



# Report on the SES Legislation Implementation

Produced by EUROCONTROL upon request of the  
European Commission DG-MOVE

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Abstract			
This report aims to provide a comprehensive overview of the factual situation of the actions undertaken to implement the SES legislation. It is based on the consolidation of information reported by the States in their respective State Annual reports and FUA reports submitted through the LSSIP Documents, and contains appropriate conclusions and recommendations.			
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## BACKGROUND

Pursuant to Article 12.1 of Regulation (EC) N° 549/2004 EU-Member States are obliged to submit to the European Commission annual reports on the actions taken to implement the Single European Sky legislation. In addition, Commission Regulation (EC) N° 2150/2005 laying down common rules for the Flexible Use of Airspace (FUA) requires Member States to report annually on their application of FUA. Based on those reports the EC shall define the applicable supervision, monitoring, and methods of impact assessment.

This Report is produced for the EC by EUROCONTROL under a request for support TREN N°1-2009/SI2.553204 under Framework Agreement N° TREN/F2/2009/169-1. As agreed under the said request, the Annual SES Reports and the Annual reports on the application of FUA were collected via the channels of the LSSIP (Local Single Sky Implementation) mechanism. A EUROCONTROL team analysed and consolidated the reported information into this Report on SES Legislation Implementation for the period 1 January 2009 – 31 December 2009.

For the purposes of this Report, the States that submitted reports in addition to the EU Member States include also Norway, Switzerland stemming from their contractual relation to the European Union. The states signatory to the European Common Aviation Area Agreement (ECAA), Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia also submitted reports. However, the information provided by them is used only in the consolidation since the implementation of the legislation in their legal systems follows a schedule set forth in the Agreement and does not allow for valid comparisons.

In order to lessen the reporting burden, information already available in EUROCONTROL was pre-filled in the templates, leaving States to verify it and update it as appropriate.

The Report aims to provide a comprehensive overview of the factual situation of the actions undertaken by the reporting States to implement the SES legislation. It consolidates the data reported by the States, and contains conclusions, evolution and trends, where applicable, and recommendations. Only where necessary, for the sake of clarity, the reported information was complemented, but not altered in any way, on the basis of official, publicly available EUROCONTROL and EC documents/sources. Where in the course of the consolidation it was discovered that a question posed in the Reporting Templates had not yielded the intended information, the collected data was also examined with due consideration of possible ambiguity in the respective question and/or the corresponding legislative text.

The conclusions reflect the reported facts, are based solely on the impartial expert judgment of the specialists involved in the drafting of the Report and do not necessarily reflect the official views or policy of EUROCONTROL. They cannot be considered as either final or binding since the reported information may occasionally not reflect the actual situation in the States due to any circumstances. EUROCONTROL makes no warranty, either implied or express, for the information contained in the Annual Reports, neither does it assume any liability or responsibility for the accuracy, completeness or usefulness of the information provided therein. The Report's recommendations are in response to request for support by the EC and are only of advisory nature, thus not carrying or implying any obligation.

The Report is structured around an executive summary, main body, compendium of recommendations, and statistical annexes.

*NOTE: This Report consolidates and analyses the information gathered through the LSSIP mechanism contained in Part III of the LSSIP Documents (Implementation of SES Legislation).*

*The information in Part II of the LSSIP Documents (Implementation of ESSIP Objectives), through which national stakeholders report on their progress made in, and plans for, the implementation of the ESSIP Objectives, is the object of a separate report complementary to this one, namely the European Implementation Progress Report*



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## Convention for the Recommendations numbering

The recommendations of the report are numbered according to the following convention:

**2009-[Sequence No] - [Addressee (ISO Code of the States addressed, if applicable)]**  
**[Trace to a recommendation from the 2008 edition of this report, if applicable]**  
[Text of the recommendation]

### Legend:

**2009** – To identify them as recommendations from this edition of the report (as opposed to the 2008 edition) all recommendations start by the number “2009”, followed by

**[Sequence No]** – A sequence number “01, 02, 03...”, followed by

**[Addressee (ISO Code of the States addressed, if applicable)]** – The addressee of the recommendation, which can be the “EC” (European Commission) and/or the “States”. In the latter case it will be followed by a list between brackets of the concerned States identified by their ISO two-letter code, or “All” if the recommendation applies to the 29 States, followed by

**[Trace to a recommendation from the 2008 edition of this report, if applicable]** – If the recommendation is the same as one already made in the 2008 edition of this report, a trace will be added in the following form “[Rec. # 2008-Sequence No.]”, followed by

[Text of the recommendation] – The text of the recommendation itself.

## Executive Summary

### Part I: SES Annual Reports

#### National Supervisory Authorities' (NSAs) establishment and responsibilities

All States have completed the process of establishing NSAs, thus a key foundation is in place in terms of regulatory structures to support the implementation of the SES regulations and directives. This appears to extend gradually to the supervision of military provision of services to GAT, although refinement is needed in some areas.

There are, however, a number of issues that need to be addressed and/or clarified in terms supervision of AFIS or MET in a few States.

Aside from Austria, it appears there is no use of Recognised Organisations to support the NSA to discharge its responsibilities. Given the issues of NSA resourcing and difficulties in obtaining the qualified people, the possibility of using Recognised Organisations should be examined more closely by NSAs – even as a short term measure.

#### NSA Resources

From the statements made by the NSAs in the reports, it can be concluded that at least a third of them are still facing difficulties to cope with their tasks due to limited competent resources. This issue should be addressed by Members States as a matter of urgency. A positive note, however, is that during this reporting period a majority of these NSAs reported plans to increase their human resources.

The staffing levels reported by the NSAs show wide differences even for States with similar national environments and little correlation was observed against parameters like the number of ATCOs under the supervision of the NSAs. This suggests that only few States had made a thorough assessment of the resources needed by the NSAs at the moment of their establishment but rather adapted existing structures in the State. The lack of a harmonised method to conduct the assessment of human resources as required by the safety oversight Regulation is also an issue.

The lack of enough qualified safety auditors/inspectors is still an issue for many NSAs (Bulgaria, Luxembourg and Spain-MIL reported having none). In addition to this, some States provided unclear information with regards to the establishment of qualification criteria for auditors/inspectors as required by the safety oversight Regulation. Further information should be sought by the European Commission.

### **Certification of Air Navigation Service Providers**

The certification process has consolidated since its inception and now appears to be well established.

There is a trend for NSAs opting for longer validity periods for certificates, however there is no harmonisation either at European or at FAB level on the length of period.

More NSAs are availing themselves on the possibility of granting derogations as per Article 4 of the common requirements Regulation thus taking advantage of the renewal process to simplify certification and on-going compliance processes.

### **Designation of Air Traffic and Meteorological Service Providers**

A great majority of States have now completed the designation process, however, some States, either have not provided all the necessary information to the European Commission and other Member States, or still need to take further measures to fully complete the designation process as discussed below.

The information provided by Germany on the designation of its ATSPs is considered insufficient to enable any conclusions.

The information provided by France, Hungary, Portugal and Switzerland on the designation of their AFIS providers is incomplete and/or contradictory.

The States that provided partial (Czech Republic and Spain) or no information (Austria, Belgium, Bulgaria, Lithuania and Norway) on the airspace blocks for which their service providers have been designated, should do so as soon as possible.

Although States have the possibility of using the designation as means of creating competition for the market of ATS provision, this option has not been used by any of them.

### **Cross-Border Provision of Air Traffic Services**

The legal framework for the cross-border ATS is not clear in many States as many cross-border situations seem to be known only at operational level and not formalised at institutional level. Arrangements between NSAs for the supervision of cross-border ATS provision are also not yet in place in the majority of cases.

In order to avoid complications with possible application of different liability regimes, States/NSAs should ensure that a proper legal framework is in place for the provision of cross-border ATS and urgently establish the appropriate arrangements for the supervision of ANSPs in this context. This process should commence as a matter of urgency irrespective of the progress on the establishment of FABs.

### **Ongoing Compliance**

All NSAs have established an annual inspection programme. In general NSAs consult on the inspection programme with the providers although some appear to just inform rather than engage in two way consultation. NSAs do not yet consider the consultation on the inspection programme as a useful tool for communication with other NSAs concerned.

The vast majority of the NSAs have reportedly verified the ongoing compliance with the Common Requirements of all certified providers – however several did not and this is a repetition of the situation reported in 2009.

## Consultation of Stakeholders

States appear to have established formal consultation mechanisms for the implementation of SES. However, the scope and effectiveness of those mechanisms may have to be reconsidered or reinforced in the light of the consultation requirements associated with development of the national or FAB performance plans, as required by the SES II legislation.

## Safety Oversight

Almost all of the NSAs conducted safety oversight in relation to ANS providers based on established processes and procedures including the implementation of safety regulatory audits.

The safety oversight of the ASM and ATFM functions is still lagging behind and there is a need to establish effective processes by almost half of the NSAs.

There are still five States where the ANSPs procedures for the introduction of safety related changes to the functional systems need to be accepted by the NSAs and seven NSAs where internal procedures for the review of changes need to be established.

26 NSAs performed the assessment of their human resources and as a result half of them took various measures in order to ensure necessary capabilities. Only three NSAs were satisfied with the level of resources available for the safety oversight activities.

No safety directives were issued in 2009 by the NSAs.

Most of the NSAs have already organised a document management system for the safety oversight records and four NSAs reported having already implemented quality management systems.

The level of activities with relation to the oversight of cross-border service providers remains unsatisfactory and requires further actions.

## Software Safety Assurance

In relation with the deferred application of Regulation (EC) N° 482/2008, its implementation appears to be in its early stages as only about half of the States reported fulfilling all applicable requirements.

In 2010 all the requirements of the Regulation will become applicable and therefore the report for 2010 will bring more substantial inputs.

## Air Traffic Controllers Licensing

The transposition of the ATCO license Directive has reportedly gathered momentum in 2009. All States have introduced at least Operational Level 4 for language endorsements in English. Most States have reported having established competent medical bodies of the NSA or medical examiners.

## Functional Airspace Blocks (FABs)

The Denmark-Sweden FAB was notified to the European Commission in December 2009. Among the remaining 7 FAB projects reported some still lack clarity on a target date for implementation or have provided contradictory information with respect to such date.

All projects report progress with respect to the signature of high level policy documents but only one FAB (FABEC) reported the implementation of early benefits packages. The UK-Ireland FAB reported the implementation of several FAB initiatives with no further details.

With a view to the statutory deadline for FAB implementation some of the projects reported combining the definition, development and implementation phases.

## Interoperability

### NSA Responsibilities

The results show a positive trend in setting-up appropriate tasks and responsibilities as well as supporting processes relative to the supervisory roles of the NSAs derived from the interoperability Regulation. For those two States who did not provide positive responses it is reported as either work in progress, or expected to be completed in 2010.

Given that all States rely on the ANSPs for performing the conformity assessments (as opposed to Notified Bodies) the lack of information from the NSAs on how they ensure the ANSP fulfils the conditions allowing them to conduct conformity assessment is unsatisfactory.

As for the appointment of Notified Bodies, there are no changes from the previous report. No new bodies were notified during the reporting period.

### Verification of compliance

#### - Regulation (EC) No. 552/2004 on Interoperability

There is a positive trend in the interpretation and the application of the regulatory requirements relative to the verification of compliance. There is an undisputable increase in the maturity of the subject, however some disparities between the answers indicate that further harmonisation and clarifications are needed.

#### - Regulation (EC) No 1032/2006 on Coordination and Transfer (COTR) as amended by Regulation (EC) No. 30/2009

There is a positive evolution in the implementation of the Regulation confirming the already good level of compliance indicated by the previous Report. Some of the misunderstandings evident in the responses provided for the previous Report have now been clarified.

#### - Regulation (EC) No 633/2007 on Flight message transfer protocol

The implementation of the Regulation is ongoing or is planned. However following the analysis of the received responses it is evident that there is a significant risk that the implementation will be late in some of the States relative to the applicable date provided for in the Regulation.

#### - Regulation (EC) No 1033/2006 on Procedures for flight plans in the pre-flight phase

The responses confirmed the good level of implementation of Regulation (EC) No 1033/2006 among all the concerned stakeholders.

#### - Regulation (EC) No 1265/2007 on air-ground voice channel spacing

Steady progress of implementation of Regulation (EC) No 1265/2007 was confirmed based on the responses received.

- **Regulation (EC) No 262/2009 on allocation and use of Mode S interrogator codes**

The responses received indicate an encouraging level of implementation as well as the positive role of the relevant EUROCONTROL working arrangements supporting the coordination and the allocation of Mode S interrogators codes. However some States seem to have misunderstood some of the regulatory requirements as well as their applicability therefore their responses may distort the overall conclusions.

- **Regulation (EC) No 29/2009 on data link services**

There is some incipient planning work, mainly in the core area, while a more generalised planning and preparation is expected for 2010/2011. This is to be confirmed by the future editions of the Report.

### **Air Navigation Charging**

Progress was made in a number of States for the effective application of enforcement measures for the recovery of charges. This is encouraging. However, six States still have no effective measures in place as foreseen by Article 14.3 of the service provision Regulation and are in breach of the SES legislation in this respect.

