CANSO Position Paper on the Future Regulation of Systems  
- Interoperability Implications of SESII+ -  

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CANSO Position Paper on the future regulation of systems

1. Introduction

In support of the statements made in the ICB Position Paper “Impact of SES2+ on interoperability” CANSO would like to provide its views on the possible solution of identified impacts, mainly on:

- the compliance process
- the certification of systems, constituents or manufacturing and design organisations

in regard to implementing Article 8b of EASA Basic Regulation (216/2008 as amended).

The current SESII+ proposal contains some points, on which we wish to encourage EASA and the Commission to create clarity when further developing the Basic Regulation.

2. Compliance provisions for ATM/ANS systems and constituents

The aim should be for a regulatory system that supports ATM/ANS providers in fulfilling their performance requirements. To achieve this, the provisions to comply with Essential Requirements and Implementing Rules should rely on established procedures and existing provisions as much as possible. In line with this, CANSO fully supports the alleviation of the existing process with regard to overlaps and bureaucratic burden, to ensure better regulation that is performance-based.

Existing means, such as:

- the provider certificate
- the safety assessment for changes to a functional system

are sufficient evidence that certified ANSPs:

- know their business
- operate their systems safely
- ensure that the systems which they use are the most appropriate to provide service

Systems (and constituents) need to be regarded as a means to support the provision of services or to fulfil particular functionalities rather than being considered as separate elements, isolated from one another. For this purpose, we recommend a removal of the categorisation into eight systems as listed in Annex I of SES IOP Regulation (Reg. (EC) 552/2004), which is also subject to the SESII+ amendment proposal, Annex Vb.
3. Certification of ATM/ANS systems and constituents and/or design and manufacturing organisations

A one-size-fits-all mechanism with regard to the treatment of aircraft, parts and appliances, aerodrome equipment and ATM/ANS systems and constituents, as well as design, manufacturing and maintenance organisations is not appropriate for the following reasons:

1. Airplanes, their parts and appliances benefit from using regulatory evidence such as a certificate which is issued only once and is recognised by the supervisory authorities of all States in which they overfly, land and take off. This is clearly more practical than for each aircraft operator to have to seek certification for each aircraft, part and appliance separately in each individual State.

2. ATM/ANS systems and constituents obey different rules, as a functional system on the ground is particularly tailored to its environment and remains locally immobile and unique, tailored to local needs.

3. The certification of an ATM/ANS system or parts thereof when putting it on the market would ensure compliance with a set of regulatory (safety and interoperability) requirements. However, this would not preclude the buyer (i.e. the ATM/ANS service provider) from having to ensure that the system or its parts is integrated into its final environment in such a manner as to ensure compliance with the above-mentioned regulatory requirements. It would not reduce any of the testing or validation effort which ATM/ANS service providers have to perform to ensure proper and safe functioning of their systems. Therefore, such certification would represent a simple increase in cost, without safety benefits.

4. Similarly, the certification of a system in its final environment before putting it into service would increase cost and double the effort to ensure that service providers apply their procedures in order to verify that a system operates safely and that it is fit for the service to be provided. As indicated in section 2, above, these aspects are already covered by the ATM/ANS provider's certificate for service provision and its safety and quality management systems (including safety assessment for changes to a functional system).

CANSO is prepared to contribute to the better understanding of the above-mentioned aspects, to ensure that the future SESII+ regulation and its implementing rules contribute positively to safety as well as interoperability in European ATM, while simultaneously reducing the administrative burden for ATM/ANS providers and helping them achieve cost-efficiency savings which will benefit their customers.
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**For further information, please contact:**

Guenter Martis - Director European Affairs
CANSO Europe Region Office
Wetstraat 82 Rue de la Loi, 1040 Brussels, Belgium
Tel: +32 (0)2 255 1090    Fax: +32 (0)2 203 8916- europe@canso.org