

# **APPLICATION OF FLEXIBLE USE OF**

## **AIRSPACE IN IRELAND**

**INTER AGENCY AGREEMENT:**

**DEPARTMENT of TRANSPORT, TOURISM and SPORT (DTTAS);**

**DEPARTMENT of DEFENCE (DoD);**

**IRISH AVIATION AUTHORITY (IAA);**

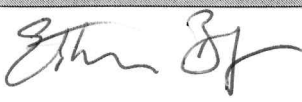

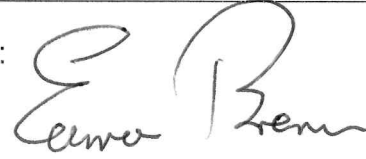

**IRISH AIR CORPS (IAC)**

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APPLICATION OF FLEXIBLE USE OF AIRSPACE IN IRELAND

1. Signatories

Authority	Signature Name and Appointment	Date
Department of Transport, Tourism and Sport	Signature:  Name: <b>Ethna Brogan</b> Appointment: <b>Deputy Director Civil Aviation</b>	22/1/15.
Department of Defence	Signature:  Name: <b>Cathal Duffy</b> Appointment: <b>Principle Officer</b>	20 Jan 2015
Irish Aviation Authority	Signature:  Name: <b>Eamonn Brennan</b> Appointment: <b>Chief Executive</b>	22/1/15.
Irish Air Corps	Signature:  Name: <b>Brigadier General Paul Fry</b> Appointment: <b>General Officer Commanding Air Corps and Director of Military Aviation</b>	19 Jan 2015

## APPLICATION OF FLEXIBLE USE OF AIRSPACE IN IRELAND

### 2. Document Change Record

The following table records the complete history of successive editions of the present document.

Version No.	Version Date	Reason For Change	Sections Pages Affected
0.1	01/04/2008	Initial draft	All
0.2	05/09/2008	Updated for STaCMAN consultation	All
0.3	23/09/2008	Updated after STaCMAN consultation	All
0.4	21/04/2009	Updated after wider consultation	All
0.5	04/12/2009	Updated having added the relevant articles form EU Regulation 2150/2005	All
0.6	22/06/2010	Updated having added the EUROCONTROL HANDBOOK FOR AIRSPACE MANAGEMENT edition 3 elements	All
0.7	29/06/2010	Draft Final Update	All
0.8	30/12/2010	Preparation for Signatures and Editorial Changes	SRD / IAA
1.0	01/12/2010	Final	All
2.0	01/12/2014	Updated following the FUA Level I Audit	All

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<b>Distribution List;</b>	<b>Copy No</b>
Dept of Transport, Tourism and Sport:	1
Dept of Defence:	2
Irish Aviation Authority:	3
Irish Air Corps:	4

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### 3. Checklist of Pages

Page No.	Version No.	Version Date
1	2.0/14	01/12/2014
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## APPLICATION OF FLEXIBLE USE OF AIRSPACE IN IRELAND

### 5. Background

Ireland has through the signatories to this document:

Having regard to the European Commission (EC) Single European Sky (SES) regulatory package (EC) No 549/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the framework Regulation), referred to as the "Statement by the Member States on Military Issues Related to the Single European Sky",

WHEREAS:

(1) Flexible Use of Airspace (FUA) is an airspace management concept described by the International Civil Aviation Organisation (ICAO) and developed by the European Organisation for the Safety of Air Navigation (Eurocontrol), according to which airspace should not be designated as either purely civil or purely military airspace, but should rather be considered as one continuum in which all users' requirements have to be accommodated to the maximum extent possible;

(2) Flexible Use of Airspace has been given legal effect through Single European Sky legislation with the intention of increasing airspace capacity and improving the efficiency and flexibility of aircraft operations;

(3) Concept of the Flexible Use of Airspace (FUA) is that:

- i. Airspace is no longer designated as purely "civil" or "military" airspace, but considered as one continuum and allocated according to user requirements.
- ii. Any necessary airspace reservation or segregation is temporary, based on real-time usage within a specific time period.
- iii. Contiguous volumes of airspace are not constrained by national boundaries;