## Part II: Annual Reports on the Implementation of FUA

### National Organisation and Responsibilities at the Three ASM Levels of FUA

#### Strategic Airspace Management - ASM Level 1

Implementation of FUA at ASM Level 1 has almost been completed with the exception of Ireland and Slovenia where it is still ongoing.

The consolidated results of FUA at ASM Level 1 implementation are very positive with issues identified last year being addressed in many instances.

There is a large number of States who have not advised the European Commission about the identified persons/organisations as required under Article 4.3 of the FUA Regulation.

Considering the poor application of FUA assessment process and review of airspace procedures, the development of some form of guideline material that details this process should be considered.

#### Pre-Tactical Airspace Management - ASM Level 2

Overall, the reports provided evidence of continuation of implementation of FUA at ASM Level 2.

25 States reported that airspace is allocated in accordance with the conditions and procedures defined in Article 4.1 of the FUA Regulation, which shows that implementation is progressing.

The European Commission should clarify to States that, whenever there is any type of interactive civil/military airspace utilisation, they should implement some form of ASM Level 2 (planning for airspace reservation).

#### Tactical Airspace Management - ASM Level 3

The States that reported not having ensured coordination procedures and communication facilities to allow for real-time activation, de-activation or reallocation of airspace allocated at pre-tactical FUA at ASM Level 2, may have misunderstood the question in the Template.

The implementation in all but one State (Cyprus) of immediate release of airspace reservations is very satisfactory.

There is a need to emphasise the critical importance of establishing coordination procedures permitting direct communication of relevant information in order to resolve specific traffic situations or concerns wherever civil and military controllers are providing services in the same airspace.

### Cooperation between States at the 3 levels of FUA

About half of the States reported not coordinating their airspace policy with their neighbours, which impacts negatively on the achievement of the objective to better accommodate the needs of the airspace users.

The European Commission should encourage States to continue their efforts in establishing and maintaining sound mechanisms for the cross-border policy consultation, as this is one of the main foundations of effective FUA and an essential condition for the establishment of FABs.

## Safety Assessment

The reported information contains generally positive results of the implementation of the concerned requirements.

The European Commission should urge those states that have yet to implement safety management processes to address this issue as a matter of priority.

## Performance Assessment

A negative trend can be observed due to the fact that 6 states who were undertaking safety evaluation in the previous reporting period, did not conduct it in 2009. This would indicate either an issue with the quality of reporting or alternatively, with the States' approach to the requirements for evaluation of the functioning of safety.

The European Commission should seek clarification from those states who previously reported compliance in the previous reporting period and not confirming it in 2009.

The progress in airspace capacity and efficiency performance assessment should not be considered satisfactory since 10 States out of 29 do not apply any kind of it.

## Compliance Monitoring

A large number of States were not fully compliant although many reported plans to achieve compliance in the next reporting cycle. Based on the non-achievement of such commitments given in the last reporting period, progress on this issue needs to be carefully monitored and the states concerned asked to confirm the commitment to plans for compliance.

The European Commission should emphasise to the States the importance and necessity of effective compliance self-monitoring and request those states who do not meet the requirements to advise their plans for it.

## Problems in the implementation of the FUA Regulation

The reported problems were quite diverse and mostly in relation with the respective national regulatory frameworks.

As a common issue, it was noted once again that States seemed to have encountered problems in differentiating between inspections, surveys and audits, an issue which is already tackled in the sub-section on Compliance Monitoring.



## 1. National Supervisory Authorities (NSAs)

All States have completed the process of establishing NSAs, thus a key foundation is in place in terms of regulatory structures to support the implementation of the SES regulations and directives. This appears to extend gradually to the supervision of military provision of services to GAT, although refinement is needed in some areas.

There are, however, a number of issues that need to be addressed and/or clarified in terms supervision of AFIS or MET in a few States.

Aside from Austria, it appears there is no use of Recognised Organisations<sup>1</sup> to support the NSA to discharge its responsibilities. Given the issues of NSA resourcing and difficulties in obtaining the qualified people, the possibility of using Recognised Organisations should be examined more closely by NSAs – even as a short term measure.

### Introduction

The aim of this section is to confirm that all States have established and empowered NSAs and verify that all the required tasks and responsibilities have been allocated either to the NSAs or to other designated bodies. The use of Recognised Organisations by NSAs to carry out inspections and surveys is also analysed.

The information gathered through this section is used also to consolidate and maintain an up-to-date list of all NSAs and Recognised Organisations in Europe.

*Legal Basis: Article 4 of Regulation (EC) N° 549/2004 (hereinafter “the framework Regulation”), Articles 3 & 12 of Regulation (EC) N° 550/2004 (hereinafter “the service provision Regulation”), Articles 6 & 7 of Regulation (EC) No 552/2004 (hereinafter “the interoperability Regulation”), Article 3 of Directive 2006/23/EC – hereinafter “the ATCO license Directive”), Articles 3, 8 & 12 of Regulation (EC) N° 2096/2005 (hereinafter “the common requirements Regulation”) and Article 10 of Regulation (EC) N° 1315/2007 (hereinafter “the safety oversight Regulation”).*

### Consolidation

#### NSA Establishment

- ◆ All 29 States reported having now established at least one NSA as required by Article 4 of the framework Regulation. There are reportedly 33 nominated NSAs in the 29 States (the full list can be seen in Annex 1); the following facts should be noted:
- ◆ 3 States reported more than one NSA established:
  - Latvia: 2 NSAs – the Latvian Civil Aviation Agency (LCAA) for all NSAs responsibilities except for economic oversight of the ANSPs and access to their accounts which are assumed by the Department of Air Transport, (MoT);
  - Romania: 2 NSAs - the Romanian Civil Aviation Agency (RCAA) for all NSAs responsibilities except for security matters which are assumed by the MoT-DGCA;

<sup>1</sup> New denomination as per Regulation (EC) 1070/2009 - “Qualified Entities”.

- Spain: 3 NSAs – the Air Safety State Agency (AESA) (hereinafter “Spain-AESA”) covering civil matters except the supervision of MET services; the Deputy Chief Air Force Staff (hereinafter “Spain-MIL”) covering military matters except the supervision of MET services; and the Secretary of State for Climate Change (hereinafter “Spain-MET”) for the supervision of MET services (both civil and military).
- ◆ It is noted that, although in its previous report Denmark reported TACDEN as a nominated NSA for military matters, whilst TACDEN is indeed responsible for part of the supervision of military aviation activities in Denmark, this is done reportedly according to military regulations “*which to the widest possible extent are compatible with Common Requirements, and other EU regulations. However – full compliance is not verified nor documented*”. For this reason, TACDEN will not be considered as an NSA as per the SES regulations for the rest of this Report.
- ◆ Austria reported the CAA (Oberste Zivilluftfahrtbehörde) as the nominated NSA in different parts of the report while in one of the fields it is stated “*The NSA is the Minister of Transport according to the Aviation Act.*”

### **Relationship of the NSA with the State Civil Aviation Regulator (CAA/DGCA)**

- ◆ According to the States’ Reports, out of the 30 nominated NSAs who perform supervision of air navigation services:
  - 3 NSAs are organisationally/institutionally separated from the CAA/DGCA (Germany, Spain-AESA and Spain-MET);
  - 6 NSAs are specific departments within their respective CAA/DGCAs (Belgium, Cyprus, France, Greece, Ireland and Switzerland). All except Cyprus explicitly specified that the NSA is functionally separated from the rest of regulatory activities of the CAA/DGCA;
  - 20 NSAs are the CAA/DGCAs of their respective States;
  - 1 NSA (Slovenia) is the Ministry of Transport.

### **Areas of Responsibility**

- ◆ A large majority of the 29 States have reportedly established NSAs which, either through one or several bodies, cover all the areas of responsibility that were addressed in the commonly agreed Template to be used by the States for the completion of their Annual Reports (hereinafter “the Template”). However, the following facts should be noted:
  - Austria reported that the supervision of AFIS providers is not under the Ministry of Transport but under the Regional Governments;
  - Belgium reported that the NSA is not responsible for the supervision of AFIS providers, without providing further clarification;
  - Portugal reported that the supervision of the provision of MET services is not performed by its NSA but by “Instituto de Meteorologia”, which is reportedly also the MET provider.

### **Recognised Organisations**

- ◆ 3 organisations have been recognised by NSAs as per Article 3 of the service provision Regulation, two in Austria (Quality Austria and APAC) and one in Germany (TÜV-Nord CERT). It should be noted that:
  - Austria has prolonged the validity period of the recognition of its two Recognised Organisations from September 2009 to July 2012 by decree;

- Germany reported that the period of recognition of TÜV-Nord CERT expired in May 2009 without providing further information.
- ◆ Only the Austrian NSA reported having delegated any tasks to a Recognised Organisation (Quality Austria) during this reporting period. According to the Austrian report “*all tasks under the inspection programme*” were delegated to Quality Austria however, the Austrian NSA reported not having applied the required criteria as per Article 10.1 of the safety oversight Regulation to select the organisation, rather it was appointed by ministerial decree.

### Supervision of military ANS provision

For those States where the military provide ANS services to GAT (13 according to the LSSIP documents), the following facts should be noted:

- ◆ 4 States reported performing supervision of military service provision under the SES regulations either through a specific military NSA (Spain) or through agreements between the Ministry of Defence and the Ministry of Transport by which the civil NSA supervises military service provision to GAT (Belgium, France and Italy).
- ◆ 2 more States reported plans to address this issue in 2010: Germany reported plans for “*the designation of a military supervising authority (MSA)*”, and Netherlands reported that “*a shared civil/military action plan for oversight is currently under development. It is planned to initiate in 2010 the project of a joint NSA (12/2010)*”.
- ◆ Switzerland reported that civil and military ATCOs are licensed according to a common scheme under the supervision of the Federal Office of Civil Aviation (FOCA). For the rest of the aspects addressed in the Template no clear answer was provided, however, Switzerland reported that “*There are still some civil-military interface questions to be addressed. A project has been launched to clarify these issues.*”
- ◆ Denmark and Hungary, while answering “No” to all the areas of responsibility under their respective NSAs as far as the military are concerned, also stated that:
  - In Denmark, “*SLV is supervising the military and civil en route service provision to GAT and OAT,*” and that “*Military ACC ATCOs hold civil ATCO license*”;
  - In Hungary, “*The CAA and the MAA (Military Aviation Authority) have been combined in 2007. The new name is Directorate for Air Transport – DAT; it has the oversight over aviation in Hungary*”.
- ◆ In the UK the supervision of the provision of ANS services is carried out by the Ministry of Defence while the licensing of ATCOs and engineering and technical staff, access to the ANSP accounts and aspects related to interoperability are supervised by the Civil Aviation Authority.
- ◆ The Czech Republic indicated that the supervision of all military aspects is under the responsibility of the Military Aviation authority.
- ◆ The remaining 2 States (Greece and Portugal), did not provide any information on the matter.

## ECAA States<sup>2</sup>

- ◆ 4 out of the 6 ECAA States (Albania, Croatia, FYROM and Serbia) reported having established NSAs as per the framework Regulation. Bosnia and Herzegovina has not officially nominated an NSA; the supervisory tasks are currently shared by Bosnia Herzegovina Directorate of Civil Aviation (BHDCA), Federal Directorate of the Civil Aviation (FedCAD) and Republika Srpska Directorate of the Civil Aviation (RSCAD).
- ◆ In addition, significant progress has been made by these States regarding the definition of the NSAs' tasks and responsibilities:
  - In Albania, a Safety Oversight Manual was published in March 2009 defining duties and responsibilities of the NSA;
  - In Croatia, the newly nominated NSA the Croatian Civil Aviation Agency was established in March 2009;
  - FYROM implemented in 2009 an institutional separation between the NSA (Civil Aviation Agency) and the newly established ANSP, M-NAV.

## Evolution

Greece and Germany nominated their NSAs in July 2009, thus all 29 States have now established NSAs as per Article 4 of the framework Regulation.

Significant progress has been made by States as far as the supervision of military provision of services is concerned. Most States where the military do provide ANS services to GAT now do, or intend to, carry out the supervision according to the SES legislation; arrangements are reportedly being put in place to this purpose between the Ministries of Transport and Defence in the States.

No additional organisation has been recognised by NSAs as per Article 3 of the service provision Regulation since the two previous reporting periods. The use of Recognised Organisations by the NSAs continues to be very low.

## Analysis & Conclusions

### Establishment of NSAs and areas of responsibility

With the establishment of NSAs in Greece and Germany in July 2009, this process can now be considered complete. There are, however, a number of issues that need to be addressed and/or clarified:

- ◆ The fact that Austria reported two different entities as nominated NSAs, CAA (Oberste Zivilluftfahrtbehörde) and the Minister of Transport, does not allow to clearly conclude as to where the legal responsibilities of the NSA are allocated;
- ◆ The statement by Austria that the responsibility for the supervision of AFIS providers is with the Regional Governments and not under the NSA needs further consideration. The ultimate responsibility for the implementation of the SES legislation, including the supervision of AFIS providers, rests with the federal State regardless of what competences have been transferred to regional governments at national level;

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<sup>2</sup> Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area. OJ No L 285, 16.10.2006, p. 3.

