

Commission Regulation (EC) No 1265/2007 of 26 October 2007
laying down requirements on air-ground voice channel spacing
for the single European sky (Text with EEA relevance) (repealed)

Article 1

Subject matter and scope

1 This Regulation lays down requirements for the coordinated introduction of air-ground voice communications based on 8,33 kHz channel spacing.

2 This Regulation shall apply to air-ground voice communications systems based on 8,33 kHz channel spacing within the aeronautical mobile radio communication service band 117,975-137 MHz, their constituents and associated procedures and to flight data processing systems serving air traffic control units providing services to general air traffic, their constituents and associated procedures.

3 This Regulation shall apply to all flights operating as general air traffic above FL 195, within the airspace of the ICAO EUR region where Member States are responsible for provision of air traffic services in accordance with Regulation (EC) No 550/2004 of the European Parliament and of the Council⁽¹⁾, with the exception of Article 4 which shall apply also below FL 195.

4 In the framework of the first paragraph of Article 4 of Commission Regulation (EC) No 730/2006⁽²⁾, Member States may issue derogations from airborne carriage obligations laid down in this Regulation for flights operated under visual flight rules.

Article 2

Definitions

For the purpose of this Regulation the definitions in Article 2 of Regulation (EC) No 549/2004 shall apply.

The following definitions shall also apply:

1. '8,33 kHz channel spacing' means a separation of 8,33 kHz between adjacent channels;
2. 'channel' means a numerical designator used in conjunction with voice communication equipment tuning, which allows unique identification of the applicable radio communication frequency and channel spacing;
3. 'air traffic control unit' (hereinafter ATC unit) means variously area control centre, approach control unit or aerodrome control tower;
4. 'area control centre' (hereinafter ACC) means a unit established to provide air traffic control service to controlled flights in control areas under its responsibility;
5. 'flights operated under visual flight rules' (VFR flights) means any flights operated under visual flight rules as defined in Annex 2⁽³⁾ to the 1944 Chicago Convention on International Civil Aviation;

6. 'VHF assignments' means the assignment of a VHF frequency to an aeronautical service for the purpose of operating voice communication equipment;
7. 'offset-carrier system' means a system used in situations where radio coverage cannot be ensured by a single transmitter and receiver combination and where, in order to minimise the interference problems, the signals are offset from the main carrier frequency;
8. 'designated operational coverage' means the volume of airspace in which a particular service is provided and in which the service is afforded frequency protection;
9. 'operator' means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;
10. 'working position' means the furniture and technical equipment at which a member of the air traffic services staff under takes task associated with their job;
11. 'radio-telephony' means a form of radio-communication primarily intended for the exchange of information in the form of speech;
12. 'letter of agreement' means an agreement between two adjacent ATC units that specifies how their respective ATC responsibilities are to be coordinated;
13. 'Integrated Initial Flight Plan Processing System' (hereinafter 'IFPS') means a system within the European Air Traffic Management Network through which a centralised flight planning processing and distribution service, dealing with the reception, validation and distribution of flight plans, is provided within the airspace covered by this Regulation;
14. 'State aircraft' means any aircraft used for military, customs and police;
15. 'transport-type State aircraft' means fixed wing State aircraft that are designed for the purpose of transporting persons and/or cargo.

Article 3

Interoperability and performance requirements

1 Without prejudice to Article 5, operators shall ensure that, by 15 March 2008 at the latest, their aircraft are equipped with radio equipment with 8,33 kHz channel spacing capability.

2 In addition to 8,33 kHz channel spacing capability, the equipment referred to in paragraph 1 shall be able to tune to 25 kHz spaced channels and to operate in an environment which uses offset-carrier frequencies.

3 Air navigation service providers shall ensure that, by 3 July 2008 at the latest, all voice VHF assignments are converted to 8,33 kHz channel spacing for sectors with a lower level at or above FL 195.

4 Paragraph 3 shall not apply in respect of sectors where 25 kHz offset-carrier system is utilised.

5 Member States shall take all the necessary measures to ensure that appropriate VHF assignments are notified to air navigation service providers.

6 Air navigation service providers shall implement the VHF assignments referred to in paragraph 5. If under exceptional circumstances it is not possible to comply with paragraph 3, Member States shall communicate the reasons to the Commission.

7 Air navigation service providers shall ensure that the performance of their 8,33 kHz voice communication systems comply with the ICAO standards specified in Annex I(1).

