

On the basis of the Article 265 and Article 237(3) of the Air Transport Law (“Official Gazette of the Republic of Serbia”, No. 73/10 and 57/11),

The Management Board of the Civil Aviation Directorate of the Republic of Serbia passes

REGULATION ON TRANSPOSITION OF THE EUROPEAN UNION REGULATIONS ON THE AIRSPACE MANAGEMENT AND THE FLEXIBLE USE OF AIRSPACE

Scope

Article 1

This Regulation transpose the Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (Regulation on the airspace), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system and the Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace.

The Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (Regulation on the airspace), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system is given in the Appendix 1 to this Regulation.

The Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace is given in the Appendix 2 to this Regulation.

Definitions

Article 2

For the purpose of this Regulation the definitions contained in the Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky (the framework Regulation), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system, which is transposed into the regulatory framework of the Republic of Serbia by Annex 1 to the Regulation on requirements and the validity period of the certificate for providing air navigation services (“Official Gazette of the Republic of Serbia”, No 32/11).

Apart from the definitions referred to in paragraph 1 hereof, terms used in this Regulation shall have the following meaning:

1) “ECAA” Agreement means the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia,

the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (Pursuant to UN Security Council Resolution 1244 of 10 June 1999) on the establishment of the European Common Aviation Area;

2) "EUROCONTROL" is the European Organisation for the Safety of Air Navigation set up by the International Convention of 13 December 1960 relating to Co-operation for the Safety of Air Navigation;

3) "flexible use of airspace" means a concept by which airspace is considered as one continuum and allocated for use on a day-to-day basis to accommodate user requirements, in accordance with the air navigation system capabilities;

4) "ICAO" means the International Civil Aviation Organisation;

5) "Regulation on the provision of air navigation services" means the Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky, amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system, which is transposed into regulatory framework of the Republic of Serbia by Appendix 2 of the Regulation on Requirements and the validity Period of the Certificate for Providing Air Navigation Services ("Official Gazette of the Republic of Serbia", No 32/11).

Terms "Community", "Community Law", "European Union airport", "Official Journal of the European Union" and "Member State" used in Appendices to this Regulation shall be interpreted in accordance with items 2 and 3 of the Annex II to the ECAA Agreement and appropriate provisions of the Lisbon Agreement amending the Agreement on the European Union and the Treaty Establishing the European Community.

The term "airspace management cell (AMC)" used in Appendix 2 to this Regulation shall be interpreted in accordance with the Law governing the air traffic as "the civil-military coordination unit", and the term "cross-border airspace" as "the cross-border region".

Transitional provision

Article 3

Article 6(2) and (6) of the Regulation (EC) No 551/2004 given in Appendix 1 to this Regulation, shall be applied from the date indicated in appropriate implementing rules, but not later than 4 December 2012.

Entry into force of this Regulation

Article 4

This Regulation shall enter into force on the eight day following the day of its publication in the "Official Gazette of the Republic of Serbia".

No 1/0-01-0004/2011/0004
In Belgrade, 25 August 2011

Management Board

President
Milutin Mrkonjic

**The Regulation (EC) No 551/2004
of the European Parliament and of the Council of 10 March 2004 on the
organisation and use of the airspace in the Single European Sky (Regulation on the
airspace), amended by the Regulation (EC) No 1070/2009 of the European Parliament
and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC)
No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the
performance and sustainability of the European aviation system**

**CHAPTER I
GENERAL**

Objective and scope

Article 1

1. Within the scope of the framework Regulation, this Regulation concerns the organisation and the use of airspace in the Single European Sky. The objective of this Regulation is to support the concept of a progressively more integrated operating airspace within the context of the common transport policy and to establish common procedures for design, planning and management ensuring the efficient and safe performance of air traffic management.
2. The use of airspace shall support the operation of the air navigation services as a coherent and consistent whole in accordance with the Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the Regulation on the air navigation services provision).
3. Without prejudice to Article 10 hereof, this Regulation shall apply to the airspace within the ICAO EUR (ICAO Regional Air Navigation Plan for the European Region) and AFI (African Region) where Member States are responsible for the provision of air traffic services in accordance with the service provision Regulation. Member States may also apply this Regulation to airspace under their responsibility within other ICAO regions on condition that they inform the European Commission (Commission) and the other Member States thereof.
4. The Flight Information Regions comprised within the airspace to which this Regulation applies shall be published in the Official Journal of the European Union.

