Entry into force of Airspace Requirement on Data Link Operations

Important information for Third Country Operators (TCO)

News category: Third Country Operators

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According to Article TCO.205 of Part-TCO, a third country operator shall, when operating within the EU airspace, equip its aircraft with and operate such navigation, communication and surveillance equipment as required in that airspace.

In accordance with Regulation (EU) No 29/2009, as amended by Regulation (EU) No 2015/310 and Regulation (EU) 2019/1170, data link services requirements are applicable to all flights operating in accordance with instrument flight rules above FL285, within the airspace as defined in Article 1 of Regulation (EU) No 29/2009.

As from 5 February 2020, operators using this airspace shall ensure that aircraft have the capability to operate the data link services as defined in Annex II of Regulation (EU) No 29/2009. This introduces Controller Pilot Data Link (CPDLC) using the Aeronautical Telecommunication Network (ATN) over the very high frequency digital link Mode 2 (VDLM2).

Exemptions

Where the aircraft fulfils at least one of the criteria in Article 3 of Regulation (EU) No 29/2009 or its model/type is included in the European Commission (EC) Decision on aircraft models/types to be data link exempted, the aircraft can be considered exempted.

1) Exemptions through Article 3

The requirement to operate the data link services does not apply to any of the following aircraft:

a) aircraft with an individual certificate of airworthiness first issued before 1 January 1995;

b) aircraft which have an individual certificate of airworthiness first issued before 31 December 2003 and which will cease operation in the EU airspace before 31 December 2022;

c) aircraft with an individual certificate of airworthiness first issued before 1 January 2018 and fitted prior to this date with a FANS 1/A equipment;

d) aircraft which have a certified maximum seating capacity of 19 passengers or less and a maximum certified take-off mass of 45 359 Kg (100 000 lbs) or less and with a first individual certificate of airworthiness issued before 5 February 2020;

e) State aircraft;

f) aircraft flying in the above-mentioned airspace for testing, delivery or for maintenance purposes or as required by the minimum equipment list.

2) Exemptions through the EC Decision

A draft European Commission (EC) Decision on aircraft types/models to be exempted has been published for public consultation. Herein, a list of aircraft types/models combinations are also proposed to be exempted, either permanently or until 5 February 2022. It should be highlighted that this draft act on aircraft types/models to be exempted is not the final position of the European Commission and is subject to change.

There is no need to inform EASA if (one of) your aircraft fulfils one of the criteria in Article 3 of Regulation (EU) No 29/2009 or if its model/type is included in the European Commission (EC) Decision on aircraft models/types to be data link exempted.

Should you need further clarifications, please contact TCO@easa.europa.eu.