

ATM Network Functions

UK Reg (EU) 2019/123

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ATM Network Functions Regulation

Consolidated version of UK Regulation (EU) 2019/123

List of Revisions

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Disclaimer

This version is published by the Civil Aviation Authority in order to provide a consolidated presentation of the current UK ATM Network Functions regulation.

It has been prepared by combining UK Government published regulations.

There may be a period of time between the amendment of the regulation and this document's update. Users must bear in mind that this is an unofficial version of the legislation. The authoritative versions (which Courts of Law will refer to) are the King's Printer's Edition of Statutory Instruments available at www.legislation.gov.uk.

Note from the Editor

The content of this document is arranged as follows:

- Recitals
- Articles
- Annexes

Under the Retained EU Law (Revocation and Reform) Act 2023 (“REUL Act”), previous references to retained EU law are replaced by the term “assimilated law” and are written as either UK Reg (EU) No. #####/year or UK Reg (EU) year/#####.

An ellipsis in square brackets [...] indicates that text has been intentionally left out, such as the result of an earlier amendment to the regulation.

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UK Regulation (EU) 2019/123 on ATM Network Functions

Preamble

1. The CAA is the national frequency manager with the responsibility for ensuring that frequency assignments are made, modified and terminated in accordance with this Regulation.

[...]

4. The national frequency manager shall report to the Network Manager, radio interference cases that impact the European aviation network.

5. The national frequency manager must assist the Network Manager to further develop and enhance frequency management procedures, planning criteria, data sets and processes to improve the use and occupancy of radio spectrum by general air traffic users.

6. When a frequency assignment is required, the individual or organisation applying for the use of a frequency shall file a request with the national frequency manager with all the relevant data and justification.

7. The national frequency manager must assist the Network Manager to assess and prioritise frequency requests on the basis of operational requirements and agreed criteria.

8. Where there is no impact on the network, the national frequency manager shall determine suitable frequency(ies) in reply to the frequency request taking into account the requirements of point 12 of Annex III to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

[...]

10. When a suitable frequency as referred to in points 11 and 12 cannot be determined, the national frequency managers may request the Network Manager to undertake a specific frequency search.

11. The national frequency manager shall assign suitable frequency(ies) determined in points 12 or 13.

12. The national frequency manager shall register each frequency assignment in the central register by including the following information:

- (a) data as specified in the ICAO European Frequency Management Manual including relevant associated technical and operational data;
- (b) enhanced data requirements as referred to in point 6;
- (c) a description of the operational use of the frequency assignment;
- (d) the contact details of the operational stakeholder making use of the assignment.

The CAA shall make use of the central register to fulfil the United Kingdom's administrative frequency assignment registration obligations towards ICAO. In this Annex "the central register" means the register developed and maintained by the Network Manager under Article 1(e) of Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

13. When assigning the frequency to the applicant, the national frequency manager shall include conditions of use. As a minimum, those conditions shall specify that the frequency assignment:

- (a) remains valid as long as it is being used to meet the operational requirements described by the applicant;
- (b) may be subject to a frequency shift request and that such shifts will need to be implemented within a limited timeframe;
- (c) is subject to modification once the operational use described by the applicant changes.

14. The national frequency manager shall ensure that any required frequency shift, modification or termination is performed by the individual or organisation assigned with the frequency concerned within the agreed timeframe and that the central register is updated accordingly. The national frequency manager shall forward appropriate justification to the Network Manager when those actions cannot be performed.

15. The national frequency manager shall ensure that the information referred to in point 12 of Part B concerning all frequency assignments used in the European aviation network are available in the central register.

16. The national frequency manager shall perform monitoring and evaluations of aviation frequency bands and frequency assignments based on transparent procedures in order to ensure their correct and efficient use.

[...]

Article 1 Subject matter and scope

[...]

2. The network functions subject to this Regulation shall be the following:
 - (a) the European Route Network Design (ERND);
 - (b) the Air Traffic Flow Management (ATFM) as referred to in Article 6(7) of Regulation (EC) No 551/2004 and in Regulation (EU) No 255/2010;
 - (c) as regards the coordination of scarce resources:
 - (i) radio frequencies within aviation frequency bands used by general air traffic;
 - (ii) the radar transponder codes.
3. For the purpose of implementing the network functions, this Regulation applies to the CAA airspace users, air navigation service providers, airport operators, and airport slot coordinators.
4. This Regulation applies to the airspace under the responsibility of the United Kingdom.

Article 2 Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004, Article 2 of Commission Regulation (EU) No 255/2010 and Article 2 of Commission Regulation (EC) No 2150/2005 shall apply.

