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Airspace Change Process

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1 Introduction

1.1 Legal Framework Governing Swiss Airspace

The Swiss Federal Aviation Law (Loi fédérale sur l'aviation 748.0) regulates the use of Swiss airspace.

- Article 3 of this law states that the surveillance of aviation throughout the territory of the Swiss Confederation is the responsibility of the Federal Council, and will be overseen by the Department of the Environment, Transport, Energy and Communication (DETEC). This article further states that a special division of the DETEC, the Federal Office of Civil Aviation (FOCA), has been created to exercise the immediate (daily) supervision of aviation activities within Switzerland.
- Article 8a of this law states that FOCA is responsible for the establishment of the Swiss airspace structure.

More detail about the establishment of Swiss airspace structure is found in the Federal Order governing Air Navigation Services in Switzerland (Ordonnance sur le service de la navigation aérienne 748.132.1).

- Article 2 paragraph 1 of this Order states that the FOCA, after consultation with the Air Force and skyguide, shall establish the structure of the airspace and the airspace classes and publish them in the Swiss Aeronautical Information Publication.
- Article 2a of this Order sets the priorities for the use of Swiss airspace. It requires that the use of the airspace will take into account the national interests of the civil and military users. FOCA shall issue instructions regarding the priority of use after consultation with the Air Force and skyguide.

1.2 Purpose of this Document

In order to meet its regulatory responsibilities as outlined above, FOCA will establish a standardised process through which changes to Swiss airspace can be requested, consulted with the Air Force and skyguide (as well as other relevant stakeholders), established and published.

This document details the Airspace Change Process established by FOCA that shall be applied to all airspace changes, both permanent and temporary in nature, within Switzerland (except urgent change related to national security or emergency situations). In addition to ensuring that FOCA fulfils its regulatory responsibilities, this process ensures a standardised, consistent and transparent process for all changes to Swiss airspace. Finally, the process will enable any organization or person to file an airspace change request and simplify the way in which airspace change requests are managed.

1.3 Edition

This is the first edition of the Airspace Change Process. It will be updated as required by FOCA to ensure it correctly reflects changes to national and international legislation.

2 Airspace Change Process

2.1 Defining and Proposing an Airspace Change

2.1.1 What is an Airspace Change?

An airspace change may be related to one or more of the following:

- Changes of airspace classification
- Changes of airspace volumes (lateral and vertical dimensions)
- Establishment of or modification to Prohibited, Restricted or Danger areas
- A change to the type of operation within a volume of airspace and/or the conditions of the use of that airspace
- A change to the provision of ATS within any volume of airspace
- A temporary situation requiring protective airspace for an air display or in response to an emergency occurrence
- A change to the authority controlling a given volume of airspace
- Significant changes to the hours of operation of existing airspace structures
- Changes to ATS routes and/or Standard Arrival and Departure Routes which result in airspace modifications¹

2.1.2 Why an Airspace Change may be requested

An airspace change may be requested due any of the following:

- Person(s) or organization (a change sponsor) identifying the need for change
- As a result of an airspace review
- Compliance with international or European standards and recommended practices

2.1.3 Who is the Sponsor of an Airspace Change?

A change sponsor is a person, group of persons or organization initiating an Airspace Change Request.

FOCA can become the change sponsor for an Airspace Change Request, if FOCA considers that the airspace requires adapting (e.g. legal compliance).

¹ In those cases where a `Betriebsreglement` is affected, the overarching process is leading. This ACP is embedded in that process and shall be triggered in due time.

2.1.4 How to make an Airspace Change Request

To make an Airspace Change Request (ACR), the change sponsor must submit an ACR form to FOCA. It shall be submitted as one master hard copy and one electronic copy. When submitting an ACR form, the change sponsor shall provide all the appropriate documentary evidence for the subject matter covered in the ACR form in order that FOCA is able to effectively consider and assess the change in a timely manner. This will include where possible:

- Specific details of the airspace change proposal and the reason for the change
- A record of any consultation carried out in support of the change and/or a list of stakeholders that could be affected by the change
- High level Risk Assessment
- Impact on airspace capacity if applicable
- A summary of any environmental implications

2.2 Processing of Airspace Change Requests

2.2.1 Airspace Change Assessment Process

The process for the evaluation, assessment and implementation of an ACR is depicted in Figure 2.1:

