

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1771**of 12 September 2023****amending Implementing Regulation (EU) 2017/373 as regards air traffic management and air navigation services systems and constituents and repealing Regulations (EC) No 1032/2006, (EC) No 633/2007 and (EC) No 262/2009**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 43(1), points (a), (e) and (f), Article 44(1), point (a), and Article 62(15), points (a) and (c) thereof,

Whereas:

- (1) In accordance with Article 140(2) of Regulation (EU) 2018/1139, the implementing rules adopted on the basis of the repealed Regulation (EC) No 552/2004 of the European Parliament and of the Council ⁽²⁾ are to be adapted to the provisions of Regulation (EU) 2018/1139, not later than 12 September 2023.
- (2) Commission Implementing Regulation (EU) 2017/373 ⁽³⁾ lays down common requirements for the provision of air traffic management and air navigation services ('ATM/ANS') and other air traffic management network functions ('ATM network functions') for general air traffic and their oversight.
- (3) In accordance with Commission Implementing Regulation (EU) 2023/1769 ⁽⁴⁾, ATM/ANS systems and ATM/ANS constituents ('ATM/ANS equipment') are subject to certification or declaration by organisations involved in the design and production of ATM/ANS equipment. To ensure the appropriate installation, on-site testing and safe entry into service of such equipment, and their oversight, Implementing Regulation (EU) 2017/373 should be amended to include the necessary requirements applicable to ATM/ANS providers and competent authorities thereof.
- (4) In order to ensure the continuity of the requirements for the use of ATM/ANS equipment the amendments to Implementing Regulation (EU) 2017/373 should be based on the relevant implementing rules adopted on the basis of the repealed Regulation (EC) No 552/2004 with necessary adaptations.

⁽¹⁾ OJ L 212, 22.08.2018, p. 1

⁽²⁾ 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) (OJ L 96, 31.3.2004, p. 26).

⁽³⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2023/1769 of 12 September 2023 laying down technical requirements and administrative procedures for the approval of organisations involved in the design or production of air traffic management/air navigation services systems and constituents and amending Implementing Regulation (EU) 2023/203 (see page 19 of this Official Journal).

- (5) In particular, Commission Regulation (EC) No 1032/2006 ⁽⁵⁾ lays down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units; Commission Regulation (EC) No 633/2007 ⁽⁶⁾ lays down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units, and Commission Regulation (EC) No 262/2009 ⁽⁷⁾ lays down requirements for the coordinated allocation and use of Mode S interrogator codes for the Single European Sky (SES). Those requirements should be reflected in Implementing Regulation (EU) 2017/373.
- (6) Requirements related to air-ground communications using 8,33 kHz channel spacing that are set out in Commission Implementing Regulation (EU) No 1079/2012 ⁽⁸⁾ do not apply to services provided neither in the Single European Sky airspace outside the International Civil Aviation Organization (ICAO) European (EUR) region as defined in the European (EUR) Air Navigation Plan Volume I (Doc 7754) of ICAO nor in the Canarias FIR/UIR because their local conditions did not sufficiently justify their applicability as necessary. This Regulation should provide for the same scope of applicability.
- (7) Article 14(2) of Implementing Regulation 1079/2012 provided for exemptions from the obligation to convert all frequency assignments to 8,33 kHz channel spacing. This Regulation should not alter the existing exemptions.
- (8) Requirements related to the allocation of Mode S interrogator codes that are set out in Commission Regulation (EC) No 262/2009 do not apply to services provided in the Single European Sky airspace outside the ICAO EUR region due to its local low traffic volume and geographic situation with airspace borders only with airspace under the responsibility of a third-country ATM/ANS providers, which justifies different local coordination arrangements with surrounding non-EU States. This Regulation should provide for the same scope of applicability.
- (9) Implementing Regulation (EU) 2017/373 should therefore be amended accordingly and Regulations (EC) No 1032/2006, (EC) No 633/2007 and (EC) No 262/2009 should be repealed.
- (10) The development of requirements in this Regulation have taken due account of the content of the ATM Master Plan and the communication, navigation and surveillance capabilities contained in it.
- (11) The European Union Aviation Safety Agency has proposed measures in its Opinion No 01/2023 ⁽⁹⁾ in accordance with Articles 75(2), points (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the committee established in accordance with Article 127 of Regulation (EU) 2018/1139.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2017/373

Implementing Regulation (EU) 2017/373 is amended as follows:

- ⁽⁵⁾ Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units (OJ L 186, 7.7.2006, p. 27).
- ⁽⁶⁾ Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units (OJ L 146, 8.6.2007, p. 7).
- ⁽⁷⁾ Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky (OJ L 84, 31.3.2009, p. 20).
- ⁽⁸⁾ Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky (OJ L 320, 17.11.2012, p. 14).
- ⁽⁹⁾ <https://www.easa.europa.eu/document-library/opinions>

(1) Article 2 is amended as follows:

(a) point (3) is replaced by the following:

‘(3) “Network Manager” means the body entrusted with the tasks necessary for the execution of the functions referred to in Article 6 of Regulation (EC) No 551/2004;’

(b) the following points (9), (10), (11), (12) and (13) are added:

‘(9) “Mode S interrogator” means a system, composed of antenna and electronics, which supports the addressing of individual aircraft through the Mode Select (“Mode S”);

(10) “eligible Mode S interrogator” means a Mode S interrogator for which at least one of the following conditions is satisfied:

(a) the interrogator relies, at least partly, on Mode S all call interrogations and replies for Mode S targets acquisition;

(b) the interrogator locks out acquired Mode S targets in reply to Mode S all call interrogations, permanently or intermittently, in part or the totality of its coverage; or

(c) the interrogator uses multisite communications protocols for data link applications;

(11) “Mode S operator” means a person, organisation or enterprise that operates or offers to operate a Mode S interrogator, including:

(a) surveillance service providers;

(b) Mode S interrogator manufacturers;

(c) aerodrome operators;

(d) research establishments;

(e) any other entity entitled to operate a Mode S interrogator;

(12) “harmful interference” means interference that prevents the performance requirements from being achieved;

(13) “interrogator code allocation plan” means the most recently approved complete set of interrogator code allocations.’

(2) in Article 3, the following paragraph 6a is inserted:

‘6a. Member States shall ensure that the use of a ground-based transmitter operated in their territory does not produce harmful interference on other surveillance systems.’

(3) the following Articles 3e and 3f are inserted:

‘Article 3e

Allocation of Mode S interrogator codes

1. Member States shall ensure that changes to the allocation of an interrogator code resulting from an update to the interrogator code allocation plan are communicated to the relevant Mode S operators under their authority within 14 calendar days from the day of receipt of the updated interrogator code allocation plan.