- ◆ It is unclear whether in Belgium there are no AFIS providers or their supervision has not yet been allocated to any specific body;
- ◆ The supervision of MET provision in Portugal is not being performed according to the SES legislation. The body reported by Portugal for this task, Instituto de Meteorologia, is not a nominated NSA, and appears in the Portuguese report also as the MET provider; no explanation was provided as to whether at least a functional separation exists in this body between the service provision and oversight functions.

### **Recognised Organisations**

The same three organisations as in the previous reporting period remain the only ones having been granted recognition as per Article 3 of the service provision Regulation. However, from the information provided by Germany, it would appear that the validity of the recognition granted to TÜV-Nord CERT has expired.

No evolution is observed with respect to the use of these Recognised Organisations by the NSAs despite the reported difficulties by many of them in terms of human resources in order to cope with all their tasks and responsibilities.

The Austrian NSA remains the only one to have delegated any tasks to a Recognised Organisation (Quality Austria) however, it is reported that the NSA did not apply the criteria specified in Article 10.1 of the safety oversight Regulation. The application of these additional criteria is a pre-requisite for the delegation by the NSA of safety regulatory audits.

Furthermore, the information provided by Austria regarding the extension of the validity period of the two Austrian Recognised Organisations (Quality Austria and APAC) “*by decree*” requires elaboration.

The fact that no new organisations have been recognised in any State in the last three years deserves further analysis. The clear conclusion is that there is no demand from NSA for the services of these organisations thus the market has not been created for these companies and/or the potential benefits for Recognised Organisations do not compensate for the cost involved in achieving the recognition.

### **Supervision of military ANS provision**

There is a positive evolution in States addressing the supervision of military provision of ANS services to GAT. States are gradually putting in place the arrangements between the Ministries of Transport and Defence to ensure that the military service providers are supervised according to the SES legislation.

The allocation of responsibilities between the NSA and the military authorities remains, however, unclear in the cases of Denmark, Hungary and Switzerland.

It is to be noted that, according to the LSSIP documents, in the States where the military authorities still perform the supervision according to national regulations, the military have started to adopt and implement ESARRs, which will most likely contribute to harmonise the respective national requirements with the common requirements. However, the national processes to verify the implementation of ESARRs do not appear to be fully developed and uniform across the different States.

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## Recommendations

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### **2009-01-EC**

The European Commission should investigate the reasons both for the limited use of Recognised Organisations by the NSAs and the lack of interest in companies in the sector to undergo the recognition process.

### **2009-02-States (AT)**

Austria should be asked for clarification with respect to the allocation of the NSA's responsibilities between the Minister of Transport and the CAA.

### **2009-03-States (AT)**

The European Commission should seek clarification from Austria on how the process of appointment of its Recognised Organisations by decree is in compliance with the requirements of Article 10.1 of the safety oversight Regulation.

### **2009-04-States (AT, BE)**

The European Commission should seek advice from Austria on how it intends to ensure compliance in terms of supervision of AFIS providers. Belgium should be asked to confirm whether it has any AFIS services.

### **2009-05-States (PT)**

Portugal should be asked to review and advise its intentions in terms of independent supervision of MET provision.

## 2. NSA Resources

From the statements made by the NSAs in the reports, it can be concluded that at least a third of them are still facing difficulties to cope with their tasks due to limited competent resources. This issue should be addressed by Member States as a matter of urgency. A positive note, however, is that during this reporting period a majority of these NSAs reported plans to increase their human resources.

The staffing levels reported by the NSAs show wide differences even for States with similar national environments and little correlation was observed against parameters like the number of ATCOs under the supervision of the NSAs. This suggests that only few States had made a thorough assessment of the resources needed by the NSAs at the moment of their establishment but rather adapted existing structures in the State. The lack of a harmonised method to conduct the assessment of human resources as required by the safety oversight Regulation is also an issue.

The lack of enough qualified safety auditors/inspectors is still an issue for many NSAs (Bulgaria, Luxembourg and Spain-MIL reported having none). In addition to this, some States provided unclear information with regards to the establishment of qualification criteria for auditors/inspectors as required by the safety oversight Regulation. Further information should be sought by the European Commission.

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### Introduction

The aim of this section is to have an initial picture of the current staffing levels of the NSAs in the 29 States in relation to their core tasks. The presented data can allow a first comparison to be made by the NSAs with their peers that may operate in similar conditions.

The purpose is also to verify that States are putting in place the necessary measures to address the lack of resources reported by many NSAs.

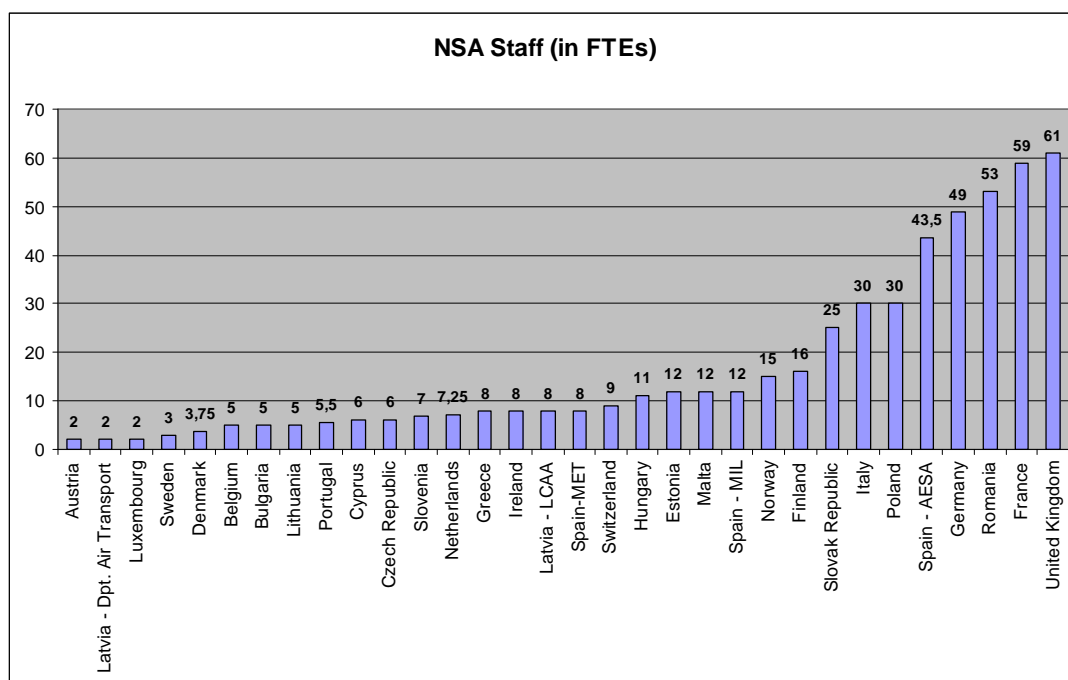
*Legal Basis: Article 4 of the framework Regulation, Article 2 of the service provision Regulation, Articles 3 & 13 of the ATCO license Directive, Article 8 & Annex II part 3.3 of the common requirements Regulation and Articles 9 & 11 of the safety oversight Regulation.*

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### Consolidation

#### NSA staffing levels

The figure below shows the number of staff in FTE (Full-time equivalent personnel) as reported by each NSA.



NOTE: Romania-MoT DGCA was not included in this chart since no figures were provided in the Romanian report.

**Figure 1**

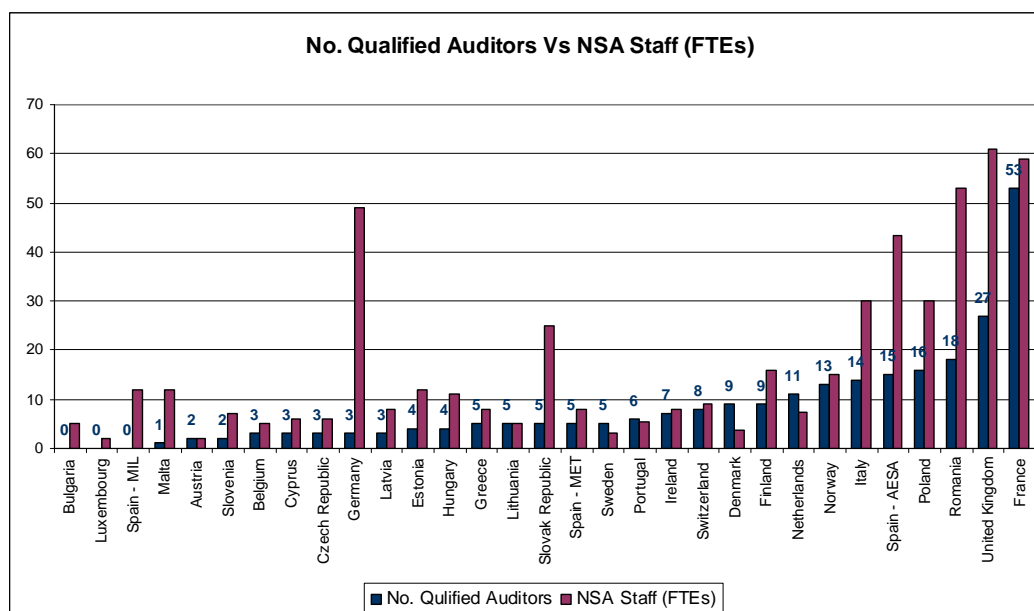
- ◆ Of the 31 NSAs considered (Romania-MoT DGCA did not provide staffing figures), 7 explicitly reported a lack of enough human resources to perform the required tasks. Of these 7 NSAs:
  - 3 reported plans to increase their human resources:
    - Belgium – 11 additional FTEs needed. Slow process caused by the state recruitment system and scarcity of suitable candidates;
    - Spain-AESA – 3-year recruitment plan developed. Final approval by the competent Ministry still pending;
    - Sweden – ongoing process to recruit 2 more inspectors during 2010.
  - 3 reported economic difficulties in increasing the number of staff:
    - Czech Republic reported “*Insufficient human resources caused by insufficient remuneration due to limited State budget*”;
    - Lithuania reported “*USOAP and ESIMS underlined the insufficient resources of the NSA; given the difficult economic situation, this problem will not be solved in the future*”;
    - Slovenia reported lack of sufficient personnel with regards to the upcoming SES II requirements and having prepared a recruitment plan but, “*due to bad economical situation this should be postponed for better times*”.
  - Luxembourg did not provide information about future plans to increase staff.
- ◆ 3 additional NSAs reported plans to increase the number of human resources:
  - Austria reported plans “*to enhance staffing levels*” of its NSA. No detail about number of staff needed or dates for the recruitment was given;
  - Cyprus reported that plans for the recruitment of 13 FTEs are in their final stages of approval (Council of Ministers and Parliament). The intention is to recruit in 2010;

- Malta reported having “embarked on a capacity building exercise that will see its technical staff more than double by the end of 2010.”
- ◆ Estonia expressed the concern about the extra workload created by additional implementing rules coming into force and that an assessment will be performed in 2010 to see if additional resources are required. Netherlands also reported plans to perform an assessment of the human resources needed in 2010.
- ◆ Portugal expressed concern about the “heavy and time consuming administrative procedures” for hiring new personnel.
- ◆ Complementing this information with what NSAs reported in the Safety Oversight section, 8 additional NSAs reported having taken, or plans to take, measures to increase the available human resources with respect to safety oversight activities (Finland, Latvia, Norway, Portugal, Slovak Republic, Spain-MET and Switzerland); Hungary referred to measures related to training to be provided to the NSA’s personnel.
- ◆ It is also noted that in the Safety Oversight section, only 3 NSAs (Ireland, Italy and UK) confirmed having assessed their human resources as satisfactory and capable of sustaining effective safety oversight of all organisations under their supervision.
- ◆ The rest of the NSAs (Bulgaria, Denmark, France, Germany, Greece, Poland, Romania and Spain-MIL) did not make additional remarks regarding their current staffing levels.

### Qualified safety auditors/inspectors

*NOTE: Two NSAs were not considered for the rest of this section (Latvia-Department of Air Transport (MoT) and Romania-MoT DGCA) since they have no safety oversight responsibilities.*

The following figure shows the number of qualified safety auditors/inspectors (as per requirements specified in the safety oversight Regulation and the ATCO license Directive) apportioned against the total number of staff as presented in Figure 1 above:



**Figure 2**

- ◆ It should be noted that:
  - Bulgaria, Luxembourg and Spain-MIL have no qualified safety auditors/inspectors. None of them reported concrete plans to train or hire qualified staff for this purpose;
  - Germany, Greece, Slovenia and Spain-AESA, while reporting a number of qualified safety auditors/inspectors, stated later in their reports that the specific qualification criteria for this task are not yet established.
- ◆ 27 NSAs reported having established specific qualification criteria for safety auditors/inspectors. However, it should be noted that:
  - Austria, Denmark, Italy and Lithuania provided some generic information but did not provide the requested brief explanation about the criteria established nor references to concrete documents where these criteria are specified;
  - Belgium, Czech Republic, Latvia, Malta and Poland provided descriptions of the established criteria;
  - Luxembourg, Netherlands, Romania, Switzerland and UK provided detailed references to the documents where the criteria are specified but did not provide brief information on the criteria established.
- ◆ For the 4 NSAs who reported not having established these criteria, Bulgaria and Spain-AESA reported plans to have the qualification criteria established during 2010; Greece and Spain-MIL did not provide information about their plans.

