“Official Gazette of the Republic of Serbia”, No 69/11

On the basis of the Article 265 and Article 237(3) of the Air Transport Law (”Official Gazette of the Republic of Serbia”,No. 73/10 and 57/11),

The Management Board of the Civil Aviation Directorate of the Republic of Serbia passes

REGULATION ON TRANSPOSITION OF THE EUROPEAN UNION REGULATION ON THE INTEROPERABILITY OF THE EUROPEAN AIR TRAFFIC MANAGEMENT NETWORK

Scope
Article 1

This Regulation transposes the 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), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system.

The 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), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system is given in the Appendix to this Regulation.

Definitions
Article 2

For the purpose of this Regulation definitions contained in the Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky (the framework Regulation), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system, which is transposed into the regulatory framework of the Republic of Serbia by Annex 1 to the Regulation on requirements and the validity period of the certificate for providing air navigation services (“Official Gazette of the Republic of Serbia”, No 32/11).

Apart from the definitions referred to in paragraph 1 hereof, terms used in this Regulation shall have the following meaning:

1) “EATMN” means the European network for air traffic management;

2) ”ECAA” Agreement means the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (Pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the establishment of the European Common Aviation Area;

3) “EUROCONTROL” is the European Organization for the Safety of Air Navigation set up by the International Convention of 13 December 1960 relating to Co-operation for the Safety of Air Navigation;

4) “ICAO” means International Civil Aviation Organization;

5) “surveillance data” means all surveillance inputs received from technical systems to form the best estimate of the current aircraft position, e.g. a radar system;

6) “surveillance system” means a technical system used to determine the respective positions of aircraft, which involves radar or other systems for aircraft positioning;

7) “The Regulation on the air navigation services provision” means the Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky, amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system, which is transposed into the regulatory framework of the Republic of Serbia by Annex 2 to the Regulation on requirements and the validity period of the certificate for providing air navigation services (“Official Gazette of the Republic of Serbia”, No 32/11).

Terms “Community”, “Community Law”, “European Union airport”, “Official Journal of the European Union“ and “Member State” used in Appendices to this Regulation shall be interpreted in accordance with items 2 and 3 of the Annex II to the ECAA Agreement and appropriate provisions of the Lisabon Agreement amending the Agreement on the European Union and the Treaty Establishing the European Community.

The term “national supervisory authority” used in the Appendix to this Regulation shall be interpreted as the Civil Aviation Directorate of the Republic of Serbia (hereinafter referred to as: Directorate).

Entry into force of this Regulation
Article 3

This Regulation shall enter into force on the eight day following the day of its publication in the “Official Gazette of the Republic of Serbia”.

No 1/0-01-0004/2011/0005
In Belgrade, 25 August 2011

Management Board

President

APPENDIX

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), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system

CHAPTER I
GENERAL
Objective and scope
Article 1

1. Within the scope of the framework Regulation, this Regulation concerns the interoperability of the EATMN.
2. This Regulation shall apply to the systems, their constituents and associated procedures identified in Annex I.
3. The objective of this Regulation is to achieve interoperability between the different systems, constituents and associated procedures of the EATMN, taking due account of the relevant international rules. This Regulation aims also at ensuring the coordinated and rapid introduction of new agreed and validated concepts of operations or technology in air traffic management.

CHAPTER II
ESSENTIAL REQUIREMENTS, IMPLEMENTING RULES FOR INTEROPERABILITY AND COMMUNITY SPECIFICATIONS
Essential requirements
Article 2

The EATMN, its systems and their constituents and associated procedures shall meet essential requirements. The essential requirements are set out in Annex II.