The following definitions shall also apply:

- (1) 'scarce resources' means the supply of means used for ATM to function effectively and which are limited in availability and are coordinated centrally by the CAA to ensure the performance of the UK ATMS ;
- (2) 'aviation frequency band' means an entry in the Radio Regulations Table of Frequency Allocations of the International Telecommunication Union of a given frequency band in which frequency assignments are made for the general air traffic;
- (3) 'airport operator' means the body which in conjunction with other activities or otherwise, has the task under United Kingdom legislation of administering and managing the airport facilities and coordinating and controlling the activities of the various operators present at the airport or within the airport system concerned;
- (4) 'airport slot coordinator' means a qualified natural or legal person appointed in accordance with Article 4(1) of Regulation (EEC) No 95/93;
- (5) 'operational stakeholders' means the CAA and the civil and military airspace users, civil and military air navigation service providers and airport operators which operate in the airspace referred to in Article 1(4);

(6) 'Network Manager' means the body entrusted with the tasks necessary for the execution of the functions referred to in Article 6 of Regulation (EC) No 551/2004, as that Regulation has effect in EU law as amended from time to time;

[...]

(8) 'performance scheme' means any regulatory framework to improve the performance of air navigation services and network functions in the United Kingdom pursuant to Chapter IV of Part 1 of the Transport Act 2000;

(9) 'cooperative decision-making' means a process in which decisions are made based on interaction and consultation with Member States, operational stakeholders and other actors as appropriate, in accordance with Articles 15 to 17 of Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time;

[...]

(12) 'operational action' means the action, at local, national, FAB or network level, as determined in the Network Operations Plan, through cooperative decision making between operational stakeholders and the Network Manager;

[...]

(14) 'civil-military cooperation' means the interaction between civil and military authorities and components of ATM referred to in Article 3(1) necessary to ensure safe, efficient and harmonious use of the airspace;

(15) 'conditional route (CDR)' means an ATS route that is only available for flight planning and used under specified conditions;

[...]

(18) 'impact on the network' means, in the context of the radio frequency function set out in Annex III, a situation where a radio frequency assignment will degrade, obstruct or interrupt the functioning of one or more radio frequency assignments of the network or will counter the optimal use of aviation frequency bands within the scope of this Regulation;

(19) 'airspace design' means a process that ensures the development and implementation of advanced navigational capabilities and techniques, improved route networks and associated sectorisation, optimised airspace structures and capacity-enhancing ATM procedures;

(20) 'airspace utilisation' means the way that airspace is operationally used;

(21) 'free route airspace' means a specific airspace within which airspace users can freely plan their routes between an entry point and an exit point without reference to the ATS route network;

(22) 'air traffic control sector' ('ATC sector') means a defined volume of airspace for which a team of controllers has ATC responsibility at any given time;

(23) 'user required route' means the required routing that is declared by the aircraft operators at the airspace design stage to meet their needs;

(24) 'sector configuration' means a scheme combining airspace sectors with a view to ensuring that the operational requirements are best met and airspace availability is optimised;

(25) 'air traffic service route (ATS route)' means a specified part of the airspace structure designed for channelling the flow of traffic as necessary for the provision of air traffic services;

(26) 'frequency assignment' means authorisation given by a Member State to use a radio frequency or radio frequency channel under specified conditions.

Article 3 Components of the network

1. For the purpose of this Regulation, the network shall include the airports, the airspace structures and interfaces that connect them, and the infrastructure and operational capabilities of the UK ATMS that together serve the civil and military airspace users.

2. Operational stakeholders, within the limits of their responsibilities, shall plan, design, operate and monitor the network components referred to in paragraph 1 having taken due account of the Network Strategy Plan specified in Article 8 of Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time, and the Network Operations Plan, specified in Article 9, with a view to improve network efficiency, interoperability and connectivity and the achievement of the local performance targets as set out in any performance scheme established pursuant to Chapter IV of Part 1 of the Transport Act 2000.

Article 4 Annexes 1 to 4

Annexes 1 to 4 make provision about the European route network design function, the air traffic flow management function, the radio frequency function and the transponder code function.

Article 5 Assessment

Repealed.

Article 6 Conditions of withdrawal

Repealed.

Article 7 Tasks of the Network Manager

Repealed.

Article 8 Network Strategy Plan

Repealed.

Article 9 Network Operations Plan

[...]

7. Air navigation service providers and airport operators shall ensure that their plans are aligned with the Network Operations Plan established by the Network Manager under Article 9 of Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time.

Article 10 Remedial measures

Repealed.

Article 11 Relations with operational stakeholders

[...]

2. The CAA and operational stakeholders shall endeavour to coordinate the development and deployment of the tools and systems necessary for the execution of network functions to meet the requirements of Article 3(2).

3. The operational stakeholders shall ensure that the operational actions implemented by them are compatible with those determined through cooperative decision-making.

4. The operational stakeholders shall provide the Network Manager with the relevant data listed in Annexes 1 to 4, complying with time periods and requirements determined through cooperative decision-making.

Article 12 Results of the coordinated decision-making process

[...]

3. When the CAA or operational stakeholders are involved in operational issues related to the network functions, in particular the coordination of scarce resources referred to in point (c) of Article 1(2), and they are part of the cooperative decision-making process they must implement the results determined in this process.