### Safety Reviews

- ◆ Only 8 NSAs conducted safety reviews which had identified potential effects of severity class 1 or 2, ranging from 2 reviews (Cyprus) to 25 (Netherlands – 14 for LVNL; 11 for MUAC).
- ◆ 20 NSAs did not conduct safety reviews under the conditions mentioned above.
- ◆ 2 NSAs (Greece and Spain-MET) answered that this question was ‘Not Applicable’.
- ◆ The answer provided by Denmark was unclear.

### ECAA States

- ◆ The figures reported by the ECAA States on their number of resources are: Albania (4), Bosnia and Herzegovina (2), Croatia (8), FYROM (10) and Serbia (17).
- ◆ All the States except Bosnia and Herzegovina (who is in the process of establishing its NSA) have conducted an assessment of the resources needed and, where necessary, made provisions to increase the number of staff:
  - Albania plans “*an addition of three more staff*”;
  - Croatia plans the “*employment of 1 inspector, priority is MET inspector*”; and
  - FYROM reported that “*two additional Safety inspectors have been transferred from M-NAV*”.
- ◆ The 5 NSAs reported having qualified safety auditors/inspectors in their staff and having established specific qualification criteria for this task. All of them provided brief descriptions of these criteria although Albania did not provide an adequate reference to the relevant document/regulation where these criteria are established.
- ◆ Only Serbia conducted safety reviews (2) which had identified potential effects of severity class 1 or 2.

## Evolution

The number of NSAs that still implicitly or explicitly express difficulties due to the lack of human resources remains almost the same as in the previous Report. However, some progress can be observed in a number States who have now concrete recruitment plans either in place or pending approval by the competent authorities.

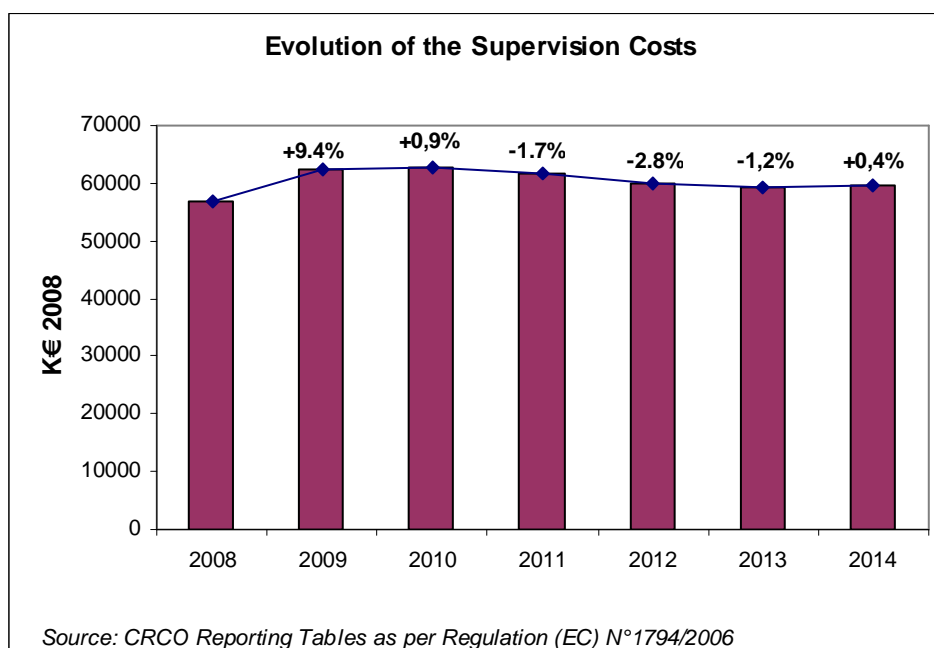
The lack of sufficient competent staff, nevertheless, continues to be the main area of concern of the NSAs. However, as said in the previous section, almost no use of the existing Recognised Organisations nor any increased cooperation between NSAs has been noticed.

## Analysis & Conclusions

### NSA capabilities

From the statements made by the NSAs in the reports, it can be concluded that **at least a third of them are facing difficulties to cope with their tasks due to limited competent resources**. This figure could be higher if it is considered that, in the Safety Oversight section of their reports (Assessment of human resources), only 3 NSAs (Ireland, Italy and UK) confirmed having assessed their human resources as satisfactory and capable of sustaining effective safety oversight of all organisations under their supervision.

A positive note is that, during this reporting period, a majority of these NSAs have taken measures to increase their human resources; this seems to be, at least in part, consistent with the figures reported by States to the CRCO pursuant to Regulation (EC) N° 1794/2006 (hereinafter “the charging scheme Regulation”) on the evolution of their supervision costs (see Figure 3) which show an increase of a 10.3% for the 2008-2010 period.



*Note: The figure does not take into account those States that did not provide a complete series of data for the supervision cost for the period shown (Austria, Bulgaria, Italy, Slovak Republic and Switzerland).*

**Figure 3**

However, it should also be noted that in some cases the reported plans would mean starting the recruitment process only as of 2010, in other cases the plans are still to be approved by the competent national authorities.

As the shortage of competent resources seems to be a recurring issue and, in many

instances, no immediate solution seems to be at hand at national level, the amended text of Articles 2.5 & 2.6 of the service provision Regulation provides the initial legal basis for States and NSAs to identify, assess and come forward with proposals on the possible organisation of NSA tasks at supra-national level.

In the case of Austria, that reported “*plans to enhance staffing levels*” without providing further explanation, considering the very low number of FTEs reported by the NSA (only 2), more extensive details about these plans and to which extent they cover current staffing needs would be needed to have a better understanding of the situation.

Special consideration needs to be given to the three States (Czech Republic, Lithuania and Slovenia) who, in spite of a recognised lack of resources, are not able to put recruitment plans in place due to budget limitations.

It should be reminded to all States that, according to Article 11.1 of the safety oversight Regulation: “*Member States shall ensure that national supervisory authorities have the necessary capabilities to ensure the safety oversight of organisations operating under their supervision, including sufficient resources to carry out the actions identified in this Regulation.*”

### **Staffing levels**

In Figure 1 in the ‘Consolidation’ paragraph of this section, the number of staff as reported by the NSAs was presented.

Considering the profound differences in the national environments, it is difficult to draw direct comparisons between NSAs from the raw figures. However, one of the main purposes of this exercise, was to give NSAs a frame of reference in which to assess their own situation. It is believed that, through bilateral discussions, NSA peer-reviews, joint FAB activities and other types of cooperation, this frame of reference will be further refined and many of the, sometimes wide differences in staffing levels, will be better understood.

With this caveat in mind, the analysis was taken one step further and an endeavour made to correlate the staff numbers against different parameters which could give an indication of the workload of the NSAs, namely: number of ATCOs under supervision of the NSA, number of ATS Units under supervision of the NSA and complexity of the airspace.

None of these parameters, of course, perfectly reflects the full nature of the different national environments nor can be considered to individually reflect the workload of an NSA, and therefore no perfect proportionality was expected, however, a much better correlation than the one obtained could have been reasonably anticipated. To illustrate this, the figure below presents the number of staff is apportioned against the number of ATCOs under supervision of the NSAs.

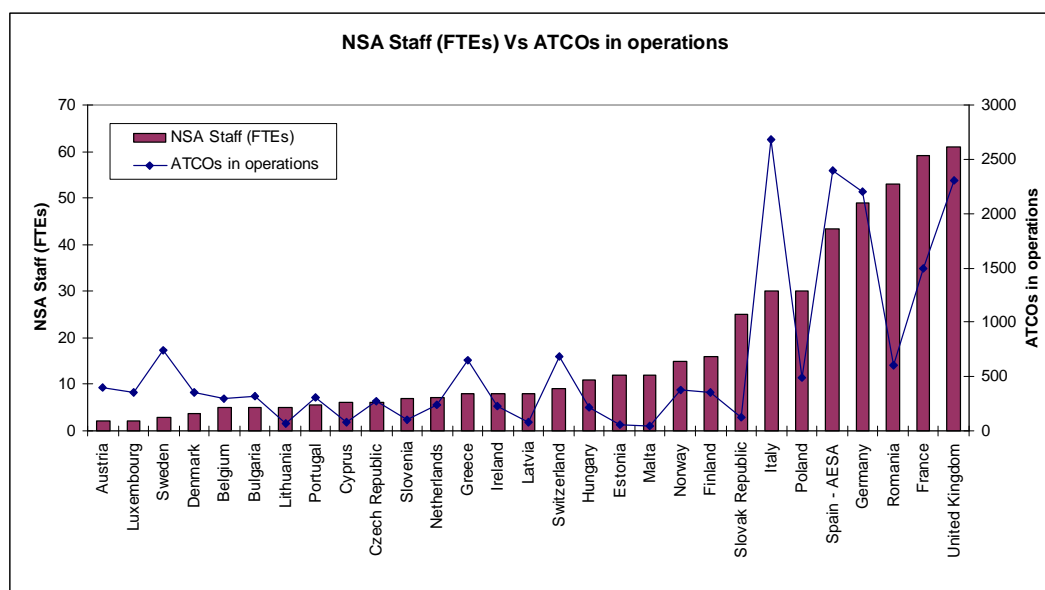


Figure 4

Note: Ireland, Lithuania, Norway and Spain-MIL did not provide the number of ATCOs under their supervision. For the first three, the figures of the ACE2008 exercise have been used; Spain-MIL has not been included in the chart.

One conclusion that can be drawn from this is that, at the moment of their establishment/nomination, not all States made a thorough assessment of the human resources that would be required by the NSAs to cope with all their tasks, but rather adapted existing structures to the new requirements under the SES Legislation.

With the coming into force of the safety oversight Regulation, which in its Article 11.2 explicitly requires the NSAs to produce and update an assessment of the human resources needed to perform their safety oversight functions, this appears now to have started becoming a common practice among the NSAs.

One of the issues however, is that no harmonised method for the conducting of these assessments exists. There is a need for exchanging practices between NSAs through the NSA Coordination Platform, peer-reviews mechanism, or any other available means such as engaging experts in the area of manpower planning.

In any case, it is believed that the publication of these figures, besides being a beneficial exercise in transparency, provides an initial framework on which to build upon, both for the NSAs in terms of assessing their situation and sharing practices, and for the ATM community to have a better picture of the issue of NSAs resources.

### Safety Auditors/Inspectors

Three NSAs (Bulgaria, Luxembourg and Spain-MIL) reported not having any qualified safety auditor/inspector as required under the safety oversight Regulation nor gave indications of plans to recruit or train personnel to undertake this task. This would mean that these NSAs cannot be considered capable of conducting one of their main tasks, which is safety auditing.

The information provided by the four NSAs (Germany, Greece, Slovenia and Spain-AESA) who reported having qualified safety auditors/inspectors, while reporting not having established yet specific qualification criteria for this task, does not allow a conclusion to be drawn on their capability to conduct safety audits.

Further clarification is also needed by Austria, Denmark, Italy and Lithuania who provided some generic information on this matter, but not the specific information requested about the

criteria established and the document/regulation where the criteria are contained.

As for the information provided on the criteria established by the different NSAs, although it varies from State to State, the most commonly mentioned conditions are, as a minimum, a number of proven years of experience in the subject matter and having passed the EUROCONTROL NSA Training Initiative Course at IANS (Luxembourg).

## **Safety Reviews**

According to Article 9.1 of the safety oversight Regulation, an NSA shall review the safety arguments associated with new, or changes to existing, functional systems proposed by the ANSPs in two cases:

- a. *“When the severity assessment conducted... determines a severity class 1 or 2 for the potential effects of the hazards identified; or*
- b. *the implementation of the changes requires the introduction of new aviation standards.*

The purpose of asking for the number of safety reviews to the NSAs was trying to obtain a broad view of the workload of each NSA. A correlation was sought with the number of EC Declarations of verification of systems reported by the NSAs (see Section 11.2 – Verification of Compliance), which reflects the number of systems put into place by the ANSPs or upgrades to existing systems.

However, based on the reported data, the workload of the NSAs could not be estimated as only eight of them reported conducting safety reviews for 2009. No correlation was found either between the number of safety reviews and the number of EC Declarations of verification of systems received. For this reason, no clear conclusions could be drawn from these data.

## **Recommendations**

### **2009-06-States (All)**

States should continue their efforts in providing their NSAs with sufficient and competent staff to ensure that the NSAs have the necessary capabilities to perform their tasks.

### **2009-07-EC - States (All)**

The European Commission should encourage States to continue looking for creative solutions (i.e. closer cooperation with other NSAs especially within FABs, secondment of staff from other divisions of the regulatory authorities, etc.) to ensure that NSAs can perform their tasks despite the existing budgetary constraints.

### **2009-08-States (BG, LU, ES)**

The three NSAs that reported having no qualified safety auditors/inspectors (Bulgaria, Luxembourg and Spain-MIL) should take measures to address this issue as a matter of urgency.

### **2009-09-States (DE, ES, GR, SI)**

The European Commission should seek further clarifications from the NSAs (Germany, Greece, Slovenia and Spain-AESA) who reported having qualified safety auditors/inspectors while reporting not having established qualification criteria for this task.

