

Pursuant to Articles 237 (3) and 265 of the Air Transport Law ("Official Gazette of the RS", No. 73/10 and 57/11), Management Board of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

REGULATION ON REQUIREMENTS FOR PROCEDURES ON FLIGHT PLANS IN THE PRE-FLIGHT PHASE

Article 1 Subject Matter

This Regulation lays down the requirements for the procedures relating to flight plans in the pre-flight phase and obligations of the parties disposing with the data in the flight plan.

This Regulation refers to the provisions of the regulations and recommended practices of the International Civil Aviation Organization, directly applicable to the requirements for procedures relating to flight plans in the pre-flight phase, which are available in printed publications and international organizations.

This Regulation shall apply to aircraft operators and agents acting on their behalf, aircraft pilots and agents acting on behalf of air traffic services units providing services to general air traffic flying in accordance with instrument flight rules within the airspace of the Republic of Serbia.

Article 2 Transposing the Commission Regulations

This Regulation transposes into national legislation the Commission Regulation (EC) No. 1033/2006 of 6 July 2006th laying down requirements regarding procedures for flight plans in the pre-flight phase of the Single European Sky and Commission Regulation (EU) No. 929/2010 of 18 October 2010 amending Regulation (EC) No. 1033/2006 in terms of ICAO provisions of Article 3 (1).

Commission Regulation (EC) No. 1033/2006 of 6 July 2006th laying down requirements regarding procedures for flight plans in the pre-flight phase of the Single European Sky is given in Appendix 1 this Regulation.

Commission Regulation (EU) No. 929/2010 of 18 October 2010 amending the Regulation (EC) No. 1033/2006 in terms of ICAO provisions of Article 3 Paragraph 1 is given in Appendix 2 this Regulation.

Article 3 Definitions

Terms used herein shall have the following meanings:

- 1) ICAO is the International Civil Aviation Organization;
- 2) Regulation (EC) No. 549/2004 is the European Parliament and Council Regulation (EC) No. 549/2004 of 10 March 2004, which provides a framework for the creation of the single European Sky (the framework Regulation), which was transposed in the legislation of the Republic of Serbia

by Regulation on the conditions and manner of issuance and validity of the certificate of provision of services in air navigation ("RS Official Gazette", No. 32/11);

3) Regulation (EC) No. 551/2004 Regulation of the European Parliament and Council Regulation (EC) No. 551/2004 of 10 March 2004th on the organization and use of airspace in the single European sky (the airspace Regulation), which is transposed in the legislation of the Republic of Serbia on transposing Regulation EU regulations on airspace management and flexible use of airspace ("RS Official Gazette", No. 69/11);

4) The Chicago Convention is the Convention on International Civil Aviation, Chicago, 1944. Other terms used herein shall have the meaning set forth in Section 2 of the Commission Regulation (EC) No. 1033/2006.

Other terms used in this Regulation shall have meanings as set out in Article 2 of the Commission Regulation (EC) No 1033/2006.

The terms "Member States" and "Official Journal of the European Union" used in the annexes of this Regulation shall be interpreted in accordance with items 2 and 3 of Annex II of the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, the Republic of Montenegro, Norway, Romania, Republic of Serbia and the United Nations Interim Administration Kosovo (under UN Security Council Resolution 1244 of 10 June 1999) on the establishment of a European Common Aviation Area.

Article 4 **Entry into force**

This Regulation shall enter into force on the day of its publication in the "Official Gazette of the Republic of Serbia", except for the provisions of Appendix 2 of this Regulation in force since 15 November 2012.

No1/0-01-0001/2012-0010

In Belgrade, 23 February 2012.

Management Board

President

Milutin Mrkonjić

Commission Regulation (EC) No. 1033/2006 of 6 July 2006th laying down requirements regarding procedures for flight plans in the pre-flight phase of the Single European Sky

Article 1

Subject matter and scope

1. This Regulation lays down the requirements for procedures relating to flight plans in the pre-flight phase to ensure consistency of flight plans, repetitive flight plans and associated update messages between operators, pilots and air traffic services units through the Integrated Initial Flight Plan Processing System, either in the period preceding the first delivery of air traffic control clearance for flights taking off from within the airspace covered by this Regulation or in the period preceding entry into that airspace for other flights.

2. This Regulation shall apply to all flights intended to operate or operating as general air traffic in accordance with instrument flight rules within the airspace defined in Article 1(3) of Regulation (EC) No 551/2004.