Article 13 Relations with functional airspace blocks

Repealed.

Article 14 Civil-military cooperation

1. The Secretary of State shall ensure appropriate involvement of national military authorities in all activities related to the execution of network functions.

2. The Secretary of State must endeavour to ensure appropriate representation of the military air navigation service providers and military airspace users in the consultation process and working arrangements established by the Network Manager under Articles 16 and 17 of Commission Implementing Regulation (EU) No 2019/123 as that Regulation has effect in EU law as amended from time to time.

[...]

Article 15 Cooperative decision-making

Repealed.

Article 16 Consultation process

Repealed.

Article 17 Working arrangements and processes for operations

Repealed.

Article 18 Network Management Board

Repealed.

Article 19 European Aviation Crisis Coordination Cell

Repealed.

Article 20 Responsibilities of the Network Manager

Repealed.

Article 21 Information and consultation of the Member States

Repealed.

Article 22 Monitoring and reporting

[...]

2. The operational stakeholders shall support the Network Manager in the Network Manager's function under Article 22 of Commission Implementing Regulation (EU) No 2019/123 as that Regulation has effect in EU law as amended from time to time by providing data.

[...]

Article 23 Supervision of the Network Manager

Repealed.

Article 24 Participation of third countries in the work of the Network Manager

Repealed.

Article 25 Financing and budget of the Network Manager

Repealed.

Article 26 Repeal

Regulation (EU) No 677/2011 is repealed.

Article 27 Entry into force

Repealed.

Signatures

[...]

Done at Brussels, 24 January 2019.

For the Commission

The President

Jean-Claude Juncker

Annex I The European Network Design Function

Part A — Objective and Scope

Repealed.

Part B — Procedure for the development of the European Route Network Improvement Plan

1. The Secretary of State, airspace users and air navigation service providers must participate in the development and review of the European Route Network Improvement Plan referred to in Part A of Annex I to Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time, while applying the airspace design principles set out in this Annex.

[...]

4. Airspace design projects shall be compatible and consistent with the European Route Network Improvement Plan. At least the following changes to airspace design projects require compatibility checking and need to be notified to the Network Manager:

- (a) changes in route alignment;
- (b) changes in route direction;
- (c) changes in route purpose;
- (d) free route airspace description, including associated utilisation rules;
- (e) route utilisation rules and availability;
- (f) changes in vertical or horizontal sector boundary;
- (g) addition or removal of significant points;
- (h) changes in cross-border airspace utilisation;
- (i) changes to the coordinates of significant points;
- (j) changes affecting data transfer;
- (k) changes affecting data published in aeronautical information publications;

(l) changes affecting letters of agreement with regard to airspace design and utilisation.

5. The European Route Network Improvement Plan shall be continuously reviewed during its operation to take into account new or changing demands of the airspace. In that review process, a continuous coordination shall be ensured with the military authorities.

Part C — Airspace design principles

1. When participating in the European Route Network Improvement Plan, the Secretary of State and air navigation service providers, shall, through cooperative decision-making, adhere to the following airspace design principles:

(a) the establishment and configuration of airspace structures shall be based on operational requirements, irrespective of national borders or Flight Information Region (FIR) boundaries, and shall not be constrained by the division level between upper and lower airspace;

(b) the design of airspace structures shall be based on a transparent process allowing to consult the decisions made and understand their justifications and shall take into account the requirements of all users whilst reconciling safety, capacity, environmental aspects and having due regard to military and national security needs;

(c) the present and forecast traffic demand, at network and local level, and the performance targets shall be the input for the European Route Network Improvement Plan with a view to satisfying the needs of the main traffic flows and airports;

(d) ensure vertical and horizontal connectivity, including terminal airspace and the airspace structure at the interface;

(e) the possibility for flights to operate along, or as near as possible to, user required routes and flight profiles in the en route phase of flight;

(f) the acceptance for assessment and possible development of all airspace structures proposals, including Free Route Airspace, multiple route options and Conditional Routes (CDRs), received from stakeholders having an operational requirement in that area;

(g) the design of airspace structures including Free Route Airspace and ATC sectors shall take into account existing or proposed airspace structures designated for activities which require airspace reservation or restriction. To that end only such structures that are in accordance with the application of the Flexible Use of Airspace (FUA) shall be established;

(h) ATC sector design development shall commence with the required route or traffic flow alignments within an iterative process that ensures compatibility between routes or flows and sectors;

(i) ATC sectors shall be designed to enable the construction of sector configurations that satisfy traffic flows and are adaptable and proportionate to variable traffic demand;

(j) in cases where for operational reasons ATC sectors require to be designed across national borders or FIR boundaries, agreements on service provision shall be established between the operational stakeholders concerned.