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(4) EUROCONTROL Specification (EUROCONTROL-SPEC-0112) referred to in the Commission Communication (dated 20.08.2009) concerning the implementation of Article 4 of Regulation (EC) No 552/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network is also intended to serve as a means of compliance to the essential requirements listed in the European Commission Interoperability Regulation (EC) No 552/2004 as amended by Regulation (EC) No 1070/2009 and to support implementation and application of the Flexible Use of Airspace Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of the airspace;

(5) The flexible use of airspace concept also covers airspace over the high seas. Its application should therefore be without prejudice to the rights and duties of Member States under the Convention on International Civil Aviation (The Chicago Convention) of 7 December 1944 and its annexes, or to the 1982 UN Convention on the Law of the Sea;

(6) It is essential to further cooperation between neighbouring Member States and to take into account cross border operations when applying the concept of flexible use of airspace.

ADOPTED the application of the Flexible Use of Airspace concept in Ireland

### **6. Purpose**

The purpose of this document is to describe how FUA will be implemented effectively in Ireland in accordance with international and national requirements and structures.

### **7. Regulatory Framework**

a. The legislative package adopted by the European Parliament and the Council of the European Union with the objective of achieving a Single European Sky comprises four regulations from 2004 as amended in 2009 covering the essential elements for a seamless European Air Traffic Management System:



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- i. Regulation (EC) No 549/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council laying down the framework for the creation of the Single European (the framework regulation);
  - ii. Regulation (EC) No 550/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council on the provision of air navigation services in the Single European Sky (the service provision regulation);
  - iii. Regulation (EC) No 551/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council on the organisation and use of the airspace in the Single European Sky (the airspace regulation);
  - iv. Regulation (EC) No 552/2004 as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (the interoperability regulation).
- b. Commission Regulation (EC) No 2150/2005 reinforces and harmonises the application, within the Single European Sky, of the concept of the flexible use of airspace as defined in Article 2 (22) of Regulation (EC) No 549/2004 as amended by Regulation (EC) No 1070/2009, in order to facilitate airspace management and air traffic management within the limits of the common transport policy.

In particular, this regulation sets out rules to ensure better cooperation between civil and military entities responsible for air traffic management that operate in the airspace under the responsibility of Member States.

EUROCONTROL specification for the application of the Flexible Use of Airspace (FUA) - EUROCONTROL-SPEC-0112

- c. Ireland/UK FAB Agreements – Airspace Management Cells (AMC) agreements are currently in place.

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### **8. Principles**

The concept of 'flexible use of airspace' in Ireland is governed by the following principles:

- a. coordination between civil and military authorities is organised at the strategic, pre-tactical and tactical levels of airspace management through the establishment of agreements (Irish Civil/Military Letter of Agreement [LoA]) and procedures in order to increase safety, airspace capacity, and to improve the efficiency and flexibility of aircraft operations;
- b. consistency between airspace management, air traffic flow management and air traffic services is established and maintained at the three levels of airspace management enumerated in point (a) in order to ensure, for the benefit of all users, efficiency in airspace planning, allocation and use;
- c. the airspace reservation for exclusive or specific use of categories of users is of a temporary nature, applied only during limited periods of time based on actual use and released as soon as the activity having caused its establishment ceases (Irish Danger Areas LoA);
- d. Ireland cooperates as appropriate for the efficient and consistent application of the concept of flexible use of airspace across national borders and/or the boundaries of flight information regions, and in particular addresses cross-border activities; this cooperation covers all relevant legal, operational and technical issues; and
- e. Air traffic services units and users make the best use of the available airspace.

### **9. The Three Airspace Management Levels**

- a. In Ireland the Flexible Use of Airspace is based on three distinct levels of application. These levels of Airspace Management (ASM) correspond to civil/military co-ordination tasks in a distinct and close relationship. Each level has an impact on the others.

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### **i. ASM Level 1 - STRATEGIC LEVEL:**

The strategic level is the high level definition and review of the national airspace policy, taking into account national and international airspace users and Air Traffic Services (ATS) providers' requirements.

Related tasks include the establishment of the airspace organisation, the planning and the creation of permanent and temporary airspace structures, and the agreement of airspace use priorities and negotiation procedures.