Implementing rules for interoperability
Article 3

1. Implementing rules for interoperability shall be drawn up whenever necessary to achieve in a coherent way the objectives of this Regulation.
2. Systems, constituents and associated procedures shall comply with the relevant implementing rules for interoperability throughout their lifecycle.
3. Implementing rules for interoperability shall in particular:

(a) determine any specific requirements that complement or refine the essential requirements, in particular in terms of safety, seamless operation and performance; and/or

(b) describe, where appropriate, any specific requirements that complement or refine the essential requirements, in particular regarding the coordinated introduction of new, agreed and validated concepts of operation or technologies; and/or

(c) determine the constituents when dealing with systems; and/or

(d) describe the specific conformity assessment procedures involving, where appropriate, notified bodies as referred to in Article 8, based on the modules defined in Decision 93/465/EEC to be used to assess either the conformity or the suitability for use of constituents as well as the verification of systems; and/or

(e) specify the conditions of implementation including, where appropriate, the date by which all relevant stakeholders are required to comply with them.

4. The preparation, adoption and review of implementing rules for interoperability shall take into account the estimated costs and benefits of technical solutions by means of which they may be complied with, with a view to defining the most viable solution, having due regard to the maintenance of an agreed high level of safety. An assessment of the costs and benefits of those solutions for all stakeholders concerned shall be attached to each draft implementing rule for interoperability.

5. Implementing rules for interoperability shall be established in accordance with the procedure under Article 8 of the framework Regulation.

Community specifications

Article 4

1. In pursuit of the objective of this Regulation, Community specifications may be established. Such specifications may be:

(a) European standards for systems or constituents, together with the relevant procedures, drawn up by the European standardisation bodies in cooperation with Eurocae, on a mandate from the Commission in accordance with Article 6(4) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations(13) and pursuant to the general guidelines on cooperation between the Commission and the standardisation bodies signed on 13 November 1984;

or

(b) specifications drawn up by Eurocontrol on matters of operational coordination between air navigation service providers, in response to a request from the Commission in accordance with the procedure referred to in Article 5(2) of the framework Regulation.

2. Compliance with the essential requirements and/or the implementing rules for interoperability shall be presumed for systems, together with the associated procedures, or constituents that meet the relevant Community specifications and whose reference numbers have been published in the Official Journal of the European Union.

3. The Commission shall publish the references to the European standards referred to in paragraph 1(a) in the Official Journal of the European Union.

4. The references to Eurocontrol specifications referred to in paragraph 1(b), shall be published by the Commission in the Official Journal of the European Union in accordance with the procedure referred to in Article 5(2) of the framework Regulation.

5. Where a Member State or the Commission considers that conformity with a published Community specification does not ensure compliance with the essential requirements and/or implementing rules for interoperability which the said Community specification is intended to cover, the procedure referred to in Article 5(2) of the framework Regulation shall apply.
6. In the case of shortcomings of published European standards, partial or total withdrawal of the standards concerned from the publications containing them, or amendments thereto, may be decided upon in accordance with the procedure referred to in Article 5(2) of the framework Regulation after consultation of the committee set up under Article 5 of Directive 98/34/EC.
7. In the case of shortcomings of published Eurocontrol specifications, partial or total withdrawal of the specifications concerned from the publications containing them, or amendment thereof, may be decided upon in accordance with the procedure referred to in Article 5(2) of the framework Regulation.

CHAPTER III
VERIFICATION OF COMPLIANCE

EC declaration of conformity or suitability for use of constituents

Article 5

1. Constituents shall be accompanied by an EC declaration of conformity or suitability for use. The elements of this declaration are set out in Annex III.
2. The manufacturer, or its authorised representative established in the Community, shall ensure and declare, by means of the EC declaration of conformity or suitability for use that he has applied the provisions laid down in the essential requirements and in the relevant implementing rules for interoperability.
3. Compliance with the essential requirements and the relevant implementing rules for interoperability shall be presumed in relation to those constituents that are accompanied by the EC declaration of conformity or suitability for use.
4. The relevant implementing rules for interoperability shall identify, where appropriate, the tasks pertaining to the assessment of conformity or suitability for use of constituents to be carried out by the notified bodies referred to in Article 8.