2. Member States shall make available to other Member States, at least every 6 months through the interrogator code allocation system, an up-to-date record of the allocation and use of interrogator codes by the eligible Mode S interrogators within their area of responsibility.

3. Where an overlap exists between the coverage of a Mode S interrogator located within the area of responsibility of a Member State and the coverage of a Mode S interrogator located within the area of responsibility of a third country, the Member State concerned shall:

(a) ensure that the third country is informed about the safety requirements related to the allocation and use of interrogator codes;

(b) take the necessary measures to coordinate the use of interrogator codes with the particular third country.

4. A Member State shall notify the air traffic service providers under its jurisdiction of Mode S interrogators operating under the responsibility of a third country for which the allocation of Mode S interrogator codes has not been coordinated.
5. Member States shall check the validity of the interrogator code applications received from the Mode S operators before making interrogator codes available through the interrogator code allocation system for coordination as laid down in point 15 of Annex IV to Commission Implementing Regulation (EU) 2019/123 (*).
6. Member States shall ensure that the Mode S operators, other than surveillance service providers, comply with point CNS.TR.205 in Annex VIII.
7. The requirements laid down in paragraphs 1 to 6 shall not apply in the Single European Sky airspace that is not part of the International Civil Aviation Organisation (ICAO) European (EUR) region.

Article 3f

Use of the single European sky airspace

1. In the context of spectrum protection, the Member States shall ensure that a secondary surveillance radar transponder on board any aircraft flying over a Member State is not subject to excessive interrogations that are transmitted by ground-based surveillance interrogators and which either elicit replies, or whilst not eliciting a reply, are of sufficient power to exceed the minimum threshold level of the receiver of the secondary surveillance radar transponder. In the event of disagreement between Member States regarding necessary measures, the Member States concerned shall bring the matter to the Commission for action.
2. Member States shall ensure that all voice frequency assignments are converted to an 8,33 kHz channel spacing. The conversion requirements shall not apply to frequency assignments:
 - (a) which will remain within the 25 kHz channel spacing on the following frequencies:
 - (1) the emergency frequency (121,5 MHz);
 - (2) the auxiliary frequency for search and rescue operations (123,1 MHz);
 - (3) the VHF digital link (VDL) frequencies assigned to be used within the Single European Sky airspace;
 - (4) the aircraft communications addressing and reporting system (ACARS) frequencies (131,525 MHz, 131,725 MHz and 131,825 MHz);
 - (b) where offset carrier operation within a 25 kHz channel spacing is used.
3. The requirements laid down in paragraph 2 shall not apply neither in the Single European Sky airspace that is not part of ICAO EUR Region nor in the Canarias Flight Information Region (FIR)/Upper Information Region (UIR).
4. The exemptions from the obligation to ensure that all frequency assignments are converted to 8,33 kHz channel spacing for cases having limited impact on the network granted by the Member States pursuant to Article 14(2) of Implementing Regulation (EU) No 1079/2012 that were communicated to the Commission shall remain valid.
5. Member States shall establish and publish in national aeronautical information publications, where applicable, the procedures for the handling of aircraft which are not equipped with:
 - (a) secondary surveillance radar Mode-S transponders;
 - (b) radios having the 8,33 kHz channel spacing capability.

(*) Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (OJ L 28, 31.1.2019, p. 1).;

(4) Annexes I, II, III, IV, VIII, IX, X and XII are amended in accordance with the Annex to this Regulation.

Article 2

Repeal

Regulations (EC) No 1032/2006, (EC) No 633/2007 and (EC) No 262/2009 are repealed.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 September 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I, II, III, IV, VIII, IX, X and XII to Implementing Regulation (EU) 2017/373 are amended as follows:

(1) Annex I is amended as follows:

(a) the following point (30a) is inserted:

‘(30a) “ATM/ANS equipment” means ATM/ANS constituents as defined in Article 3(6) of Regulation (EU) 2018/1139, and ATM/ANS systems as defined in Article 3(7) of that Regulation, excluding airborne constituents, which are subject to Commission Regulation (EU) No 748/2012 (*);

(*) Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1);

(b) the following point (34a) is inserted:

‘(34a) “boundary” means a lateral or vertical plane delineating the airspace in which an ATC unit provides air traffic services;’;

(c) the following points (39a) and (39b) are inserted:

‘(39a) “coordination data” means data of interest to operational staff in connection with the process of notification, coordination and transfer of flights, and with the process of civil-military coordination;

(39b) “coordination point” (COP) means a point on or adjacent to the boundary used by the ATC units and referred to in coordination processes;’;

(d) the following point (40a) is inserted:

‘(40a) “data link service” means a set of related air traffic management transactions, supported by air-ground data link communications, which have a clearly defined operational goal and begin and end on an operational event;’;

(e) the following point (46a) is inserted:

‘(46a) “eligible interrogator code” means any code among the II codes and the SI codes, except:

(a) II code 0;

(b) the interrogator code(s) reserved for military entities, including intergovernmental organisations and in particular North Atlantic Treaty Organisation management and allocation;’;

(f) the following point (47a) is inserted:

‘(47a) “estimate data” means the coordination point, the estimated time of an aircraft and the expected flight level of the aircraft at the coordination point;’;

(g) the following point (62a) is inserted:

‘(62a) “implementation sequence” means the time-bounded sequence of implementation of interrogator code allocations with which Mode S operators need to comply to avoid temporary interrogator code conflicts;’;

(h) the following point (73a) is inserted:

(73a) “notified unit” means the ATC unit that has received the notification information;’;

(i) the following point (81a) is inserted:

‘(81a) “receiving unit” means the air traffic control unit that receives data;’;

(j) point (88) is replaced by the following:

‘(88) “safety directive” means a document issued or adopted by a competent authority which:

- (1) mandates actions to be performed on a functional system or sets restrictions to its operational use to restore safety when evidence shows that aviation safety may otherwise be compromised; or
- (2) mandates actions to be performed on ATM/ANS equipment subject to the statement of compliance issued in accordance with Article 6 to Commission Delegated Regulation (EU) 2023/1768 (*) to address an unsafe or insecure condition, or both, that has been identified and restore the performance and interoperability of that ATM/ANS equipment when evidence shows that the safety, security, performance or interoperability of that particular equipment may otherwise be compromised.

(*) Commission Delegated Regulation (EU) 2023/1768 of 14 July 2023 laying down detailed rules for the certification and declaration of air traffic management/air navigation services systems and air traffic management/air navigation services constituents (OJ L 228, 15.9.2023, p. 1’.

