'Aeronautical information services (AIS)');
  - Annex III (ATM/ANS.OR.A.080, ATM/ANS.OR.A.085 and ATM/ANS.OR.A.090);
  - Annex IV (Subpart A, Section 1 'ATS.OR.110 Coordination between aerodrome operators and air traffic services providers; and ATS.OR.125 Coordination between aeronautical information services and air traffic services providers);
  - Annex VI (in full);
- Article 4;
- Article 5.

In addition, the CAA considers that the following changes should be made to the original wording of the amendments set out in [CIR \(EU\) 2020/469](#) to amend [UK \(EU\) Reg 2017/373](#):

- Change the applicability date of Annex III point 6: AIS.TR.330 NOTAM to align it with the requirements in relation to ADQ and GRF set out in the related Opinion and Instruction Document 0032(b) (2148 Aeronautical Data Quality/Global Reporting Format).
- ATM/ANS.OR.A.080 Provision of aeronautical data and AIS.OR.200 General should refer directly to the ICAO Appendix with Data Catalogue, rather than Appendix 1 to Annex III (Part-ATM/ANS.OR) to CIR (EU) 2017/373. In the CAA's opinion, there is no need to introduce Appendix 1 to Annex III (Part-ATM/ANS.OR) and copy the EASA data catalogue.
- AIS.TR.305 Aeronautical information publication (AIP) and AIS.TR.330 NOTAM should refer directly to the ICAO AIP content, ICAO NOTAM, SNOWTAM and ASHTAM Format

(Appendixes to PANS-AIM), rather than new Appendixes to Part-AIS. In the CAA's opinion, there is no need to introduce Appendix 1 - 4 to Annex VI (Part-AIS) and copy the EASA versions of the formats.

- Substitute the original wording of Article 3(5) of [CIR \(EU\) 2020/469](#) for the following alternative wording to clearly define its scope:

*“5. Organisations other than ATM/ANS providers referred to in point (2) of Article 2 of this Regulation or aerodrome operators regulated by Regulation (EU) No 139/2014, when originating, processing or transmitting aeronautical data or aeronautical information, intended for use in IFR traffic meet the requirements laid down in:*

*(a) point ATM/ANS.OR.A.085 of Annex III, except those in points (c), (d) and (f)(1) and (i) thereof;*

*(b) point ATM/ANS.OR.A.090 of Annex III*

*The organisations referred to above shall ensure that aeronautical data and aeronautical information are originated, processed and transmitted by adequately trained, competent and authorised personnel.”*

In the CAA's opinion, the following provisions of [CIR \(EU\) 2020/469](#) should **not be introduced** into the UK Law:

- Article 1 and associated Annex I;
- Article 2 and associated Annex II;
- Article 3, paragraphs (1), (2), (3)(a), (b), (c), paragraphs 6 to 9, and paragraphs (4), (5), (6);
- Annex I (definitions for terms not introduced in the transposed provisions);
- Annex II amendments (new table before the table on 'ATM network functions');
- Annex IV amendments to:
  - Subpart A, section 1:
    - ATS.OR.115 Coordination between military units and air traffic services providers;
    - ATS.OR.120 Coordination between meteorological services providers and air traffic services providers;
    - ATS.OR.130 Time in air traffic services;
    - ATS.OR.135 Contingency arrangements;
    - ATS.OR.140 Failure and irregularity of systems and equipment;
    - ATS.OR.145 Operation of air traffic control service;
    - ATS.OR.150 Transfer of responsibility for control and transfer of communications;
  - Subpart A, new Section 4 and Section 5 (in full);
  - Subpart B amendments (in full);
- Annex V amendments (in full);
- Annex XI (in full).