

Notice of Requirement NTC 91.267

**Performance Based
Communications and
Surveillance (PBCS)**

Revision 1
05 Apr 2026

Preliminary

The Director of Civil Aviation issues the following provisions relating to the use of Performance Based Communications and Surveillance (PBCS) under section 64(5) of the Civil Aviation Act 2023 (the Act) and Civil Aviation Rule 91.267(a).

Purpose

The purpose of this notice is to specify –

- (1) the routes, airspaces and the application of horizontal separations based on PBCS;
- (2) the airworthiness and performance requirements for an aircraft operating under Instrument Flight Rules (IFR) and PBCS;
- (3) the operational requirements and limitations associated with PBCS;
- (4) the requirements for demonstrating compliance and procedures for addressing non-compliance with PBCS;

- (5) suitable training requirements for persons who operate an aircraft and using PBCS; and
- (6) definitions and abbreviations to give full meaning to the terms used in the notice.

General

Civil Aviation Authority (CAA) Notices contain approvals and requirements including the detail about the approvals, standards, conditions, procedures and technical specifications that have been approved or determined by the Director under the Civil Aviation Rules. These details must be complied with by parties to whom it applies. They apply in particular circumstances to certain aviation document holders as specified in the notice.

CAA notices are issued under Civil Aviation Rules in accordance with section 64(5) of the Act. This section permits the Minister of Transport to make ordinary rules and to specify any terms and conditions within the rules:

- to require a matter to be determined, or undertaken or approved by the Authority, the Director or another person; or
- to empower the Authority, Director, or another person to impose requirements or conditions as to the performance of any activity, including (but not limited to) any procedures to be followed.

Notices support a performance-based approach to regulation and improve the flexibility and responsiveness of the Civil Aviation Rules. They may be used where performance-based regulation is the appropriate way to achieve the desired regulatory outcome. For example, in circumstances where new technological changes or challenges require more flexibility than prescribing requirements in the rules (and rulemaking may get quickly outdated), or where there is a need to respond to safety issues which the rules do not adequately deal with.

Related Rules

Civil Aviation Rules 91.265, 91.267, 91.267B, 91.267C

Issue of CAA Notice



Signed by

Director of Civil Aviation

01 April 2026

Date

Revision History

Revision 1	Original version
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Performance Based Communications and Surveillance (PBCS)

Subpart A - General

1.1 Title

This notice is the Performance Based Surveillance Communications (PBCS) Civil Aviation Notice and may be identified as NTC 91.267.

1.3 Effective date

This notice comes into effect on 5 April 2026.

1.5 Application

This notice applies to every air operator or a pilot operating an aircraft under IFR and using PBCS.

1.7 Definitions

For the purposes of rule 91.267(a)(6) –

- (1) terms used in this notice have the same meaning set out in Civil Aviation Rule Part 1; and
- (2) unless the context otherwise requires –

ADS-C means automatic dependent surveillance – contract:

AFM means aeroplane flight manual

CRA means central reporting agency:

EMA means enroute monitoring agency:

FANS means future air navigation systems:

FANS 1/A means future air navigation systems – initial **RTCA DO 258/EUROCAE ED 100A**, or previous standards of RTCA that defined the FANS 1/A capability:

RCP means required communication performance:

RMA means regional monitoring agency:

RSP means required surveillance performance:

Subpart B – Operating Requirements

2.1 Routes, airspaces and application of horizontal separations for PBCS

For the purposes of rule 91.267(a)(1), a person operating an aircraft under IFR and using PBCS must comply with the following routes, airspaces and application of horizontal separations provided in the AIPNZ ENR 1.8 **Regional Supplementary Procedures (Doc 7030)** –

- (1) if using FANS1/A CPDLC and ADS-C in the Auckland Oceanic FIR, RCP240D or RSP180D at a minimum 95% performance level; or
- (2) if using FANS1/A CPDLC and ADS-C in the Auckland Oceanic FIR with an aircraft performance level below 95% at RCP240D or RSP 180D, some other acceptable RCP or RSP specifications as authorised by the ANSP.