2. The Secretary of State and air navigation service providers, shall, through cooperative decision-making, ensure that the following principles apply to airspace utilisation and capacity management:

(a) airspace structures shall be planned to facilitate flexible and timely airspace use and management with regard to routing options, traffic flows, sector configuration schemes and the configuration of other airspace structures;

(b) airspace structures should accommodate the establishment of additional route options while ensuring their compatibility with the existing capacity considerations and sector design limitations.

Part D — Ongoing monitoring of performance achievements at network level

Repealed.

Annex II Air Traffic Flow Management Function

Part A — Objective and Scope

1. The objective of the Air Traffic Flow Management (ATFM) function is to:
 - (a) ensure the achievement of an efficient utilisation of the available capacity of the UK ATMS
 - (b) facilitate the planning, coordination and execution of ATFM measures taken by all operational stakeholders.
 - (c) facilitate accommodation of military requirements and crisis management responses;
 - (d) ensure regional connectivity and interoperability of the European network within the ICAO EUR Region and with adjacent ICAO regions.
2. ATFM and contingency procedures referred to in point 15 of Part B of this Annex shall ensure better traffic predictability and optimise the available capacity of the UK ATMS (including at airports) and aim at increasing the consistency between airport slots and flight plans.
3. ATFM function shall follow detailed working arrangements for the implementation of ATFM measures. All operational stakeholders involved shall adhere to rules and procedures that ensure that air traffic control capacity is used safely and to the maximum extent possible;
4. The ATFM function shall cover all ATFM phases (strategic, pre-tactical, tactical and post operations) as identified in the ICAO provisions referred to in the Appendix. It shall comply with these ICAO provisions.
5. The ATFM function shall apply to the following parties, or agents acting on their behalf, involved in ATFM processes:
 - (a) aircraft operators;
 - (b) air traffic service (ATS) providers, including ATS units, ATS reporting offices and aerodrome control service units;
 - (c) aeronautical information services providers;
 - (d) entities involved in airspace management;

(e) airport operators;

[...]

(g) local ATFM units as referred to in point 6 of Part A of this Annex;

(h) slot coordinators at coordinated airports.

6. 'Local ATFM Unit' means a flow management entity operating on behalf of one or more other flow management entities as the interface between the unit providing central ATFM and an ATS unit or a group of ATS units. It can operate at ATS unit level, at national level, or at any other sub-regional level;

6a. 'Central ATFM' means the air traffic flow management functions provided centrally by Eurocontrol where it compares flight plans with available airspace capacity and makes adjustments to minimise delays in air traffic;

7. The local ATFM units shall support the execution of the ATFM function.

Part B — Planning and Operational Principles

1. The operational stakeholders shall plan and execute the tasks supporting the ATFM function for:

(a) all phases of all flights intended to operate or operating as general air traffic and in accordance with the Instrument Flight Rules (IFR) in whole or in part;

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

2. Appropriate cooperation and coordination shall be ensured with the relevant ICAO working arrangements covering ATFM aspects at the interfaces.

3. Military aircraft operating as general air traffic shall be subject to ATFM measures when operating or intending to operate within airspace or airports to which ATFM measures apply.

4. The ATFM function shall be governed by the following principles:

(a) ATFM measures shall:

(i) support safe operations and prevent excessive air traffic demand compared with declared ATC capacity of sectors and aerodromes including runways;

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

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

(iv) support the management of critical events.

(b) 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 such as those stemming from security and defence needs, require application of a different priority rule which is agreed and is of benefit to the UK ATMS;

(c) trajectory times in the planning and execution phases shall be consistent with any applied ATFM measures and shall be communicated by the CAA to aircraft operators, ATS units and local ATFM units;

(d) flights departing from the geographical area where ATFM measures are applied and adjacent Flight Information Regions as described in the appropriate ICAO documentation shall be subject to ATFM slot allocation. Flights departing from other areas shall be exempted from ATFM slot allocation but shall however be subject to route, traffic orientations schemes and trajectory time constraints.

5. The Secretary of State must endeavour to ensure that:

(a) the ATFM function is available to parties concerned 24 hours a day and that the local ATFM unit, on an exclusive basis, covers a designated area in respect of the airspace under their responsibility within the geographical area where ATFM measures are applied;

(b) in order to ensure efficient airspace planning allocation and efficient use, as well as direct links between airspace management and ATFM, consistent procedures are established for the cooperation between the parties involved in the ATFM function, ATS units and entities involved in airspace management;

(c) common procedures for requesting exemption from an ATFM departure slot are in accordance with the ICAO provisions referred to in the Appendix. Those procedures shall be coordinated through the unit providing central ATFM and published in national aeronautical information publications.

