# Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (Text with EEA relevance)

## COMMISSION REGULATION (EU) No 255/2010

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## laying down common rules on air traffic flow management

## (Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and the use of the airspace in the single European sky (the airspace Regulation)[(1)] and in particular Article 6(7) thereof,

Whereas:

(1) The Commission is required to lay down measures regarding air traffic flow management (hereinafter ATFM) with a view to optimising available capacity in the use of airspace and enhancing ATFM processes.

(2) The European Organisation for the Safety of Air Navigation (Eurocontrol) has been mandated in accordance with Article 8(1) of 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)] to develop implementing rules for ATFM. This Regulation is based on the resulting mandate report of 7 December 2007.

(3) The uniform application of specific rules and procedures within the airspace of the single European sky is critical for the achievement of the optimum use of available air traffic control capacity through the efficient management and operation of the ATFM function.

(4) This Regulation should not cover military operations and training as referred to in Article 1(2) of Regulation (EC) No 549/2004. However military aircraft operating as general air traffic should be subject to ATFM measures when operating or intending to operate within airspace or airports to which ATFM measures apply.

(5) In accordance with Article 13 of Regulation (EC) No 549/2004, Member States' essential security or defence policy interests should be safeguarded in the definition and implementation of ATFM measures.

(6) A single central unit for ATFM in charge of planning, coordination and execution of ATFM measures has been established by Eurocontrol taking into consideration the recommendations of the International Civil Aviation Organisation (ICAO). Member States should be required to take the necessary measures to ensure that the central unit

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for ATFM optimises the overall effects of ATFM measures on the European air traffic management network (hereinafter EATMN).

(7) ATFM measures should be based on principles laid down by ICAO and all parties in the ATFM system should adhere to rules that ensure that air traffic control capacity is used safely and to the maximum extent possible.

(8) ATFM measures should take into account the availability of routes and airspace in particular through the application of the flexible use of airspace by all relevant parties including the airspace management cell laid down by Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace[(3)].

(9) In order to optimise available capacity of the EATMN, including airports, procedures aimed at increasing the consistency between airport slots and flight plans should be established.

(10) It is appropriate to provide Member States and parties involved in ATFM processes with sufficient time to comply with requirements for air traffic flow management.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Subject matter and scope**

1 This Regulation lays down the requirements for air traffic flow management (hereinafter ATFM) in order to optimise the available capacity of the European air traffic management network (hereinafter EATMN) and enhance ATFM processes.

2 This Regulation shall apply within the airspace referred to in Article 1(3) of Regulation (EC) No 551/2004 to:

a all flights intended to operate or operating as general air traffic and in accordance with the instrument flight rules (hereinafter IFR) in whole or in part;

b all phases of flights referred to in point (a) and air traffic management.

3 This Regulation shall apply to the following parties, or agents acting on their behalf, involved in ATFM processes:

a operators of aircraft,

b air traffic service (hereinafter ATS) units, including ATS reporting offices and aerodrome control services;

c aeronautical information services;

d entities involved in airspace management;

e airport managing bodies;

f the central unit for ATFM;

g local ATFM units;

h slot coordinators of coordinated airports.

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*Article 2*

**Definitions**

For the purposes of this Regulation the definitions provided for in Article 2 of Regulation (EC) No 549/2004 and Article 2 of Council Regulation (EEC) No 95/93[(4)] shall apply.

The following definitions shall also apply:

1. ‘air traffic flow management (ATFM) measure’ means the actions taken to perform air traffic flow management and capacity management;

2. ‘operator’ means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

3. **[**[F1]‘IFR’ means the symbol used to designate instrument flight rules;**]**

4. ‘air traffic services (ATS) reporting office’ means an ATS unit established for the purpose of receiving reports concerning ATS and flight plans submitted before the first delivery of an air traffic control clearance;

5. ‘local air traffic flow management (ATFM) unit’ means a flow management entity operating on behalf of one or more other flow management entities as the interface between the central unit for ATFM and an ATS unit or a group of such units;

6. ‘critical event’ means an unusual situation or crisis involving a major loss of EATMN capacity, or a major imbalance between EATMN capacity and demand, or a major failure in the information flow in one or several parts of the EATMN;