EC declaration of verification of systems

Article 6

1. Systems shall be subject to EC verification by the air navigation service provider in accordance with the relevant implementing rules for interoperability, in order to ensure that they meet the essential requirements of this Regulation and the implementing rules for interoperability, when integrated into the EATMN.
2. Before a system is put into service, the relevant air navigation service provider shall establish an EC declaration of verification, confirming compliance, and shall submit it to the national supervisory authority together with a technical file. The elements of this Declaration and of the technical file are set out in Annex IV. The national supervisory authority may require any additional information necessary to supervise such compliance.

3. The relevant implementing rules for interoperability shall identify, where appropriate, the tasks pertaining to the verification of systems to be carried out by the notified bodies as referred to in Article 8.
4. The EC declaration of verification shall be without prejudice to any assessments that the national supervisory authority may need to carry out on grounds other than interoperability.

Alternative verification of compliance

Article 6a

A certificate issued in accordance with Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, where it applies to constituents or systems, shall be considered, for the purposes of Articles 5 and 6 of this Regulation, as an EC declaration of conformity or suitability for use, or as an EC declaration of verification, if it includes a demonstration of compliance with the essential requirements of this Regulation and the relevant implementing rules for interoperability.

Safeguards

Article 7

1. Where the national supervisory authority ascertains that:
(a) a constituent accompanied by an EC declaration of conformity or suitability for use, or
(b) a system accompanied by the EC declaration of verification,

does not comply with the essential requirements and/or relevant implementing rules for interoperability, it shall, with due regard to the need to ensure safety and continuity of operations, take all measures necessary to restrict the area of application of the constituent or the system concerned or to prohibit its use by the entities under the responsibility of the authority.

2. The Member State concerned shall immediately inform the Commission of any such measures, indicating its reasons and, in particular, whether in its opinion non-compliance with the essential requirements is due to:
(a) failure to meet the essential requirements;
(b) incorrect application of the implementing rules for interoperability and/or Community specifications;
(c) shortcomings in the implementing rules for interoperability and/or Community specifications.
3. As soon as possible, the Commission shall consult the parties concerned. After such consultation, the Commission shall inform the Member State of its findings and of its opinion as to whether the measures taken by the national supervisory authority are justified.
4. Where the Commission establishes that the measures taken by the national supervisory authority are not justified, it shall request the Member State concerned to ensure that they are withdrawn without delay. It shall forthwith so inform the manufacturer or its authorized representative established in the Community.

5. Where the Commission establishes that non-compliance with the essential requirements is due to incorrect application of the implementing rules for interoperability and/or the Community specifications, the Member State concerned shall take appropriate measures against the originator of the declaration of conformity or suitability for use or the EC declaration of verification and shall inform the Commission and the other Member States thereof.
6. Where the Commission establishes that non-compliance with the essential requirements is due to shortcomings in the Community specifications, the procedures referred to in Article 4(6) or (7) shall apply.

Notified bodies
Article 8

1. Member States shall notify the Commission and the other Member States of the bodies they have appointed to carry out tasks pertaining to the assessment of conformity or suitability for use referred to in Article 5, and/or the verification referred to in Article 6, indicating each body's area of responsibility and its identification number obtained from the Commission. The Commission shall publish in the Official Journal of the European Union the list of bodies, their identification numbers and areas of responsibility, and shall keep the list updated.
2. Member States shall apply the criteria provided for in Annex V for the assessment of the bodies to be notified. Bodies meeting the assessment criteria provided for in the relevant European standards shall be deemed to meet the said criteria.
3. Member States shall withdraw notification of a notified body which no longer meets the criteria provided for in Annex V. It shall forthwith inform the Commission and the other Member States thereof.
4. Without prejudice to the requirements referred to in paragraphs 1, 2 and 3, Member States may decide to appoint organisations recognized in conformity with Article 3 of the service provision Regulation as notified bodies.

CHAPTER IV
FINAL PROVISIONS

Revision of Annexes
Article 9

Measures, designed to amend non-essential elements of the Annexes, in order to take into account technical or operational developments, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(4) of the framework Regulation.