6. The Secretary of State must endeavour to:

(a) optimise the overall performance of the UK ATMS through planning, coordination and implementation of agreed ATFM measures, including for transition plans for the entry into service of major airspace or ATM systems improvements and for adverse weather, through cooperative decision-making;

(b) consult operators on the definition of ATFM measures;

(c) conclude working arrangements with the local ATFM units;

(d) ensure the development, availability and effective implementation of ATFM measures (for all ATFM phases), together with local ATFM units; when such ATFM measures have a wider network impact, the Secretary of State must endeavour to establish, through cooperative decision-making, the nature of the ATFM measures to be implemented;

(e) in coordination with local ATFM units, identify alternative routings to avoid or alleviate congested areas, taking into account the overall performance of the UK ATMS;

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

(g) in coordination with the ATS units and the local ATFM units determine, coordinate and ensure the implementation of appropriate measures aimed at providing the necessary capacity to accommodate traffic demand throughout relevant portions of their area of responsibility;

(h) provide information on ATFM operations in a timely manner to aircraft operators, local ATFM units and ATS units, including:

(i) planned ATFM measures;

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

(i) monitor the occurrences of missing flight plans and multiple flight plans that are filed;

(j) suspend 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;

(k) monitor the number of exemptions from ATFM measures granted;

(l) develop, maintain and publish contingency plans defining the actions to be taken by relevant operational stakeholders in the event of a major failure of a component of the ATFM function at network level which would result in significant reductions in capacity or major disruptions of traffic flows, or both;

(m) share with all operational stakeholders all appropriate post operational analyses and evaluations;

(n) enable the appropriate preparation and the predictability of the UK ATMS, ensure working arrangements to collect timely and updated traffic demand information for all ATFM phases from the airspace users and share this with the local ATFM units.

7. The ATS units shall:

(a) coordinate ATFM measures, through the local ATFM unit(s), in order to ensure that the measures chosen aim at the optimisation of the overall performance of the UK ATMS;

(b) ensure that ATFM measures applied to airports are coordinated with the airport operator concerned, in order to ensure efficiency in airport planning and usage for the benefit of all concerned operational stakeholders;

(c) notify to the CAA, through the local ATFM unit, all events, including transition plans for the entry into service of major airspace or ATM systems improvements and adverse weather, that may impact air traffic control capacity or air traffic demand and proposed mitigation;

(d) provide the CAA and the local ATFM units with the following data and subsequent updates, as technically feasible, in a timely manner and ensuring its quality:

(i) airspace and route structures;

(ii) airspace and route availability including availability through application of flexible use of airspace in accordance with Regulation (EC) No 2150/2005;

(iii) ATS unit sector configurations and activations;

(iv) aerodrome taxi times and runway configurations;

(v) air traffic control sector, and aerodrome capacities including runways;

(vi) updated flight positions;

(vii) deviations from flight plans;

(viii) actual flight take-off times;

(ix) information on the operational availability of the Communication Navigation Surveillance (CNS)/ATM infrastructure.

8. The data referred to in paragraph 7(d) shall be made available to and from the CAA and the operational stakeholders.

9. To ensure network predictability, the ATS unit at the departure airport shall ensure that flights not adhering to their estimated off blocks time, taking into account the established time tolerance or the flight plan of which has been rejected or suspended are not given a take-off clearance.

10. The local ATFM units shall:

- (a) endeavour to act as point of contact and interface between the unit providing central ATFM, on the one hand, and designated areas and their associated aerodromes and ATS units (military and civil) within their area of responsibility, on the other hand, on the basis of roles and responsibilities agreed through appropriate working arrangements;
- (b) establish appropriate local procedures in line with the procedures established by the unit providing central ATFM, including temporary procedures;
- (c) provide the unit providing central ATFM with all the required local data for the execution of the ATFM function;
- (d) ensure, in coordination with relevant ATS units and, and in endeavouring to coordinate with the unit providing central ATFM, appropriate ATFM measures implementation for an optimum flow of traffic and balanced demand and capacity by coordinating efficient use of available capacity;
- (e) notify to the CAA and the unit providing central ATFM all events, including transition plans for the entry into service of major airspace or ATM systems improvements and for adverse weather, that may impact air traffic control capacity or air traffic demand and proposed mitigations;
- (f) ensure, in coordination with relevant ATS units and, in endeavouring to coordinate with the unit providing central ATFM, post-operation analyses to identify means to improve the network performance;
- (g) have in place continuously updated pre-defined contingency plans detailing how the area under their responsibility will be handled in contingency operations. Those local plans shall be shared and coordinated with the unit providing central ATFM.

11. Where an ATS reporting office is established, it shall facilitate the exchange of information between pilots or operators and the local ATFM unit or the unit providing central ATFM.

12. The aircraft operators shall:

- (a) provide a single flight plan for each intended flight. The filed flight plan shall correctly reflect the intended flight profile;
- (b) ensure that all relevant ATFM measures and changes thereto are incorporated into the planned flight operation;
- (c) participate in the working arrangements established by the unit providing central ATFM facilitating timely and updated information on air traffic demand for all ATFM phases.

13. Airport operators shall:

(a) have arrangements with the local ATS unit to:

(i) exchange and coordinate with the relevant local ATFM units and the unit providing central ATFM all information on capacity and air traffic demand and their evolution for all ATFM phases, in particular ahead of flight schedule publication;

(ii) notify the relevant local ATFM units and the unit providing central ATFM, all events that may impact air traffic control capacity or air traffic demand.

