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# **FDP Institutional Issues**

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## **Institutional and Legal Context**

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# Overview: Policy and Legal Context

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- General Legal Framework Governing FDP
- Legal Relationship of FDP to ATC
- Legal and institutional Bases for Future Work

# General legal framework

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- ICAO
- ECAC/Eurocontrol
- Role of National Rules and Other Areas of Regulation
- European Union

# ICAO

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- **Nature of Member State Obligations for FDP Services**
- **Instruments of Action**
- **Relationship of National Rules to ICAO Standards (SARPs)**

# **ECAC/EUROCONTROL**

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- **Harmonisation and Integration Initiatives**
- **Institutional Strengths and Constraints**
- **Role in planning, Research and Development Process**

# **NATIONAL RULES AND OTHER AREAS OF REGULATION**

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- **Fundamental ATC Responsibilities and Regulatory Enforcement**
- **Industrial Policy and Public Procurement**
- **Liability**
- **Information :**
  - Data access and ownership
  - Data protection and security
  - Intellectual Property

# EUROPEAN UNION

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- **Historic Regulatory Actions Affecting FDP**
- **Contemplated Single Sky Regulation**

# **SINGLE SKY FRAMEWORK REGULATION**

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## **■ Relevant General Principles**

- “The measures... must be that... air navigation service providers exchange all data on the situation of flights during every phase of flight in order to facilitate operation of air navigation services ; access to these data is open to all concerned on a non-discriminatory basis, without prejudice to safety requirements”. (Article 5, Draft Final Framework Regulation)

## **■ Relationships and Institutional Mechanism**

## **■ Institutional Role of Single Sky Committee**

## **■ The Function of Implementing Rules in Specific Cases**

# LEGAL RELATIONSHIP OF FDP TO ATC

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- Context of Final Draft Air traffic Services Provision Regulation
- Context of Final Draft Interoperability Regulation

# **DRAFT SERVICE PROVIDER REGULATION**

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- **Bundled Services Concept and [Non] Application to FDP**
- **Authorisation to Provide FDP Services**
- **Accounting and Performance Requirements**
- **Regulatory Obligations of ATSPs**

# DRAFT INTEROPERABILITY REGULATION

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– “Seamless operation can be expressed, in particular, in terms of information exchange, common understanding of information, comparable processing performances and the associated procedures enabling common operational performances agreed for the whole or parts of the air traffic management network.”(Annex 2, Draft Final Regulation on Interoperability)

- **General and Specific “Essential Requirements” as applicable to FDP**
- **FDP as a “Core Service” and Implications for Externalisation**
- **Procurement Policy and Modularity**

# LEGAL AND INSTITUTIONAL BASES FOR FUTURE WORK

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- The Open Areas
- Logic of Approach
- Key Institutional Tools

# **AREAS WHERE GAPS MAY NEED TO BE ADDRESSED**

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- **Coordination of Research and Development**
- **Modularity Rules**
- **Information Policy**
- **ATM systems Performance liability**

# LOGIC OF APPROACH OF

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- Draft Regulations
- ATM 2000+
- Specialised Bodies

# KEY INSTITUTIONAL TOOLS

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- 1997 Eurocontrol Revised Convention
- Expert and Stakeholder Input-Based Rulemaking Processes
- Ongoing Performance and Requirements Review Bodies for FDP
- Commission Instruments, Processes and Rules