3. This Regulation shall apply to each of the following parties involved in the submission, modification, acceptance and distribution of flight plans:

- (a) operators and agents acting on their behalf;
- (b) pilots and agents acting on their behalf;
- (c) air traffic services units providing services to general air traffic flying in accordance with instrument flight rules.

Article 2

Definitions

1. For the purposes of this Regulation the definitions referred to in Regulation (EC) No. 549/2004 shall be applicable.

2. In addition to the definitions referred to in paragraph 1 the following definitions shall apply:

- 1) "flight plan" means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;
- 2) "pre-flight phase" means the period from the first submission of a flight plan until the first delivery of an air traffic control clearance;
- 3) "repetitive flight plan" means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by air traffic service units;
- 4) "operator" means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;
- 5) "air traffic services unit" (hereinafter ATS unit) means a unit, civil or military, responsible for providing air traffic services;
- 6) "Integrated Initial Flight Plan Processing System" (hereinafter IFPS) means a system within the European Air Traffic Management Network through which a centralised flight planning processing and distribution service, dealing with the reception, validation and distribution of flight plans, is provided within the airspace covered by this Regulation;

7) "air traffic control clearance" (hereinafter ATC clearance) means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

8) "instrument flight rules" means instrument flight rules as defined in Annex 2 [4] to the 1944 Chicago Convention on International Civil Aviation;

9. "air traffic control unit" (hereinafter ATC unit) means variously area control centre, approach control unit or aerodrome control tower;

10. "key items of a flight plan" means the following items of a flight plan:

- (a) aircraft identification;
- (b) departure aerodrome;
- (c) estimated off-block date;
- (D) (d) estimated off-block time;
- (e) destination aerodrome;
- (f) route excluding terminal area procedures;
- (g) cruising speed(s) and requested flight level(s);
- (h) aircraft type and category of wake turbulence;
- (i) flight rules and type of flight;
- (j) aircraft equipment and its related capabilities;

11. "originator" means a person or organisation submitting flight plans and any associated update messages to the IFPS, including pilots, operators and agents acting on their behalf and ATS units;

12. "initial flight plan" means the flight plan initially submitted by the originator including changes, if any, initiated and accepted by pilots, operators, an ATS unit or the centralised service for flight planning processing and distribution of flight plans during the pre-flight phase;

13. "aircraft identification" means a group of letters, figures or a combination thereof which is either identical to, or the coded equivalent of, the aircraft call sign to be used in air-ground communications, and which is used to identify the aircraft in ground-ground air traffic services communications;

14. "estimated off-block date" means the estimated date on which the aircraft will commence movement associated with departure;

15. "estimated off-block time" means the estimated time at which the aircraft will commence movement associated with departure;

16. "terminal area procedures" means the standard instrument departures and the standard instrument arrival routes as defined in ICAO Procedures for Operational Services (PANS-OPS, Doc 8168 — Volume 1 — Fourth edition — 1993, incorporating Amendment No 13).

Article 3

Interoperability and performance requirements

1. The ICAO provisions specified in the Annex shall apply to the submission, acceptance and distribution of flight plans for every flight subject to this Regulation and to all changes to a key item in a flight plan in the pre-flight phase in accordance with this Regulation.
2. Member States shall take the necessary measures to ensure that when IFPS receives a flight plan, or change thereto, it:
 - (a) checks it for compliance with the format and data conventions;
 - (b) checks it for completeness and, to the extent possible, for accuracy;
 - (c) takes action, if necessary, to make it acceptable to the air traffic services; and
 - (d) indicates acceptance of the flight plan or changes thereto to the originator.
3. Member States shall take the necessary measures to ensure that IFPS communicates to all affected ATS units the accepted flight plan and any accepted pre-flight phase changes to the key items of the flight plan and associated update messages.
4. The originator, when not being the operator or the pilot, shall ensure that the conditions of acceptance of a flight plan and any necessary changes to these conditions as notified by IFPS are made available to the operator or the pilot who has submitted the flight plan.
5. The operator shall ensure that the conditions of acceptance of a flight plan and any necessary changes thereto as notified by IFPS to the originator are incorporated into the planned flight operation and communicated to the pilot.
6. The operator shall ensure prior to operation of the flight that the content of the initial flight plan correctly reflects the operational intentions.
7. ATC units shall, during the pre-flight phase, make available through IFPS any necessary changes affecting the route or flight level key items of a flight plan that could affect the safe conduct of a flight, for flight plans and associated update messages previously received by them from IFPS. No other changes to or cancellation of a flight plan shall be made by an ATC unit in the pre-flight phase without coordination with the operator.
8. Member States shall take the necessary measures to ensure that IFPS communicates any necessary pre-flight phase changes referred to in the first subparagraph of paragraph 7 to the originator of the flight plan.
9. When no flight plan has previously been received from IFPS by ATS units for a flight entering the airspace under their responsibility, the units concerned shall make available through IFPS at least the aircraft identification, aircraft type, point of entry to their area of responsibility, time and flight level at that point, route and destination aerodrome for such flights.

