



Department
for Transport

Pilot Common Project Consultation

Review of Retained EU Regulation

March 2021

Introduction

1. Following the end of the Transition Period, the UK can now regulate in a way that suits the UK economy and UK businesses, including those in the field of aviation and air traffic management (ATM). The UK has retained into UK law EU ATM legislation that was in force and applied at the end of the Transition Period (TP). This included the Pilot Common Project (PCP) regulation which sets out various requirements on UK operators to implement new ATM technologies.
2. It is appropriate to review whether these requirements are still appropriate for the UK both in light of the impacts of COVID 19; and as the EU has recently completed a review of the PCP regulation and adopted a new regulation to amend and replace it. The purpose of this consultation is to engage industry and other stakeholders in this review to allow a consideration of whether to change the retained EU ATM legislation, in order to ensure it is appropriate for the UK, that there is interoperability with the EU and other operators whilst not disadvantaging UK operators.

Objectives

3. Our objectives for undertaking this review are to:
 - Legislate in the best interests of the UK for the modernisation of UK's air traffic management arrangements
 - Ensure interoperability between the UK, EU and other operators
 - Synchronise the deployment of ATM and other technologies where this is needed to achieve anticipated benefits
 - Ensure industry is not disadvantaged vis-à-vis EU industry
 - Protect UK interests
 - Take any learning from this review to consider establishing a mechanism that could be used in the future to establish future UK Common Projects (CPs), if needed or where a level of interoperability is needed with EU CPs

Background

4. In 2018, the UK published an [Airspace Modernisation Strategy \(AMS\)](#), a co-ordinated strategy and plan for the use and modernisation of UK airspace up to 2040. The AMS sets out the ways, means and ends of modernising airspace through 15 initiatives that will modernise the design, technology and operations of airspace, initially focusing on the period until the end of 2024.
5. These include the deployment of new technology and operating procedures including those where the EU has regulated under its Single European Sky legislation, which the UK was subject to until the end of the TP. Implementation of the EU PCP is therefore part of the AMS and will contribute to the modernisation of UK airspace. However, due to the impacts of COVID-19 on the UK aviation industry in particular its implementation dates are unlikely to now be achievable.

6. The Single European Sky (SES) is the EU's airspace modernisation programme. It includes a technology work strand, Single European Sky ATM Research (SESAR), in which the UK was an active participant until its exit from the EU. Under the trade and cooperation agreement agreed between the UK and EU the UK can associate with the EU Horizon European programme, which will fund the next phase of SESAR. Therefore, the UK expects that its aviation industry will continue to participate in EU ATM R&D work. However, the UK will need to decide how and when to deploy SESAR technologies.
7. Under the EU system, when a need for a synchronised deployment of SESAR technologies by operators is identified, the EU can develop CP regulations. The [Commission Implementing Regulation \(EU\) No. 716/2014](#) on the PCP was the first of these regulations. It mandated the deployment of six areas of new technology and operating concepts for Air Traffic Management (ATM) – called ATM functionalities in the regulation. The planned implementation dates vary but most were between 1 January 2021 and 1 January 2025 (see **Annex A**). The UK operators which fell within the scope of the PCP are NATS and Heathrow, Gatwick, Manchester and Stansted airports.
8. At the end of the Transition Period, this regulation became retained EU law. The powers which the Commission has under EU law to regulate CPs have been transferred to the Secretary of State for the purposes of UK legislation by the [Air Traffic Management \(Amendments etc.\) \(EU Exit\) Regulations 2019](#). This means that the UK government can amend the PCP and/or regulate for new CPs via regulations agreed by Parliament, through secondary legislation.
9. Last year, the Commission consulted on changes to the PCP regulation. The new EU regulation, [Commission Implementing Regulation \(EU\) 2021/116](#) repeals Regulation (EU) No. 716/2014 and put in its place a new version, which entered into force in February 2021. This new EU regulation 2021/116 updates many ATM functionalities, replaces some, and relaxes most of the implementation dates by one or two years, in order to take account of the impacts of COVID-19 on the industry. It also adds short paragraphs on the expected environmental impacts of each sub-project. UK operators are removed from the geographical scope, although this does not impact the retained EU law that has been saved into UK legislation.
10. Now that the TP has ended the UK is able to review the retained PCP regulation and ensure that it is suitable for UK needs, whilst ensuring interoperability with EU ATM arrangements and taking account of the new EU regulation.

Performance-Based Navigation

11. Performance Based Navigation (PBN), as defined by the International Civil Aviation Organisation (ICAO), is “area navigation based on performance requirements for aircraft operating along an ATS [air traffic services] route, on an instrument approach procedure or in a designated airspace.” The aim of

regulating here is to ensure standardisation of technology specifications and to limit the proliferation of navigation specifications in use.