### **ii. ASM Level 2 – PRE-TACTICAL LEVEL:**

The pre-tactical level is the conduct of operational airspace management within the framework of the structures and procedures defined at Level 1.

Pre-Tactical tasks include the day-to-day allocation of airspace and the communication of airspace allocation data to all parties concerned.

### **iii. ASM Level 3 –TACTICAL LEVEL:**

The tactical level consists of the activation, de-activation or real-time reallocation of the airspace allocated at Level 2, and the resolution of specific airspace problems and/or individual traffic situations between Operational Air Traffic (OAT) and General Air Traffic (GAT).

Related tasks include the prompt exchange of data with or without system support between the relevant civil and military ATS units to permit the safe and expeditious conduct of both Operational Air Traffic (OAT) and General Air Traffic (GAT) flights.

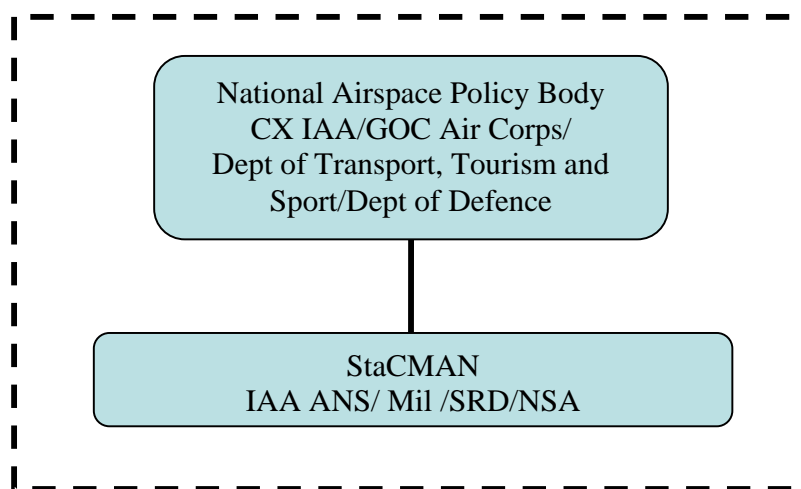
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### 10. The Concept at ASM level 1

- a. Ireland has established the National Airspace Policy Body (NAPB) which is a permanent body for Strategic Airspace Management policy, planning and co-ordination. The NAPB consists of the Chief Executive, Irish Aviation Authority (CX IAA), the General Officer Commanding Air Corps (GOC Air Corps) and representatives of the Secretaries General of Department of Transport, Tourism and Sport (DTTAS) & Department of Defence (DoD).

The NAPB meets annually or more frequently if deemed necessary, and is supported by the Standing Civil Military Air Navigation Committee (StaCMAN) which will provide expert advice to the NAPB, develop the necessary procedures and practices and implement decisions made by the NAPB. NAPB may delegate certain tasks and responsibilities to StaCMAN as appropriate.

### Level 1



The Standing Civil Military Air Navigation Committee (StaCMAN) meets at least four times per year. StaCMAN consists of representatives from Safety Regulation Authority (SRD), National Supervisory Authority (NSA), Air Navigation Services (IAA ANS), Irish Air Corps (Mil - regulatory, flight operations, army and naval service activity) and any others as appropriate.

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- b. The NAPB is responsible for :
  - i. Formulating the national policy for airspace management taking into account the requirements of national and international airspace users and Air Traffic Services (ATS) providers.
  - ii. Reassessing the national airspace structure and ATS route network with the aim of planning, as far as possible, for flexible airspace structures and procedures.
  - iii. Periodic reviews of the national airspace needs and, where applicable, cross-border airspace utilisation.
  - iv. Establishing negotiation procedures and priority rules for airspace allocation at Level 2.
  - v. Reviewing the procedures and efficiency of Level 2 and Level 3 operations.
  - vi. Providing operational transparency across national boundaries through collaborative airspace planning and harmonised airspace management with neighbouring States.
  
