

## ATFM Exemptions

### PROCEDURE MANAGEMENT

	Name	Title	Date	Signature
<b>Prepared by:</b>	Daniel de SOUSA	NSA Inspector ATFM Focal Point		
<b>Reviewed by:</b>	Romain KOHL	Head of NSA		
	Laurent KREMER	Quality & Compliance		
<b>Approved by:</b>	Pierre JAEGER	Director DAC		

### REVISION FOLLOW-UP

Document Version	Change identification	Date
1.0	Released Version	24/06/2015
2.0	General Review and new document structure; New conditions for the permanent authorisation and introduction of an escalation procedure; Released Version.	20/11/2017
3.0	Small editorial corrections; Introduction of a distribution list – ISO 9001; Adaptation of process flowchart; Released Version.	24/10/2019

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## 1. GENERAL

### 1.1. SCOPE

The objective of this procedure is to describe the process to be followed in order to grant an Air Traffic Flow Management (ATFM) departure slot exemption and shall be applied to all operators of **IFR/GAT flights departing from ELLX airport**. This procedure **shall be applied from the 1<sup>st</sup> of January 2018 onwards**.

### 1.2. REFERENCED REGULATIONS AND DOCUMENTS

Document	Issue
Annex 11 – Air Traffic Services	Latest amendment
ICAO Doc. 4444 – PANS-ATM	Latest amendment
ICAO Doc. 7030 – Regional Supplementary Procedures	Latest amendment
Regulation (EC) 255/2010	Latest amendment
IFPS Users Manual – Network Manager	Latest amendment

### 1.3. ABBREVIATIONS

AOC	Air Operator Certificate
ARC	Airworthiness Review Certificate
ATFM	Air Traffic Flow Management
CAA	Civil Aviation Authority
COA	Certificate Of Airworthiness
DAC	Direction de l'Aviation Civile / Directorate of Civil Aviation
EGLL	London Heathrow Airport - England
ELLX	Findel Airport - Luxembourg
GAT	General Air Traffic
ICAO	International Civil Aviation Organisation
IFPS	Initial Flight Plan Processing System
IFR	Instrument Flight Rules
NM	Network Manager
UK	United Kingdom

### 1.4. DEFINITIONS

NIL

### 1.5. TEMPLATES

- DAC Form 104-1: Application Form for an ATFM Exemption;
- DAC Form 104-2: Medical Certificate Form;
- DAC Form 104-3: Quarterly Feedback – Permanent Authorisation.

## 2. ATFM EXEMPTIONS

Within the framework of ATFM, flights for which an IFR flight plan is filled-out may be subject to control measures and imposed ATFM departure slots. Due to their specific nature of the flight and when duly filled-out in the field 18 of the ICAO flight plan, some flights are granted with an **automatic exemption** from ATFM measures. These exemptions are described hereunder:

### 2.1. DESIGNATORS WITH AUTOMATIC EXEMPTIONS

- a) **STS/HEAD** – For a flight with Head of State status or equivalent;
- b) **STS/SAR** – For a flight engaged in Search and Rescue operations;
- c) **STS/MEDEVAC** - For a life critical medical emergency evacuation;
- d) **STS/FFR** - For a flight engaged in firefighting.

The fill-out of these STS designators in a flight plan or associated message ensures that the flight will be automatically exempted from flow regulations by the NM.

### 2.2. DESIGNATOR STS/ATFMX

In addition to the designators mentioned in point 2.1, and regardless of any other STS/indicator used in combination with, the STS/ATFMX also grants an automatic exemption from flow regulations **when duly authorised by the National Body** and if the nature of the flight duly justifies it. In the context of this procedure, **the National Body is the DAC.**

The additional ATFM exemptions (**STS/ATFMX**) that may be used are:

- a) **STS/HOSP** – For a medical flight specifically declared by the medical authorities;
  - Routine positioning flights e.g. **returning empty after an evacuation or positioning for fuel or positioning to an airport to collect a patient sometime after arrival (i.e. not time critical) shall not qualify for the use of this STS.**
- b) **STS/HUM** – For flights operating for humanitarian reasons;
- c) **STS/STATE** – For military registered aircraft or civil registered aircraft used in military and/or customs and/or police services;
  - Only those flights that are other than Head of State, and that are specifically required by the **State Authorities**, e.g. military or civil registered aircraft used in military, customs and police services, shall use this STS.
- d) **STS/ALTRV** - For a flight operated in accordance with an altitude reservation;
- e) **STS/NONRVSM** - For a non-RVSM flight intending to operate in RVSM airspace. This STS descriptor shall be cross referenced by the IFPS to other Items in the flight plan message:
  - STS/NONRVSM with the type of flight, number of aircraft, equipment and the route.
- f) **STS/MARSA** - For a flight for which military entity assumes responsibility for separation of military aircraft;

- g) **STS/FLTCK** - For a flight performing calibration of nav aids where special handling by ATC may be required.
- h) **STS/HAZMAT** - For a flight carrying hazardous material.