**CHAPTER II
AIRSPACE ARCHITECTURE**

Division level

Article 2

It shall be deleted.

European Upper Flight Information Region (EUIR)

Article 3

1. The Community and its Member States shall aim at the establishment and recognition by the ICAO of a single EUIR. To that effect, for matters which fall within the competence of the Community, the Commission shall submit a recommendation to the Council in accordance with Article 300 of the Treaty at the latest by 4 December 2011.

2. The EUIR shall be designed to encompass the airspace falling under the responsibility of the Member States in accordance with Article 1(3) of this Regulation and may also include airspace of European third countries.
3. The establishment of EUIR shall be without prejudice to the responsibility of Member States for the designation of air traffic service providers for the airspace under their responsibility in accordance with Article 8(1) of the service provision Regulation.
4. Member States shall retain their responsibilities towards the ICAO within the geographical limits of the upper flight information regions and flight information regions entrusted to them by ICAO on the date of entry into force of this Regulation.

Electronic aeronautical information

Article 3a

1. Without prejudice to the publication by Member States of aeronautical information and in a manner consistent with that publication, the Commission, working in cooperation with Eurocontrol, shall ensure the availability of electronic aeronautical information of high quality, presented in a harmonised way and serving the requirements of all relevant users in terms of data quality and timeliness.
2. For the purpose of paragraph 1, the Commission shall:
 - (a) ensure the development of a Community-wide aeronautical information infrastructure in the form of an electronic integrated briefing portal with unrestricted access to interested stakeholders. That infrastructure shall integrate access to and provision of required data elements such as, but not limited to aeronautical information, air traffic services reporting office (ARO) information, meteorological information and flow management information;
 - (b) support the modernisation and harmonisation of the provision of aeronautical information in its broadest sense in close cooperation with Eurocontrol and ICAO.
3. The Commission shall adopt detailed implementing rules for this Article in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation.

Rules of the air and airspace classification

Article 4

The Commission shall, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, adopt implementing rules in order to:

- (a) adopt appropriate provisions on rules of the air based upon ICAO standards and recommended practices;
- (b) harmonise the application of the ICAO airspace classification, with appropriate adaptation, in order to ensure the seamless provision of safe and efficient air traffic services within the Single European Sky.

Article 5

It shall be deleted.

Network management and design

Article 6

1. The air traffic management (ATM) network functions shall allow optimum use of

airspace and ensure that airspace users can operate preferred trajectories, while allowing maximum access to airspace and air navigation services. These network functions shall be aimed at supporting initiatives at national level and at the level of functional airspace blocks and shall be executed in a manner which respects the separation of regulatory and operational tasks.

2. In order to achieve the objectives referred to in paragraph 1 and without prejudice to the responsibilities of the Member States with regard to national routes and airspace structures, the Commission shall ensure that the following functions are carried out:

- (a) design of the European route network;
- (b) coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.

The functions listed in the first subparagraph shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall take into account proposals established at national level and at the level of functional airspace blocks. They shall be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

The Commission may, after consultation of the Single Sky Committee and in conformity with the implementing rules referred to in paragraph 4, entrust to Eurocontrol, or another impartial and competent body, the tasks necessary for the execution of the functions listed in the first subparagraph. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf of Member States and stakeholders. They shall be subject to appropriate governance, which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers.

3. The Commission may add to the list of the functions in paragraph 2 hereof after proper consultation of industry stakeholders. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(4) of the framework Regulation.

