

NEFAB Airspace Policy

Version 1.0



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NEFAB Airspace Policy

Foreword

Harmonised airspace strategies are important to enable optimum use of airspace and consistency with European route network.

It is important to note that this airspace policy shall be considered together with national airspace policies and other related provisions like national strategies and guidance on infrastructural developments and ASM procedures of NEFAB states. Each NEFAB state shall ensure that national airspace policies and related provisions are compatible with this policy.

Airspace policy is regularly reviewed in order to ensure its timeliness. Safety and performance are the primary values of the design and use of airspace.

1. Background

According to Article 1 of the 1944 Chicago Convention on Civil Aviation, the Contracting States recognise that "every State has complete and exclusive sovereignty over the airspace above its territory". It is within the framework of such sovereignty that the Member States of the Community, subject to applicable international conventions, exercise the powers of a public authority when controlling air traffic.

Article 7.1 of the regulation EU 551/2004 (Airspace regulation) establishes an obligation to Member States to 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.

The principles of the flexible use of airspace are further elaborated in FUA Regulation (EU 2150/2005). In particular article 4 of this regulation was considered.

According to the NEFAB State level Agreement the Contracting States shall ensure the design and management of a seamless airspace, as well as the coordinated air traffic flow and capacity management, taking due account of collaborative processes at international level. However, the NEFAB State level Agreement does not affect the rights of each Contracting State to reserve, restrict or otherwise organise defined volumes of its own airspace, for exclusive or specific use by military users and/or aircraft operated as operational air traffic.

NEFAB airspace policy is in line with the Single European Sky (SES) regulations and the implementing rules as well as with EASA, Eurocontrol and ICAO standards.

2. Purpose

The NEFAB airspace policy together with national policies and provisions intends to provide stakeholders with information about how airspace management and design are arranged in NEFAB. The intention is also to support stakeholders in their own investment and project planning, as well as to increase transparency of the airspace design and airspace management thus ensuring public confidence in the performance and safety of the system.

NEFAB airspace policy creates a high-level framework in the NEFAB area within which the civil aviation authorities develop their respective national airspace policies.

3. Airspace Management and Design principles

The NEFAB states shall ensure the design and management of a seamless airspace, as well as the coordinated air traffic flow and capacity management, taking due account of collaborative processes at international level.

The NEFAB states shall cooperate at legal, operational and technical level for efficient and consistent application of the concept of flexible use of airspace taking into account both civil and military needs.

Safety, compatibility, accessibility, and environmental impact considerations are the principles that guide the civil aviation authorities of NEFAB when structuring and developing airspace. NEFAB airspace policy principles are based on the Single European Sky (SES) regulations, the Commission's implementing regulations and EASA, Eurocontrol and ICAO standards. The goal is to achieve a safe airspace which facilitates efficient operations and where environmental impacts are considered. The NEFAB airspace shall be designed and managed in a way that it is compatible with neighbouring functional airspace blocks and states' airspaces.

The primary principles of the design and management of the NEFAB airspace are:

- Safety:** The airspace shall be designed and managed in such manner that safety is taken into account comprehensively in all functions. Each stakeholder shall, in accordance with its safety management procedures, ensure that the high level of safety is maintained and improved whenever possible.
- Compatibility:** Airspace classification and structure shall be compatible with international standards and practices while recognising possible specific national elements of the NEFAB states.
- The protection of national interests within NEFAB:** Each state may limit the use of its airspace to ensure public security, public order as well as due to defence matters. The limitation should be carried out in a way that it has the least possible effect to general air traffic.
- Accessibility:** Except where restrictions on airspace access are necessary for safety, operational, or other specific reasons, it is available for all users.

4. Responsibilities

NEFAB Council

The competent authorities of NEFAB states are represented in the NEFAB Council. According to article 9.2 of the NEFAB State level agreement the NEFAB Council shall agree on the common policy and design of the NEFAB airspace as well as ensure coordination with adjacent functional airspace blocks, including efficient interfaces. The NEFAB Council shall also define the modalities of the cooperation for the application of the concept of flexible use of airspace.

The written agreements or other legal arrangements between the air traffic service providers and meteorological service providers concerning cross-border services in NEFAB airspace shall be consulted with NEFAB Council prior to approval by the competent authorities concerned.

NSA Committee

On request by the NEFAB Council, the NEFAB NSA Committee prepared a proposal for a common NEFAB airspace policy for Council approval. The NSA committee is tasked, based on the oversight activities, to regularly evaluate and propose updates and changes to the policy as seen necessary.

In order to ensure implementation of the NEFAB Airspace policy, the NSA Committee shall oversee the implementation by collecting and analyzing and exchanging relevant data from the stakeholders. The NSA committee shall report to NEFAB Council annually of the implementation of the policy and use of the airspace (FUA).

Civil-Military Committee

The Civil-Military Committee shall enhance the use of airspace in NEFAB, taking account of military aviation needs, including military mission effectiveness and inter alia to provide for efficient and consistent application of

the concept of 'flexible use of airspace' by the NEFAB States. The Civil-Military Committee is also tasked to provide for the development of arrangements for military training activities regardless of existing boundaries.

Finance and Performance Committee

The Financial and Performance Committee assists the NEFAB Council in the implementation of Articles 2.2, 5 and 24 in the NEFAB Agreement. With this in mind, it shall in particular advise the NEFAB Council on the development and application of common principles governing charging policy between the Contracting States in the airspace concerned.

The Committee shall also advise NEFAB Council on defining strategic objectives for the development of NEFAB and monitor and oversee NEFAB performance at strategic level.

Air Navigation Service providers

The Air Navigation Service providers in NEFAB are responsible for practical implementation of the structures and procedures related to the airspace management and design in accordance with the common NEFAB airspace policy and related provisions.

The NEFAB Airspace Policy was approved and adopted by the NEFAB Council on [15 January 2016] by written procedure