In the cases mentioned above, both STS designators must be used in combination with the designator STS/ATFMX.

- E.g: STS/HOSP ATFMX or STS/STATE AFTMX.

### 2.3. PROCESS DESCRIPTION

- The point 3 of this procedure describes the process in order to request the exemptions from point 2.1 and 2.2;
- The point 5 of this procedure describes the responsibilities of the DAC and/or the NM within the framework of this procedure;

### 2.4. MULTIPLE LEGS FLIGHTS

It is a responsibility of the State of flight departure to approve any request for an ATFM exemption. Therefore, the **DAC will only approve ATFM exemptions for flights departing from ELLX airport.** For example, in the case that an aircraft intends to fly with an ATFM exemption for the following flights:

- ELLX- EGLL-ELLX (Luxembourg-London-Luxembourg).

The request to the ATFM exemption for the return flight (EGLL-ELLX) shall be made to the CAA UK in accordance with the applicable national procedure and published in the AIP.

### 3. REQUEST FOR ATFM EXEMPTION

As mentioned before, the nature of some flights may justify the need to use an ATFM departure slot exemption. Its use, in the field 18 of the ICAO flight plan, is subject to specific rules and conditions and **shall be duly authorised** by the DAC. The following paragraphs 3.2 and 3.3 will describe the process in order to obtain such authorisations.

#### 3.1. ELIGIBLE FLIGHTS FOR THE ATFM EXEMPTION

An operator shall request an ATFM exemption in the following cases:

- a) If the nature of the flight falls under the point 2.1;
- b) If the nature of the flight falls under the point 2.2.

The ATFM exemption **shall be granted** to the nature of flights mentioned above:

- In case of a single flight authorisation, the paragraph 3.2 will describe the process to follow;
- In case of a permanent authorisation, the paragraph 3.3 will describe the process to follow. In such cases, the operator shall strictly comply with the conditions mentioned in the permanent authorisation issued by the DAC. In case of non-compliance with the set of rules, the DAC will apply the procedure laid down in the chapter 5.2 of this procedure.

#### 3.2. PROCEDURE FOR REQUEST AN ATFM EXEMPTION

##### 3.2.1. GENERAL FLIGHTS

Operators, for which the nature of the flight falls under the points 2.1 or 2.2, shall apply for an ATFM exemption, in order to obtain authorisation to use of the specific STS designator. The applicant shall fill out the **DAC Form 104-1: Request for ATFM Exemption** and submit it together with all the required documents justifying their request to the following e-mail address:

**atfmx[at]av.etat.lu**

The application form “**DAC Form 104-1**” can be directly downloaded from the DAC website:

<http://www.dac.public.lu/formulaires/navigation-aerienne/index.html>

The request **shall be made at least 48 hours before the flight** (working days: Monday to Friday 08:00-17:00 local time). After examination of the received documentation, the DAC will issue an authorisation and send it to the applicant via email. The absence of response within 24 hours, after submission of the request, grants authorisation (silent approval).

The documents to be submitted to the DAC are:

- a) **DAC Form 104-1**: Request for ATFM Exemption duly filled-out and signed by the applicant;
- b) **DAC Form 104-2**: The medical certificate duly filled-out and signed by the Doctor in charge, when applicable and available before the flight.



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### 3.2.2. MEDICAL FLIGHTS

In the event of an emergency (e.g. urgent medical evacuation, organ transportation, etc...) and when the request cannot be made within the aforementioned period, **the DAC Form 104-1** shall be sent duly filled-out together with the associated documents to the aforementioned e-mail address no later than 72 hours after the flight.

Whenever appropriate, the “**DAC Form 104-2 - Medical Certificate Form**” can also be downloaded from the DAC website:

<http://www.dac.public.lu/formulaires/navigation-aerienne/index.html>

### 3.2.3. VERIFICATION PROCESS

The DAC will subsequently check the legitimacy of the request by analysing the information transmitted by the operator. Therefore, it is essential that the operator **fill-out all the fields (A to F) of the DAC Form 104-1**, in particular **field E**. The legitimacy of the request of the ATFM exemption is verified and the decision whether to approve or not is taken by the DAC.

The DAC shall systematically **refuse/decline** a request for an ATFM exemption if the **field E** of the DAC Form 104-1 is **blank and no justification and/or rationale for the application is given**.

In addition, due to the nature of the flight and in special cases, the **DAC reserves the right to request** any additional documentation prior approval of the request. (E.g., air operator's certificate (AOC), the Certificate of Airworthiness (CoA) and/or Airworthiness Review Certificates (ARC), Insurance Policy, etc...).