Transitional arrangements
Article 10

1. Starting from 20 October 2005, the essential requirements shall apply to the putting into service of systems and constituents of the EATMN, if not otherwise specified by the relevant implementing rules for interoperability.

2. 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 by the relevant implementing rules for interoperability.

2a. For the purposes of paragraph 2 of this Article, Member States may declare systems and constituents of the EATMN as compliant with the essential requirements and exempt from the provisions of Articles 5 and 6.

3. Where systems of the EATMN have been ordered or binding contracts to that effect have been signed

– before the date of entry into force of this Regulation, or, where appropriate,

– before the date of entry into force of one or more relevant implementing rules for interoperability,

so that compliance with the essential requirements and/or the relevant implementing rules for interoperability cannot be guaranteed within the time limit mentioned in paragraph 1, the Member State concerned shall communicate to the Commission detailed information on the essential requirements and/or implementing rules for interoperability where uncertainty of compliance has been identified.

The Commission shall enter into consultation with the parties concerned, after which it shall take a decision in accordance with the procedure referred to in Article 5(3) of the framework Regulation.

Repeal
Article 11

Directives 93/65/EEC and 97/15/EC and Regulations (EC) Nos 2082/2000 and 980/2002 shall be repealed on 20 October 2005.

Entry into force
Article 12

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.

ANNEX I

LIST OF SYSTEMS FOR AIR NAVIGATION SERVICES

For the purpose of this Regulation the EATMN is subdivided into eight systems.

1. Systems and procedures for airspace management.
2. Systems and procedures for air traffic flow management.
3. Systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human-machine interface systems.
4. Communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications.
5. Navigation systems and procedures.
6. Surveillance systems and procedures.
7. Systems and procedures for aeronautical information services.
8. Systems and procedures for the use of meteorological information.

ANNEX II

ESSENTIAL REQUIREMENTS

Part A: General requirements

These are network-wide requirements that are generally applicable to each one of the systems identified in Annex I.

1. Seamless operation

Air traffic management systems and their constituents shall be designed, built, maintained and operated using the appropriate and validated procedures, in such a way as to ensure the seamless operation of the EATMN at all times and for all phases of flight. Seamless operation can be expressed, in particular, in terms of information-sharing, including the relevant operational status information, common understanding of information, comparable processing performances and the associated procedures enabling common operational performances agreed for the whole or parts of the EATMN.

2. Support for new concepts of operation

The EATMN, its systems and their constituents shall support, on a coordinated basis, new agreed and validated concepts of operation that improve the quality, sustainability and effectiveness of air navigation services, in particular in terms of safety and capacity.

The potential of new concepts, such as collaborative decision-making, increasing automation and alternative methods of delegation of separation responsibility, shall be examined taking due account of technological developments and of their safe implementation, following validation.

3. Safety

Systems and operations of the EATMN shall achieve agreed high levels of safety. Agreed safety management and reporting methodologies shall be established to achieve this.

In respect of appropriate ground-based systems, or parts thereof, these high levels of safety shall be enhanced by safety nets which shall be subject to agreed common performance characteristics.

A harmonized set of safety requirements for the design, implementation, maintenance and operation of systems and their constituents, both for normal and degraded modes of operation, shall be defined with a view to achieving the agreed safety levels, for all phases of flight and for the entire EATMN.

Systems shall be designed, built, maintained and operated, using the appropriate and validated procedures, in such a way that the tasks assigned to the control staff are compatible with human capabilities, in both the normal and degraded modes of operation, and are consistent with required safety levels.

Systems shall be designed, built, maintained and operated using the appropriate and validated procedures, in such a way as to be free from harmful interference in their normal operational environment.

4. Civil-military coordination

The EATMN, its systems and their constituents shall support the progressive implementation of civil/military coordination, to the extent necessary for effective airspace and air traffic flow management, and the safe and efficient use of airspace by all users, through the application of the concept of the flexible use of airspace.

