

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (Text with EEA relevance)

CHAPTER III

FLEXIBLE USE OF AIRSPACE IN THE SINGLE EUROPEAN SKY

Article 7

Flexible use of airspace

1 Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the uniform application within the single European sky of the concept of the flexible use of airspace as described by the ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy.

2 Member States shall report annually to the Commission on the application, in the context of the common transport policy, of the concept of the flexible use of airspace in respect of the airspace under their responsibility.

3 Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace within the single European sky, implementing rules within the context of the common transport policy shall be adopted in accordance with the procedure under Article 8 of the framework Regulation.

Article 8

Temporary suspension

1 In cases where the application of Article 7 gives rise to significant operational difficulties, Member States may temporarily suspend such application on condition that they inform without delay the Commission and the other Member States thereof.

2 Following the introduction of a temporary suspension, adjustments to the rules adopted under Article 7(3) may be worked out for the airspace under the responsibility of the Member State(s) concerned, in accordance with the procedure under Article 8 of the framework Regulation.

^{F1}Article 9

[^{F1}Air traffic flow management]

.....

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 551/2004 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F1** Deleted by [Regulation \(EC\) No 1070/2009](#) of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system (Text with EEA relevance).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 551/2004 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/459 reg. 55](#)
- Art. 3a(2)(a) words substituted by [S.I. 2019/459 reg. 48\(3\)\(b\)](#)
- Art. 3a(2)(b) word substituted by [S.I. 2019/459 reg. 48\(3\)\(c\)](#)
- Art. 4(1) words in Art. 4 renumbered as Art. 4(1) by [S.I. 2019/459 reg. 49\(2\)](#)
- Art. 4(1) words substituted by [S.I. 2019/459 reg. 49\(3\)](#)
- Art. 4(1)(b) words omitted by [S.I. 2019/459 reg. 49\(4\)](#)
- Art. 4(2)(3) inserted by [S.I. 2019/459 reg. 49\(5\)](#)
- Art. 6(10)(11) inserted by [S.I. 2019/459 reg. 50\(7\)](#)
- Art. 7(1A) inserted by [S.I. 2019/459 reg. 51\(3\)](#)
- Art. 7(3)-(6) substituted for Art. 7(3) by [S.I. 2019/459 reg. 51\(5\)](#)