7. ‘air traffic flow management (ATFM) departure slot’ means a calculated take-off time attributed by the central unit for ATFM with a time tolerance managed by the local ATS unit;

8. ‘route and traffic orientation’ means policies and procedures for the use of routes by aircraft;

9. ‘multiple flight plan’ means more than one flight plan for the same intended flight between two airports;

10. ‘air traffic service (ATS) unit sector configuration’ means the four dimensional description of an ATS unit airspace sector, or group of sectors, which may be operated on a permanent or temporary basis;

11. ‘aerodrome taxi time’ means the pre-determined time value from off-block to take-off, expressed in minutes and valid during normal airport operations;

12. ‘updated flight position’ means aircraft position, updated by surveillance data, flight plan data or position reports;

13. ‘air traffic control clearance’ means the authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

14. ‘flight plan suspension’ means the process initiated by an entity performing ATFM to ensure that a change is made to the flight plan by the operator before the execution of the flight;

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15. 'air service' means a flight or a series of flights carrying passengers, cargo or mail for remuneration or hire;

16. 'operational log' means a log of the ATFM system, converted into a database to allow quick search of ATFM data.

**Textual Amendments**

**F1** Substituted by Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (Text with EEA relevance).

*Article 3*

**Air traffic flow management framework**

1 The planning, coordination and execution of the ATFM measures by the parties referred to in Article 1(3) shall comply with the ICAO provisions specified in the Annex.

2 ATFM shall be governed by the following principles:

a ATFM measures shall:

(i) prevent excessive air traffic demand compared with declared air traffic control (ATC) capacity of sectors and airports;

(ii) use EATMN capacity to the maximum extent possible in order to optimise the efficiency of the EATMN and minimise adverse effects on operators;

(iii) optimise the EATMN capacity made available through the development and application of capacity enhancing measures by ATS units;

(iv) support the management of critical events;

b local ATFM units and the central unit for ATFM shall be considered as part of the ATFM function.

3 The allocation of ATFM departure slots shall give priority to flights according to the order of their planned entry into the location at which the ATFM measure will apply, unless specific circumstances require application of a different priority rule which is formally agreed and is of benefit to the EATMN.

The first subparagraph may be applied to flights which are unable to accept the re-routing option to avoid or alleviate congested areas, taking into consideration the location and extent of the congested area.

*Article 4*

**General obligations of Member States**

1 Member States shall ensure that the ATFM function is available to parties referred to in Article 1(3) on a 24 hour basis.

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2 The definition and implementation of ATFM measures shall be compatible with Member States security and defence requirements, in order to ensure efficiency in airspace planning, allocation and use for the benefit of parties referred in Article 1(3).

3 Consistent procedures shall be established for the cooperation between the parties involved in ATFM function, ATS units and entities involved in airspace management, in order to optimise the use of the airspace.

4 A common reference document containing the policies, procedures and description for route and traffic orientation shall be created. Where applicable, publication of route availability in national aeronautical information publications shall be fully consistent with this common reference document.

5 Common procedures for requesting exemption from an ATFM departure slot shall be drawn up in accordance with the ICAO provisions specified in the Annex. Those procedures shall be coordinated with the central unit for ATFM and published in national aeronautical information publications.

*Article 5*

**Obligations of Member States concerning the central unit for ATFM**

Member States shall ensure that the central unit for ATFM:

(a) optimises the overall performance effects on the EATMN through planning, coordination and implementation of ATFM measures;

(b) consults with operators on the definition of ATFM measures;

(c) ensures the effective implementation of ATFM measures, together with local ATFM units;

(d) in coordination with local ATFM units identifies alternative routings to avoid or alleviate congested areas, taking into account the overall performance effects on the EATMN;

(e) offers a re-routing to those flights that would optimise the effect of point (d);

(f) provides information on ATFM in a timely manner to operators and ATS units, including:

  (i) planned ATFM measures;

  (ii) impact of ATFM measures on take-off time and flight profile of individual flights;

(g) monitors the occurrences of missing flight plans and multiple flight plans that are filed;

(h) suspends a flight plan when, considering the time tolerance, the ATFM departure slot cannot be met and a new estimated off-block time is not known;

(i) monitors the number of exemptions granted in accordance with Article 4(5).