2.3 Airworthiness and performance requirements for aircraft operating under IFR and using PBCS

- (a) For the purposes of rule 91.267(a)(2), a person operating an aircraft must ensure that –
 - (1) the demonstration of compliance with the RCP or RSP specifications is specific to each individual air frame or the combination of the aircraft type and configuration; and
 - (2) the demonstration of compliance is documented in one of the following documents –
 - (i) the type certificate data sheet;
 - (ii) the supplemental type certificate;
 - (iii) the aeroplane flight manual (AFM), AFM supplement; or any other document acceptable to the Director; or
 - (iv) a compliance statement from the manufacturer which has been approved by the State of Design and accepted by the Director if required.
- (b) For the purposes of rule 91.267(a)(2), the airworthiness approval of PBCS must follow the airworthiness and performance requirements acceptable to the Director.

2.5 Operational requirements and limitations when using PBCS

- (a) For the purposes of rule 91.267(a)(3), a person operating an aircraft under IFR and using PBCS must ensure that the following relevant documentation acceptable to the Director are available –
- (1) aircraft eligibility and airworthiness compliance (any limitations, assumptions or specific procedures considered in the framework of the airworthiness approval must be addressed);
 - (2) documentation and maintenance of operating procedures for the specific data link systems including use of message sets;
 - (3) means of ensuring compliance of contracted services, such as those with communication services providers with respect to aircraft operations under IFR and using PBCS;
 - (4) documentation and maintenance of procedures for participation in PBCS monitoring programmes including problem reporting;
 - (5) documentation and maintenance of policies and procedures for controlling configuration of aircraft system including software and communication subnetwork for managing media and routing; and
 - (6) documentation and maintenance of policies and procedures for controlling configuration of aircraft system including software and communication subnetwork for managing media and routing.
- (b) For flight crew members and relevant personnel, an air operator must ensure that standard operating procedures including normal and emergency procedures are established for the data link systems used in an aircraft operation under IFR and using PBCS.
- (c) The procedures referred to in paragraph (b) must address –
- (1) pre-flight planning requirements including MELs and applicable flight filing;
 - (2) actions to be taken in the data link operation which include specific RCP or RSP if applicable;
 - (3) actions to be taken for the loss of data link capability while in and before entering the airspace requiring RCP or RSP specifications;
 - (4) problem reporting procedures to the local or regional monitoring agency (for example the central reporting agency); and

- (5) specific regional requirements if applicable.
- (d) A pilot operating an aircraft in any part of an airspace where PBCS is prescribed must declare the RNP, RCP and RSP capabilities in the pilot's flight plans.
- (e) An air operator must ensure that personnel specified in clauses 2.7 and 2.9 are suitably trained and have appropriate knowledge of the matters specified in those clauses.

2.7 Training requirements for dispatcher or flight operations officer

For the purposes of rule 91.267(a)(3) and clause 2.5(e), an air operator must ensure that a dispatcher or flight operations officer involved in an aircraft operation using IFR and PBCS is suitably trained and have appropriate knowledge of the following areas –

- (1) proper use of data link and PBCS flight plan designators;
- (2) air traffic service provider's separation criteria and procedures relevant to RCP or RSP specifications;
- (3) MEL remarks or exceptions based on data link communications;
- (4) procedures for transitioning to voice communication and other emergency procedures related to the operation if there is abnormal behaviour (for example satellite issues such as spoofing or jamming) of the data link communication;
- (5) coordination with the ATS unit related to or following a special data link communication exceptional event (for example a log on or connection failure); and
- (6) emergency procedures to transition to a different separation standard when data link communication fails.

2.9 Training requirements for aircraft maintenance engineer

For the purposes of rule 91.273(a)(3) and clause 2.5(e), an air operator must ensure that an appropriately qualified and licensed aircraft maintenance engineer who performs any maintenance on the relevant communications system is suitably trained and familiar with the following areas –

- (1) data link communication equipment including its installation, maintenance and modification;
- (2) MEL relief and procedures for return to service authorisations; and

(3) correction of reported non-performance of data link system.

