

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 (the airspace Regulation) (Text with EEA relevance)

CHAPTER II

AIRSPACE ARCHITECTURE

^{F1}Article 2

[^{F1}Division level]

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Textual Amendments

- F1** Deleted by [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 \(Text with EEA relevance\).](#)

^{F2}Article 3

European Upper Flight Information Region (EUIR)

- 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) and may also include airspace of European third countries.
- 3 The establishment of the 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 the ICAO on the date of entry into force of this Regulation.]

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Textual Amendments

- F2** Substituted by [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 \(Text with EEA relevance\).](#)

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 551/2004 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

[^{F3}Article 3a

Electronic aeronautical information

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 the 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.]

Textual Amendments

- F3** Inserted by [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 \(Text with EEA relevance\).](#)

[^{F2}Article 4

Rules of the air and airspace classification

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.]

Textual Amendments

- F2** Substituted by [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 \(Text with EEA relevance\).](#)

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^{F1}Article 5

[^{F1}Reconfiguration of the upper airspace]

Textual Amendments

- F1** Deleted by 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 (Text with EEA relevance).

^{F2}Article 6

Network management and design

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 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.

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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;
- e arrangements for consultation of the relevant stakeholders in the decision-making process both at national and European levels; and
- 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 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

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- 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.]

Textual Amendments

F2 Substituted by [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 \(Text with EEA relevance\).](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/459 reg. 55](#)
- Art. 3a(2)(a) words substituted by [S.I. 2019/459 reg. 48\(3\)\(b\)](#)
- Art. 3a(2)(b) word substituted by [S.I. 2019/459 reg. 48\(3\)\(c\)](#)
- Art. 4(1) words in Art. 4 renumbered as Art. 4(1) by [S.I. 2019/459 reg. 49\(2\)](#)
- Art. 4(1) words substituted by [S.I. 2019/459 reg. 49\(3\)](#)
- Art. 4(1)(b) words omitted by [S.I. 2019/459 reg. 49\(4\)](#)
- Art. 4(2)(3) inserted by [S.I. 2019/459 reg. 49\(5\)](#)
- Art. 6(10)(11) inserted by [S.I. 2019/459 reg. 50\(7\)](#)
- Art. 7(1A) inserted by [S.I. 2019/459 reg. 51\(3\)](#)
- Art. 7(3)-(6) substituted for Art. 7(3) by [S.I. 2019/459 reg. 51\(5\)](#)