



2026/2031

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COMMISSION IMPLEMENTING REGULATION (EU) 2026/2031

of 11 September 2026

amending Implementing Regulation (EU) 2017/373 as regards requirements for activities contracted by service providers

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 43(1), points (a), (b) and (bb), and Article 62(14), point (a), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/373 ⁽²⁾ lays down common requirements for the provision of air traffic management and air navigation services ('ATM/ANS') and other air traffic management network functions for general air traffic and their oversight.
- (2) Regulation (EU) 2024/2803 of the European Parliament and of the Council ⁽³⁾ has introduced new conditions for service provision by air navigation service providers.
- (3) In order to provide services to another air navigation service provider, a service provider is to be certified or have declared its capability in accordance with Article 41 of Regulation (EU) 2018/1139, as provided for in Article 9 of Regulation (EU) 2024/2803.
- (4) Implementing Regulation (EU) 2017/373 lays down the common requirements for ATM/ANS service providers to be granted a certificate and to be entitled to exercise the privileges granted within the scope of that certificate. It is necessary to specify how those requirements interplay with the provisions of Implementing Regulation (EU) 2017/373 related to contracted activities by non-certified organisations monitored by the certified service provider, in order to ensure that they are aligned with the requirements for service provision laid down in Regulation (EU) 2024/2803.
- (5) Specifically, all air navigation service providers should be required to hold a certificate or a valid declaration pursuant to Article 41 of Regulation (EU) 2018/1139 without prejudice to Article 7(4) of Regulation (EU) 2024/2803. Therefore, the possibility to contract activities to non-certified organisations should be limited to ancillary activities, which are not air navigation services, and should not lead to situations where essential activities falling under the definition of the service provided by the certified air navigation service provider is carried out by a non-certified organisation.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1. ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>.

⁽²⁾ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2017/373/oj).

⁽³⁾ Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky (OJ L, 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>).

- (6) The requirements for contracted activities should be supplemented by requirements applicable for service providers that use personnel or equipment provided by an external organisation. Such requirements should ensure that those resources are effectively integrated into the service provider's functional and management systems, and that the service provider maintains operational control and remains responsible for the related activities. Moreover, a formal contract should be concluded between the service provider and the organisation providing such resources.
- (7) The measures provided for in this Regulation are based on Opinion No 03/2025 of the European Union Aviation Safety Agency in accordance with Article 75(2), points (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2017/373 is amended as follows:

- (1) in Article 2, point (1) is replaced by the following:

‘(1) the definitions in Article 2 of Regulation (EU) 2024/2803 of the European Parliament and of the Council (*) and Article 3 of Regulation (EU) 2018/1139 of the European Parliament and of the Council (**);

(*) Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky (OJ L, 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>).

(**) Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>).’;

- (2) Annexes I and III are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 September 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and III to Implementing Regulation (EU) 2017/373 are amended as follows:

(1) in Annex I, the following definition is inserted:

- ‘(24a) ‘ancillary activities’ means, for the purposes of point ATM/ANS.OR.B.015 of Annex III, activities that support or enable the provision of ATM/ANS and:
- (a) do not fall under the definition set out in Article 3, point (5), of Regulation (EU) 2018/1139; or
 - (b) for which no specific requirements as set out in Annexes III to XIII are applicable under this Regulation.’;

(2) Annex III is amended as follows:

(a) point ATM/ANS.OR.B.015 is replaced by the following:

‘ATM/ANS.OR.B.015 Contracted activities

- (a) Service providers may contract activities to external organisations, as necessary, in support of their operations.
 - (b) Without prejudice to Article 7(4) of Regulation (EU) 2024/2803, a service provider shall ensure that the activities comprised in ATM/ANS falling under the definition set out in Article 3, point (5), of Regulation (EU) 2018/1139 for which specific requirements as set out in Annexes III to XIII are applicable under this Regulation shall only be contracted to an organisation that holds a certificate including the relevant term(s) of approval, or has submitted a declaration, as applicable.
 - (c) Ancillary activities may be contracted to an organisation that does not hold a certificate, nor has submitted a declaration.
 - (d) Ancillary activities shall only be contracted where it has been ascertained that any impact on the provision of the services can be effectively managed.
 - (e) The service provider shall regularly monitor the performance of its contracted activities.’;
- (b) the following point ATM/ANS.OR.B.016 is inserted:

‘ATM/ANS.OR.B.016 Use of resources from non-certified organisations

Where a service provider makes use of personnel or equipment provided by an external organisation, it shall ensure that:

- (a) such personnel and equipment are fully integrated into its functional and management system, and that operational control is maintained;
- (b) the responsibility for the activity remains fully with the service provider;
- (c) a formal contract is concluded to this effect.’;