

Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky (Text with EEA relevance)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management Network (the interoperability Regulation)⁽¹⁾, and in particular Article 3(1) thereof,

Having regard to 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)⁽²⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Significant inconsistencies between flight plan data held by parties concerned by the safe conduct of flights, notably air traffic services units, operators and pilots, have been highlighted by a number of studies undertaken by the Commission and the European Organisation for the Safety of Air Navigation (Eurocontrol). Such inconsistencies may have an impact on the safety and efficiency of the European air traffic management system. Furthermore, greater consistency in flight plan data would contribute to seamless operation, to support for new concepts of operations, notably in the field of air traffic flow management, and to enhanced safety. Appropriate measures should therefore be taken to reduce the occurrence of inconsistencies between flight plan data.
- (2) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for flight plans in the pre-flight phase for the single European sky. This Regulation is based on the resulting mandate report of 17 March 2005.
- (3) The territorial scope of this Regulation should be clearly defined by reference to 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⁽³⁾.
- (4) The International Civil Aviation Organisation (hereinafter ICAO) has defined procedures for the submission, acceptance and distribution of flight plans, which should be brought into force in order to be applied uniformly within the airspace of the single European sky. These procedures should be complemented by provisions obliging

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operators, pilots, air traffic services units and various originators of flight plans to ensure that the key items of flight plans held by them remain consistent until the end of the pre-flight phase for flights departing from within the airspace covered by this Regulation. These key items should be clearly identified.

- (5) A centralised flight planning processing and distribution service, provided through the Integrated Initial Flight Plan Processing System (hereinafter IFPS), has been established under the authority of Eurocontrol. Member States should be required to take the necessary measures to ensure that the IFPS delivers information supporting the consistency of the key items of the flight plans.
- (6) If the IFPS receives no flight plan for flights entering the airspace covered by this Regulation from adjacent airspaces, similar risks may arise to those resulting from inconsistencies between flight plan data held by air traffic services units, operators and pilots for flights departing from within this airspace. In such cases, air traffic services units should provide IFPS with appropriate flight data to prevent these risks.
- (7) With a view to maintaining or enhancing existing safety levels of operations Member States should be required to ensure the conduct by the parties concerned of a safety assessment including hazard identification, risk assessment and mitigation processes.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee established by Article 5 of Regulation (EC) No 549/2004,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 96, 31.3.2004, p. 26.](#)
- (2) [OJ L 96, 31.3.2004, p. 1.](#)
- (3) [OJ L 96, 31.3.2004, p. 20.](#)