(b) establish processes to assess the demand and the impact on the demand of special events that are applicable to all ATFM phases.

14 With respect to consistency between flight plans and airport slots:

(a) where requested by an airport slot coordinator or an airport operator of a coordinated airport, the unit providing central ATFM or the local ATFM unit shall provide them with the flight plan of a flight operating at that airport, before that flight takes place. The airport slot coordinators or the airport operators of coordinated airports shall provide the infrastructure required for the reception of the flight plans provided by the unit providing central ATFM or the local ATFM unit for;

(b) before flight, aircraft operators shall provide aerodromes of departure and arrival with the necessary information to enable a correlation to be made between the flight designator contained in the flight plan and that notified for the corresponding airport slot; this correlation shall be provided by the unit providing central ATFM, the local ATFM unit, the local ATS unit or the airport operator as appropriate;

(c) any aircraft operator, airport operator and ATS unit shall report to the airport slot coordinator on repeated operation of air services at times that are significantly different from the allocated airport slots or with the use of slots in a significantly different way from that indicated at the time of allocation, where this causes prejudice to airport or air traffic operations;

(d) the Secretary of State must endeavour to ensure that the unit providing central ATFM reports to the airport slot coordinators on repeated operation of air services at significantly different times from the allocated airport slots or with the use of slots in a significantly different way from that indicated at the time of allocation, where this causes prejudice to ATFM.

15. When implementing arrival and departure planning information (DPI), airport local operational stakeholders shall coordinate with the unit providing central ATFM in the establishment and operation of that functionality.

16. With respect to critical events:

(a) the Secretary of State must endeavour to ensure that the unit providing central ATFM develops, maintains and publishes ATFM procedures for handling critical events. ATFM procedures shall set out the actions to be taken by relevant operational stakeholders in the event of a major disruption of a component of the network which would result in significant reduction in capacity or major disruptions of traffic flows, or both;

(b) in the preparation for critical events, ATS units and airport operators, shall coordinate the relevance and content of the contingency procedures with the unit providing central ATFM and local ATFM units, aircraft operators affected by critical events, and as appropriate the airport slot coordinators, including any adjustment to priority rules. The contingency procedures shall include:

- (i) organisational and coordination arrangements;
- (ii) ATFM measures to manage access to affected areas to prevent excessive air traffic demand compared with declared capacity of the whole or part of the airspace or airports concerned;
- (iii) circumstances, conditions and procedures for the application of priority rules for flights, which respect essential security or defence policy interests;
- (iv) recovery arrangements.

Part C — Monitoring of the ATFM Function

1. In order to ensure the predictability and thus the performance of the UK ATMS, information about and adherence to planned operations and the ATFM measures are paramount. Therefore, a specific monitoring of the ATFM function shall be put in place.
2. The Secretary of State must endeavour to ensure that where adherence to ATFM departure slots at an airport of departure is 80% or less during a year, the ATS unit at that airport shall provide relevant information on the non-compliance and the actions taken to ensure adherence to ATFM departure slots.
3. In case of any failure to adhere to flight plan rejections or suspensions, the ATS unit at the airport concerned shall provide relevant information to the CAA on the non-adherence and the actions taken to ensure adherence.
4. The Secretary of State must endeavour to ensure that the unit providing central ATFM notifies the Secretary of State if exemptions in excess of 0,6 % of the United Kingdom's annual departures are granted.

5. The Secretary of State must endeavour to ensure that the aircraft operator is notified of non-adherence to ATFM measures resulting from application of the requirements related to missing and multiple flight plans. Where an aircraft operator has been notified, it shall produce a report providing details of the circumstances and the actions taken to correct such non-adherence. The Secretary of State must endeavour to ensure that the unit providing central ATFM produces an annual report providing details of missing flight plans, or multiple flight plans that are filed.

6. The Secretary of State shall conduct an annual review of adherence to ATFM measures to ensure that all operational stakeholders improve the level of adherence to those measures.

7. The Secretary of State must endeavour to ensure that the unit providing central ATFM produces annual reports indicate the quality of the ATFM function including:

(a) causes of ATFM measures;

(b) impact of ATFM measures;

(c) adherence to ATFM measures;

(d) contributions by all operational stakeholders to the optimisation of the overall network effect;

(e) recommendations on these various points to improve the network performance.

8. The Secretary of State must endeavour to ensure that an archive of ATFM data listed in this Annex, flight plans, operational logs and relevant contextual data is created and maintained by the unit providing central ATFM.

Annex III The Radio Frequency Function

Part A — Objective and Scope

1. The objectives of this function are:

- (a) to maximize the use of the European aeronautical radio spectrum through improvements in frequency management procedures and planning criteria in order to prevent shortage of frequencies which would reduce network capacity;
- (b) to improve the transparency of frequency management practices enabling the accurate assessment of the efficient use of frequencies and the determination of solutions to meet future demands for frequencies;
- (c) to increase the effectiveness of the frequency management processes via the promotion of best practices and the development of corresponding tools.