- c. In accordance with Article 4 of Commission Regulation (EC) No 2150/2005 the NAPB performs the following tasks:
  - i. ensures the overall application of the flexible use of airspace concept at a strategic, pre-tactical and tactical level;
  - ii. regularly reviews users' requirements;
  - iii. approves the categories of activities which require airspace reservation or restriction;
  - iv. defines temporary airspace structures and procedures to offer multiple airspace reservation and route options;
  - v. establishes criteria and procedures providing for the creation and the use of adjustable lateral and vertical limits of the airspace required for

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accommodating diverse variations of flight paths and short-term changes of flights;

- vi. assesses the national airspace structures and route network with the aim of planning for flexible airspace structures and procedures;
- vii. defines the specific conditions under which the responsibility for separation between civil and military flights rests on the air traffic services units or controlling military units;
- viii. develops cross-border airspace use with neighbouring Member States where needed by the traffic flows and users' activities;
- ix. coordinates their airspace management policy with those of neighbouring Member States to jointly address use of airspace across national borders and/or the boundaries of flight information regions;
- x. establishes and makes available airspace structures to users in close cooperation and coordination with neighbouring Member States where the airspace structures concerned have a significant impact on the traffic across national borders and/or the boundaries of flight information regions, with a view to ensuring optimum use of airspace for all users throughout the Community;
- xi. establishes with neighbouring Member States one common set of standards for separation between civil and military flights for cross-border activities;
- xii. sets up consultation mechanisms between the persons or organisations as referred to in paragraph 10 a. and all relevant partners and organisations to ensure that users' requirements are properly addressed;
- xiii. assesses and review airspace procedures and performance of flexible use of airspace operations; and

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- xiv. Establishes mechanisms to archive data on the requests, allocation and actual use of airspace structures for further analysis and planning activities.
- d. The conditions referred to in point 10c (vii) above are documented and taken into account in the safety assessment referred to on page 2 recital 13 of Commission Regulation (EC) No 1035/2011.
- e. Ireland has identified and notified to the European Commission those persons or organisations which are responsible for the execution of tasks listed in paragraph 10c (NAPB). The Commission shall maintain and publish a list of all persons or organisations identified in order to further the cooperation between Member States.
- f. Ireland's Airspace Management (ASM) Annual Report
  - i. The NAPB shall produce an annual report for presentation to the NSA. The narrative report is to include any significant ASM developments during the reporting period (1 January – 31 December), significant activity or issues at the AMC, any issues encountered, plans for the next period and relevant ASM statistics. The report should draw upon various data sources including the SES and EASA Basic Regulation Implementation Questionnaire Part I, Performance Review Unit (PRU) report input, DOD utilisation data, and additional data provided by the UK AMC. Ireland's ASM Annual Report should be completed by 28 February annually and following endorsement by StaCMAN, on behalf of the NAPB, be submitted to the NSA for approval.
  - ii. The following usage data should be included:
    - (i) For AMC managed airspace the following PIs – already mandated for collection through the PRU – should be incorporated:
      - (a) The total number of hours allocated based on the Airspace Use Plan (AUP) – to be provided by the Air Corps;

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- (b) the total number of hours still allocated at H-3 – to be provided by the Air Corps; and
  - (c) The total number of initially allocated hours used – to be provided by the Air Corps.
- (ii) Statistics based on the permanent hand-back of DoD Special Use Airspace (SUA) i.e. removal from the Irish Aeronautical Information Publication (AIP) over the reporting period – to be provided by the AIS Unit.
- (iii) Information regarding the number of Danger Area's being integrated into the AMC process – to be provided by the UK AMC Manager.
- (iv) Conditional Route (CDR) availability and usage – to be provided by the UK AMC Manager.
- (v) Statistics based on Danger Area's which have an impact on the enroute network - to be provided by the Air Corps:
- (vi) Sum of number of hours allocated (i.e. total number of hours booked in the AUP and/or published in the Irish AIP and/or published via NOTAM).
- (vii) Sum of number of hours released up to H-3 (i.e. total number of hours handed back more than 3 hours prior to start of the AUP period).
- (viii) Sum of number of hours still allocated at H-3 (i.e. total no of hours still booked 3 hours prior to start of the AUP period).
- (ix) Sum of number of initially allocated hours used (i.e. total number of hours used).
- (x) All previous and future archive data on aircraft counts is to be retained in order to carry out specific airspace usage analysis when necessary.