12. PBN was included in the original PCP regulation, however, it has been removed from the new version of the EU regulation because after the adoption of the PCP regulation, the Commission introduced a standalone PBN Regulation (Commission Implementing Regulation (EU) 2018/1048). They consider this sufficient with no need to retain the PBN content of the PCP. The PBN Regulation has only partially been retained into UK law as many of the application dates were after the Transition Period. As PBN is an important part of the UK's airspace modernisation strategy this leaves us with a regulatory gap. Working with the CAA, we intend to consult on this issue separately, recognising the complexity of the issue and its interlinkage with the Airspace Modernisation Strategy.

What stakeholders have said to us so far

13. Many of you have written to us already, which is input that we greatly appreciate and has helped to shape this consultation. To summarise:
- Some airports believe that the current PCP regulation which is now retained EU law presents affected airports with issues regarding compliance due to the impacts of COVID-19 on project progression, timescales and the availability of resources, as well as the maturity of technology and operational resources required for deployment. They have not been able to meet requirements set for 1st January 2021.
 - Some concerns were also been raised with the EU's draft proposal, arguing that the extensions proposed by the Commission to the original implementation dates are likely to be insufficient in light of the ongoing health crisis, and that some of the new technical requirements are ambiguous. As these concerns were raised ahead of the adoption of the new regulation we will need to consider if they are still valid.

Specific Questions

14. The purpose of this consultation is to inform any decision on possible changes to the retained PCP regulation in order to ensure that UK airspace is regulated appropriately, remains interoperable with EU arrangements and that operators are not disadvantaged vis-à-vis their EU competitors or asked to meet deadlines that are no longer achievable.
15. We have a number of specific questions on which we would particularly value your comments in order to help define the way forward for the UK. We would also welcome any other comments you might have, and any other options which we may not have thought of.

On the PCP:

- Are the initiatives listed in the retained EU regulation 716/2014 still appropriate?
- Are there any initiatives missing?
- Are the dates achievable?
- If not, what would be appropriate due dates?
- Should we even regulate at all? Should industry be left to decide what they need to deploy?
- What would be the consequences of not regulating, both negative and positive?

Options for Delivery and Next Steps

16. Options on how to proceed, could include:

- Repeal the original regulation, and not replace it;
- Amend the regulation, mirroring the EU approach;
- Amend the regulation, remaining close to the EU approach but with differences appropriate to the UK context, for example a different deployment date or a different technology requirement; and

17. We are also open to considering other suggestions.

How to Respond

18. Please email your written responses to Brian Penn at brian.penn@dft.gov.uk by close of business **Wednesday 28 April 2021**.

19. We also intend to explore the matter further at an informal meeting at which we can discuss further the issues raised and any proposed solutions. We propose to hold this meeting during the week commencing **12 April 2021** (mid-morning with a duration of two hours) and would appreciate it if you could let us know your availability during this week.

European Airspace Branch, Aviation Policy (DfT)

Annex A

Implementation dates in Commission Implementing Regulation (EU) No. 716/2014

Article	Description	Implementation Date
1.3	ATS providers and the Network Manager shall ensure that ATS units providing ATC services within the terminal airspace of the airports referred to in point 1.2 and the associated en-route sectors operate Extended AMAN and PBN in high density.	1 January 2024
2.3	Departure Management Synchronised with Pre-departure sequencing	1 January 2021
2.3	Departure Management integrating Surface Management Constraints	1 January 2021
2.3	Time-Based Separation for Final Approach	1 January 2024
2.3	Automated Assistance to Controller for Surface Movement Planning and Routing	1 January 2024
2.3	Airport Safety Nets	1 January 2021
3.3	Direct Routing (DTC)	1 January 2018
3.3	Free Route Airspace (FRA)	1 January 2022
4.3	Operational stakeholders and the Network Manager shall operate Network Collaborative Management	1 January 2022
5.3	Operational stakeholders and the Network Manager referred to in Point 5.2 shall provide and operate the iSWIM	1 January 2025
6.3	ATS providers and the Network Manager shall ensure that they enable Initial Trajectory Information Sharing	1 January 2025
6.3	The Deployment Manager shall develop a strategy, which shall include incentives, to ensure that at least 20 % of the aircraft operating within the airspace of European Civil Aviation Conference (ECAC) countries in the ICAO EUR region corresponding to at least 45 % of flights operating in those countries, are equipped with the capability to downlink aircraft trajectory using ADS-C EPP	1 January 2026