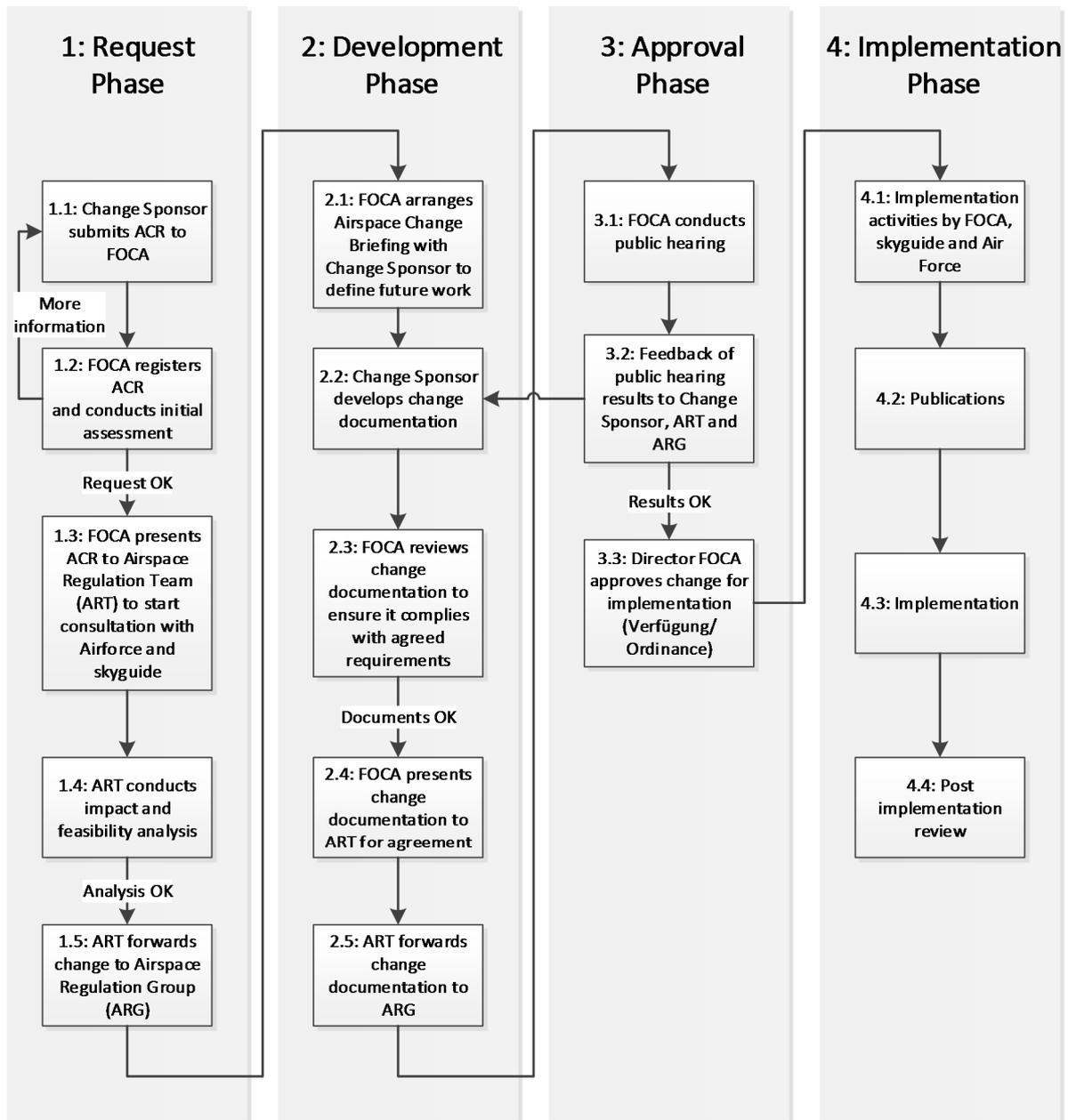


Figure 2.1 ACR Assessment Process

Note: This standard process will be applied with consideration to size, nature and impact of each individual ACR. FOCA will determine how each step of this process will be applied during the initial assessment.

2.2.2 Request Phase Process

The purpose of this phase of the ACR process is to evaluate the information provided by the change sponsor in the ACR form. FOCA will ensure that all relevant information is available to allow the processing of the request and to facilitate initial consultation with both the Swiss Air Force and skyguide.

After registering an ACR, FOCA will conduct an initial assessment to ensure that all required high level information is available. The request must include as a basis the following high level information:

- Justification for the change including an analysis of change options
- Airspace requirements
- Expected safety, operational, environmental and economic impact
- Impacts on supporting infrastructure/resources

FOCA may ask the change sponsor to provide more supporting material for their request during this assessment.

In determining whether to accept an ACR and progress to the next step of consultation with the Swiss Air Force and skyguide, FOCA will assess an ACR against the following principles (not an exhaustive list):

- Safety
- National security
- Environmental protection (including noise)
- Efficient use of airspace
- balanced access to airspace
- Airspace usage priorities
- Current and future needs of the Swiss aviation industry with consideration given to expected advances in technology
- International best practices as well as ICAO and European Standards and Recommended Practices
- Impact on business and individuals or the economy
- Cost versus benefit

In order to establish regular consultation on airspace matters, as required by ordonnance 748.132.1, the Airspace Regulation Group (ARG - strategic direction) and the Airspace Regulation Team (ART - working level) were created to ensure consultation by FOCA with Swiss Air Force and Skyguide.

