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POLICY GUIDANCE FOR THE EXEMPTION OF STATE AIRCRAFT FROM COMPLIANCE WITH SPECIFIC AIRCRAFT EQUIPAGE REQUIREMENTS

1 INTRODUCTION

- 1.1 The activity of State aircraft is a justified and legitimate activity that is required by States for national security and defence purposes. As a consequence, the EUROCONTROL Air Traffic Management (ATM) Strategy for the years 2000+ states that the ATM network shall satisfy national security as well as national and international defence requirements with the major objective of ensuring access to airspace for military purposes through the implementation of special procedures where necessary. Therefore, when considering the applicability and/or mandating of specific aircraft equipage requirements for aircraft operating within the airspace of the ECAC States, particular consideration must be given to how the accommodation of State aircraft within that airspace might be best arranged to ensure a safe and efficient co-existence of civil and military activity, both of which are operating in the national interest.
- 1.2 When considering the accommodation of State aircraft within a common airspace, it is clear that for technical or operational reasons, compliance with specific equipage requirements is not always possible or, indeed, warranted. In particular, it is recognised that combat military aircraft are essentially weapons platforms and equipage priorities must therefore be decided accordingly. Whilst it is acknowledged that to achieve the potential safety and capacity gains within a specific project or programme consideration must be given to the appropriate equipage of all aircraft making use of the associated airspace, it must be remembered that the accommodation of military activity in the airspace of the ECAC States is of an equal priority. Consequently, it is in the interests of both the civil and military operations for the requirements associated with military activity to be accommodated, as far as possible, within the natural development of Air Traffic Management(ATM)/Communication, Navigation and Surveillance (CNS) Projects and Programmes with exemptions for State aircraft being considered only as a last resort.
- 1.3 To assist National authorities and airspace planners with their determination of criteria for the assured accommodation of State aircraft within the airspace of the ECAC States, and with achieving potential safety and capacity gains, policy guidance has been established in the form of Principles that can be applied when considering applicability and/or the need for exemption for State aircraft from compliance with specific aircraft equipage requirements. These Principles are detailed below.

2 PRINCIPLES

2.1 General Considerations

- 2.1.1 Military authorities should be comprehensively involved from the outset in all Projects and Programmes dealing with ATM and CNS developments as the best means of ensuring military requirements are incorporated in the overall planning of a Project or Programme.
- 2.1.2 The need for an exemption for State aircraft should be based on compelling technical or military imperative reasons and only used as a last resort. However, temporary exemption periods for State aircraft should be envisaged to cover lengthy budget cycles and public procurement rules, and to cover development phases for limited series of out-of-production aircraft, which are much longer than service bulletins available to the manufacturers. If they are needed, determination of temporary exemption periods should be agreed during the course of the development programme and the end dates should be made known to all interested potential users.
- 2.1.3 Applicability and exemption agreements for State aircraft should be accepted as being valid within the entire airspace of the ECAC states and the appropriate provision made for the accommodation of exempted or non-applicable aircraft.
- 2.1.4 The activity of State aircraft is a justified and legitimate activity that is required by States for national security and defence purposes. To maintain the highest levels of safety in the operation of State aircraft, applicability and exemption agreements should be made known to the relevant air traffic control staff, and the appropriate tools and training required for the accommodation of these aircraft should be provided when and where necessary.
- 2.1.5 The application and consequences of applicability and exemption agreements concerning the carriage of specific airborne equipment in State aircraft should be studied during the development phase of Project and Programmes, with military involvement in those studies, and should be the subject of:
- specific simulation objectives;
 - specific consideration during the development of the Safety Case, and;
 - specific consideration in the Cost Benefit Analysis.

2.2 Capacity Considerations

- 2.2.1 When the need for specific equipage is based on a requirement to achieve a gain in airspace or air traffic handling capacity, then the following consideration should apply:
- Where capacity gains **can** be made without all the aircraft flying as General Air Traffic within a specific airspace being equipped in accordance with specified requirements, then those requirements should only be applicable to those aircraft generating the majority of the traffic flow. In these circumstances, a mandate should not apply to State aircraft.
 - However, to reduce the possible impact the non-applicability to State aircraft may have on the potential capacity, States should consider the opportunity for a voluntary commitment to make compliant certain categories of State aircraft that fly regularly as General Air Traffic within the airspace of mandatory carriage.

- Where capacity gains **cannot** be made without all aircraft flying as General Air Traffic within a specific airspace being equipped in accordance with specified requirements, then States should make every effort to equip State aircraft accordingly, with exemption being requested only as a last resort.

2.3 Technical Considerations

2.3.1 When the need for specific equipage can be justified for technical reasons for all aircraft flying as GAT within a specified airspace, States should make every effort to equip State aircraft accordingly, with exemption being agreed only as a last resort.

2.4 Safety Considerations

2.4.1 When the need for specific equipage is based on a compelling safety reason and the risks associated with non-compliance by some aircraft cannot, under any circumstance, be mitigated, then such equipage requirements should apply without exception to State aircraft. However, in those circumstances where the risks associated within non-compliance by some aircraft can be mitigated by mandating specific measures other than the specified equipage, then those measures should be allowed.

2.5 Operational Considerations

2.5.1 The freedom of access to, and operations within, the fixed route network, or any future ATM system, at all times for State aircraft, including those that are exempt from specific equipment carriage requirements or to which a particular requirement is not applicable, is a prerequisite if capability is to be maintained in accordance with the requirements of the State. Consequently, mixed-mode operations, in terms of aircraft equipage, are inevitable and must be managed such that the risk of severe constraints to all airspace users is minimised. However, whilst acknowledging the prerequisite as a first and overriding priority, aircraft tasking authorities should endeavour, whenever possible, to manage their operations so as to minimise the impact of mixed-mode operations on airspace capacity and controller workload. At the same time, Air Navigation Service Providers, Air Traffic Managers and Planners should also acknowledge the prerequisite and adhere unequivocally to exemption and applicability agreements by taking the measures necessary to manage mixed-mode operations on a balanced and equitable basis.

3. CONCLUSION

3.1 The safe and efficient co-existence of civil and military activity in a common airspace rests on the understanding and acceptance of the requirements of both civil and military airspace users and the joint pursuit of mechanisms and procedures to ensure, as far as is possible, the accommodation of those requirements on a fair and equitable basis. Compromises may be necessary in achieving this goal, however, the application of the Principles detailed above when determining applicability and exemption requirements for State aircraft will ensure a harmonised approach by both airspace user and airspace planner.