

Subject: Data Link Exemptions and Flight Plans**Ref. Publications:**

Commission Regulation [\(EC\) 29/2009](#) dated 16 January 2009 (as amended by Commission Implementing Regulation [\(EU\) 441/2014](#) dated 30 April 2014, Commission Implementing Regulation [\(EU\) 2015/310](#) dated 26 February 2015 and Commission Implementing Regulation [\(EU\) 2019/1170](#) dated 08 July 2019).

Commission Implementing Decision [2019/2012](#) dated 29 November 2019.

Applicability:

Member States, Operators of aircraft and Air Traffic Service (ATS) providers affected by the Commission Regulation (EC) 29/2009.

Description:

The purpose of this SIB is to notify affected stakeholders of the existence of exemptions to data link equipage requirements, and to recommend how exemption status should be reflected in a flight plan.

Aircraft meeting the conditions as specified in Article 3 (3) of Commission Regulation (EC) 29/2009 or as defined in Commission Implementing Decision 2019/2012 are not required to be equipped with a Controller Pilot Data Link (CPDLC) Aeronautical Telecommunications Network (ATN) Very High Frequency Data Link Mode (VDL Mode 2) capable data link system.

Through the flight plan data, ATS providers are supplied with up to date information on aircraft equipage and their capability. The service provided should be in accordance with the aircraft capability. Commission Regulation (EC) 29/2009 requires common standardised procedures, consistent with relevant ICAO provisions, for the filing of flight plans regarding information pertaining to data link capability.

As specified in Appendix 2 'Flight Plan' to ICAO Doc 4444 'Procedures for Air Navigation Services (PANS-ATM)', Sixteen Edition 2016, in item 10 'Equipment and capabilities' the letter code "J1" is to be used to reflect CPDLC ATN VDL Mode 2 capability; an additional letter ("Z") is to be used for other capabilities. Furthermore, a note specifies that if the letter "Z" is used, item 18 should specify other capabilities preceded in this case by "DAT", as appropriate.

ICAO Doc 10037 'Global Operational Data Link (GOLD) Manual', First Edition 2017, provides further guidance on the flight plan provisions, in particular on the indication needed in item 18, to show

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that the aircraft was granted an exemption. As such, according to the EUR section of the ICAO GOLD Manual, “the indicator DAT/CPDLCX shall be included in item 18 of the flight plan”.

Some Member States already reflect the requirement to indicate the CPDLC exemption status in their Aeronautical Information Publication (AIP), however a consistent approach should be applied in all Members States.

At this time, the compliance/safety concern described in this SIB is not considered to be an unsafe condition that would warrant any safety directive under Commission Regulation (EU) [2017/373](#), Annex II, ATM/ANS.AR.A.030.

Recommendation(s):

- 1) Operators conducting flights wholly or partly in the Single European Sky airspace where ATN B1 CPDLC is required, but for which Commission Regulation (EC) 29/2009 is not applicable in accordance with Article 3(3), or which aircraft types/models are exempted by Commission Implementing Decision 2019/2012, should include the letter “Z” in item 10 and the indicator “DAT/CPDLCX” in item 18 of each flight plan.

Note: Operators which voluntarily equip their aircraft in compliance with Commission Regulation (EC) 29/2009 and intend to use the CPDLC capability do not need indicate in their flight plan the status as exempted.

- 2) Member States are recommended to ensure that their AIP include the requirement to reflect the CPDLC exemption status in the flight plan, in accordance with Recommendation 1).

Contact(s):

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