8 Air navigation service providers shall ensure that their 8,33 kHz voice communication systems allow an operationally acceptable voice communication between controllers and pilots within the designated operational coverage.

9 Air navigation service providers shall ensure that the performance of the transmitter/receiver ground constituent installed within the 8,33 kHz voice communication systems comply with the ICAO standards specified in Annex I(1) with regard to the frequency stability, modulation, sensitivity, effective acceptance bandwidth and adjacent channel rejection.

10 Operators shall ensure that the performance of the 8,33 kHz voice communication systems installed onboard their aircraft in application of paragraph 1 comply with the ICAO standards specified in Annex I(2).

11 The European Organisation for Civil Aviation Equipment (Eurocae) document specified in Annex I(3) shall be considered as sufficient means of compliance with regard to the frequency stability, modulation, sensitivity, effective acceptance bandwidth and adjacent channel rejection requirements identified in the ICAO standards specified in Annex I(2).

12 Air navigation service providers shall implement the notification and initial co-ordination processes in their flight data processing systems in accordance with Commission Regulation (EC) No 1032/2006⁽⁴⁾ as follows:

- a the information about the 8,33 kHz capability of a flight shall be transmitted between ATC units;
- b the information about the 8,33 kHz capability of a flight shall be made available at the appropriate working position;
- c the controller shall have the means to modify the information about the 8,33 kHz capability of a flight.

Article 4

Associated procedures

1 Air navigation service providers and operators shall ensure that all six digits of the numerical designator are used to identify the transmitting channel in VHF radio-telephony communications, except in the case of both the fifth and sixth digits being zeros, in which case only the first four digits shall be used.

2 Air navigation service providers and operators shall ensure that their air-ground voice communication procedures are in accordance with the ICAO provisions specified in Annex I(4).

3 Air navigation service providers shall ensure that the procedures applicable to aircraft equipped with radio equipment with 8,33 kHz channel spacing capability and aircraft which are not equipped with such equipment are specified in the letters of agreement between ACCs.

4 Operators operating flights referred to in Article 1(3) above FL 195, and agents acting on their behalf shall ensure that in addition to the letter S and/or any other letters, as appropriate, the letter Y is inserted in item 10 of the flight plan for aircraft equipped with radio equipment with 8,33 kHz channel spacing capability, or the indicator STS/EXM833 is included in item 18

for aircraft not equipped but which have been granted exemption from the mandatory carriage equipment. Aircraft normally capable of operating above FL 195 equipped with radio equipment with 8,33 kHz channel spacing capability but planning to fly below this level shall include the letter Y in item 10 of the flight plan.

5 In the case of a change in the 8,33 kHz capability status for a flight, the operators or the agents acting on their behalf shall send a modification message to IFPS with the appropriate indicator inserted in the relevant item.

6 Member States shall take the necessary measures to ensure that IFPS processes and distributes information on the 8,33 kHz capability received in the flight plans.

Article 5

State aircraft

1 Member States shall ensure that transport-type State aircraft are equipped with radio equipment with 8,33 kHz channel spacing capability by 3 July 2008 at the latest.

2 Without prejudice to national procedures for the communication of information on State aircraft, Member States shall communicate to the Commission by 3 January 2008 at the latest, the list of transport-type State aircraft that will not be equipped with radio equipment with 8,33 kHz channel spacing capability in accordance with paragraph 1, due to:

- a withdrawal from operational service by 31 December 2010;
- b procurement constraints.

When procurement constraints prevent compliance with paragraph 1, Member States shall also communicate to the Commission by 3 January 2008 at the latest the date by which the aircraft concerned will be equipped with radio equipment with 8,33 kHz channel spacing capability. That date shall not be later than 31 December 2012.

3 Member States shall ensure that non-transport-type State aircraft are equipped with radio equipment with 8,33 kHz channel spacing capability by 31 December 2009 at the latest.

4 Without prejudice to national procedures for the communication of information on State aircraft, Member States shall communicate to the Commission by 30 June 2009 at the latest, the list of non-transport-type State aircraft that will not be equipped with radio equipment with 8,33 kHz channel spacing capability in accordance with paragraph 3, due to:

- a compelling technical or budgetary constraints;
- b withdrawal from operational service by 31 December 2010;
- c procurement constraints.