To achieve these objectives, the EATMN, its systems and their constituents shall support the timely sharing of correct and consistent information covering all phases of flight, between civil and military parties.

Account should be taken of national security requirements.

5. Environmental constraints

Systems and operations of the EATMN shall take into account the need to minimize environmental impact in accordance with Community legislation.

6. Principles governing the logical architecture of systems

Systems shall be designed and progressively integrated with the objective of achieving a coherent and increasingly harmonized, evolutionary and validated logical architecture within the EATMN.

7. Principles governing the construction of systems

Systems shall be designed, built and maintained on the grounds of sound engineering principles, in particular those relating to modularity, enabling interchangeability of constituents, high availability, and redundancy and fault tolerance of critical constituents.

Part B: Specific requirements

These are the requirements that are specific to each one of the systems and that complement or further refine the general requirements.

1. Systems and procedures for airspace management

1.1. Seamless operation

Information relating to pre-tactical and tactical aspects of airspace availability shall be provided to all interested parties in a correct and timely way so as to ensure an efficient allocation and use of airspace by all airspace users. This should take into account national security requirements.

2. Systems and procedures for air traffic flow management

2.1. Seamless operation

Systems and procedures for air traffic flow management shall support the sharing of correct, coherent and relevant strategic, pre-tactical and tactical, as applicable, flight information covering all phases of flight and offer dialogue capabilities with a view to achieving optimized use of airspace.

3. Systems and procedures for air traffic services

3.1. Flight data processing systems

3.1.1. Seamless operation

Flight data processing systems shall be interoperable in terms of the timely sharing of correct and consistent information, and a common operational understanding of that information, in order to ensure a coherent and consistent planning process and resource-efficient tactical coordination throughout the EATMN during all phases of flight.

In order to ensure safe, smooth and expeditious processing throughout the EATMN, flight data processing performances shall be equivalent and appropriate for a given environment (surface, terminal manoeuvring area (TMA), en-route), with known traffic characteristics and exploited under an agreed and validated operational concept, in particular in terms of accuracy and error tolerance of processing results.

3.1.2. Support for new concepts of operation

Flight data processing systems shall accommodate the progressive implementation of advanced, agreed and validated concepts of operation for all phases of flight, in particular as envisaged in the ATM Master Plan.

The characteristics of automation-intensive tools must be such as to enable coherent and efficient pre-tactical and tactical processing of flight information in parts of the EATMN.

Airborne and ground systems and their constituents supporting new, agreed and validated concepts of operation shall be designed, built, maintained and operated, using appropriate and validated procedures, in such a way as to be interoperable in terms of timely sharing of correct and consistent information and a common understanding of the current and predicted operational situation.

3.2. Surveillance data processing systems

3.2.1. Seamless operation

Surveillance data processing systems shall be designed, built, maintained and operated using the appropriate and validated procedures, in such a way as to provide the required performance and quality of service within a given environment (surface, TMA, en-route) with known traffic characteristics, in particular in terms of accuracy and reliability of computed results, correctness, integrity, availability, continuity and timeliness of information at the control position.

Surveillance data processing systems shall accommodate the timely sharing of relevant, accurate, consistent and coherent information between them to ensure optimized operations through different parts of the EATMN.

3.2.2. Support for new concepts of operation

Surveillance data processing systems shall accommodate the progressive availability of new sources of surveillance information in such a way as to improve the overall quality of service, in particular as envisaged in the ATM Master Plan.

3.3. Human-machine interface systems

3.3.1. Human-machine interfaces of ground air traffic management systems shall be designed, built, maintained and operated using the appropriate and validated procedures,

in such a way as to offer to all control staff a progressively harmonized working environment, including functions and ergonomics, meeting the required performance for a given environment (surface, TMA, en-route), with known traffic characteristics.

3.3.2. Support for new concepts of operation

Human-machine interface systems shall accommodate the progressive introduction of new, agreed and validated concepts of operation and increased automation, in such a way as to ensure that the tasks assigned to the control staff remain compatible with human capabilities, in both the normal and degraded modes of operation.

4. Communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications

4.1. Seamless operation

Communication systems shall be designed, built, maintained and operated using the appropriate and validated procedures, in such a way as to achieve the required performances within a given volume of airspace or for a specific application, in particular in terms of communication processing time, integrity, availability and continuity of function.

The communications network within the EATMN shall be such as to meet the requirements of quality of service, coverage and redundancy.

4.2. Support for new concepts of operation

Communication systems shall support the implementation of advanced, agreed and validated concepts of operation for all phases of flight, in particular as envisaged in the ATM Master Plan.

5. Navigation systems and procedures

5.1. Seamless operation

Navigation systems shall be designed, built, maintained and operated using appropriate and validated procedures in such a way as to achieve the required horizontal and vertical navigation performance, in particular in terms of accuracy and functional capability, for a given environment (surface, TMA, en-route), with known traffic characteristics and exploited under an agreed and validated operational concept.

6. Surveillance systems and procedures

6.1. Seamless operation

Surveillance systems shall be designed, built, maintained and operated using appropriate and validated procedures in such a way as to provide the required performance applicable in a given environment (surface, TMA, en-route) with known traffic characteristics and exploited under an agreed and validated operational concept, in particular in terms of accuracy, coverage, range and quality of service.

The surveillance network within the EATMN shall be such as to meet the requirements of accuracy, timeliness, coverage and redundancy. The surveillance network shall enable surveillance data to be shared in order to enhance operations throughout the EATMN.

7. Systems and procedures for aeronautical information services

7.1. Seamless operation

Accurate, timely and consistent aeronautical information shall be provided progressively in an electronic form, based on a commonly agreed and standardized data set.

Accurate and consistent aeronautical information, in particular concerning airborne and ground-based constituents or systems, shall be made available in a timely manner.

7.2. Support for new concepts of operation

Increasingly accurate, complete and up-to-date aeronautical information shall be made available and used in a timely manner in order to support continuous improvement of the efficiency of airspace and airport use.

8. Systems and procedures for the use of meteorological information

8.1. Seamless operation

Systems and procedures for the use of meteorological information shall improve the promptness of its availability and the speed with which it may be used, in order to support continuous improvement of the efficiency of airspace and airport use.

8.2. Support for new concepts of operation

Systems and procedures for the use of meteorological information shall improve the promptness of its availability and the speed with which it may be used, in order to support continuous improvement of the efficiency of airspace and airport use.

ANNEX III

CONSTITUENTS

EC declaration
– of conformity
– of suitability for use

1. Constituents

The constituents will be identified in the implementing rules for interoperability in accordance with the provisions of Article 3 of this Regulation.

2. Scope

The EC declaration covers:

– either the assessment of the intrinsic conformity of a constituent, considered in isolation, with the Community specifications to be met, or

– the assessment/judgment of the suitability for use of a constituent, considered within its air traffic management environment.

The assessment procedures implemented by the notified bodies at the design and production stages will draw upon the modules defined in Decision 93/465/EEC, in accordance with the conditions set out in the relevant implementing rules for interoperability.

3. Contents of the EC declaration

The EC declaration of conformity or suitability for use and the accompanying documents must be dated and signed.

That declaration must be written in the same language as the instructions and must contain the following:

– the Regulation references,

– the name and address of the manufacturer or its authorized representative established within the Community (give trade name and full address and, in the case of the authorized representative, also give the trade name of the manufacturer),

– description of the constituent,

– description of the procedure followed in order to declare conformity or suitability for use (Article 5 of this Regulation),

– all of the relevant provisions met by the constituent and in particular its conditions of use,

– if applicable, name and address of notified body or bodies involved in the procedure followed in respect of conformity or suitability for use and date of examination certificate together, where appropriate, with the duration and conditions of validity of the certificate,

– where appropriate, reference to the Community specifications followed,

– identification of signatory empowered to enter into commitments on behalf of the manufacturer or of the manufacturer's authorized representative established in the Community.