Article 4

Safety requirements

Member States shall take the necessary measures to ensure that any changes in the existing procedures relating to flight plans in the pre-flight phase to which this regulation applies, or the introduction of new procedures are preceded by a safety assessment that includes hazard identification, risk assessment and mitigation, conducted by the parties concerned.

Article 5 Additional requirements

1. ATS units shall ensure that their personnel involved in flight planning are made duly aware of the relevant provisions in this Regulation and that they are appropriately trained for their job functions.

2. Member States shall take the necessary measures to ensure that the personnel operating the IFPS involved in flight planning are made duly aware of the relevant provisions of this Regulation and that they are adequately trained for their job functions.

3. ATS units shall:

(a) develop and maintain operations manuals containing the necessary instructions and information to enable their operations personnel to apply the provisions of this Regulation;

(b) ensure that the manuals referred to in point (a) of this paragraph are available and up to date and that their update and distribution are subject to appropriate quality procedures and documentation configuration management;

(c) ensure that the working methods and operating procedures comply with the relevant provisions specified in this Regulation.

4. Member States shall take the necessary measures to ensure that a centralized flight planning processing and distribution service:

(a) develops and maintains operations manuals containing the necessary instructions and information to enable their operations personnel to apply the provisions of this Regulation;

(b) ensures that the manuals referred to in point (a) of this paragraph shall be available and up to date and that their update and distribution are subject to appropriate quality procedures and documentation configuration management;

(c) ensures that the working methods and operating procedures comply with the relevant provisions specified in this Regulation.

5. Member States shall take the necessary measures to ensure compliance with this Regulation.

Article 6 Entry into force and application

This Regulation shall enter into force on 20th day following its publication in the Official Journal of the European Union. This Regulation shall apply from 1 January 2009.

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

Annex

ICAO provisions referred to in Article 3, paragraph 1 this Regulation

1. ICAO Annex 2 — Rules of the Air (10th edition — July 2005), Chapter 3, Paragraph 3.3 (Flight plans)

2. Chapter 4, Paragraph 4 (Flight plan), and Chapter 11, Paragraph 11.4.2.2 (Filed flight plan messages and associated update messages) of ICAO PANS-ATM Doc. 4444 (14th edition — 2001).

3. Regional Supplementary Procedures, Doc. 7030/4 — EUR, Part 1, Rules of the Air, Air Traffic Services and Search and Rescue, (Fourth edition — 1987, incorporating Amendment No 210),

Chapter 3 (Flight plans), and Chapter 14, paragraph 14.1.4 (Flight information region boundaries estimates).

Appendix 2

Commission Regulation (EU) No. 929/2010 of 18 October 2010 amending Regulation (EC) No. 1033/2006 in terms of ICAO provisions of Article 3 Paragraph 1

Article 1

Annex EC Commission Regulation (EC) No. 1033/2006, points 1, 2 and the 3 replaced with the following:

1. ICAO Annex 2 - Rules of the Air (10th edition from July 2005. Year, including all amendments up to number 42), Chapter 3, paragraph 3.3 (plane flight).
2. ICAO PANS-ATM Document 4444 (15th edition in 2007. Year, including all amendments up to number 2), Chapter 4, paragraph 4.4 (Flight plans), and Chapter 11, § 11.4.2.2 (Posts movement).
3. Additional regional processes, Document 7030, Euro (EUR) Additional regional procedures (the fifth edition of the 2008th year, including amendments to number 2), Section 2 (Flight plans) and section 6, paragraph 6.12.3 (anticipated arrival to the border) .

Article 2

This Regulation shall enter into force on 20 days after its publication in the Official Journal of the European Union. This Regulation shall apply from 15 November 2012.

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