

## Consultation Response Document - ATM Regulatory Compliance and Interoperability

Item	Respondent	Section Number	Comment	CAA Response
1	NATS Ltd	APP05.01	<p>Minor point, but the UK ANO and (retained) EU SES legislation are two entirely separate frameworks for oversight of ANSPs, and while it is correct to state that the Technical File (TF) must detail compliance with the “applicable” regulations, the IOP framework set out by UK Reg (EU) 552/2004 only requires that the TFs demonstrate compliance with the ERs &amp; IRs (and supporting CSs)... i.e. in the context of the TF, the “applicable” requirements are scoped to those under the SES legislation rather than the ANO or the CAPs produced by the CAA under the extant UK framework.</p> <p><i>Further guidance required.</i></p> <p>As there is a subtle but meaningful shift in responsibilities when moving from the DoC/DSU to a SoC, which may require contractual changes, will there be a transition period during which manufacturers can still provide ANSPs with a UK DoC/DSU on the current terms (i.e. the ANSP is not required to obtain or provide any assurance relating to the documentation supporting the DoC/DSU), and during which the ANSP can still provide TFs / DoVs (although potentially renamed to RoV) without any specific reference to CAP 670 / still making some reference to 552? Noting that the proposed website guidance does include some text on transition, this detail may not need to go into APP05, but the “immediately after 12 September” part of the website guidance could possibly be expanded to give a little more assurance that the inspectors won’t be preventing the deployment of changes because the paperwork has not yet aligned with the shift of the framework into CAP 670</p>	<p>The scope of the Technical File is the ERs and IRs, but the ERs are now those in the Basic Regulation, although ‘Satisfaction Evidence’ may be provided through compliance with CAP670.</p> <p>The following text will be added to the guidance published on the CAA website:</p> <p><b><i>It is recognised that for equipment changes immediately after 12<sup>th</sup> September 2023 manufacturers and ANSPs may not have had time to draw up the new Statement of Compliance or Technical File. Therefore, until 31<sup>st</sup> December 2023, provided a DSU drawn up for a new constituent contains reference to suitable evidence that is available to the ANSP if required, the DSU can be referenced in the Technical File. Similarly, an ANSP can submit a Technical File containing references to (EU) 552/2004 provided an explanatory note is included and compliance has been demonstrated against the Essential Requirements in the Basic Regulation. Documents already drawn up using the existing templates against (EU) 552/2004 may also be accepted for temporary ANO approval, provided they are replaced with the documents drawn up using the new templates against CAP 670 before 31st December 2023.</i></b></p>

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2	NATS Ltd	APP05.6 AMC	<p><i>Question/clarification</i></p> <p>As there is a subtle but meaningful shift in responsibilities when moving from the DoC/DSU to a SoC, which may require contractual changes, will there be a transition period during which manufacturers can still provide ANSPs with a UK DoC/DSU on the current terms (i.e. the ANSP is not required to obtain or provide any assurance relating to the documentation supporting the DoC/DSU), and during which the ANSP can still provide TFs / DoVs (although potentially renamed to RoV) without any specific reference to CAP 670 / still making some reference to 552? Noting that the proposed website guidance does include some text on transition, this detail may not need to go into APP05, but the “immediately after 12 September” part of the website guidance could possibly be expanded to give a little more assurance that the inspectors won’t be preventing the deployment of changes because the paperwork has not yet aligned with the shift of the framework into CAP 670.</p> <p><i>Proposed solution</i> Provide clarity on any transition period</p>	As item 1.