(k) the following points (107a) and (107b) are inserted:

‘(107a) “working position” means the furniture and technical equipment at which a member of the air traffic services staff undertakes task associated with their job;

(107b) “warning” means a message displayed at a working position when the automated coordination process has failed;’;

(2) Annex II is amended as follows:

(a) in point ATM/ANS.AR.A.020, point (a) is replaced by the following:

‘(a) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of the relevant provisions of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis or of Regulations (EC) No 549/2004, (EC) No 550/2004 and (EC) No 551/2004 applicable to service providers.’;

(b) point ATM/ANS.AR.A.030 is replaced by the following:

‘ATM/ANS.AR.A.030 Safety directives

(a) The competent authority shall issue a safety directive when it has determined the existence of any of the following:

- (1) an unsafe condition in a functional system requiring immediate action;
- (2) an unsafe, insecure, underperformance or non-interoperability condition in the equipment subject to the statement of compliance in accordance with Article 6 of Delegated Regulation (EU) 2023/1768 and this condition is likely to exist or develop in other ATM/ANS equipment.

(b) The safety directive shall be forwarded to the ATM/ANS providers concerned and contain, as a minimum, the following information:

- (1) the identification of the unsafe condition;
- (2) the identification of the affected functional system;
- (3) the actions required and their rationale;
- (4) the time limit for completing the actions required;
- (5) its date of entry into force.

(c) The competent authority shall forward a copy of the safety directive to the Agency and any other competent authorities concerned within one month from its issuance.

(d) The competent authority shall verify the compliance of the ATM/ANS providers with the safety directives and with the ATM/ANS equipment directives, as applicable.’;

(c) point (a) of ATM/ANS.AR.C.005 is replaced by the following:

‘(a) Within the scope of point ATM/ANS.AR.B.001(a)(1), the competent authority shall establish a process in order to verify:

- (1) service providers’ compliance with the applicable requirements set out in Annexes III to XIII, and any applicable conditions attached to the certificate before the issue of that certificate. The certificate shall be issued in accordance with Appendix 1 to this Annex;
- (2) the compliance with any safety-related obligations in the designation act issued in accordance with Article 8 of Regulation (EC) No 550/2004;
- (3) the continued compliance with the applicable requirements of the service providers under its oversight;
- (4) the implementation of safety, security and interoperability objectives, applicable requirements and other conditions identified in the statement of compliance for ATM/ANS equipment; technical and performance limitations and conditions identified in ATM/ANS equipment certificates and/or ATM/ANS equipment declarations; and of safety measures, including ATM/ANS equipment directives mandated by the Agency in accordance with point ATM/ANS.EQMT.AR.A.030 of Annex I to Delegated Regulation (EU) 2023/1768;
- (5) the implementation of safety directives, corrective actions and enforcement measures.’;

(d) point ATM/ANS.AR.C.050 is amended as follows:

(i) points (c), (d) (e) and (f) are replaced by the following:

‘(c) A level 1 finding shall be issued by the competent authority when any serious non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis as well as Regulations (EC) No 549/2004, (EC) No 550/2004 and (EC) No 551/2004 and their implementing rules, with the ATM/ANS provider’s procedures and manuals, with the terms and conditions of the certificate, with the designation act, if applicable, or with the content of a declaration which poses a significant risk to flight safety or otherwise calls into question the service provider’s capability to continue operations.

Level 1 findings shall include but are not limited to:

- (1) the promulgation of operational procedures and/or provision of a service in a way which introduces a significant risk to flight safety;
- (2) the obtainment or maintenance of the validity of the service provider’s certificate through the submission of falsified documentary evidence;
- (3) evidence of malpractice or fraudulent use of the service provider’s certificate;
- (4) the lack of an accountable manager.

(d) A level 2 finding shall be issued by the competent authority when any other non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis, as well as Regulations (EC) No 549/2004, (EC) No 550/2004 and (EC) No 551/2004 and their implementing rules, with the ATM/ANS provider’s procedures and manuals or with the terms and conditions of the certificate, or with the content of the declaration.

(e) When a finding is detected, during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis, as well as Regulations (EC) No 549/2004, (EC) No 550/2004, and (EC) No 551/2004 and their implementing rules, communicate the finding to the service provider in writing and require corrective action to address the non-compliance(s) identified.

- (1) In the case of level 1 findings, the competent authority shall take immediate and appropriate action, and may, if appropriate, limit, suspend or revoke in whole or in part the certificate while ensuring the continuity of services provided that safety is not compromised, and in the case of the Network Manager, it shall inform the Commission. The measures taken shall depend upon the extent of the finding and shall remain in force until successful corrective action has been taken by the ATM/ANS provider.
 - (2) In the case of level 2 findings, the competent authority shall:
 - (i) grant the service provider a corrective action implementation period included in an action plan appropriate to the nature of the finding;
 - (ii) assess the corrective action and implementation plan proposed by the service provider, and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept them.
 - (3) In the case of level 2 findings, where the service provider fails to submit a corrective action plan that is acceptable to the competent authority in the light of the finding, or where the service provider fails to perform the corrective action within the time period accepted or extended by the competent authority, the finding may be raised to a level 1 finding, and action shall be taken as laid down in point (1).
 - (f) Where the competent authority detects that the ATM/ANS provider integrates ATM/ANS equipment into its functional system without ensuring compliance with point ATM/ANS.OR.A.045(g), it shall, with due regard to the need to ensure the safety and continuity of operations, take all measures necessary to restrict the area of application of the ATM/ANS equipment concerned or prohibit its use by the ATM/ANS providers under its oversight.;
 - (ii) the following point (g) is added:

‘(g) For those cases that do not require level 1 and 2 findings, the competent authority may issue observations.’;
- (3) Annex III is amended as follows:
- (a) in point ATM/ANS.OR.A.045, the following points (g) to (j) are added:

‘(g) Before integrating ATM/ANS equipment into the functional system, the ATM/ANS provider shall ensure that:

 - (1) new or modified ATM/ANS equipment is certified by the Agency in accordance with Delegated Regulation (EU) 2023/1768 and manufactured by an approved design or production organisation pursuant to Commission Implementing Regulation (EU) 2023/1769 (*); or
 - (2) new or modified ATM/ANS equipment is declared by an approved design organisation pursuant to Delegated Regulation (EU) 2023/1768 and manufactured by an approved design or production organisation pursuant to Implementing Regulation (EU) 2023/1769; or
 - (3) new or modified ATM/ANS equipment is issued with a statement of compliance in accordance with Article 6(1) of Delegated Regulation (EU) 2023/1768; or
 - (4) when the ATM/ANS equipment is not subject to the conformity assessment under Delegated Regulation (EU) 2023/1768, the particular ATM/ANS equipment has been verified to comply with the applicable specifications and qualifications.
 - (h) The ATM/ANS provider shall ensure that the ATM/ANS equipment has been verified to comply with the equipment manufacturer’s specifications, including installation and on-site test(s).
 - (i) Before the ATM/ANS provider puts the ATM/ANS equipment into service, it shall ensure that the modified functional system integrating this ATM/ANS equipment meets all the applicable requirements and shall identify all deviations and limitations.