### **2009-10-States (AT, DK, IT, LT)**

The European Commission should request Austria, Denmark, Italy and Lithuania to provide the details of the qualification criteria established for safety auditors/inspectors and/or references to the relevant documents/regulations.

### 3. Certification of ANSPs

The certification process has consolidated since its inception and now appears to be well established.

There is a trend for NSAs opting for longer validity periods for certificates, however there is no harmonisation either at European or at FAB level on the length of period.

More NSAs are availing themselves on the possibility of granting derogations as per Article 4 of the common requirements Regulation thus taking advantage of the renewal process to simplify certification and on-going compliance processes.

#### Introduction

The purpose of this section is to verify that the certification process has been well established and functioning in all States and consolidate and maintain an up-to-date list of all certified ANSPs in Europe. It also aims at providing for sharing of practices in terms of derogations, conditions attached to the certificates and duration of the certificates.

*Legal Basis: Article 7 of the service provision Regulation and Articles 3 & 4 the common requirements Regulation.*

#### Analysis & Consolidation

States have reported 276 ANSPs certified in Europe (the full list can be seen in Annex 2).

The number of certified ANSPs per State can be seen below:

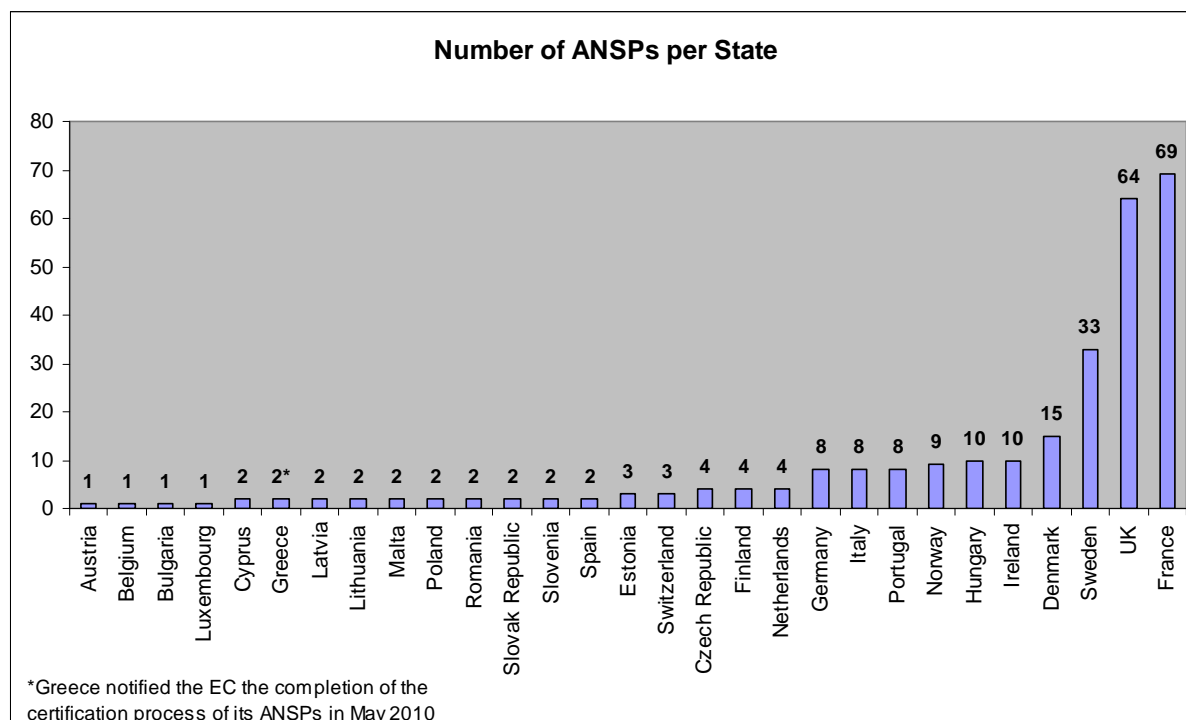


Figure 5

The following facts should be noted:

- ◆ 3 States have not fully completed the certification process:
  - Greece, although it is reported that the certification process has been initiated<sup>3</sup>;
  - Portugal, where the MET provider (Instituto de Meteorologia, I.P.) has been designated to provide services but it is not reported as having been certified;
  - Italy, where an AFIS provider (Altatoscana SpA) has been designated to provide services but it is not reported as having been certified;
- ◆ France reported on its 62 AFIS providers, however the information was dated “November 2009”, and included 7 cases of providers whose certificate expired within 2009.
- ◆ 136 certificates have been renewed during this reporting period; 2 have been withdrawn. However, 3 States (Italy, Norway and Portugal) failed to highlight these renewals as a ‘Change since previous Annual Report’.
- ◆ The validity periods of the certificates range between 1 year to “Unlimited (subject to verification of ongoing compliance)”. Where certificates have been renewed, many States have opted for longer validity periods than in the initial certificate.
- ◆ 12 States (Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Norway, Portugal, Sweden, Switzerland and UK), have granted derogations. This is four more than in the previous reporting period with derogations mainly being granted to small airports and AFIS providers, all according to the provisions of Article 4 of the common requirements Regulation.
- ◆ 4 military ANSPs (CFA, COMALAT, ALAVIA and CEV) have been certified in France. Germany reported that the certification process of military ANSPs will commence in 2010. Aside from France and Germany, no other State reported the certification, or intention to certify, its military services provider(s).
- ◆ As far as multi-national service providers are concerned, Belgium reported that the certification of EGNOS is expected to take place in the course of 2010 and the certification of EAD is under preparation. No other State reported on similar activities for the certification of multi-national service providers.

### **ECAA States**

- ◆ The main development with respect to the previous reporting period is the certification by Croatia of its ANSP (Croatia Control Ltd.). However, the full compliance with the Common Requirements remains to be ascertained by the European Commission.
- ◆ In FYROM, the new ANSP (M-NAV) was constituted on the 1st July 2009 although plans for certification have been postponed until March 2010<sup>4</sup>.
- ◆ The other four ECAA States have not yet certified their ANSPs, and only Serbia reported plans to do so by June 2010.

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<sup>3</sup> N.B. Greece notified the EC the completion of the certification process of its ANSPs in May 2010.

<sup>4</sup> As confirmed in a press release by the CAA of FYROM dated 11/03/2010, M-NAV was granted a certificate (No. [MK-01/2010ANSP]) on the 10/March/2010.

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## Evolution

Since the previous reporting period Luxembourg and Greece (see Footnote #3) have completed certification of its ANSP.

A large number of renewals/extensions of certificates has taken place during this reporting period. An observed trend is that States opt for longer validity periods for the renewed certificates with the overall average duration having increased from 3.2 to 3.4 years since the previous reporting period.

Also, four additional States have taken advantage of the renewal process to make use of the derogations as allowed by Article 4 of the common requirements Regulation, which can simplify the certification task for both NSA and ANSP.

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## Analysis & Conclusions

The renewal of many certificates in 2009 demonstrates that the certification has consolidated since its inception and now appears as a well established process.

Portugal will need to provide clarification on the reasons why its MET provider, Instituto de Meteorologia, I.P., has not been yet certified. Similarly, Italy needs to provide clarification with respect to the situation of AFIS provider, Altatoscana SpA.

Many NSAs are opting for longer validity periods of the certificates after the renewals, especially those who had granted the initial certificates for a 1-2 year period. This could be the result of a higher confidence by the NSAs in the certification process itself and also of shared practices with other States. However, there is still no apparent harmonisation or cooperation (apart from MUAC States) in the practices either at European or at FAB level.

NSAs seem now more aware of the possibility of granting derogations as per Article 4 of the common requirements Regulation and are taking advantage of the renewal process to use them accordingly. The availability of such provision in the legislation should be seen as a means to alleviate and simplify the work of both NSA and ANSPs concerned.

Although, as it was stated in Section 1 (National Supervisory Authorities) States are gradually putting in place the arrangements to ensure that the military service providers are supervised according to the SES legislation, aside from France and Germany, they do not appear to show interest in certifying their military ANSPs, which would represent one step further towards the harmonisation of the supervision of the service provision in Europe.

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## Recommendations

### **2009-11-States (IT, PT)**

The European Commission should request Portugal and Italy clarification on the situation with respect to the certification of, respectively, Instituto de Meteorologia, I.P. and Altatoscana SpA.

### **2009-12-States (FR)**

France should be requested to provide an update on the situation of the seven AFIS providers whose certificate expired in 2009.

### **2009-13-States (All) [Rec. # 2008-13]**

Given the great variety in the duration of validity of certificates, the NSAs should consider the possibility of harmonising the validity periods, especially in relation to FABs. This recommendation can be extended to the harmonisation of ongoing compliance practices and cycles within FABs.

**2009-14-EC - States (All) [Rec. # 2008-14]**

Considering the small number of NSAs entrusted with competencies over military ANS provision to GAT, the European Commission should explore ways in which to ascertain that States that allow provision of such services without certification, as per Article 7(5) of the service provision Regulation, have nevertheless implemented effective measures ensuring that these services are provided in maximum compliance with the Common Requirements. Furthermore, the European Commission together with the States should explore how to facilitate harmonisation of the supervision of military ANS provided to GAT.

## 4. Designation

**A great majority of States have now completed the designation process, however, some States, either have not provided all the necessary information to the European Commission and other Member States, or still need to take further measures to fully complete the designation process as discussed below.**

**The information provided by Germany on the designation of its ATSPs is considered insufficient to enable any conclusions.**

**The information provided by France, Hungary, Portugal and Switzerland on the designation of their AFIS providers is incomplete and/or contradictory.**

**The States that provided partial (Czech Republic and Spain) or no information (Austria, Belgium, Bulgaria, Lithuania and Norway) on the airspace blocks for which their service providers have been designated, should do so as soon as possible.**

**Although States have the possibility of using the designation as means of creating competition for the market of ATS provision, this option has not been used by any of them.**

### Introduction

The purpose of this section is to verify that the designation process has been well established and functioning.

The aim is also to create and maintain an up-to-date list of all designated ATS and MET providers in Europe and cross-check the lists of certified and designated ATSPs to ensure that all ATSPs providing services in a specific airspace are properly certified and designated to do so.

*Legal Basis: Articles 8 & 9 of the service provision Regulation.*

### Consolidation

States reported 115 ATS providers and 26 MET providers designated in the 29 States (the full list can be seen in Annex 4 and Annex 5). The following facts should be noted:

- ◆ No State reported having designated an ATS or MET provider holding a certificate issued by another State.
- ◆ Slovenia neglected to report the State authority responsible for the designation.
- ◆ Cyprus did not refer to a designation act in its national framework giving as sole legal basis for the designation the service provision Regulation.
- ◆ Germany provided very partial information on this topic, e.g. no reference was given on the specific legal act by which DFS and DWD are designated and no information was given as for the legal basis for the designation of the other ANSPs. Further, no information was provided either on the validity of the designations nor on the conditions attached to them.
- ◆ France reported that the Civil Aviation Code is planned to be modified in 2010 to allow the designation of the 4 certified military providers (CFA, COMALAT, ALAVIA and CEV).
- ◆ Switzerland mentioned as the airspace under the responsibility of its ATS provider “*FIR Switzerland plus airspace of delegated services from France, Italy and Germany*” however, none of these States reported having designated the Swiss ATS provider.

- ◆ 2 States (Italy and Portugal) reported having designated ANSPs which do not appear in their respective lists of certified providers.
- ◆ 5 States reported certified, but not designated ATS providers:
  - Sweden provided a clear rationale for this situation stating that the certified ANSPs who have not been designated are providing services according to Article 10 of the service provision Regulation under agreements with the only designated ATSP in Sweden, Luftfartsverket (LFV);
  - Norway reported that Kings Bay AS is not designated, as the region of Svalbard is outside the scope of the EEA agreement;
  - Portugal reported 6 certified, but not designated, AFIS providers. The only clarification provided can be found in the 'Certification' section where a note is added for these AFIS providers stating *"AFIS with 1 operator and no assigned airspace. Establishment of ATZ under way"*;
  - Switzerland reported that *"With respect to Engadin Airport AFIS Provision, a formal designation is not foreseen at this time as only regional services are provided"*;
  - France reported 62 AFIS providers whereas the only service provider designated to provide ATS services in French airspace is DSNA.
- ◆ Hungary reported that all of its 6 AFIS providers were designated in the certification decision, however, failed to give detailed information for each of them in the required fields. Also, HungaroControl is reported as designated for *"Budapest FIR CTA and CIS"* without excluding any of the areas that should be under the responsibility of the other 6 designated AFIS.
- ◆ 5 States (Austria, Belgium, Bulgaria, Lithuania and Norway) failed to report the airspace for which their ATS/MET service providers are designated to provide services; 2 additional States (Czech Republic and Spain) failed to provide this information only for the MET provider.

### **ECAA States**

- ◆ Although Albania, Bosnia and Herzegovina, FYROM and Serbia provided the information on the designation of their service providers, these cannot be considered valid until their respective ATS and MET providers are fully certified.
- ◆ Croatia, who has already completed the certification process, reported plans to complete the designation in 2010.