### 3.2.4. CHANGES REQUESTS

If for any reason, a specific field of the initial request needs to be changed, the operator shall communicate it to the DAC via the aforementioned e-mail address as soon as possible. In this case, no new authorisation will be issued by the DAC but all requested changes will be updated in the dedicated database.

## 3.3. PERMANENT APPROVAL FOR AN ATFM EXEMPTION

Due to the nature of their activities, a specific operator may apply for a permanent AFTM exemption for a specific type of mission as described in points 2.1 and 2.2 of this procedure. In such case, the operator will no longer be required to submit an authorisation request for each flight.

However, and when so requested by the DAC, the operator shall present to the DAC a justification for the use of the ATFM Exemptions used during the validity of this authorisation.



For this purpose, operators shall send their request accompanied by all documents mentioned in point 3.3.1 describing their activity and shall justify (field E of the DAC Form 104-1) their need to:

Direction de l'Aviation Civile  
Autorité Nationale de Surveillance  
4, rue Lou Hemmer  
L-1748 Luxembourg

### 3.3.1. REQUESTED DOCUMENTATION

The documents to be submitted to the DAC in order to be granted a permanent ATFM authorisation are:

- a) DAC Form 104-1: Application form for an ATFM Exemption **duly filled-out and signed**;
- b) A valid Air Operator's Certificate (AOC);
- c) The Certificate of Airworthiness (CoA) and the valid Airworthiness Review Certificate (ARC) per aircraft to be used for the mission(s);
- d) Insurance policy issued in accordance with regulation (EC) 785/2004;

All these documents shall be sent to the DAC when applying for this type of authorisation. Any change on the point (b), (c) and (d) of this paragraph shall be notified via email to the DAC immediately. This authorisation shall be **valid for a period of 12 months** and tacitly renewed for an additional period of 12 months, if not revoked under the process described in the chapter 5.2 of this procedure.

### 3.3.2. CONDITIONS LINKED TO A PERMANENT AUTHORISATION

DAC reserves the right to set conditions directly linked with the issuance of the permanent approval, which the operator shall comply with during the validity period of the authorisation.

These conditions shall be mentioned on the approval letter sent by the DAC to the concerned operator. The verification of compliance with those conditions will be checked by the DAC quarterly.

The non-adherence to these rules may lead to the revocation of the permanent authorisation. In this case, a rationale shall be given to the concerned operator. The chapter 5.2 will describe the escalation process in order to revoke such authorisations.

## 4. RECORD KEEPING

All operators, including those who have been granted a permanent authorisation, shall keep and provide on request all appropriate documents to justify the use of the ATFM exemption for a period of **12 months** as from the date of the exempted flight.

## 5. COMPETENT AUTHORITY RESPONSABILITES

On one hand, the NM provides the DAC with a monthly list of all flights departing from ELLX that have used an ATFM exemption. On the other hand, the DAC maintains up-to-date a database containing all flights that have received an ATFM exemption approved in the framework of this procedure.

At the end of each month, the DAC will compile the information from both documents and will update the internal database accordingly. Consequently, non-adherent operators departing from ELLX can be easily identified. DAC Inspectors are entitled to perform on-site verifications (aircraft inspections) at any time and without prior notification.

### 5.1. INAPPROPRIATE USE OF THE ATFM DESIGNATORS

It shall be noted that any flight obtaining a non-justified ATFM departure slot exemption transfers the delay to other flights. It is therefore essential that the ATFM exemption shall only be requested and used if the situation is duly justified. Any abusive use by an Operator may be subject to an infringement procedure or fine.

### 5.2. ESCALATION PROCESS

On a quarterly basis, the DAC will send via email the DAC Form 104-3 duly filled-out to all operators to which a permanent authorisation has been issued. Within two weeks after receipt, the operator shall complete the received document providing justification for each exempted flight and send it back to the DAC.

In addition, the DAC will check the compliance with the conditions laid down in the permanent ATFM authorisation. If the DAC identifies that an operator is not complying with the conditions set in the authorisation, the following shall apply:

- a) **First non-reply and/or non-compliance:** The DAC shall inform the operator via email informing of the non-adherence to the applicable set of conditions;
- b) **Second non-reply and/or non-compliance:** The DAC shall inform the operator via official letter informing of the non-adherence to the applicable set of conditions. At the same time, the operator shall be informed that if a third non-adherence is observed during the validity period, this authorisation will be revoked;
- c) **Third non-reply and/or non-compliance:** Revocation of the permanent authorisation. This decision shall be communicated to the concerned operator via official letter with and a rationale for this action shall be given.

In the framework of this procedure, the term **non-reply** shall be considered as:

- Total absence of reply from the operator after two weeks as mentioned in point 5.2;
- Incomplete or missing information in the DAC Form 104-3.

- In case of the revocation of the permanent authorisation, the operator shall proceed as mentioned in the chapter 3.2 of this procedure.

### 5.3. ESCALATION PROCESS FLOWCHART