4. Detailed rules for the implementation of the measures referred to in this Article, except for those referred to in paragraphs 6 to 9, shall be adopted in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation. Those implementing rules shall address in particular:

- (a) the coordination and harmonisation of processes and procedures to enhance the efficiency of aeronautical frequency management including the development of principles and criteria;
- (b) the central function to coordinate the early identification and resolution of frequency needs in the bands allocated to European general air traffic to support the design and operation of European aviation network;
- (c) additional network functions as defined in the ATM Master Plan;
- (d) detailed arrangements for cooperative decision-making between the Member States, the air navigation service providers and the network management function for the tasks referred to in paragraph 2 hereof;
- (e) arrangements for consultation of the relevant stakeholders in the decision-making process both at national and European levels;

- (f) within the radio spectrum allocated to general air traffic by the International Telecommunication Union, a division of tasks and responsibilities between the network management function and national frequency managers, ensuring that the national frequency management functions continue to perform those frequency assignments that have no impact on the network. For those cases which do have an impact on the network, the national frequency managers shall cooperate with those responsible for the network management function to optimise the use of frequencies.
5. Aspects of airspace design other than those referred to in paragraph 2 hereof shall be dealt with at national level or at the level of functional airspace blocks. This design process shall take into account traffic demands and complexity, national or functional airspace block performance plans and shall include full consultation of relevant airspace users or relevant groups representing airspace users and military authorities as appropriate.
6. Member States shall entrust Eurocontrol or another impartial and competent body with the performance of air traffic flow management, subject to appropriate oversight arrangements.
7. Implementing rules for air traffic flow management, including the necessary oversight arrangements, shall be developed in accordance with the advisory procedure referred to in Article 5(2) of the framework Regulation and adopted in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, with a view to optimising available capacity in the use of airspace and enhancing air traffic flow management processes. These rules shall be based on transparency and efficiency, ensuring that capacity is provided in a flexible and timely manner, consistent with the recommendations of the ICAO Regional Air Navigation Plan, European Region.
8. The implementing rules for air traffic flow management shall support operational decisions by air navigation service providers, airport operators and airspace users and shall cover the following areas:
- (a) flight planning;
 - (b) use of available airspace capacity during all phases of flight, including slot assignment; and
 - (c) use of routings by general air traffic, including:
 - the creation of a single publication for route and traffic orientation,
 - options for diversion of general air traffic from congested areas, and
 - priority rules regarding access to airspace for general air traffic, particularly during periods of congestion and crisis.
9. When developing and adopting the implementing rules the Commission shall, as appropriate and without prejudice to safety, take into account consistency between flight plans and airport slots and the necessary coordination with adjacent regions.

CHAPTER III

FLEXIBLE USE OF AIRSPACE IN THE SINGLE EUROPEAN SKY

Flexible use of airspace

Article 7

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the uniform application within the single European Sky of the concept of the flexible use of airspace as described by the ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the

context of the common transport policy.

2. Member States shall report annually to the Commission on the application, in the context of the common transport policy, of the concept of the flexible use of airspace in respect of the airspace under their responsibility.

3. Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace within the Single European Sky, implementing rules within the context of the common transport policy shall be adopted in accordance with the procedure under Article 8 of the framework Regulation.

Temporary suspension

Article 8

1. In cases where the application of Article 7 hereof gives rise to significant operational difficulties, Member States may temporarily suspend such application on condition that they inform without delay the Commission and the other Member States thereof.

2. Following the introduction of a temporary suspension, adjustments to the rules adopted under Article 7(3) hereof may be worked out for the airspace under the responsibility of the Member State(s) concerned, in accordance with the procedure under Article 8 of the framework Regulation.

Article 9

It shall be deleted.

CHAPTER IV FINAL PROVISIONS

Review

Article 10

1. In the context of the periodical review referred to in Article 12(2) of the framework Regulation, the Commission shall finalise a prospective study on the conditions for future application of the concepts referred to in Articles 3, 5 and 6 to lower airspace.

2. On the basis of the study's conclusions and in the light of the progress achieved, the Commission shall submit at the latest by 31 December 2006 a report to the European Parliament and to the Council accompanied, if appropriate, by a proposal to extend the application of these concepts to lower airspace, or to determine any other steps. In the event of such an extension being envisaged, the relevant decisions should preferably be taken before 31 December 2009.

Entry into force

Article 11

This Regulation shall enter into force on the 20th 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.

**Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying
down common rules for the flexible use of airspace**

SUBJECT-MATTER

Article 1

This Regulation reinforces and harmonises the application, within the Single European Sky, of the concept of the flexible use of airspace as defined in Article 2 point (22) of Regulation (EC) No 549/2004, in order to facilitate airspace management and air traffic management within the limits of the common transport policy.