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- (xi) In preparation for reference period two (RP2) – January 2015 to December 2019 – Performance Indicators (PI) have been developed for the establishment of environment Key Performance Indicators (KPI) which will include the effective use of civil/military FUA structures.
- (xii) For AMC managed airspace the following PIs have been mandated for collection by the PRU (to be provided by the Air Corps & IAA Network Manager):
  - a. The total number of hours allocated based on the Airspace Use Plan (AUP)
  - b. the total number of hours still allocated at H-3;
  - c. the total number of initially allocated hours used; and
  - d. If applying Procedure 3, ad-hoc hours allocated (UUP) and ad-hoc hours used.

### **11. The Concept at ASM level 2**

- a. NAPB establishes and authorises joint civil/military Airspace Management Cells (AMCs) to conduct day-to-day airspace allocation and management.

The NAPB determines the degree of discretion and authority of the AMC in order to minimise the need for referrals to higher authority. It develops and approves necessary processes and procedures to be applied in day-to-day airspace planning and allocation performed by the AMC.

Procedures are established through agreement between the Irish and UK AMCs in respect of cross- border/FIR airspace structures and promulgation of information.

- b. Airspace Management Cell (AMC) in Ireland:
  - i. Allocates the required airspace on a day-to-day basis to the users in a decisive, timely and efficient manner.

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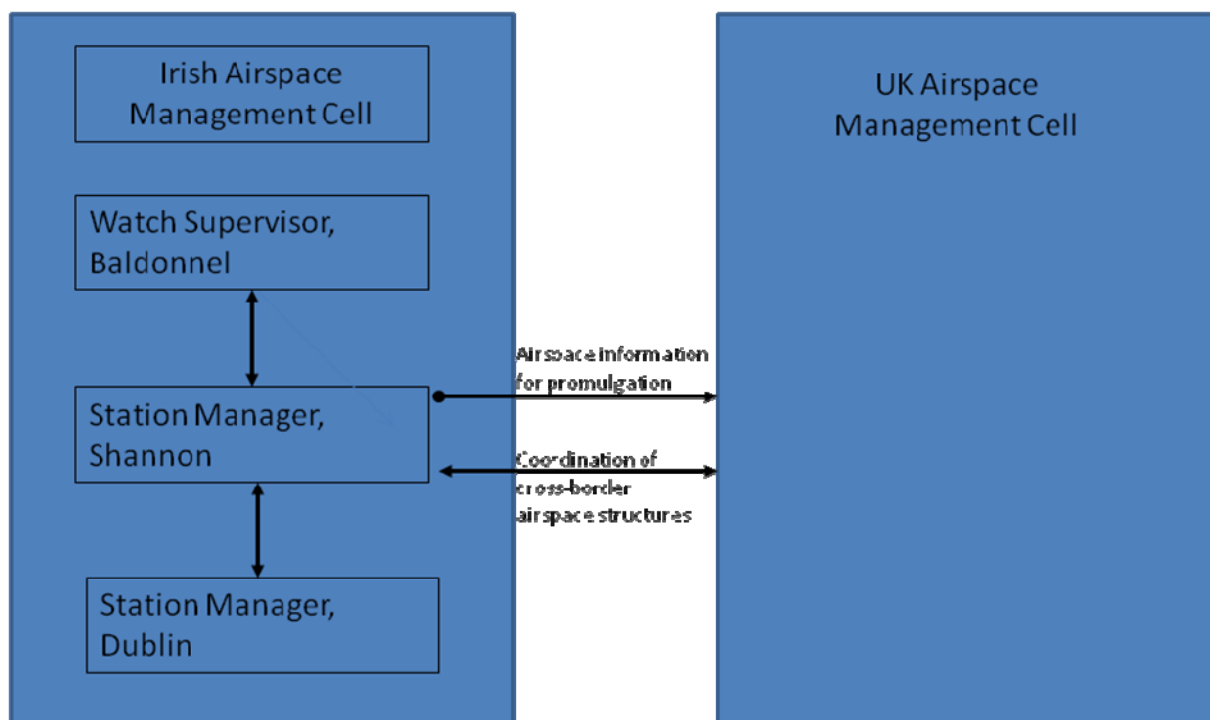
- ii. Promulgates each day to all parties concerned the airspace allocation decision for the following day by transmitting an Airspace Use Plan (AUP) and Updated Use Plan (UUPs).