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3	NATS Ltd	APP05.7 AMC	<p><i>Question/clarification</i></p> <p>Having official confirmation that implementing e.g. the OLDI specification would meet the requirements of 1032/2006 provides ANSPs with a clear path to compliance... Will the CAA publish a list of “approved specifications” against the IRs (noting it wouldn’t make sense to call them Community Specifications, as we are no longer in the European Community) which ANSPs can use to demonstrate compliance against the ERs/IRs?), and if so, should something be captured in APP05 (confirmation of this approach, if not the list of approved specifications itself?</p> <p><i>Proposed solution</i></p> <p>Review the need to consider publishing a list of approved specifications within the AMC</p>	<p>The CAA currently refers to various industry standards in CAP 670, some of which are considered as AMC and some as GM, however it is accepted that not all those relevant to the IRs (such as 1032/2006) are included (as in the case with OLDI). It is also noted that EASA Detailed Specifications proposed in NPA 2023-05 include reference to specifications as AMC. It is recognised that the CAA needs to update CAP 670 to reference these specifications for demonstration of compliance against the IRs. It is also intended to produce compliance templates for all IRs, so the specifications may be included in the templates.</p> <p>Since an ANSP will again need to seek evidence of compliance from manufacturers, the new Statement of Compliance template can be used.</p> <p>It is not intended to update APP05.7 however the additional guidance will be published on the CAA Website:</p> <p><b><i>Certain industry specifications were adopted by the EU and published in the Official Journal of the EU as Community Specifications (CS), and manufacturers could issue Declarations of Conformities against the CSs for which an ANSP could presume compliance with the specification. From 12<sup>th</sup> September 2023 no further CSs can be introduced, although industry specifications such as ETSI, Eurocae and Eurocontrol will be referenced in CAP 670 or elsewhere as means of compliance with relevant parts of the Implementing Rules. Manufacturers will be required to refer to evidence of compliance also using the Statement of Compliance.</i></b></p>

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4	NATS Ltd	APP05.4 AMC	<p><i>Re-wording to improve clarity</i></p> <p>The Record of Verification template should be changed to more closely align with the Manufacturer Summary of Compliance.</p> <p>Note this proposed reordering does not include a section for Notified Bodies; without the authority provided by UK Reg (EU) 552/2004, reference to Notified Bodies should be removed from both this template and the manufacturer's SoC template.</p> <p><i>Proposed solution</i></p> <p>Propose the section ordering is as follows:</p> <ul style="list-style-type: none"> <li>i. Name/Address of ANSP</li> <li>ii. Description of System</li> <li>iii. Description of Change</li> <li>iv. Regulation Refs &amp; Means of Compliance (seemingly missing from current template?)</li> <li>v. Description of Procedure</li> <li>vi. Conditions &amp; Limits of Use</li> <li>vii. Signatory</li> </ul>	<p>Comment accepted.</p> <p>The reference to notified bodies in the Record of Verification and Summary of Compliance templates have been removed.</p> <p>The section ordering to the Record of Verification template has been carried out as requested.</p>

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5	NATS Ltd	APP05.7	<p><i>Re-wording to improve clarity</i></p> <p>We believe that the intention of APP05.7 is not for suppliers to forward a pile of documents as evidence, but to reference the material that they hold, and by implication allow the ANSP to view the evidence to confirm it is suitable.</p> <p>However, the guidance seems more ambiguous in that it says “provide evidence” for the ANSP to satisfy themselves about acceptability:                      "Manufacturers should still however provide evidence of compliance with the regulatory requirements that their equipment that has been contracted to meet. This evidence will take the form of technical design documents and test evidence for which an ANSP should satisfy themselves if acceptable."</p> <p><i>Proposed solution</i>                      Propose the following (changes in caps)</p> <p>"Manufacturers should still however REFER TO evidence of compliance with the regulatory requirements that their equipment has been contracted to meet. This evidence will take the form of technical design documents and test evidence which WILL ALLOW THE ANSP TO satisfy themselves if acceptable."</p>	<p>Comment accepted, with CAA revision to proposed text (underlined).</p> <p>The relevant paragraph in the guidance published on the CAA Website will be changed as follows:</p> <p><b><i>Manufacturers should still however REFER TO evidence of compliance with the regulatory requirements that their equipment has been contracted to meet. This evidence will take the form of technical design documents and test evidence <u>which can be requested from the manufacturer, and which WILL ALLOW THE ANSP TO satisfy themselves if acceptable.</u></i></b></p>