### **Evolution**

The designation process had reportedly already been completed by most States in the previous reporting period however, most of the issues raised last year, notably States reporting ATSPs certified and not designated or vice versa, have not been adequately addressed by the States concerned. Only Sweden, by providing the necessary clarifications, and Luxembourg, by completing the certification process, appear to have resolved the identified issues. Further actions/clarifications are still needed by Cyprus, Germany, Hungary, Portugal and Switzerland.

No progress was observed on the designation of service providers holding certificates issued by other States.

## Analysis & Conclusions

A great majority of States reported having completed the designation process, however, some States have neither provided all the necessary information to the European Commission and other Member States, nor have taken any further measures to fully complete the designation process.

According to Article 8 of the service provision Regulation, the purpose of the designation is to define the “*rights and obligations*” of the services providers “*within specific airspace blocks*” and that, in addition, Member States have to “*inform the EC and other Member States immediately of any decisions*” concerning the designation of their ATS/MET service providers.

In the light of these obligations, the information provided by Germany on the designation of the ATSPs providing services within its airspace is considered insufficient. The reporting Template clearly required the provision of the reference to the legal basis for the designation of each of the ATSPs, validity period of the designations, and the existence of conditions attached to them; none of this was provided by Germany. Furthermore, no information was provided either on the airspace under the responsibility of DFS (DFS Deutsche Flugsicherung GmbH) and DWD (Deutscher Wetterdienst). Considering that seven different companies provide ATS services Germany including one from another Member State (Austro Control GmbH), and the fact that Germany provided no information with regard to cross-border delegation of ATS services in Section 14.2.3 of its Annual Report, no clear conclusion can be drawn from the information provided on the compliance of Germany with Article 8 and Article 9 of the service provision Regulation.

The information provided by Hungary on the designation of its six AFIS providers is incomplete and/or contradictory. On the one hand, it is stated that “*All certified AFIS provider had been designated in the certification decision. The related airspaces are designated by 26/2007.(III.1.) GKM-HM-KvVM joint order*”, however, Hungary reported having designated HungaroControl Pte. Ltd. Co. for “*Budapest FIR CTA and FIS*” without excluding the airspace for which the six AFIS have been designated. In addition, no information was provided on the validity period nor existence of conditions attached to the designation of these six AFIS providers.

The explanation provided by Switzerland for not designating Engadin Airport, “*With respect to Engadin Airport AFIS Provision, a formal designation is not foreseen at this time as only regional services are provided,*” cannot be considered satisfactory. No provision of the service provision Regulation exempts States from designating its ATS providers.

The designation by Portugal of Instituto de Meteorologia, I.P. as MET provider cannot be considered valid since, according to Portugal’s report, it has not been certified. The same conclusion applies for the designation by Italy of Altatoscana SpA.

On the other hand, Portugal reported six certified AFIS providers that have not yet been designated. This issue was already raised in last year’s edition of this report, thus Portugal should take the appropriate measures to resolve the situation as soon as possible.

France reported DSNAs as the only designated ATSP for “*the whole airspace under French responsibility*” whereas 62 AFIS providers were reported as certified. France should clarify whether its AFIS providers are providing services under agreements with DSNAs as per Article 10 of the service provision Regulation or otherwise explain the reasons for not having designated its AFIS providers.

The statement provided by Cyprus stating that “*no formal national arrangement*” has been enacted for the designation of its ATS and MET providers cannot be considered compliant. The designation process needs to be completed with a designation act so as to comply with the provisions of Article 8 of the service provision Regulation.

The information provided by Switzerland on the airspace blocks for which Skyguide has been delegated, i.e. “*FIR Switzerland plus Airspace of delegated Services from France, Italy and Germany*”, is assumed to be incorrect since in Section 14.2.3.2 of its own report, Switzerland stated that none of these States has formally designated Skyguide for any of concerned airspace blocks, as confirmed by the Annual Reports of the other States.

Greece has not fulfilled the requirements of Article 8 of the service provision Regulation due to the fact that it has not yet certified its ATSP (see Footnote #3).

States who, in their reports, provided partial (Czech Republic and Spain) or no information (Austria, Belgium, Bulgaria, Lithuania and Norway) on the airspace blocks for which their service providers have been designated, have not complied thoroughly with the obligation (Article 8) to provide clear and consistent information to the European Commission and other Member States.

Although States have the possibility of using the designation as a tool to create competition for the market among service providers certified in the Union, this option has not been used by any of them. This conclusion is further expanded in Section 5 (Cross-Border Provision of ATS) of this report.

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## Recommendations

According to the SES legislation States have discretionary powers in designating ATS and MET providers, however they are obliged to ensure that there is a designated provider in each specific block of airspace under their responsibility. Therefore:

### **2009-15-States (DE, HU)**

The European Commission should request Germany and Hungary to provide all the required information on the designation of their ATS and MET providers.

### **2009-16-States (FR)**

The European Commission should request France to provide clarification on the situation regarding the designation of its 62 AFIS providers.

### **2009-17-States (CH, PT)**

The European Commission should urge Portugal and Switzerland to complete the designation process of all its ATSPs as soon as possible.

### **2009-18-States (CY)**

The European Commission should urge Cyprus to complete the designation process of its ATS and MET providers.

### **2009-19-States (AT, BE, BG, CZ, ES, LT, NO)**

Austria, Belgium, Bulgaria, Czech Republic, Lithuania, Norway and Spain should provide the required information on the airspace blocks for which their ATS or MET providers have been designated.

## 5. Cross-Border Provision of ATS

**The legal framework for the cross-border ATS is not clear in many States as many cross-border situations seem to be known only at operational level and not formalised at institutional level. Arrangements between NSAs for the supervision of cross-border ATS provision are also not yet in place in the majority of cases.**

**In order to avoid complications with possible application of different liability regimes, States/NSAs should ensure that a proper legal framework is in place for the provision of cross-border ATS and urgently establish the appropriate arrangements for the supervision of ANSPs in this context. This process should commence as a matter of urgency irrespective of the progress on the establishment of FABs.**

### Introduction

The purpose of this section is to identify the airspace blocks concerned by cross-border ATS provision and to monitor the application of the SES legislation in these blocks.

*Legal Basis: Articles 8 & 10 of the service provision Regulation.*

### Consolidation

#### Introduction

This section is based on the data provided by the 29 States, the 5 reporting ECAA States and Ukraine<sup>5</sup>.

The Template for this section was fully reworked for the 2009 SES Annual Reports in order to “enable the clear identification of the airspace blocks concerned by cross-border ATS provision and monitor the application of the SES legislation in these blocks”.<sup>6</sup>

All States (except Germany) provided the very detailed information as requested. The time and resources spent are recognised and appreciated.

The detailed pool of information was consolidated and analysed in the most constructive manner possible. Inevitably, some interpretations of the information had to be made which may have led to conclusions that differ from the actual situation. Taking this into account this first consolidation has nevertheless allowed drawing conclusions and identifying trends and issues at EU level.

The consolidation started trying to match and consolidate the data provided by the pair of States involved in the same “CAR” (Cross-border Airspace Relation), i.e. relation between the ANSP of State “X” and the airspace of State “Y”. The pairs are presented in Table 2 on page 35. As a next step the different “CARs” were broken down into “CABs” (Cross-border Airspace Blocks) where possible, so as to identify the different legal frameworks under which ATS is provided across borders. The different CABs are presented at Annex 6.

<sup>5</sup> Through Part III of LSSIP 2010-2014

<sup>6</sup> Recommendation 23 from Report on SES Legislation Implementation 2008

## States' airspace concerned in cross-border ATS provision

ATS is provided cross-border in the airspace under the responsibility of 22 States out of the 29 (i.e. in all 29 except for Bulgaria, Cyprus, Estonia, Greece, Latvia, Malta and Romania) and 3 of the 6 ECAA States, i.e. Bosnia and Herzegovina, Croatia and Montenegro.

In some States, a significant number of ANSPs certified in another State are providing services (9 ANSPs in Germany, 8 in France, 6 in the UK, 5 in Austria and 5 in the Netherlands) as shown in Table 2 on page 35.

## ANSPs providing cross-border ATS

Within the airspace of the 22 States referred to in the previous paragraph, there are 27 ANSPs engaged in providing ATS cross-border (to GAT<sup>7</sup>):

- ◆ Most of them (24) are based in the 29 States:

ANSP	Based in	Certificate	ANSP	Based in	Certificate
Austrocontrol	Austria	Y	LGS	Latvia	Y
Belgian Defence	Belgium	N	MATS	Malta	Y
Belgocontrol	Belgium	Y	LVNL	Netherlands	Y
ANS CR	Czech Republic	Y	PANSA	Poland	Y
DFS	Germany	Y	NAV Portugal	Portugal	Y
Naviair	Denmark	Y	LFV	Sweden	Y
AENA	Spain	Y	Slovenia Control	Slovenia	Y
DSNA	France	Y	LPS SR	Slovak Republic	Y
HungaroControl	Hungary	Y	NATS	United Kingdom	Y
Irish Aviation Authority	Ireland	Y	Avinor	Norway	Y
ENAV	Italy	Y	Skyguide	Switzerland	Y
ANA Luxembourg	Luxembourg	Y	MUAC	Netherlands	Y

Table 1

- All of the ANSPs in the table above hold a valid certificate from one of the 29 States, except for the Belgian Defence (services primarily not to GAT)<sup>8</sup>;
- Some ANSPs are providing cross-border ATS in 5 States or more: Austrocontrol, ANS CR, DSNA, NATS and Skyguide.
- ◆ 3 of the 27 ANSPs are based outside the 29 States: Isavia (based in Iceland – linked to SES by EEA<sup>9</sup>), and 2 ANSPs are based in third countries: Nouadhibou APP (Mauritania) and UkSATSE (Ukraine).

As far the ECAA States are concerned, 2 ANSPs provide ATS cross-border in other ECAA State(s): Croatia Control Ltd (Croatia), SMATSA (Serbia).

## CARs (Cross-border Airspace Relations)

Altogether, 75 CARs have been reported by the States. They are presented in Table 2 below. Each CAR is referenced by a number which is also used at Annex 6, where the relation is presented in more details.

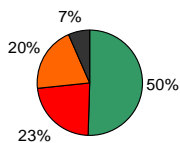
<sup>7</sup> The CBAs in the context of FUA are covered in Section 13.2

<sup>8</sup> As per Article 7.5 of the service provision Regulation

<sup>9</sup> European Economic Area Agreement.

		ANSPs providing cross-border ATS																														
		ANSP	Austrocontrol	Belgian Delence	Beigocontrol	ANS of Czech Republic	DFS	Navair	AENA	DSNA	HungaroControl	Irish Aviation Authority	ENAV	ANA Luxembourg	LGS	MATS	LVNL	PANSA	NAV Portugal	LFV	Slovenia Control	LPS SR	NATS	Avinor	Skyguide	MUAC	Croatia Control Ltd	SMATSA	Isavia	Nouadhibou APP	UKSATSE	
State	AT	BE	BE	CZ	DE	DK	ES	FR	HU	IE	IT	LU	LV	MT	NL	PL	PT	SE	SI	SK	UK	NO	CH	NL	HR	RS	IS	MR	UA			
1 Austria	AT			2	3						4									5			1								5	
2 Belgium	BE							6				7													8							3
3 Bulgaria	BG																															0
4 Cyprus	CY																															0
5 Czech R	CZ	13					14									15																3
6 Germany	DE	27		28	30			31				32			33			35						29	34							9
7 Denmark	DK																		16													1
8 Estonia	EE																															0
9 Spain	ES																	58														2
10 Finland	FI																	18					17							59		2
11 France	FR			19		21	22			23	24												26	20	25							8
12 Greece	GR																															0
13 Hungary	HU		37																													2
14 Ireland	IE																															1
15 Italy	IT	40						42					43						44					41								5
16 Lithuania	LT											70																				1
17 Luxembourg	LU			45																												2
18 Latvia	LV																															0
19 Malta	MT																															0
20 Netherlands	NL		48	47		49	50																51									5
21 Poland	PL			71	72																											3
22 Portugal	PT							53																								1
23 Romania	RO																															0
24 Sweden	SE						60																									2
25 Slovenia	SI	56										57																				2
26 Slovak R	SK									54																					55	2
27 UK	UK					64	65	66							67									68					69			6
28 Norway	NO																															1
29 Switzerland	CH							62			63												52									2
30 Albania	AL																															0
31 BiH	BA																										9	10				2
32 Croatia	HR																															2
33 Fyrom	MK																															0
34 Montenegro	ME																															1
35 Serbia	RS																															0
Iceland																																1
Lichtenstein																																1
		5	1	4	3	5	3	2	5	1	2	3	3	1	1	2	1	1	1	4	3	1	5	3	5	4	1	3	1	1	1	75

States having responsibility over the airspace where ATS is provided cross-border



- Reported by both 2 States
- Reported only by the State having certified the ANSP
- Reported only by the State having responsibility over the airspace
- Reported by one of the States involved (counterpart State is not one of the reporting States)

Note: Each CAR is referenced by a number which is also used at Annex 6, where details of the CARS are provided.

Table 2

In spite of the conclusions drawn from last year’s Report on the SES Legislation Implementation, some States still reported cross-border ATS provision with other States which, however, did not report reciprocally.

### CABs (Cross-border Airspace Blocks)

Where relevant and where the information provided allowed it, CARs have been broken down in CABs to identify the different legal frameworks under which ATS is provided cross-border.