When procurement constraints prevent compliance with paragraph 3, Member States shall also communicate to the Commission by 30 June 2009 at the latest the date by which the aircraft concerned will be equipped with radio equipment with 8,33 kHz channel spacing capability. That date shall not be later than 31 December 2015.

5 Air traffic service providers shall ensure that the State aircraft not equipped with radio equipment with 8,33 KHz channel spacing capability can be accommodated, provided that they can be safely handled within the capacity limits of the air traffic management system on UHF or 25 kHz VHF assignments.

6 Member States shall publish the procedures for the handling of State aircraft which are not equipped with radio equipment with 8,33 kHz channel spacing capability in national aeronautical information publications.

7 Air traffic service providers shall communicate on an annual basis to the Member State that has designated them, their plans for the handling of State aircraft which are not equipped with radio equipment with 8,33 kHz channel spacing capability defined taking into account the capacity limits associated with the procedures referred to in paragraph 6.

Article 6

Safety requirements

Member States shall take the necessary measures to ensure that any changes to the existing systems referred to in Article 1(2) or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned.

During this safety assessment, the safety requirements specified in Annex II shall be taken into consideration as a minimum.

Article 7

Conformity or suitability for use of constituents

1 Before issuing an EC declaration of conformity or suitability for use referred to in Article 5 of Regulation (EC) No 552/2004, manufacturers of constituents of the systems referred to in Article 1(2) shall assess the conformity or suitability for use of these constituents in compliance with the requirements set out in Annex III, Part A, to this Regulation without prejudice to paragraph 2.

2 Certification airworthiness processes complying with Regulation (EC) No 1592/2002 of the European Parliament and of the Council⁽⁶⁾, when applied to airborne constituents of the systems referred to in Article 1(2), shall be considered as acceptable procedures for the conformity assessment of these constituents if they include the demonstration of compliance with the interoperability, performance and safety requirements of this Regulation.

Article 8

Verification of systems

1 Air navigation service providers which can demonstrate or have demonstrated that they fulfil the conditions set out in Annex IV shall conduct a verification of the systems referred to in Article 1(2) in compliance with the requirements set out in Annex III, Part C.

2 Air navigation service providers which cannot demonstrate that they fulfil the conditions set out in Annex IV shall subcontract to a notified body a verification of the systems referred to in Article 1(2). This verification shall be conducted in compliance with the requirements set out in Annex III, Part D.

Article 9

Additional requirements

1 Air navigation service providers shall ensure that all related personnel are made duly aware of the requirements laid down in this Regulation and that they are adequately trained for their job functions.

2 Member States shall take the necessary measures to ensure that the personnel operating the IFPS involved in flight planning are made duly aware of the requirements laid down in this Regulation and that they are adequately trained for their job functions.

3 Air navigation service providers shall:

- a develop and maintain operations manuals containing the necessary instructions and information to enable all related personnel to apply this Regulation;
- b ensure that the manuals referred to in point (a) are accessible and kept up to date and that their update and distribution are subject to appropriate quality and documentation configuration management;
- c ensure that the working methods and operating procedures comply with this Regulation.

4 Member States shall take the necessary measures to ensure that the centralised flight planning processing and distribution service:

- a develops and maintains operations manuals containing the necessary instructions and information to enable all related personnel to apply this Regulation;
- b ensures that the manuals referred to in point (a) are accessible and kept up to date and that their update and distribution are subject to appropriate quality and documentation configuration management;
- c ensures that the working methods and operating procedures comply with this Regulation.

5 Operators identified in Article 3(1) shall take the necessary measures to ensure that the personnel operating radio equipment are made duly aware of this Regulation, that they are adequately trained to use this equipment and that instructions are available in the cockpit where feasible.

6 Member States shall take the necessary measures to ensure compliance with this Regulation including the publication of relevant information in the national aeronautical information publications.

Article 10

Entry into force

This Regulation shall enter into force on the 20th day following 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, 26 October 2007.

For the Commission

Jacques BARROT

Vice-President

Status: This is the original version (as it was originally adopted).

- (1) OJ L 96, 31.3.2004, p. 10.
- (2) OJ L 128, 16.5.2006, p. 3.
- (3) 10th Edition — July 2005 — www.icao.int
- (4) OJ L 186, 7.7.2006, p. 27.
- (5) OJ L 240, 7.9.2002, p. 1.