In particular, this Regulation sets out rules to ensure better cooperation between civil and military entities responsible for air traffic management that operate in the airspace under the responsibility of Member States.

DEFINITIONS

Article 2

1. For the purpose of this Regulation the definitions established by Regulation (EC) No 549/2004 shall apply.

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

(a) “airspace management cell (AMC)” means a cell responsible for the day-to-day management of the airspace under the responsibility of one or more Member States;

(b) “airspace reservation” means a defined volume of airspace temporarily reserved for exclusive or specific use by categories of users;

(c) “airspace restriction” means a defined volume of airspace within which, variously, activities dangerous to the flight of aircraft may be conducted at specified times (a “danger area”); or such airspace situated above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions (a “restricted area”); or airspace situated above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited (a “prohibited area”);

(d) “airspace structure” means a specific volume of airspace designed to ensure the safe and optimal operation of aircraft;

(e) “air traffic services unit” (ATS unit) means a unit, civil or military, responsible for providing air traffic services;

(f) “civil-military coordination” means the coordination between civil and military parties authorised to make decisions and agree a course of action;

(g) “controlling military unit” means any fixed or mobile military unit handling military air traffic and/or pursuing other activities which, owing to their specific nature, may require an airspace reservation or restriction;

(h) “cross-border airspace” means an airspace structure extending across national borders and/or the boundaries of flight information regions;

(i) “flight intention” means the flight path and associated flight data describing the planned trajectory of a flight to its destination, as updated at any moment;

(j) “flight path” means the path of an aircraft through the air, defined in three dimensions;

- (к) “real-time” means the actual time during which a process or event occurs;
- (l) “separation” means spacing between aircraft, levels or tracks;
- (m) “users” means civil or military aircraft operating in the air as well as any other parties requiring airspace.

PRINCIPLES

Article 3

The concept of “flexible use of airspace” shall be governed by the following principles:

- (a) coordination between civil and military authorities shall be organised at the strategic, pre-tactical and tactical levels of airspace management through the establishment of agreements and procedures in order to increase safety and airspace capacity, and to improve the efficiency and flexibility of aircraft operations;
- (b) consistency between airspace management, air traffic flow management and air traffic services shall be established and maintained at the three levels of airspace management enumerated in point (a) in order to ensure, for the benefit of all users, efficiency in airspace planning, allocation and use;
- (c) the airspace reservation for exclusive or specific use of categories of users shall be of a temporary nature, applied only during limited periods of time based on actual use and released as soon as the activity having caused its establishment ceases;
- (d) Member States shall develop cooperation for the efficient and consistent application of the concept of flexible use of airspace across national borders and/or the boundaries of flight information regions, and shall in particular address cross-border activities; this cooperation shall cover all relevant legal, operational and technical issues;
- (e) air traffic services units and users shall make the best use of the available airspace.

STRATEGIC AIRSPACE MANAGEMENT (level 1)

Article 4

1. Member States shall perform the following tasks:

- (a) ensure the overall application of the flexible use of airspace concept at a strategic, pre-tactical and tactical level;
- (b) regularly review users’ requirements;
- (c) approve the activities which require airspace reservation or restriction;
- (d) define temporary airspace structures and procedures to offer multiple airspace reservation and route options;
- (e) establish criteria and procedures providing for the creation and the use of adjustable lateral and vertical limits of the airspace required for accommodating diverse variations of flight paths and short-term changes of flights;
- (f) assess the national airspace structures and route network with the aim of planning for flexible airspace structures and procedures;
- (g) define the specific conditions under which the responsibility for separation between civil and military flights rests on the air traffic services units or controlling military units;
- (h) develop cross-border airspace use with neighbouring Member States where needed by the traffic flows and users’ activities;
- (i) coordinate their airspace management policy with those of neighbouring Member States to jointly address use of airspace across national borders and/or the boundaries of flight information regions;

(j) establish and make available airspace structures to users in close cooperation and coordination with neighbouring Member States where the airspace structures concerned have a significant impact on the traffic across national borders and/or the boundaries of flight information regions, with a view to ensuring optimum use of airspace for all users throughout the Community;

(k) establish with neighbouring Member States one common set of standards for separation between civil and military flights for cross-border activities;

(l) set up consultation mechanisms between the persons or organisations as referred to in paragraph 3 and all relevant partners and organisations to ensure that users' requirements are properly addressed;

(m) assess and review airspace procedures and performance of flexible use of airspace operations;

(n) establish mechanisms to archive data on the requests, allocation and actual use of airspace structures for further analysis and planning activities.