- (j) When the ATM/ANS provider puts the ATM/ANS equipment into service, it shall ensure that the ATM/ANS equipment, or the modified one, is deployed according to the conditions of use, as well as to any applicable limitations, and meets all the applicable requirements.

(*) Commission Implementing Regulation (EU) 2023/1769 of 12 September 2023 laying down technical requirements and administrative procedures for the approval of organisations involved in the design or production of air traffic management/air navigation services systems and constituents and amending Implementing Regulation (EU) 2023/203 (OJ L 228, 15.9.2023, p. 19)';.

- (b) point ATM/ANS.OR.A.060 is replaced by the following:

'ATM/ANS.OR.A.060 Immediate reaction to a safety problem

- (a) A service provider shall implement any safety measures, including safety directives, mandated by the competent authority in accordance with point ATM/ANS.ARA.025(c).

When a safety directive is issued to correct the condition referred to in the statement of compliance issued in accordance with Article 6 of Delegated Regulation (EU) 2023/1768, the ATM/ANS provider shall, unless otherwise determined by the competent authority in case urgent action is needed:

- (1) propose appropriate corrective action and submit details of that proposal to the competent authority for approval;
- (2) following the approval by the competent authority, comply therewith.;

- (c) in point (a) of ATM/ANS.OR.B.005, the following point (8) is added:

'(8) a process to ensure that the design of ATM/ANS equipment, or the changes to its design, subject to Article 6 of Delegated Regulation (EU) 2023/1768 comply with the applicable specifications, including independent checking function of the demonstration of compliance on the basis of which the ATM/ANS provider issues a statement of compliance and the associated compliance documentation thereto.;

- (d) ATM/ANS.OR.D.025 is amended as follows:

- (1) point (c) is replaced by the following:

'(c) The Network Manager shall provide an annual report of its activities to the Commission and the Agency. This report shall cover its operational performance, as well as significant activities and developments in particular in the area of safety.;

- (2) point (d)(3) is replaced by the following:

'(3) for the Network Manager, its performance compared to the performance objectives established in the Network Strategy Plan, comparing actual performance against the performance set out in the Network Operational Plan by using the indicators of performance established in the Network Operational Plan.;

- (4) Annex IV is amended as follows:

- (a) point ATS.OR.400 is replaced by the following:

'ATS.OR.400 Aeronautical mobile service (air-ground communications) – general

- (a) An air traffic services provider shall use voice or data link, or both, in air-ground communications for air traffic services purposes.
- (b) When air-ground voice communications are based on 8,33 kHz channel spacing, an air traffic services provider shall ensure that:
 - (1) all items of equipment for air-ground voice communications include the 8,33 kHz channel spacing capability and are able to tune to 25 kHz spaced channels;

- (2) all voice frequency assignments have the 8,33 kHz channel spacing capability;
 - (3) the procedures applicable to aircraft equipped with radios having the 8,33 kHz channel spacing capability and to aircraft which are not equipped with such equipment, subject to transfer between air traffic services units, are specified in the letters of agreement between those ATS units;
 - (4) aircraft not equipped with radios having the 8,33 kHz channel spacing capability can be accommodated, provided they can be safely handled within the capacity limits of the air traffic management system on UHF or on 25 kHz frequency assignments; and
 - (5) it communicates, on an annual basis, to the Member State that has designated it their plans for the handling of State aircraft which are not equipped with radios having the 8,33 kHz channel spacing capability, taking into account the capacity limits associated with the procedures published by the Member States in their national aeronautical information publications (AIPs).
- (c) When direct pilot–controller two-way voice or data link communications are used for the provision of air traffic control service, recording facilities shall be provided by the air traffic services provider on all such air–ground communication channels.
- (d) When direct air–ground two-way voice or data link communications are used for the provision of flight information service, including aerodrome flight information service (AFIS), recording facilities on all such air–ground communication channels shall be provided by the air traffic services provider, unless otherwise prescribed by the competent authority.;
- (b) point ATS.OR.415 is replaced by the following:

‘ATS.OR.415 Aeronautical mobile service (air–ground communications) – area control service

An air traffic services provider shall ensure that:

- (a) air–ground communication facilities enable two-way voice communications to take place between a unit providing area control service and appropriately equipped aircraft flying anywhere within the control area or areas; and
- (b) air–ground communications facilities enable two-way data communications to take place between a unit providing area control service and appropriately equipped aircraft flying within the airspace referred to in point AUR.COM.2001 of Commission Implementing Regulation (EU) 2023/1770 (*), to operate the data link services referred to point (1) (a) of point AUR.COM.2005 of that Implementing Regulation.

(*) Commission Implementing Regulation (EU) 2023/1770 of 12 September 2023 laying down provisions on aircraft equipment required for the use of the Single European Sky airspace and operating rules related to the use of the Single European Sky airspace and repealing Regulation (EC) No 29/2009 and Implementing Regulations (EU) No 1206/2011, (EU) No 1207/2011 and (EU) No 1079/2012 (OJ L 228 of 15.9.2023, p. 39).;

- (c) point ATS.OR.430 is replaced by the following:

‘ATS.OR.430 Aeronautical fixed service (ground–ground communications) – general

- (a) An air traffic services provider shall ensure that direct-speech or data link communications, or both, are used in ground–ground communications for air traffic services purposes.
- (b) When communication for ATC coordination purposes is supported by automation, an air traffic services provider shall ensure that:
 - (1) the appropriate means are implemented to automatically receive, store, process, extract and display, and transmit the relevant flight information;

- (2) the failures or anomalies of such automated coordination are presented clearly to the air traffic controller or controllers responsible for coordinating flights at a transferring unit;
 - (3) the warnings related to system information exchange are presented to the relevant working positions;
 - (4) the information about the relevant system information exchange processes is provided to the air traffic controllers;
 - (5) air traffic controllers are provided with the means to modify the flight information exchanged.;
- (d) the following point ATS.OR.446 is inserted:

‘ATS.OR.446 Surveillance data

- (a) Air traffic services providers shall not use data from Mode S interrogators that operate under the responsibility of a third country if the allocation of the interrogator code has not been coordinated.
 - (b) Air traffic services providers shall ensure that the necessary capabilities are implemented to allow air traffic controllers to establish individual aircraft identification using the downlinked aircraft identification feature, as detailed in Appendix 1.
 - (c) Air traffic service providers shall ensure seamless operations within the airspace under their responsibility and at the boundary with adjacent airspaces by applying appropriate minimum requirements for the separation of aircraft.;
- (e) in point ATS.TR.230, the following point (c) is added:
- ‘(c) The coordination of transfer of control between units that provide area control service within the ICAO EUR region, or when so agreed with or between other air traffic control units, shall be supported by automated processes as defined in Appendix 2.;
- (f) the following Appendices 1 and 2 are added:

‘Appendix 1

Identification of individual aircraft using the downlinked aircraft identification feature as required by point ATS.OR.446(b)

The downlinked aircraft identification feature shall be used as follows to establish individual aircraft identification:

- (a) The air traffic services provider shall declare to the Network Manager the airspace volumes where individual aircraft identification is established using the downlinked aircraft identification feature.
- (b) The conspicuity SSR code A1000 shall be assigned to aircraft where individual aircraft identification is established by using the downlinked aircraft identification feature.
- (c) Except when one of the conditions set out in point (d) apply, the conspicuity SSR code A1000 shall be assigned to departing aircraft or to aircraft for which, in accordance with point (g), a code change is required, where the following conditions apply:
 - (1) the downlinked aircraft identification matches the corresponding entry in the flight plan for that aircraft;
 - (2) the Network Manager has communicated that the particular aircraft is eligible for the assignment of the conspicuity SSR code A1000.
- (d) The conspicuity SSR code A1000 shall not be assigned to aircraft referred to in point (c) if any of the following conditions apply:
 - (1) contingency measures that require the assignment of discrete SSR codes to aircraft have been put in place by an air navigation service provider that experiences unplanned ground surveillance sensor outages;

- (2) exceptional military contingency measures require air navigation service providers to assign discrete SSR codes to aircraft;
- (3) an aircraft which is eligible for the assignment of the conspicuity SSR code A1000 established in accordance with point (c) exits or is otherwise diverted outside the airspace volume referred to in point (a).
- (e) Aircraft that are not assigned the conspicuity SSR code A1000 established in accordance with point (c) shall be assigned an SSR code that complies with a code allocation list agreed by the Member States and coordinated with third countries.
- (f) When an SSR code has been assigned to an aircraft, a check shall be made at the earliest opportunity to confirm that the SSR code set by the pilot is identical to that assigned to the flight.
- (g) SSR codes assigned to aircraft being transferred from air traffic services providers in neighbouring States shall be automatically checked to see whether the assignments can be retained in compliance with a code allocation list agreed by the Member States and coordinated with third countries.
- (h) Formal arrangements with the following minimum content shall be established with neighbouring air navigation service providers that establish individual aircraft identification by using discrete SSR codes:
 - (1) an obligation on the neighbouring air navigation service providers to transfer aircraft with verified discrete SSR codes assigned in compliance with a code allocation list agreed by the Member States and coordinated with third countries;
 - (2) an obligation to notify accepting units about any observed irregularity in the operation of airborne constituents of surveillance systems;
- (i) air traffic services providers shall ensure that the assignment of discrete SSR codes in compliance with a code allocation list agreed by the Member States and coordinated with third countries to establish individual aircraft identification complies with the following:
 - (1) the SSR codes are automatically assigned to aircraft in compliance with a code allocation list agreed by the Member States and coordinated with third countries;
 - (2) the SSR codes assigned to aircraft being transferred from air navigation service providers in neighbouring States are checked to see whether the assignments can be retained in compliance with a code allocation list agreed by the Member States and coordinated with third countries;
 - (3) the SSR codes are classified into different categories to allow for differentiated code assignment;
 - (4) the SSR codes from the different categories referred to in point (3) are assigned according to the directions of flights;
 - (5) multiple simultaneous assignments of the same SSR code are made to flights that operate in code conflict-free directions;
 - (6) the controllers are automatically informed when SSR code assignments are unintentionally duplicated.;

Appendix 2

Processes to be implemented for automated coordination as required by point ATS.TR.230(c)

A. The mandatory processes to be implemented between units that provide area control service, or when so agreed with or between other air traffic control units, shall be the following:

(a) Notification

(1) The flight information subject to the notification process shall include as a minimum:

- (i) aircraft identification,
- (ii) SSR mode and code (if available),

- (iii) departure aerodrome,
 - (iv) estimate data,
 - (v) destination aerodrome,
 - (vi) number and type of aircraft,
 - (vii) type of flight,
 - (viii) equipment capability and status.
- (2) The content of the “equipment capability and status” information shall include reduced vertical separation minima (RVSM) and the 8,33 kHz channel spacing capability as a minimum. Other items may be included in accordance with the letters of agreement.
- (3) The notification process shall be performed at least once for each eligible flight planned to cross boundaries unless the flight is the subject of the pre-departure notification and coordination process.
- (4) The eligibility criteria for cross-boundary notification of flights shall be in accordance with the letters of agreement.
- (5) When the notification process cannot be performed by a bilaterally agreed time prior to the initial coordination process, it shall be included in the initial coordination process.
- (6) When performed, the notification process shall precede the initial coordination process.
- (7) The notification process shall take place again each time there is a change to any of the following data prior to the initial coordination process:
 - (i) coordination point (COP);
 - (ii) expected SSR code at the transfer of control point;
 - (iii) destination aerodrome;
 - (iv) type of aircraft;
 - (v) equipment capability and status.
- (8) If a discrepancy is identified between the transmitted data and the corresponding data in the receiving system, or no such information is available that would result in the need for corrective action upon receipt of the following initial coordination data, the discrepancy shall be referred to an appropriate controller working position for resolution.
- (9) Time criteria for the initiation of the notification process:
 - (i) The notification process shall be initiated at a parameter number of minutes before the estimated time at the COP.
 - (ii) The notification parameter(s) shall be included in the letters of agreement between the ATC units concerned.
 - (iii) The notification parameter(s) may be defined separately for each of the coordination points.
- (b) Initial coordination
 - (1) For a flight subject to initial coordination, the agreed transfer conditions of a flight shall be operationally binding for both air traffic control units unless the coordination is abrogated or revised.
 - (2) The information on the flight that is subject to the initial coordination process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) SSR mode and code;
 - (iii) departure aerodrome;
 - (iv) estimate data;