Once FOCA has accepted an ACR, it will be presented to the ART for initial consultation. FOCA may invite the change sponsor to an ART meeting to help present the ACR.

At this time, the Swiss Air Force and skyguide are expected to contribute to the ACR by conducting an impact and feasibility analysis on the proposal.

Based upon the ACR, and the results of the analysis by the Swiss Air Force and skyguide, FOCA will determine if the ACR can proceed to the next phase of the process. An accepted ACR will be notified to the change sponsor and the ARG and the development phase will commence.

2.2.3 Development Phase Process

The development phase will commence with FOCA arranging an Airspace Change Briefing with the change sponsor and other relevant stakeholders. During this briefing, FOCA will outline to the change sponsor what detailed documentation is needed to support the development of the ACR.

In order to provide the required justification for the change, the change sponsor is expected to develop this documentation and conduct the required consultation with the impacted stakeholders. The change documentation is expected to include (but is not limited to):

- Concept of Operation
- Detailed Risk Assessment
- Environmental impact statement
- Aeronautical charts or maps
- Stakeholder consultation list

To support the change sponsor with this work, FOCA, the Swiss Air Force and skyguide will provide dedicated points of contact for the change sponsor.

As the change sponsor develops the change documentation, they send it to FOCA for consideration and review. FOCA may ask the change sponsor to provide more supporting material at any stage during this period. Once FOCA has received all requested change documentation, a review will be conducted to ensure that all requirements have been met.

When FOCA has accepted the change documentation, it will be presented to the ART for consultation. FOCA may invite the change sponsor to the meeting to help present the ACR change documentation.

Accepted change documentation will be notified to the change sponsor and the ARG and the approval phase will commence.

2.2.4 Approval Phase Process

Before any ACR can be implemented, FOCA is required to consult (Bundesgesetz über das Verwaltungsverfahren - 172.021 - Articles 29 and 30). To do so, FOCA will usually conduct a public hearing by making the change information available via an Aeronautical Information Circular (AIC). For each individual ACR, FOCA will determine the consultation requirements.

The change sponsor is expected to provide FOCA with a complete proposal for this AIC, including text and graphics. The proposal must:

- Be clear about on the aim and consequences of the airspace change: Who may be affected and to what extent?
- Ensure that the text and graphics are clear, concise and easily understandable.

For each ACR, FOCA will advise the change sponsor of the deadline by which this information must be provided.

The change sponsor has an obligation to cooperate and deliver all information and documentation as requested by FOCA within the timeframe required. If the change sponsor does not comply with these requirements, FOCA may decide not to grant or even discard the change request. In all cases, the airspace change will generate costs for the change sponsor (Allgemeine Gebührenverordnung - 172.041.1).

FOCA will include in the AIC, the duration of the consultation process as well as the address and person to respond to. The consultation period will provide all stakeholders sufficient time to discuss the proposal and provide their feedback.

FOCA will collect and analyse the responses to the public hearing process. The results will be provided to the change sponsor, the ART, ARG and the director of FOCA.

AN ACR may need to be modified based on the results of the public hearing process. FOCA will discuss any required modifications with the change sponsor, the ART and the ARG. The change sponsor may be required to update the change documentation to reflect any required modifications. FOCA can only accept updates to the change documentation without another public hearing if there is less impact on affected stakeholders. In cases where changes are required which lead to greater impact than originally requested, a new public hearing shall take place. An ACR can be subject to a public hearing for a maximum of three times.

FOCA shall keep records of all public consultation processes, and in cases where more than one public consultation is required, the documentation will kept separately.

At this stage, an ACR will be approved or rejected by the director of FOCA. If approved, FOCA will issue the required legislative instruments (Verfügung/Ordonnance) to establish the airspace change.

The implementation phase will start when this Verfügung/Ordonnance is issued.

2.2.5 Implementation Phase Process

Successful implementation is reliant on preparing the aviation industry for the change. This will include:

- Planning and development of educational material if required
- Distribution of educational and training material
- Updates to affected aviation technical systems – for example flight management systems and flight data processing systems
- Delivery of education and training to those affected by the change – for example pilots and ATS staff
- Distribution of the change material via the standard Aeronautical Information Publication (AIP) or Notice to Airmen (NOTAM)

The time required to carry out these activities will largely determine the actual implementation date of the change.

After the implementation of any airspace change, FOCA, in conjunction with the change sponsor, the Swiss Air Force and skyguide, will monitor and review the impact of the change.

This operational review is required to ensure the continuing integrity of the Swiss airspace structure and the appropriate application of airspace principles. The final results will be published in a post implementation review.