

Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010 (Text with EEA relevance) (repealed)

COMMISSION REGULATION (EU) No 677/2011

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laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010

(Text with EEA relevance) (repealed)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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)⁽¹⁾, and in particular Article 11 thereof,

Having regard 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 (the airspace Regulation)⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Regulation (EC) No 551/2004 aims at supporting 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. Network functions should be aimed at supporting initiatives at national level and at the level of functional airspace blocks.
- (2) The network functions should be a ‘service of general interest’ exercised for the European aviation network and contributing to the sustainable development of the air transport system by ensuring the required level of performance, compatibility and coordination of activities including those to ensure the optimal use of scarce resources.
- (3) The design of the European route network and the coordination of scarce resources according to Regulation (EC) No 551/2004 should be without prejudice to Member States’ sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters according to Regulation (EC) No 549/2004.
- (4) Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)⁽³⁾ creates a policy and legal framework for that area.

- (5) An impartial and competent body (the Network Manager) should be established to perform the tasks necessary for the execution of the network functions provided for in Regulation (EC) No 551/2004.
- (6) The European route network should be designed to optimise routings from a gate-to-gate perspective in all phases of flight taking in particular into account flight efficiency and environmental aspects.
- (7) The work of the International Civil Aviation Organization (ICAO) and Eurocontrol in route design, frequency and secondary surveillance radar (SSR) transponder code management is recognised and should be used as a basis when optimising the development and operation of the network at Union level.
- (8) The obligations of the Member States towards the ICAO regarding route design, frequency and SSR transponder code management should be respected and should be implemented more effectively for the network with coordination by and support from the Network Manager.
- (9) The allocation of radio spectrum takes place in the context of the International Telecommunication Union (ITU). The Member States have a responsibility to highlight the civil aviation requirements and to subsequently use the resource allocated to general air traffic in an optimal manner.
- (10) The ICAO has developed guidance material relevant for the SSR transponder code and radio frequency functions and operates a system of registering frequency assignments for general air traffic purposes in the ICAO European region, currently facilitated by Eurocontrol.
- (11) Regulation (EC) No 551/2004 requires the adoption of detailed implementing rules to coordinate and harmonise the processes and procedures to enhance the efficiency of aeronautical frequency management and a central function to coordinate the early identification and resolution of frequency needs to support the design and operation of the network.
- (12) As air traffic flow management (ATFM) is an integral part of the network functions, an appropriate link to Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management⁽⁴⁾ is required.
- (13) As the efficiency of network management depends on immediate commencement of network functions, the Member States have already entrusted Eurocontrol with the performance of ATFM.
- (14) It is beneficial to entrust a single body to coordinate the various network functions in order to develop consistent short and long term optimisation solutions at network level, compliant with the performance objectives. However, network functions should be delivered by the Network Manager and at Member State and functional airspace block level according to the responsibilities set out by this Regulation.
- (15) The Network Manager should be involved with aspects of Member State or functional airspace blocks air traffic management (ATM) plans, actions and performance, in

particular when it can be expected that it has, or is likely to have, a material effect on the performance of the network.

- (16) The events linked to the eruption of the Eyjafjallajökull volcano in April 2010 have demonstrated the need to create a central entity that can take the lead in coordinating the management of mitigating measures at local, regional and network level in order to secure the provision of a timely response to future crisis situations affecting aviation.
- (17) There should be coordination between the network functions and the operations organised at level of functional airspace blocks.
- (18) Effective stakeholder consultations should take place at national, functional airspace block and network levels.
- (19) Airports being entry and exit points to the network are key contributors to overall network performance, therefore the network functions should liaise through the Union observatory on airports capacity with airport operators acting as ground coordinators with the objective to optimise capacity on the ground, thus improving the overall network capacity.
- (20) The implementation of network functions should be without prejudice to Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports⁽⁵⁾.
- (21) Having due regard to military operation effectiveness, civil-military cooperation and coordination are of utmost importance in order to achieve the required objectives. Whilst decisions relating to the content, scope or carrying out of military operations and training performed under the operational air traffic regime, do not fall within the sphere of competence of the Union, it is important to cover the interfaces between these operations and those covered by this Regulation in the interest of safety and mutual efficiency.
- (22) The network functions should be without prejudice to Article 13 of Regulation (EC) No 549/2004 aiming at safeguarding essential security or defence policy interests or the application of flexible use of airspace provided for in Article 7 of Regulation (EC) No 551/2004.
- (23) The network functions should be provided in a cost-efficient manner, in particular avoiding any duplication of efforts, and therefore enabling the provision of these functions at reduced, or at least not higher, financial and human resources requirements in the Member States in the context of this Regulation, compared to the situation before a Network Manager was nominated.
- (24) The Commission should ensure an appropriate oversight of the Network Manager.
- (25) Safety requirements for the network functions have to be of comparable level with the European Aviation Safety Agency (the Agency) requirements on air navigation service provision. These requirements, as well as the requirements on the safety oversight, should be provided.

- (26) The consideration and involvement of third countries in the establishment and implementation of the network functions should contribute to the pan-European dimension of the single European sky.
- (27) The network functions may be expanded in accordance with Article 6 of Regulation (EC) No 551/2004.
- (28) The execution of the network functions should be subject to specific performance targets which require amendments to Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services⁽⁶⁾. Those specific performance targets may be further developed based on practical experience with the execution of the performance scheme.
- (29) Regulation (EU) No 691/2010 should therefore be amended accordingly.
- (30) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Status: This is the original version (as it was originally adopted).

- (1) OJ L 96, 31.3.2004, p. 1.
- (2) OJ L 96, 31.3.2004, p. 20.
- (3) OJ L 108, 24.4.2002, p. 1.
- (4) OJ L 80, 26.3.2010, p. 10.
- (5) OJ L 14, 22.1.1993, p. 1.
- (6) OJ L 201, 3.8.2010, p. 1.