2. The CAA as national frequency manager shall establish overall priorities for the function to improve the design and operation of the UK ATMS. In particular, prioritisation may consider specific bands, areas and services.

Part B — Requirements for the execution of the function

1. The CAA is the national frequency manager with the responsibility for ensuring that frequency assignments are made, modified and terminated in accordance with this Regulation.

[...]

4. The national frequency manager shall report to the Network Manager, radio interference cases that impact the European aviation network.

5. The national frequency manager must assist the Network Manager to further develop and enhance frequency management procedures, planning criteria, data sets and processes to improve the use and occupancy of radio spectrum by general air traffic users.

6. When a frequency assignment is required, the individual or organisation applying for the use of a frequency shall file a request with the national frequency manager with all the relevant data and justification.

7. The national frequency manager must assist the Network Manager to assess and prioritise frequency requests on the basis of operational requirements and agreed criteria.

8. Where there is no impact on the network, the national frequency manager shall determine suitable frequency(ies) in reply to the frequency request taking into account the requirements of point 12 of Annex III to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

10. When a suitable frequency as referred to in points 11 and 12 cannot be determined, the national frequency managers may request the Network Manager to undertake a specific frequency search.

11. The national frequency manager shall assign suitable frequency(ies) determined in points 12 or 13.

12. The national frequency manager shall register each frequency assignment in the central register by including the following information:

- (a) data as specified in the ICAO European Frequency Management Manual including relevant associated technical and operational data;
- (b) enhanced data requirements as referred to in point 6;
- (c) a description of the operational use of the frequency assignment;
- (d) the contact details of the operational stakeholder making use of the assignment.

The CAA shall make use of the central register to fulfil the United Kingdom's administrative frequency assignment registration obligations towards ICAO. In this Annex "the central register" means the register developed and maintained by the Network Manager under Article 1(e) of Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

13. When assigning the frequency to the applicant, the national frequency manager shall include conditions of use. As a minimum, those conditions shall specify that the frequency assignment:

- (a) remains valid as long as it is being used to meet the operational requirements described by the applicant;
- (b) may be subject to a frequency shift request and that such shifts will need to be implemented within a limited timeframe;
- (c) is subject to modification once the operational use described by the applicant changes.

14. The national frequency manager shall ensure that any required frequency shift, modification or termination is performed by the individual or organisation assigned with the frequency concerned within the agreed timeframe and that the central register is updated accordingly. The national frequency manager shall forward appropriate justification to the Network Manager when those actions cannot be performed.

15. The national frequency manager shall ensure that the information referred to in point 12 of Part B concerning all frequency assignments used in the European aviation network are available in the central register.

16. The national frequency manager shall perform monitoring and evaluations of aviation frequency bands and frequency assignments based on transparent procedures in order to ensure their correct and efficient use.

Part C — Requirements for the organisation of the frequency function

[...]

4. The Secretary of State shall ensure that the use of aviation frequency bands by military users is appropriately coordinated through cooperative decision making with the national frequency managers and the Network Manager.

Annex IV The Radar Transponder Codes Function

Part A — Objectives and General Requirements

Transponder Code (TC):

1. The objectives of this function are:

- (a) to improve the robustness of the code allocation process through allocation of clear roles and responsibilities to all involved stakeholders, with the overall network performance at the centre of code allocation determination;
- (b) to provide increased transparency of code allocations and of the actual code usage enabling the better assessment of the overall network efficiency.

[...]

3. The CAA shall make available at all times to air navigation service providers an SSR transponder code allocation list that describes the complete and up-to-date allocation of SSR codes within the United Kingdom flight information regions.

4. A formal process for establishing, assessing and coordinating the requirements for SSR transponder code allocations shall be implemented by the CAA, taking into account all required civil and military uses of SSR transponder codes.

5. The formal process laid down in point 4 shall include, as a minimum, relevant agreed procedures, timescales and performance targets for the completion of the following activities:

- (a) submission of applications for SSR transponder code allocations;
- (b) assessment of applications for SSR transponder code allocations;
- (c) coordination of proposed amendments to SSR code transponder allocations with neighbouring States;
- (d) periodic audit of the code allocations and needs with a view to optimisation of the situation, including re-allocation of existing codes allocations;
- (e) periodic amendment, approval and distribution of the overall SSR code transponder allocation list referred to in point 3;
- (f) notification, assessment and resolution of unplanned conflicts between assignments of SSR transponder codes;

(g) notification, assessment and resolution of wrong assignments of SSR transponder codes, detected at code retention checks;

(h) notification, assessment and resolution of unplanned shortfalls in allocations of SSR transponder codes;

(i) provision of data and information in accordance with the requirements laid down in Part C.