- (v) destination aerodrome;
 - (vi) number and type of aircraft;
 - (vii) type of flight;
 - (viii) equipment capability and status.
- (3) The content of the “equipment capability and status” information shall include RVSM and the 8,33 kHz channel spacing capability as a minimum. Other items may be included as bilaterally agreed by the letters of agreement.
 - (4) The initial coordination process shall be performed for all eligible flights planned to cross boundaries.
 - (5) The eligibility criteria for cross-boundary initial coordination of flights shall be in accordance with the letters of agreement.
 - (6) Unless already manually initiated, the initial coordination process shall be automatically initiated, in accordance with the letters of agreement, at:
 - (i) a bilaterally agreed parameter time period before the estimated time at the coordination point; or
 - (ii) the time at which the flight is at a bilaterally agreed distance from the coordination point.
 - (7) The initial coordination process for a flight shall only be performed once unless the abrogation of the coordination process is initiated.
 - (8) Following the abrogation of the coordination process, the initial coordination process may be initiated again with the same unit.
 - (9) The completion of the initial coordination process, including confirmation from the receiving unit, shall be passed on to the transferring unit – the flight is then considered “coordinated”.
 - (10) Failure of the initial coordination process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the controller working position responsible for the coordination of the flight within the transferring unit.
 - (11) The initial coordination information shall be made available to the appropriate controller working position at the accepting unit.
- (c) Revision of coordination
- (1) The revision-of-coordination process shall ensure association with the flight previously coordinated.
 - (2) For a flight subject to the revision-of-coordination process, the agreed transfer conditions of a flight shall be operationally binding for both air traffic control units unless the coordination is abrogated or the conditions are further revised.
 - (3) The revision-of-coordination process shall provide the following flight information, provided it has changed:
 - (i) SSR mode and code;
 - (ii) estimated time and flight level;
 - (iii) equipment capability and status.
 - (4) If bilaterally agreed, the revision-of-coordination data shall provide the following information provided it has changed:
 - (i) coordination point;
 - (ii) route.
 - (5) The revision-of-coordination process may take place one or more times with the unit with which a flight is currently coordinated.

- (6) The revision-of-coordination process shall take place when:
 - (i) the estimated time over the coordination point differs from that previously provided by more than a value bilaterally agreed;
 - (ii) the transfer level(s), SSR code or equipment capability and status is (are) different from that (those) previously provided.
 - (7) Where bilaterally agreed, the revision-of-coordination process shall take place when there is any change in the following:
 - (i) coordination point;
 - (ii) route.
 - (8) The completion of the revision-of-coordination process, including confirmation from the receiving unit, shall be passed on to the transferring unit.
 - (9) Failure of the revision-of-coordination process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the controller working position responsible for the coordination of the flight within the transferring unit.
 - (10) The revision-of-coordination process shall take place immediately following the relevant input or update.
 - (11) The revision-of-coordination process shall be inhibited after the flight is at a bilaterally agreed time/distance from the transfer control point in accordance with the letters of agreement.
 - (12) The revision-of-coordination information shall be made available to the appropriate controller working position within the receiving unit.
 - (13) Where the completion of the revision-of-coordination process is not confirmed in accordance with the applicable quality-of-service requirements, the transferring unit shall initiate verbal coordination.
- (d) Abrogation of coordination
- (1) The abrogation-of-coordination process shall ensure association with the previous notification or coordination process that is being cancelled.
 - (2) The abrogation-of-coordination process shall take place with a unit for a coordinated flight when:
 - (i) the unit is no longer the next unit in the coordination sequence;
 - (ii) the flight plan is cancelled in the sending unit and the coordination is no longer relevant;
 - (iii) abrogation-of-coordination information is received from the previous unit in respect of the flight.
 - (3) The abrogation-of-coordination process may take place with a unit for a notified flight when:
 - (i) the unit is no longer the next unit in the coordination sequence;
 - (ii) the flight plan is cancelled in the sending unit and the coordination is no longer relevant;
 - (iii) abrogation-of-coordination information is received from the previous unit in respect of the flight;
 - (iv) the flight is delayed en route, and a revised estimate cannot be determined automatically.
 - (4) The completion of the abrogation-of-coordination process, including confirmation from the receiving unit, shall be passed on to the transferring unit.
 - (5) Failure of the abrogation-of-coordination process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the controller working position responsible for the coordination of the flight within the transferring unit.

- (6) The abrogation-of-coordination information shall be made available to the appropriate controller working position within the notified unit or within the unit with which the coordination is cancelled.
 - (7) Where the completion of the abrogation-of-coordination process is not confirmed in accordance with the applicable quality-of-service requirements, the transferring unit shall initiate verbal coordination.
 - (e) Basic flight data
 - (1) The information subject to the basic-flight-data process shall provide as a minimum:
 - (i) aircraft identification;
 - (ii) SSR mode and code.
 - (2) Any additional information provided by the basic-flight-data process shall be subject to bilateral agreement.
 - (3) The basic-flight-data process shall be performed automatically for each eligible flight.
 - (4) The eligibility criteria for basic-flight-data shall be in accordance with the letters of agreement.
 - (5) The completion of the basic-flight-data process, including confirmation from the receiving unit, shall be passed on to the supplying unit.
 - (6) Failure of the basic-flight-data process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the supplying unit.
 - (f) Change to basic flight data
 - (1) The change-to-basic-flight-data process shall ensure association with the flight previously subject to a basic-flight-data process.
 - (2) Any other information subject to the change-to-basic-flight-data process and the associated criteria for its provision shall be subject to bilateral agreement.
 - (3) A change-to-basic-flight-data process shall only take place for a flight which has previously been notified by a basic-flight-data process.
 - (4) A change-to-basic-flight-data process shall be initiated automatically in accordance with bilaterally agreed criteria.
 - (5) The completion of the change-to-basic-flight-data process, including confirmation from the receiving unit, shall be passed on to the supplying unit.
 - (6) Failure of the change-to-basic-flight-data process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the supplying unit.
 - (7) The change-to-basic-flight-data information shall be made available to the appropriate controller working position within the receiving unit.
- B. When agreed between the units concerned to conduct the pre-departure notification, the change-of-frequency or the manual-assumption-of-communication processes shall be as follows:
 - (a) Pre-departure notification and coordination
 - (1) The information subject to the pre-departure notification and coordination process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) SSR mode and code (if available);
 - (iii) departure aerodrome;
 - (iv) estimated take-off time or estimate data, as bilaterally agreed;

- (v) destination aerodrome;
 - (vi) number and type of aircraft.
 - (2) The information subject to the pre-departure notification and coordination process from a terminal manoeuvring area (TMA) control unit or an ACC shall contain the following:
 - (i) type of flight;
 - (ii) equipment capability and status.
 - (3) The content of the “equipment capability and status” information shall include RVSM and the 8,33 kHz channel spacing capability as a minimum.
 - (4) The “equipment capability and status” information may contain other items as bilaterally agreed by the letters of agreement.
 - (5) The pre-departure notification and coordination process shall take place one or more times for each eligible flight planned to cross the boundaries where the flight time from departure to the coordination point would not allow sufficient time for the initial coordination or notification processes to be executed.
 - (6) The eligibility criteria for the cross-boundary pre-departure notification and coordination of flights shall be in accordance with the letters of agreement.
 - (7) The pre-departure notification and coordination process shall take place again each time there is a change to any item of the data subject to the previous pre-departure notification and coordination process before departure.
 - (8) The completion of the pre-departure notification and coordination process, including confirmation from the receiving unit, shall be passed on to the transferring unit.
 - (9) Failure of the pre-departure notification and coordination process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the controller working position responsible for the notification/coordination of the flight within the transferring unit.
 - (10) The pre-departure notification and coordination information shall be made available at the appropriate controller working position within the notified unit.
- (b) Change of frequency
- (1) The information subject to the change-of-frequency process shall include the aircraft identification and any of the following, if available:
 - (i) release indication;
 - (ii) cleared flight level;
 - (iii) assigned heading/track or direct clearance;
 - (iv) assigned speed;
 - (v) assigned rate of climb/descent.
 - (2) If bilaterally agreed, change of frequency data shall contain the following:
 - (i) current track position;
 - (ii) instructed frequency.
 - (3) The change-of-frequency process shall be manually initiated by the transferring controller.
 - (4) The completion of the change-of-frequency process, including confirmation from the accepting unit, shall be passed on to the transferring ATC unit.