3.1 Suitable training requirements for a person who operates an aircraft under IFR and using PBCS

- (a) For the purposes of rule 91.267(a)(5), an air operator must ensure that a pilot who operates an aircraft under IFR and using PBCS complies with paragraphs (b) and (c).
- (b) Every pilot must be suitably trained and have appropriate knowledge of the following topics –
- (1) data link communications system theory that is relevant to operational use;
 - (2) AFM and AFM Supplement limitations;
 - (3) normal pilot response to data link communication messages;
 - (4) message elements in the message set used in each environment;
 - (5) RCP and RSP specifications and their performance requirements;
 - (6) implementation of performance-based reduced separation with associated RCP/RSP specifications or other possible performance requirements associated with their routes;
 - (7) other air traffic management operations involving data link communication services;
 - (8) both normal and emergency procedures; and
 - (9) data link communication failure/problem and reporting.
- (c) A pilot who has successfully completed training on data link communications system theory referred to in paragraph (b)(1) is required to undergo training on PBCS only, addressing a basic concept and requirements that have direct impact on overall data link performance required for provisions of air traffic services (for example, reduced separation).
- (d) Training for pilots is to be aligned with existing data link and reduced vertical separation minimum programmes.
- (e) A pilot who operates an aircraft under IFR and using PBCS under Part 91 must be suitably trained and have appropriate knowledge of the topics specified in paragraph (b).

3.3 Requirements for demonstrating compliance and procedures for addressing non-compliance with PBCS

- (a) For the purposes of rule 91.267(a)(4), a holder of an air traffic service certificate issued under Part 172 must–
- (1) establish means to extract FANS 1/A analysis data for CPDLC and ADS-C using guidance provided in Appendix D of the **ICAO Doc 9869 PBCS Manual Second Edition** or an alternative method acceptable to the Director;
 - (2) filter extracted data FANS1A analysis data for CPDLC and ADS-C using guidance in Appendix D of the **ICAO Doc 9869 PBCS Manual Second Edition** or an alternative method acceptable to the Director;
 - (3) establish means to perform monthly analysis of CPDLC RCP and ADS-C RSP;
 - (4) investigate any performance degradation identified during monthly analysis;
 - (5) report non-compliance with RCP or RSP specifications to CRA;
 - (6) support CRA non-compliance investigations;
 - (7) report any aircraft that are filing as PBCS qualified but showing non-compliance with RCP and RSP 95% normal operating criteria to CAA and RMA/EMA;
 - (8) withdraw the use of performance-based separation minima requiring PBCS where aircraft data link performance is not compliant with RCP and RSP 95% operating criteria;
 - (9) implement an annual analysis of service availability to determine the impact of reported unplanned outages in your airspace;
 - (10) implement local procedures and training to ensure operational staff log FANS1/A problems identified during operations to enable subsequent investigation;
 - (11) implement local investigation process for reported FANS 1/A problems;
 - (12) implement CRA website reporting of confirmed FANS 1/A problems;
 - (13) sign up to Global PBCS Charter on CRA website;

- (14) submit PBCS non-compliance report to designated EMA/RMA by 20th of every month (if falls on a weekend then the next available working day);
 - (15) submit report of nil occurrences of non-compliance to designated EMA/RMA by 20th of every month (if falls on a weekend then the next available working day);
 - (16) compile PBCS RCP and RSP performance report for the year from January to December; and
 - (17) submit the report to the ICAO Secretariat by not later than 28 February each year.
- (b) For the report under paragraph (a)(16), the certificate holder must provide all the relevant information as specified by the Asia/Pacific Regional Office in its reporting guidelines.

3.5 Director's approval is required for air operator before carrying out aircraft operations under IFR and using PBCS

An air operator must not operate an aircraft under IFR and using PBCS unless –

- (1) the air operator complies with all the applicable requirements of this notice; and
- (2) the Director has approved the operation.

3.7 Approval for aircraft operations under IFR and using PBCS under Part 91

A person must not operate an aircraft under IFR and using PBCS under Part 91 unless the person meets all the applicable requirements of this notice.