The conditions referred to in point (g) shall be documented and taken into account in the safety assessment referred to in Article 7.

2. In those Member States where both civil and military authorities are responsible for or involved in airspace management, the tasks set out in paragraph 1 shall be performed through a joint civil-military process.

3. Member States shall identify and notify to the Commission those persons or organisations which are responsible for the execution of tasks listed in paragraph 1. The Commission shall maintain and publish a list of all persons or organisations identified in order to further the cooperation between Member States.

PRE-TACTICAL AIRSPACE MANAGEMENT (level 2)

Article 5

1. Member States shall appoint or establish an airspace management cell to allocate airspace in accordance with the conditions and procedures defined in Article 4(1).

In those Member States where both civil and military authorities are responsible for or involved in airspace management, this cell shall take the form of a joint civil military cell.

2. Two or more Member States may establish a joint airspace management cell.

3. Member States shall ensure that adequate supporting systems are put in place to enable the airspace management cell to manage airspace allocation and to communicate in good time the airspace availability to all affected users, airspace management cells, air traffic service providers and all relevant partners and organisations.

TACTICAL AIRSPACE MANAGEMENT (level 3)

Article 6

1. Member States shall ensure the establishment of civil-military coordination procedures and communication facilities between appropriate air traffic service units and controlling military units permitting mutual provision of airspace data to allow the real-time activation, deactivation or reallocation of the airspace allocated at pre-tactical level.

2. Member States shall ensure that the relevant controlling military units and air traffic services units exchange any modification of the planned activation of airspace in a timely and effective manner and notify to all affected users the current status of the airspace.

3. Member States shall ensure the establishment of coordination procedures and the establishment of supporting systems between air traffic service units and controlling military units in order to ensure safety when managing interactions between civil and military flights.

4. Member States shall ensure that coordination procedures are established between civil and military air traffic service units so as to permit direct communication of relevant information to resolve specific traffic situations where civil and military controllers are providing services in the same airspace. This relevant information shall be made available, in particular where it is required for safety reasons, to civil and military controllers and controlling military units through a timely exchange of flight data, including the position and flight intention of the aircraft.

5. Where cross-border activities take place, Member States shall ensure that a common set of procedures to manage specific traffic situations and to enhance real time airspace management is agreed between civil air traffic services units and military air traffic services units and/or controlling military units which are concerned by those activities.

SAFETY ASSESSMENT

Article 7

Member States shall, in order to maintain or enhance existing safety levels, ensure that, within the context of a safety management process, a safety assessment, including hazard identification, risk assessment and mitigation, is conducted, before they introduce any changes to the operations of the flexible use of airspace.

REPORTING

Article 8

When reporting annually on the application of the flexible use of airspace as referred to in Article 7(2) of the Regulation (EC) No 551/2004, Member States shall provide the elements detailed in the Annex to this Regulation.

COMPLIANCE MONITORING

Article 9

Member States shall monitor compliance with this Regulation by means of inspections, surveys and safety audits.

ENTRY INTO FORCE

Article 10

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

Article 6 shall apply 12 months after the day of entry into force of this Regulation.

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

**LIST OF ELEMENTS REQUIRED FOR THE ANNUAL REPORT ON
THE APPLICATION OF THE FLEXIBLE USE OF AIRSPACE**

- General description of the national organisation and responsibilities at level 1, level 2 and level 3 of the flexible use of airspace concept.
- Evaluation of the functioning of agreements, procedures and supporting systems established at the strategic, pretactical and tactical levels of airspace management. This evaluation shall be conducted with regard to safety, airspace capacity, efficiency and flexibility of aircraft operations of all users.
- Problems encountered in the implementation of this Regulation, actions taken and need for changes.
- Outcome of national inspections, surveys and safety audits.
- Cooperation between Member States on airspace management and especially on the creation and management of cross-border airspace and cross-border activities.