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### Implementation of Level 2

In Ireland the AMC manages airspace within the Shannon FIR.

On a sub-regional basis, within the UK-Ireland FAB, cross-border airspace structures are coordinated between the respective AMCs and the UK AMC promulgates the AUP/UUP information on behalf of both AMCs.

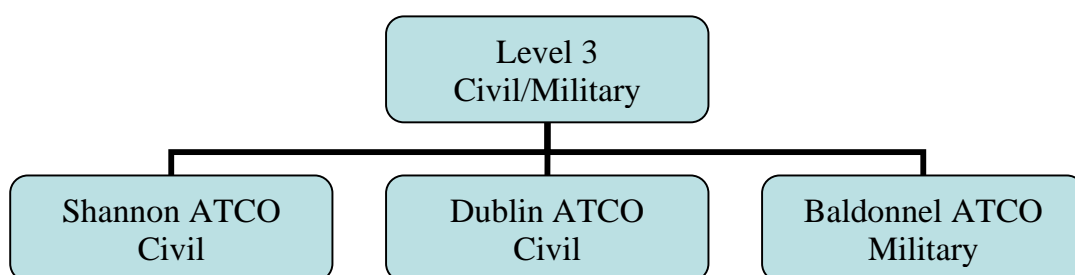


### 12. The Concept at ASM level 3

- a. Ireland has established enhanced supporting co-ordination equipment and real-time civil/military co-ordination procedures in order to:
  - i. Activate, deactivate or reallocate in real-time the airspace allocated at Level 2.
  - ii. Resolve specific airspace problems and traffic situations between civil and military Air Traffic Services (ATS) units and controllers.

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- iii. Provide access to all necessary flight data including controller's intentions.
  - iv. Fully exploit the Flexible Use of Airspace (FUA) Concept at Levels 1 and 2.
- b. In Ireland Air Traffic Controllers at relevant civil and military ATS Units will implement flexible use of airspace on a tactical basis, based on the following diagram.



- c. Roles, responsibilities, policies and procedures are part of separate Civil Military LOA's as approved by NAPB. Specific LOA's reflect:
- i. Coordination procedures between appropriate civil air traffic service units and controlling military units permitting mutual provision of airspace data to allow the real-time activation, deactivation or reallocation of the airspace allocated at pre-tactical level.
  - ii. That controlling air traffic services units exchange any modification of the planned activation of airspace in a timely and effective manner and notify to all affected users the current status of the airspace.
  - iii. The establishment of supporting systems between air traffic service units in order to ensure safety when managing interactions between civil and military flights.

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- iv. That coordination procedures are established between air traffic service units so as to permit direct communication of relevant information to resolve specific traffic situations where civil and military controllers are providing services in the same airspace or adjoining airspace, through timely exchange of flight data including the position and flight intention of the aircraft.
- v. Where cross-border activities take place that a common set of procedures to manage specific traffic situations is ensured to enhance real time airspace management between air traffic services units and military air traffic services units and/or controlling military units which are concerned by those activities.

### **13. Safety Assessment**

- a. The National Airspace Policy Body (NAPB) will maintain or enhance existing safety levels, by ensuring that within the context of the current safety management process, a safety assessment, including hazard identification, risk assessment and mitigation, is conducted, before it introduces any changes to the operations of the flexible use of airspace in Ireland.
- b. In Ireland the entity proposing the change will be responsible for the conduct of a safety assessment. The assessment will be submitted to the Relevant Competent Authorities for consideration.

### **14. Reporting**

The Annual report on the application of Flexible Use of Airspace is prepared by the NAPB. This report will be submitted to the NSA for inclusion as part of the annual report to the European Commission/European Aviation Safety Agency on the operation of the Single Sky within Ireland.

### **15. Compliance Monitoring**

Relevant Competent Authorities shall carry out inspections, surveys and safety audits of FUA as appointed by NAPB on behalf of the state.

### **16. Review**

This document is reviewed annually by the NAPB.