- (5) Failure of the change-of-frequency process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the transferring ATC unit.
 - (6) The change-of-frequency information shall be made available to the accepting controller without delay.
- (c) Manual assumption of communications
 - (1) The information subject to the manual-assumption-of-communications process shall include as a minimum the aircraft identification.
 - (2) The manual-assumption-of-communications process shall be initiated by the accepting unit when communication is established.
 - (3) The completion of the manual-assumption-of-communications process, including confirmation from the transferring unit, shall be passed on to the accepting ATC unit.
 - (4) Failure of the manual-assumption-of-communications process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the accepting ATC unit.
 - (5) The manual-assumption-of-communications information shall be presented immediately to the controller within the transferring unit.
- (d) Crossing intention notification
 - (1) The information subject to the crossing-intention-notification process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) SSR mode and code;
 - (iii) number and type of aircraft;
 - (iv) identifier of sector in charge;
 - (v) crossing route including estimated times and flight levels for each point on the route.
 - (2) The crossing-intention-notification process shall be initiated manually by the controller, or automatically as described in the letters of agreement.
 - (3) The completion of the crossing-intention-notification process, including confirmation from the notified unit, shall be passed on to the notifying unit.
 - (4) Failure of the crossing-intention-notification process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning within the notifying unit.
 - (5) The crossing-intention-notification information shall be made available to the appropriate controller working position within the notified unit.
- (e) Crossing clearance request
 - (1) The information subject to the crossing-clearance-request process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) SSR mode and code;
 - (iii) number and type of aircraft;
 - (iv) identifier of sector in charge;
 - (v) crossing route including estimated times and flight levels for each point on the route.
 - (2) If bilaterally agreed, a crossing clearance request shall contain the equipment capability and status.

- (3) The content of the “equipment capability and status” information shall include the RVSM capability as a minimum, and may contain other items as bilaterally agreed.
 - (4) The crossing clearance request shall be initiated at the controller’s discretion, in accordance with the conditions specified in the letters of agreement.
 - (5) The completion of the crossing-clearance-request process, including confirmation from the unit receiving the request, shall be provided to the requesting unit.
 - (6) Failure of the crossing-clearance-request process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the requesting unit.
 - (7) The crossing-clearance-request information shall be made available to the appropriate controller working position within the unit receiving the request.
 - (8) A crossing-clearance-request process shall be replied to by any of the following:
 - (i) the acceptance of the proposed route/airspace crossing details;
 - (ii) a counter-proposal including different route/airspace crossing details as specified in Section 6 below;
 - (iii) the rejection of the proposed route/airspace crossing details.
 - (9) If an operational reply is not received within a bilaterally agreed interval, a warning shall be issued at the appropriate controller working position within the requesting unit.
- (f) Crossing counter-proposal
- (1) The crossing-counter-proposal process shall ensure association with the flight previously subject to coordination.
 - (2) The information subject to the crossing-counter-proposal process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) crossing route including estimated times and flight levels for each point on the route.
 - (3) The counter-proposal shall include a proposed new flight level and/or route.
 - (4) The completion of the crossing-counter-proposal process, including confirmation from the original requesting unit, shall be passed on to the counter-proposing unit.
 - (5) Failure of the crossing-counter-proposal process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate controller working position within the counter-proposing unit.
 - (6) The crossing-counter-proposal information shall be made available to the appropriate controller working position within the original requesting unit.
 - (7) The confirmation of the successful processing of the crossing-counter-proposal information by the original requesting unit shall be followed by an operational reply from the original requesting unit.
 - (8) The operational reply to a crossing counter-proposal shall be acceptance or rejection, as appropriate.
 - (9) If an operational reply is not received within a bilaterally agreed interval, a warning shall be issued at the appropriate controller working position within the counter-proposing unit.
- (g) Crossing cancellation
- (1) The crossing-cancellation process shall ensure association with the previous notification or coordination process that is cancelled.

- (2) A crossing-cancellation process shall be initiated by the unit responsible for the flight when one of the following occurs:
 - (i) the flight previously notified by the basic-flight-data process will now not enter the airspace of the notified unit or is no longer of interest to the notified unit;
 - (ii) the crossing will not be executed on the route expressed in the crossing-intention-notification information;
 - (iii) the crossing will not be executed according to the conditions under negotiation or according to the conditions agreed after an airspace crossing dialogue.
 - (3) A crossing-cancellation process shall be triggered automatically or manually by a controller input in accordance with the letters of agreement.
 - (4) The completion of the crossing-cancellation process, including confirmation from the notified/requested unit, shall be passed on to the cancelling unit.
 - (5) Failure of the crossing-cancellation process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in a warning at the appropriate working position within the cancelling unit.
 - (6) The crossing-cancellation information shall be made available to the appropriate controller working position within the notified/requested unit.
- C. Between units that provide area control services required to operate the data link services as referred to in point AUR.COM.2005(1)(a) of Implementing Regulation (EU) 2023/1770, or when so agreed with or between other units, the following processes shall be supported by automation:
- (a) Logon forward
 - (1) The information subject to the logon-forward process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) departure aerodrome;
 - (iii) destination aerodrome;
 - (iv) logon type;
 - (v) logon parameters.
 - (2) One logon-forward process shall be performed for each data link logged-on flight planned to cross boundaries.
 - (3) The logon-forward process shall be initiated at or as soon as possible after the earlier of the times determined, in accordance with the letters of agreement, from the following:
 - (i) a parameter number of minutes before the estimated time at the coordination point;
 - (ii) the time at which the flight is at a bilaterally agreed distance from the coordination point.
 - (4) The eligibility criteria for the logon-forward process shall be in accordance with the letters of agreement.
 - (5) The logon-forward information shall be included with the corresponding flight information in the receiving unit.
 - (6) The logged-on status of the flight may be displayed at the appropriate controller working position within the receiving unit.
 - (7) The completion of the logon-forward process, including confirmation from the receiving unit, shall be passed on to the transferring unit.

