


OPERATIONS ADVISORY NOTICE (OAN)		 Transport Malta Civil Aviation Directorate Flight Operations Inspectorate Transport Malta Centre Triq Pantar Lija LJA 2021 Malta
OAN Number: 11/19	Issue Date: 05 December 2019	
Subject: Datalink services exemptions in the single European Sky		

1.0 INTRODUCTION

This OAN provides information on the latest exemption and other updates related to Regulation (EC) No 29/2009 on datalink services for the Single European Sky.

2.0 SUMMARY

Commission Regulation (EC) No 29/2009¹ on datalink services known as the ‘DLS IR’ requires the operators to have the capability to operate the data link services (DLS) as **from 5 February 2020**. The capability to operate the DLS is required for all GAT flights operated **above FL 285** in accordance with the instrument flight rules.

For operators, DLS IR contains provisions for regulation non-applicability (so called ‘automatic exemptions’) in Article 3 ‘Data link services’, and a possibility for aircraft types/model exemptions based on the criteria specified in Article 14 ‘Exemptions’.

An amendment to the DLS IR on exemptions has been adopted and published on 29 July 2019. A European Commission (EC) Decision on aircraft types and models to be DLS exempted has been voted during the last EASA Committee which took place on 23-24 October in Brussels. The EC Decision has been adopted and published on the 3rd December 2019 as Commission Implementing Decision (EU) 2019/2012.²

2.1 Aircraft Types/Models DLS exempted

An amendment to the DLS IR, revising mainly the non-applicability conditions (exemption criteria in Article 3) has been adopted and published on 29 July 2019. A link to the consolidated version of the amended regulation 29/2009 is provided herein.

If the operator/aircraft satisfies one of the criteria listed in Article 3 of the Regulation (EC) No 29/2009 as amended, or the aircraft type/model is listed in the EC Decision (EU 2019/2012, the operator’s aircraft can benefit from the DLS equipage exemption.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009R0029-20190729>

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.312.01.0095.01.ENG&toc=OJ:L:2019:312:TOC

2.2 DLS exemption status in the flight plan

Based on the feedback received during the RMT.0524³ on datalink services, EASA has consulted with the Advisory Bodies a draft Safety Information Bulletin (SIB) to raise the operators' awareness and recommend how the exemptions to the datalink equipage requirements status should be reflected in their flight plans.

Operators of aircraft conducting flights wholly or partly in the EUR airspace where ATN B1 CPDLC is required, which are considered DLS exempted, should include the letter Z in Item 10a and the indicator DAT/CPDLCX in Item 18 of the flight plan.

As detailed above, the criteria for DLS exemptions are provided in the DLS IR and the EC Decision (EU) 2019/2012.

The proposed SIB also reminds the Air Navigation Service Providers (ANSPs) of the requirement to report aircraft deviations from the applicable ATM regulations (i.e. Commission Regulation (EC) 29/2009), in accordance with Commission Implementing Regulation (EU) 2015/1018.

Taking into account the comments received, the SIB is expected to be published by 15th December and distributed through Centrik.

2.3 Multi-frequency capability

EASA issued an SIB 2019-13⁴ on Controller Pilot Data Link Communications (CPDLC) over VHF (Very High Frequency) Mode 2 – Airborne Multi-Frequency capability.

Considering that the multi-frequency capability of the airborne datalink installation (over Very High Frequency Data Link Mode 2) constitutes a key minimum feature needed to provide the required levels of data link service to support CPDLC, this SIB provides a series of recommendations for the operators.

Operators are recommended to verify that their aircraft are equipped with auto tune/multi O frequency capable VDL Mode 2 systems. The SIB further recommends the operators to upgrade their aircraft data link system to be auto tune/multi-frequency capable if CPDLC equipage is required by the DLS IR, or CPDLC is chosen to be used or if VDL Mode 2 is used for the transmission of data other than CPDLC.

The SIB further states that EASA is continuing to monitor the situation and further actions may be considered to limit or to prohibit non multi-frequency CPDLC operations.

³ <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0524>

⁴ <https://ad.easa.europa.eu/ad/2019-13>

Initiatives are in work with regards to the multi-frequency capability (e.g. CM-AS-011 Issue 01⁵ - Certification Memorandum ATN B1 data link multi-frequency capability - affecting applicants for the airworthiness approval of modifications of existing VDL Mode 2 designs or new installations of VDL Mode 2 designs intended to comply with Commission Regulation 29/2009).

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⁵ <https://www.easa.europa.eu/sites/default/files/dfu/EASA%20Proposed%20CM-AS-011%20Issue%2001.pdf>