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### 17. Definitions

For the purpose of this Agreement the definitions established by Regulation (EC) No 549/2004 as amended by Regulation (EC) No 1070/2009 shall apply. In addition, the following definitions shall apply:

**‘Airspace Management cell (AMC)’** means a cell responsible for the day-to-day management of the airspace under the responsibility of one or more Member States;

**‘Airspace reservation’** means a defined volume of airspace temporarily reserved for exclusive or specific use by categories of users;

**‘Airspace restriction’** means a defined volume of airspace within which, variously, activities dangerous to the flight of aircraft may be conducted at specified times (a ‘danger area’); or such airspace situated above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions (a ‘restricted area’); or airspace situated above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited (a ‘prohibited area’);

**‘Airspace structure’** means a specific volume of airspace designed to ensure the safe and optimal operation of aircraft;

**‘Air traffic services unit’** (ATS unit) means a unit, civil or military, responsible for providing air traffic services;

**‘Competent Authority’**

For the purpose of this document, the competent authority shall be:

(a) For air navigation service providers having their principal place of operation and, if any, its registered office located in a Member State, the national supervisory authority nominated or established by that Member State;

(b) For air navigation service providers offering services within a Functional Airspace Block (FAB) where under the agreement between States the responsibilities for safety oversight have been allocated differently from paragraph

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(a), the national supervisory authority nominated or established under that agreement;

(c) For air navigation service providers providing services in the airspace of the territory to which the Treaty applies and having their principal place of operation and, if any, its registered office located outside the territory subject to the provisions of the treaty, the Agency;

(d) For Military air navigation service providers having their principal place of operation in a member state, the authority nominated or established by that member state:

(e) For air navigation service providers providing Pan-European services, the Agency.

**‘Civil-military coordination’** means the coordination between civil and military parties authorised to make decisions and agree a course of action;

**‘Controlling military unit’** means any fixed or mobile military unit handling military air traffic and/or pursuing other activities which, owing to their specific nature, may require an airspace reservation or restriction;

**‘Conditional Route (CDR)’** A non-permanent Air Traffic Services (ATS) route or portion thereof which can be planned and used under specified conditions.

According to their foreseen availability, flight planning possibilities and the expected level of activity of the possible associated Temporary Segregated Areas (TSA), Conditional Route (CDR’s) can be divided into the following categories:

- Category One : Permanently Plannable CDR,
- Category Two: Non-Permanently Plannable CDR,
- Category Three: Not Plannable CDR.

**‘Cross-border airspace’** means an airspace structure extending across national borders and/or the boundaries of flight information regions;

**‘Flexible use of airspace concept’** is based on the fundamental principle that airspace should not be designated as either pure civil or military airspace, but



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rather be considered as one continuum in which all user requirements have to be accommodated to the extent possible, as specified in edition 5.1 of the "Airspace Management Handbook (23/10/2014) for the application of the Concept of the Flexible Use of Airspace" issued by Eurocontrol;

**'Flight intention'** means the flight path and associated flight data describing the planned trajectory of a flight to its destination, as updated at any moment;

**'Flight path'** means the path of an aircraft through the air, defined in three dimensions;

**'General air traffic'** means all movements of civil aircraft, as well as all movements of State aircraft (including military, customs and police aircraft) when these movements are carried out in conformity with the procedures of the ICAO;

**'Operational air traffic'** means all movements of State aircraft (including military, customs and police aircraft) when these movements are not conducted as general air traffic;

**'Real-time'** means the actual time during which a process or event occurs;

**'Separation'** means spacing between aircraft, levels or tracks;

**'Temporary Segregated Area (TSA)'** a defined volume of airspace normally under the jurisdiction of one aviation authority and temporarily segregated, by common agreement, for the exclusive use by another aviation authority and through which other traffic will not be allowed to transit.

**'Temporary Reserved Area (TRA)'** a defined volume of airspace normally under the jurisdiction of one aviation authority and temporarily reserved, by common agreement, for the specific use by another aviation authority and through which other traffic may be allowed to transit, under ATC clearance.

**'Users'** means civil or military aircraft operating in the air as well as any other parties requiring airspace.