For example, CAR #20 - services provided by Skyguide in the airspace under the responsibility of France - has been split into two CABs:

- ◆ 20a - Region of Geneva: Case A of delegation of the responsibility for the provision of ATS by France to Switzerland (State-to-State Agreement), and
- ◆ 20b - Arrival to Zurich TMA: Case C – DSN availing of the services provided by Skyguide, in accordance with Article 10 of the service provision Regulation.

Altogether, the information provided was broken down into 97 CABs. These are presented at Annex 6.

### Legal framework in which the cross-border ATS provision takes place

Cross-border ATS can be arranged under the legal frameworks listed below, where State X is the State having responsibility over the airspace of the CAB, and State Y is the State in which the ATS Provider P is based:

Case A	ICAO Annex 11	State X delegates the responsibility for the provision of ATS to State Y (State-to-State Agreement). State Y certifies and designates ANSP Y to provide ATS in the CAB.
Case B	Art. 8.3 of the service provision Regulation	State X designates ANSP Y (based and certified in Y) to provide ATS in the CAB.
Case C	Art. 10 of the service provision Regulation	State X designates ANSP X (certified in X) to provide ATS in the CAB. ANSP X avails itself of the services of ANSP Y certified in Y (agreement between the two ANSPs, notified to the two NSAs concerned and approved by the two States concerned).

The information from the reports gives the following picture:

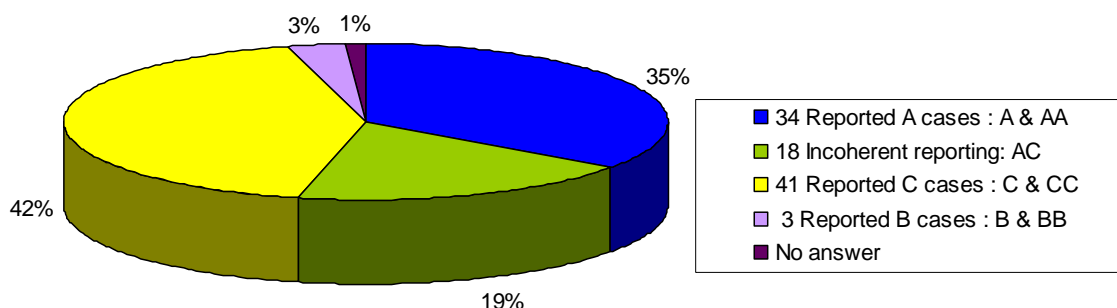


Figure 6

### Case A – Delegation of the responsibility for the provision of ATS (ICAO Annex 11)

52 CABs have been reported as operating under the framework of Case A:

- ◆ 13 of them have been reported by both States (AA)
- ◆ In 39 instances they are by only one reported by on State. Of these:
  - 21 (A), where the CAB was reported only by one State;

- 18 (AC) where one of the State reported the CAB to be Case A and the other State reported it to be Case C.

Of these 52 CABs, only 24 are reported to be covered by a State-to-State Agreement, although the delegation of the responsibility for the provision of ATS in accordance with ICAO Annex 11 can only take place under such an agreement.

The existing State agreements (covering the 24 CABs mentioned above) are reported between France and Switzerland, UK and Norway, Denmark and Sweden, Slovak Republic and Ukraine, UK and Denmark, UK and the Netherlands, Lithuania and Latvia, Bosnia-Herzegovina and Croatia, Bosnia-Herzegovina and Serbia, Switzerland and Lichtenstein, Germany and the Netherlands, UK and Ireland, UK and Iceland and between the 4 States for MUAC.

It should be noted that plans for the conclusion of a State-to-State Agreement are reported for 12 of the 28 CABs where no such agreement is in place (these are reported as planned in the cases of Austria and Switzerland, Austria and Germany, between Finland and Norway, Finland and Sweden, France and UK, Germany and Switzerland, Austria and Italy, Italy and Switzerland and Italy and Malta).

#### **Case B – Designation of an ATS provider based in another State (Article 8.3 of the service provision Regulation)**

The only reported B Cases in the airspace of the 29 States relate to services provided by MUAC in Belgium and Germany. It is interesting to note that case A was reported for the services provided by MUAC in Luxembourg.

One B case is also reported for SMATSA in relation to ATS provision in Montenegro (ECAA States).

#### **Case C – Designated ATSP availing itself of services provided by an ATSP certified in another Member State (Article 10 of the service provision Regulation)**

59 CABs have been reported as operating under the framework of Case C:

- ◆ 12 of them are reported by both States (CC)
- ◆ 47 are advised by only one reporting State. Of these:
  - 29 (C) are where the CAB was reported only by one State;
  - 18 (AC) are where one of the State reported the CAB to be Case A and the other State reported it to be Case C.

All 59 CABs are reported to be covered by way of an Agreement between the ANSPs concerned are either at ACC level or at ANSP level. Only 37 of them (or 63%) are reported to have been notified to the NSAs concerned and 22 (or 37%) approved by the States concerned. The approval by the States is reported to be planned in 11 CABs, as shown in Figure 7 below.

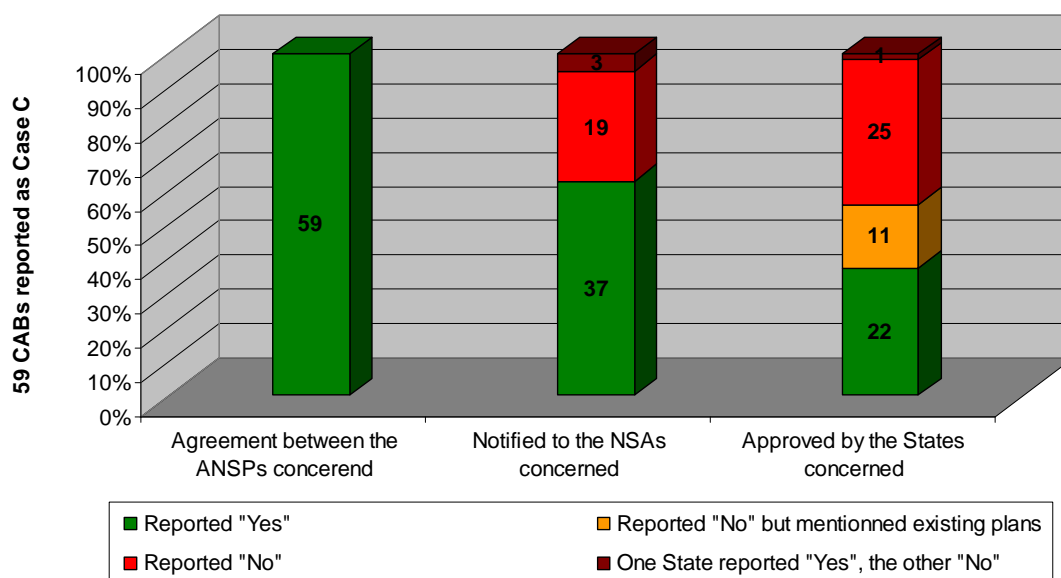


Figure 7

**Arrangements between the NSAs concerned for the supervision of ANSPs**

Article 2.4 of the service provision Regulation obliges NSAs to cooperate closely to ensure adequate supervision for cross-border ATS provision regardless of the governing legal framework, (including arrangements for the handling of cases involving non-compliance with the applicable Common Requirements). However, in the majority of situations proper arrangements appear not to be in place, as presented below:

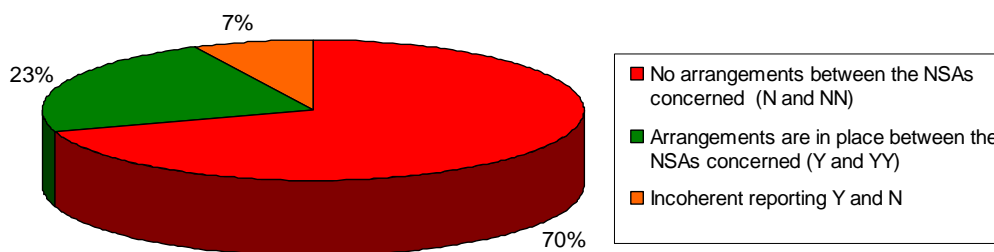


Figure 8

Only 22 CABs out of 97, or 23%, are reported to be covered by arrangements between the NSAs concerned for the supervision of the ANSP. 68 CABs (70%) are reported not to be covered. For the remaining 7, the two reporting States had different views on the existence or not of such arrangements.

Arrangements between NSAs for the supervision of ANSPs are reported to be in place between the NSAs of the following States: France and Switzerland, France and UK, UK and Norway, UK and Ireland, UK and Iceland, Switzerland and Lichtenstein, and finally between the NSAs of Belgium, Luxembourg, Germany and the Netherlands for the supervision of MUAC.

Plans are reported in relation to arrangements between the NSAs of Switzerland and Italy, Belgium and the Netherlands, the Slovak Republic and Hungary, the Netherlands and Germany, France and Belgium, Slovenia and Italy, Austria and Italy, Austria and Switzerland, Austria and Slovenia, the Netherlands and UK, Sweden and Denmark, Austria and Germany, Belgium and Germany, Sweden and Germany, Denmark and the Netherlands, Sweden and

Norway, France and Germany, Finland and Norway, Portugal and Spain, Italy and Switzerland, as well as between the Slovak Republic and Ukraine.

Some of these arrangements are expected to be established as part of the arrangements in the context of the implementation of FABs.

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## Evolution

N/A

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## Analysis & Conclusions

The 2009 SES Annual Reports re-confirmed that there is quite significant cross-border ATS provision in the airspace covered by the SES legislation. 92 CABs (cross-border airspace blocks) could be identified in the airspace under the responsibility of the 29 States and 5 in the airspace under the responsibility of the 6 ECAA States.

Most of the ANSPs providing cross-border ATS in the airspace of the 29 States are based and certified in the 29 States. However, 2 ANSPs are based in a third country (Mauritania and Ukraine) where mutual recognition of the certificates as per Article 7 of the service provision Regulation is not applicable. These cases should now be tackled in accordance with Article 22a(b) of Regulation (EC) N° 216/2008.

One ANSP (Belgian Defence) based in the SES area provides cross-border ATS but has not been certified (as it offers services not primarily to GAT). This is in accordance with Article 7.5 of the service provision Regulation, provided that the Member State that allowed that has *“informed the Commission and other Member States of its decision and of the measures taken to ensure maximum compliance with the Common Requirements”*.

In spite of the conclusions drawn from last year's edition of this report, some States still reported cross-border ATS provision with other States which, however, were not reported reciprocally. Indeed, for 43% of the instances of “cross-border relations”, cross-border ATS provision was reported only by one of the two States involved. This could be an indication of different interpretations of the notion of ‘cross-border’ ATS or that some cross-border situations are only known at operational level and not at NSA/State level’.

Indeed, only a limited number of CABs are reported to be covered by State agreements. The majority of cross-border ATS provision is covered only by Letters of Agreement at ACC/ANSP level. Further, in only a minority of instances were such agreements notified to the NSAs concerned and in even less instances were they approved by the States concerned.

Most of the cross-border relations are reportedly governed either by Case A (ICAO Annex 11) or Case C (Article 10 of the service provision Regulation) framework. However, it appears that there is still confusion about these applicable legal frameworks. Indeed, there is a significant number of cases where States reported different frameworks for the same CAB. Moreover, in the majority of reported Case A there is no State-to-State agreement in place. This situation could be a consequence of that fact that the delegation arrangements were established prior to the separation of the providers from the regulators and not subsequently updated.

Arrangements between NSAs for ANSP supervision were indicated to be in place only for a limited number of CABs. Some States mentioned that the issue is tackled in the context of the establishment of FABs. However, some progress is noted since last year, as a number of arrangements seem to be in preparation for finalisation within 2010.

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## Recommendations

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### **2009-20-States (All) [Rec. # 2008-21]**

In order to avoid complications with different liability regimes, States/NSAs should ensure that a proper legal basis is in place for the provision of cross-border ATS and urgently establish the appropriate arrangements for the supervision of ANSPs in this context. This process should commence as soon as possible irrespective of the progress on FABs.

### **2009-21-EC**

The follow up should continue and be further refined, building on the extensive information collected within this 2009 cycle.

### **2009-22-States (DE)**

The European Commission should request Germany to provide data in the requested level of detail.

### **2009-23-EC**

The European Commission should advise EASA on the situation regarding the need to ensure the certification of ANSPs from third countries that provide services in the SES airspace.

## 6. Ongoing Compliance

**All NSAs have established an annual inspection programme. In general NSAs consult on the inspection programme with the providers although some appear to just inform rather than engage in two way consultation. NSAs do not yet consider the consultation on the inspection programme as a useful tool for communication with other NSAs concerned.**

**The vast majority of the NSAs have reportedly verified the ongoing compliance with the Common Requirements of all certified providers – however several did not and this is a repetition of the situation reported in 2009.**

### Introduction

The purpose of this section is to assess if the NSAs have conducted the mandatory annual monitoring of the ongoing compliance of all providers they had certified. In relation to that it considers whether the NSAs had developed and established their annual inspection programme in consultation with the ANSPs and if appropriate with other NSAs – thus extracting information about the existing interfaces with providers and other NSAs.