[...]

7. The CAA shall ensure that SSR transponder codes are assigned to an aircraft in accordance with the SSR transponder code allocation list referred to in point 3 of Annex IV to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

[...]

10. The Secretary of State must assist the Network Manager and air navigation service providers to agree on plans and procedures to support the periodic analysis and identification of future SSR transponder code requirements. That analysis shall include the identification of potential performance impacts created by any predicted shortfalls in the allocations of SSR transponder codes.

[...]

Mode S Interrogator Code (MIC):

12. The objectives of this process are the following:

(a) to perform a coordinated Mode S interrogator code allocation enabling the overall network efficiency;

(b) to provide the regulatory basis allowing better enforcement and oversight.

13. The CAA shall allocate the interrogator codes to civil and military Mode S interrogators in a manner that optimises the safe and efficient operation of air traffic surveillance and civil-military coordination taking the following into account:

(a) the operational requirements of all operational stakeholders;

(b) Commission Regulation (EC) No 262/2009;

(c) the required management of Mode S interrogator codes in compliance with the provisions of the European principles and procedures for the allocation of Secondary Surveillance Radar Mode S Interrogator Codes (IC) (ICAO EUR Doc 024)

[...]

15. The CAA shall provide a centralised interrogator code allocation service to Mode S operators through the interrogator code allocation system.

[...]

22. The Secretary of State must assist the Network Manager and Mode S operators to agree the plans and procedures to support the periodic analysis and identification of future Mode S interrogator code requirements. That analysis shall include the identification of potential performance impacts created by any predicted shortfalls in the allocations of interrogator codes.

[...]

Part B — Requirements for the specific consultation mechanisms

Transponder Code:

[...]

2. The Secretary of State must assist the Network Manager to ensure that the necessary measures are taken to ascertain that the allocation and use of SSR transponder codes for military needs have no detrimental impact on the safety or efficient flow of general air traffic.

Mode S Interrogator Code:

[...]

5. The Secretary of State must assist the Network Manager to ensure that the necessary measures are taken to ascertain that the allocation and use of Mode S interrogator code for military needs have no detrimental impact on the safety or efficient flow of general air traffic.

Part C — Requirements for the provision of data

Transponder Code:

1. Applications submitted for new or amended allocations of SSR transponder codes shall be compatible with the format and data conventions, completeness, accuracy, timeliness, and justification requirements of the process laid down in point 4 of Part A of Annex IV to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time.

2. The CAA must provide the Network Manager with the following data and information within agreed timescales to support the provision of the network function for SSR transponder codes:

- (a) an up-to-date record of the allocation and use of all SSR transponder codes within their area of responsibility, subject to any security constraints concerning full disclosure of specific military code allocations not used for general air traffic;
- (b) justification to demonstrate that existing and requested allocations of SSR transponder codes are the minimum necessary to meet operational requirements;
- (c) details of any allocations of SSR transponder codes that are no longer operationally required and that can be released for re-allocation within the network;
- (d) reports of any actual unplanned shortfall in SSR transponder code allocations;
- (e) details of any change in the installation planning or in the operational status of systems or constituents that may impact on the assignment of SSR transponder codes to flights.

3. Air navigation service providers shall provide the Network Manager with the following data and information within agreed timescales to support the provision of the network function for SSR transponder codes:

- (a) Enhanced Tactical Flow Management System's Correlated Position Reports containing SSR transponder code assignments for general air traffic conducting flights under instrument flight rules;
- (b) reports of any actual unplanned conflict or hazard caused by an actual operational SSR transponder code assignment, including information of how the conflict was resolved.

4. Responses by the CAA and air navigation service providers to the coordination of proposed amendments to SSR code transponder allocations and updates of the SSR transponder code allocation list shall as a minimum:

- (a) identify whether or not any conflict or hazard between SSR transponder code allocations is foreseen;
- (b) confirm whether or not operational requirements or efficiency will be adversely affected;
- (c) confirm that amendments to SSR transponder code allocations can be implemented in accordance with required timescales.

Mode S Interrogator Code:

5. Applications submitted for new or amended allocations of interrogator code shall comply with the format and data conventions, completeness, accuracy, timeliness, and justification requirements of the process laid down in point 17 of Part A.

6. The CAA must provide the Network Manager with the following data and information within agreed timescales to support the provision of the interrogator code allocation service:

(a) characteristics of Mode S interrogators as specified in Regulation (EC) No 262/2009;

(b) details of any change in the installation planning or in the operational status of Mode S interrogators or constituents that may impact on the allocation of interrogator codes to Mode S interrogators.

(c) justification to demonstrate that existing and requested allocations of interrogator codes are the minimum necessary to meet operational requirements;

(d) allocations of interrogator code that are no longer operationally required and that can be released for re-allocation within the network;

(e) reports of any actual unplanned shortfall in interrogator code allocations.

[...]

Annex V Template for Network Strategy Plan

Repealed.