- (8) Failure of the logon-forward process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in the initiation of an air-ground data link contact request to the aircraft.
- (b) Next authority notified
 - (1) The information subject to the next-authority-notified process shall include as a minimum:
 - (i) aircraft identification;
 - (ii) departure aerodrome;
 - (iii) destination aerodrome.
 - (2) One next-authority-notified process shall be performed for each eligible flight crossing boundaries.
 - (3) The next-authority-notified process shall be initiated after the next data authority request with the aircraft has been acknowledged by the airborne system.
 - (4) Following the successful processing of the next-authority-notified information, the receiving unit shall initiate a controller-pilot data link communication (CPDLC) start request with the aircraft.
 - (5) If the next-authority-notified information has not been received in accordance with a bilaterally agreed parameter time, local procedures shall be applied by the receiving unit for the initiation of data link communications with the aircraft.
 - (6) The completion of the next-authority-notified process, including confirmation from the receiving unit, shall be passed on to the transferring unit.
 - (7) Failure of the next-authority-notified-process to confirm completion, in accordance with the applicable quality-of-service requirements, shall result in the initiation of local procedures within the transferring unit.’;
- (5) in Annex VIII, Subpart B, the following Section 2 is added:

‘SECTION 2

Technical requirements for providers of surveillance services

CNS.TR.205 Allocation and use of Mode S interrogator codes

- (a) A surveillance services provider shall only operate an eligible Mode S interrogator, using an eligible interrogator code (IC), if it has received an interrogator code allocation, for this purpose, from the Member State concerned.
- (b) A surveillance services provider that intends to operate, or operates, an eligible Mode S interrogator for which no interrogator code allocation has been received, shall submit to the Member State concerned an interrogator code application, include the following key items, as a minimum:
 - (1) a unique application reference from the Member State concerned;
 - (2) full contact details of the Member State’s representative responsible for the coordination of the Mode S interrogator code allocation;
 - (3) full contact details of the Mode S operator’s point of contact for Mode S IC allocation matters;
 - (4) Mode S interrogator name;
 - (5) Mode S interrogator use (operational or test);
 - (6) Mode S interrogator location;
 - (7) Mode S interrogator planned date of first Mode S transmission;
 - (8) requested Mode S coverage;
 - (9) specific operational requirements;

- (10) SI code capability;
- (11) "II/SI code operation" capability;
- (12) coverage map capability.
- (c) A surveillance services provider shall comply with the key items of the interrogator code allocations it has received, including the following items as a minimum:
 - (1) the corresponding application reference from the Member State concerned;
 - (2) a unique allocation reference from the interrogator code allocation service;
 - (3) superseded allocation references, as required;
 - (4) allocated interrogator code;
 - (5) surveillance and lockout coverage restrictions under the form of sectorised ranges or Mode S coverage map;
 - (6) implementation period during which the allocation needs to be registered into the Mode S interrogator identified in the application;
 - (7) implementation sequence which needs to be complied with;
 - (8) optionally and associated with other alternatives: cluster recommendation;
 - (9) specific operational restrictions, as required.
- (d) A surveillance services provider shall inform the Member State concerned at least every 6 months of any change in the installation planning or in the operational status of the eligible Mode S interrogators regarding any of the interrogator code allocation key items listed in point (c).
- (e) The surveillance services provider shall ensure that each of their Mode S interrogators uses exclusively its allocated interrogator code.;
- (6) in Annex IX, point ATFM.TR.100 is replaced by the following:

'ATFM.TR.100 Working methods and operating procedures for providers of air traffic flow management

An air traffic flow management provider shall be able to demonstrate that its working methods and operating procedures are compliant with Commission Regulations (EU) No 255/2010 (*) and (EU) 2019/123.

(*) Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (OJ L 80, 26.3.2010, p. 10).;

- (7) in Annex X, point ASM.TR.100 is replaced by the following:

'ASM.TR.100 Working methods and operating procedures for providers of airspace management

An airspace management provider shall be able to demonstrate that its working methods and operating procedures are compliant with Commission Regulations (EC) No 2150/2005 (*) and (EU) 2019/123.

(*) Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20).;

- (8) Annex XII is amended as follows:

- (a) NM.TR.100 is replaced by the following:

'NM.TR.100 Working methods and operating procedures for the Network Manager

The Network Manager shall be able to demonstrate that its working methods and operating procedures are compliant with Regulations (EU) No 255/2010 and (EU) No 2019/123.;

- (b) the following Section 2 is added:

*SECTION 2****Technical requirements for the execution of air traffic management network functions (network functions)*****NM.TR.105 Allocation and use of Mode S interrogator codes**

- (a) The Network Manager shall have a procedure in place that ensures that the interrogator code allocation system:
- (1) checks interrogator code applications for compliance with the applicable format and data conventions;
 - (2) checks interrogator code applications for completeness, accuracy, and timeliness;
 - (3) within maximum 6 calendar months from the date of application:
 - (i) performs interrogator code allocation plan update simulations on the basis of the pending applications;
 - (ii) prepares a proposed update of the interrogator code allocation plan for approval by the Member States affected by it;
 - (iii) ensures that the proposed update to the interrogator code allocation plan meets, to the greatest extent possible, the operational requirements of the interrogator code applications, as described by key items (7), (8) and (9) listed in point (b) of point CNS.TR.205;
 - (iv) updates, and communicates to Member States, the interrogator code allocation plan immediately after its approval, without prejudice to national procedures for the communication of information on Mode S interrogators operated by the military.
- (b) The Network Manager shall take the necessary measures to ensure that military units that operate eligible Mode S interrogators on any interrogator code other than II code 0, and other codes reserved for military management, comply with the requirements on the allocation and use of Mode S interrogator codes.
- (c) The Network Manager shall take the necessary measures to ensure that military units that operate Mode S interrogators on II code 0, or other interrogator codes reserved for military management, monitor the exclusive use of these interrogator codes to avoid the uncoordinated use of any eligible interrogator code (IC).
- (d) The Network Manager shall take the necessary measures to ensure that the allocation and use of interrogator codes for military units has no detrimental impact on the safety of general air traffic.

NM.TR.110 Flagging of flights that are eligible for individual identification using the aircraft identification feature

- (a) The Network Manager shall, based on the airspace volume declared according to Appendix 1 to point (b) of point ATS.OR.446 of this Regulation and the flight plans filed in accordance with point SERA.4013 of Implementing Regulation (EU) No 923/2012, assess the eligibility of the flight for the assignment of the conspicuity SSR code A1000.
- (b) The Network Manager shall communicate to all affected air traffic services units those flights that are eligible for the use of the conspicuity SSR code A1000.'
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