ANNEX IV

SYSTEMS

EC declaration of verification of systems

Verification procedure for systems

1. Contents of EC declaration of verification of systems

The EC declaration of verification and the accompanying documents must be dated and signed.

That declaration must be written in the same language as the technical file and must contain the following:

– the Regulation references,

– name and address of the air navigation service provider (trade name and full address),

– a brief description of the system,

– description of the procedure followed in order to declare conformity of the system (Article 6 of this Regulation),

– name and address of the notified body which carried out tasks pertaining to the verification procedure, if applicable,

– the references of the documents contained in the technical file,

– where appropriate, reference to the Community specifications,

– all the relevant temporary or definitive provisions to be complied with by the systems and in particular, where appropriate, any operating restrictions or conditions,
– if temporary: duration of validity of the EC declaration,
– identification of the signatory.

2. Verification procedure for systems

Verification of systems is the procedure whereby an air navigation service provider checks and certifies that a system complies with this Regulation and may be put into operation on the basis of this Regulation.

The system is checked for each of the following aspects:
– overall design,
– development and integration of the system, including in particular constituent assembly and overall adjustments,
– operational system integration,
– specific system maintenance provisions if applicable.

Where involvement of a notified body is required by the relevant implementing rule for interoperability, the notified body, after having carried out the tasks incumbent upon it in

accordance with the rule, draws up a certificate of conformity in relation to the tasks it carried out. This certificate is intended for the air navigation service provider. This provider then draws up the EC declaration of verification intended for the national supervisory authority.

3. Technical file

The technical file accompanying the EC declaration of verification must contain all the necessary documents relating to the characteristics of the system, including conditions and limits of use, as well as the documents certifying conformity of constituents where appropriate.

The following documents shall be included as a minimum:

– indication of the relevant parts of the technical specifications used for procurement that ensure compliance with the applicable implementing rules for interoperability and, where appropriate, the Community specifications,

list of constituents as referred to in Article 3 of this Regulation,

– copies of the EC declaration of conformity or suitability for use with which the above mentioned constituents must be provided in accordance with Article 5 of this Regulation accompanied, where appropriate, by a copy of the records of the tests and examinations carried out by the notified bodies,

– where a notified body has been involved in the verification of the system(s), a certificate countersigned by itself, stating that the system complies with this Regulation and mentioning any reservations recorded during performance of activities and not withdrawn,

– where there has not been involvement of a notified body, a record of the tests and installation configurations made with a view to ensuring compliance with essential requirements and any particular requirements contained in the relevant implementing rules for interoperability.

4. Submission

The technical file must be attached to the EC declaration of verification which the air navigation service provider submits to the national supervisory authority.

A copy of the technical file must be kept by the provider throughout the service life of the system. It must be sent to any other Member States which so request.

ANNEX V

NOTIFIED BODIES

The body, its Director and the staff responsible for carrying out the checks may not become involved, either directly or as authorized representatives, in the design, manufacture, marketing or maintenance of the constituents or systems or in their use. This does not exclude the possibility of an exchange of technical information between the manufacturer or constructor and that body.

The body and the staff responsible for the checks must carry out the checks with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which could affect their judgment or the results of their inspection, in particular from persons or groups of persons affected by the results of the checks.

The body must employ staff and possess the means required to perform adequately the technical and administrative tasks linked with the checks; it should also have access to the equipment needed for exceptional checks.

4. The staff responsible for inspection must have:

– sound technical and vocational training,

– satisfactory knowledge of the requirements of the inspections they carry out and adequate experience of such operations,

– the ability required to draw up the declarations, records and reports to demonstrate that the inspections have been carried out.

5. The impartiality of the inspection staff must be guaranteed. Their remuneration must not depend on the number of inspections carried out or on the results of such inspections.

6. The body must take out liability insurance unless its liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the inspections.

7. The staff of the body must observe professional secrecy with regard to all information acquired in carrying out their tasks under this Regulation.