*Legal Basis: Article 7 & Annex I of the common requirements Regulation.*

### Consolidation

- ◆ All 33 NSAs in the 29 States reported having established an annual inspection programme for 2009 as required by Article 7 of the common requirements Regulation. The majority of those NSAs (25) reported having informed or consulted with the ANSPs concerned about the programme.
- ◆ Denmark reported that no consultation on the programme was done with the providers but the actual inspections are coordinated with them 3 months in advance. Estonia reported similar situation with consultation done two weeks before planning actual inspection. The military NSA in Spain did not consult the providers although annual inspection programme is reportedly established. The Hungarian NSA reported that they did not consult but had informed the ANSPs before the programme was published. Sweden reported having communicated the inspection programme, reporting that consultation is only required “if appropriate”. However, the ANSPs are contacted 2-3 months in advance of the planned inspection. Slovenia reported that the ANSP had received a written notice for the inspection programme.
- ◆ Finland and the Netherlands reported consulting regarding the inspection programme for 2010. However from the data provided it can be assumed that this process was also employed during 2008 for the inspection programme for 2009 – the actual reporting period.
- ◆ Following a USOAP in September 2009 Portugal reported changes to the principles for the establishment of the inspection programme, which the ANSPs have yet to be consulted on.
- ◆ Greece has not established an inspection programme as the certification was only concluded in 2010.
- ◆ Only a limited number of NSAs (MUAC States, France and Switzerland, Spain-MET) reported consulting other NSAs about the indicative inspection programme. Few States (Estonia, Finland, Malta, UK, and the other two NSAs in Spain) reported the consultation with other NSAs as non-applicable. Latvia reported that there was no consultation

between the two NSAs or with other NSAs concerned and it also reported the consultation as non-applicable in the comments part of the Template.

- ◆ 15 States reported checking the ongoing compliance against all or a significant number of the Common Requirements. Germany and the Slovak Republic did not provide clear answer which requirements were checked for compliance. Czech Republic referred to ESARRs 2 to 5 as basis to check the ongoing compliance with the Common Requirements. Ireland referred to sampling techniques being used without providing more details.
- ◆ Germany, France, Portugal and Norway did not report exercising ongoing compliance on the MET providers. Out of 33 certified providers Sweden reported verifying the ongoing compliance of only 9 of its 33 certified providers. Apart from the MET provider, Norway verified compliance of 6 providers with 2 not being verified, however the certificates of those two providers were renewed in 2009. Apart from the MET provider, Portugal reported 8 certified providers (two new certificates) but verified the compliance of only one - NAV Portugal. However, the certificates of 3 of the remaining 5 providers were renewed in 2009.
- ◆ Slovenia referred to verification of ongoing compliance done in 2008 thus did not provide information in respect of 2009.
- ◆ 25 NSA reported having verified the compliance of certified providers with the requirement to produce an annual business plan as specified in Annex I, item 2.2 of the Common Requirements. In terms of the four NSA reporting they are not in compliance; Czech Republic did not report verifying compliance with those requirements for three of its four certified ANSP. Germany reported that production of business plan and annual report was not verified. Malta reported that the annual reports of the certified ANSPs are not available. Spain-MIL NSA reported they are of the view that the obligations for consultation of the inspection programme, the need to consult other NSAs and the need to verify the production and content of the business plan and annual report were not applicable to the ANSPs under their oversight.

## **ECAA States**

- ◆ According to Annex I of the ECAA, the common requirements Regulation should be transposed into the legal systems of the States concerned. Currently, only Croatia has certified an ANSP and reported having conducted verification of the ongoing compliance as per the common requirements Regulation.

## **Evolution**

In comparison to 2008, when two NSAs reported no established inspection programme, in 2009 all 33 NSAs with responsibility for the monitoring of the ongoing compliance with the Common Requirements, reported to having established inspection programmes.

Regarding the obligation of annual monitoring of all certified ANSPs, as in 2008, several States (Germany, France, Norway, Portugal and Sweden) failed to monitor all certified providers. That would represent a rather negative trend in the ability of some of the NSAs to ensure coverage of all certified providers, particularly in the case of the two States who also failed to do so in the previous reporting period.

There is no evolution for the question about the consultation of the inspection programme with the ANSPs or other NSAs concerned as it was not part of the 2008 report.

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## Analysis & Conclusions

As the verification of ongoing compliance is among the main tasks of the NSAs the majority of them seem to have established the necessary processes and procedures for that purpose.

However, several NSAs reportedly did not to verify the ongoing compliance of all certified ANSPs, which is a failure to discharge their obligations in accordance with the Regulations.

The information on what Common Requirements were checked for compliance again, as in 2008, has revealed various options and approaches. Most of the NSAs reported applying a thorough approach covering all or the majority of the requirements. However, comparing the information on the number of certified providers, number of checked Common Requirements and the reported lack of human resources by many NSAs would raise questions as to the actual execution and effectiveness of the annual inspection programmes.

Several NSA do not distinguish between consultation and information – as only informing the ANSPs about the inspection programme or only even about the dates of the inspections is only part of the process. Consultation with the providers should involve a two way exchange of information on how and when the planned programme and inspections shall be scheduled and what their scope would be. That is a way to achieve the one of the goals of the inspections – allowing for checking of all relevant parts of the ANSP within reasonable timeframe and avoiding any duplication or omission;

The aim of the legislative text introducing the option for NSAs to consult, if appropriate, on the indicative inspection programme with other NSAs concerned is to provide for an opportunity for coordination between NSAs either in cross-border situation or where more than one NSA is responsible for the supervision of a provider. Considering the widespread cross-border provision and several cases of more than one NSA in a State the predominant absence of consultation should be considered as an area of deficiency.

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## Recommendations

### **2009-24-States (DE, FR, NO, PT, SE)**

The European Commission should request clarification from Germany, France, Norway, Portugal and Sweden as to the reasons for not checking one or several of the certified providers for ongoing compliance as the requirement is for all certified providers to be subject to annual monitoring.

### **2009-25-EC**

The European Commission should endeavour to assess whether the reported lack of resources in NSAs has an impact on the actual execution and effectiveness of the annual inspection programmes.

### **2009-26-EC**

The European Commission should highlight to the NSAs the goal and benefits of consultation of their indicative inspection programmes with ANSPs and other NSAs concerned.

## 7. Consultation of Stakeholders

**States appear to have established formal consultation mechanisms for the implementation of SES. However, the scope and effectiveness of those mechanisms may have to be reconsidered or reinforced in the light of the consultation requirements associated with development of the national or FAB performance plans, as required by the SES II legislation.**

### Introduction

The purpose of this section is to assess whether Member States have established consultation mechanisms and if those mechanisms are being implemented effectively.

*Legal Basis: Article 10 the framework Regulation and Article 15 of the charging scheme Regulation.*

### Consolidation

- ◆ The 2009 reports reveal that all 29 States carried out consultations involving one or more groups of stakeholders in the implementation of the single European sky. All States consulted the service providers. The vast majority of States have established formal fora with periodic meetings, where a wide variety of EU-related or national topics are discussed. A few States (Greece, Hungary, Portugal and Slovenia) did not specify the means used to consult the ANSPs.
- ◆ Two States (Belgium, Czech Republic) neglected to report on the topics for consultation with all stakeholders thus it is not possible to draw conclusions on the effectiveness of consultation in these instances.
- ◆ Airport operators were consulted by 25 States, again via official mechanisms. The topics for consultation varying from terminal charges and low visibility procedures to SESAR developments.
- ◆ 24 States reported having consulted airspace users. In the majority of States the users are consulted regularly mainly on topics relating to use of airspace and route charges.
- ◆ Professional staff representative bodies were consulted by 20 States (Denmark, Germany, Ireland, Luxembourg, Poland, Portugal and Slovak Republic did not consult). Bulgaria and Cyprus consider the consultation non applicable.
- ◆ 10 States reported consulting the manufacturing industry. Several States reported the consultation of the industry as non-applicable. Topics for consultation reportedly varied from implementation of LSSIP objectives to interoperability and SES II.
- ◆ All States (except for Malta – non-applicable) reported periodic consultation with military authorities on topics such as airspace management and use, including FUA implementation, rules of the air, certification of military ANSPs providing services to GAT, etc.
- ◆ Few States reported having consulted general and sport aviation representatives.

### ECAA States

- ◆ Consultation of stakeholders was reported to have taken place in all ECAA. Albania, FYROM and Serbia reported established new official mechanisms for consultation with ANSPs and military in addition to the existing ones.

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## Evolution

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As observed in the 2007-2008 reports all States have already established mechanisms for consultation of stakeholders. From the 2009 reports it appears that more States have properly formalised the mechanisms i.e. Italy, Romania.

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## Analysis & Conclusions

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States appear to have established mechanisms for consultation of stakeholders on the general implementation of the single European sky. The reported data indicates that the level of formalisation and effectiveness may vary considerably between States.

However, the scope and effectiveness of those mechanisms may have to be reconsidered or reinforced in the light of the consultation requirements associated with development of the national or FAB performance plans, as required by the SES II legislation.

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## Recommendations

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### **2009-27- EC [Rec. # 2008-47]**

The European Commission should encourage the States to maintain and improve the consultation mechanisms, as these represent one of the main foundations of effective implementation. States should be also encouraged to share applied good practices.

### **2009-28- States (All)**

Article 11.3(b) of Regulation (EC) 1070/2009 relating to the drafting of the national or FAB performance plans requires these shall be subject to consultation with relevant stakeholders. In this context, States may have to assess the effectiveness of the current fora in the light of the legally binding nature of the performance targets for ANS and ensure the necessary involvement and commitment of all parties.

## 8. Safety Requirements

### 8.1 Safety Oversight

**Almost all of the NSAs conducted safety oversight in relation to ANS providers based on established processes and procedures including the implementation of safety regulatory audits.**

**The safety oversight of the ASM and ATFM functions is still lagging behind and there is a need to establish effective processes by almost half of the NSAs.**

**There are still five States where the ANSPs procedures for the introduction of safety related changes to the functional systems need to be accepted by the NSAs and seven NSAs where internal procedures for the review of changes need to be established.**

**26 NSAs performed the assessment of their human resources and as a result half of them took various measures in order to ensure necessary capabilities. Only three NSAs were satisfied with the level of resources available for the safety oversight activities.**

**No safety directives were issued in 2009 by the NSAs.**

**Most of the NSAs have already organised a document management system for the safety oversight records and four NSAs reported having already implemented quality management systems.**

**The level of activities with relation to the oversight of cross-border service providers remains unsatisfactory and requires further actions.**

### Introduction

The purpose of this section is to assess the level of compliance of the NSAs with the different requirements of the safety oversight Regulation.

*Legal Basis: the safety oversight Regulation.*

### Consolidation

#### NSAs in charge of safety oversight

The 29 States reported applying safety oversight through 32 NSAs. However, Denmark, as regards its military NSA (TACDEN), reported conducting supervision according to military regulations “*which to the widest possible extent are compatible with Common Requirements, and other EU regulations. However – full compliance is not verified nor documented*”.

For this reason, the analysis that follows only considers the inputs from 31 NSAs.

#### Annual Safety Oversight Report

- ◆ 20 NSAs provided affirmative answers confirming having produced a safety annual report during 2009: Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Romania, Slovak Republic, Spain-AESA, Spain-MET, Sweden, Switzerland and UK. It should be noted that:
  - Only 7 states provided references (Finland and Lithuania) or web-links to their reports (Czech Republic, Latvia, Slovak Republic, Sweden and Switzerland). Out of the five web-links indicated, only one (Switzerland) worked;

- Belgium referred to a document different from the annual safety oversight report, namely the safety oversight manual;
  - UK reported meeting this requirement via the Annual SES report; this needs further consideration given the specific requirements of Article 14(2), which actually mentions two different reports, each under responsibility of a different entity;
  - 6 NSAs (Austria, Denmark, Finland, Ireland, Spain-MET and Romania) replied affirmatively, however only referring to their plans to produce the safety oversight reports for year 2009. Denmark reported only partial compliance with the requirements.
- ◆ 11 NSAs (Bulgaria, Estonia, Germany, Greece, Hungary, Malta, Netherlands, Norway, Portugal, Spain-MIL and Slovenia) provided negative answers. Spain-MIL did not provide any comment or plans; all the rest indicated planning to complete their reports for year 2009 in 2010.

### **Assessment of human resources**

- ◆ It should be noted that only 3 NSAs out of 31 (Ireland, Italy and UK) reported having assessed their human resources as satisfactory and capable of sustaining effective safety oversight of all organisations operating under their supervision, therefore requiring no further actions from their States at this moment.
- ◆ 5 NSAs (Denmark, Estonia, Greece, Netherlands and Spain-MIL) reported that no assessment was carried out in 2009 of the human resources needed to perform their safety oversight activities. Two of those NSAs (Estonia and Netherlands) plan to assess the necessary workload in 2010. The other three NSAs provided no indications of similar plans.
- ◆ 12 States took or plan to take various measures in order to ensure that their NSAs have the necessary capabilities to deal with safety oversight activities.
- 11 NSAs (Belgium, Finland, Latvia, Malta, Norway, Portugal, Slovak Republic, Spain-AESA, Spain-MET, Sweden and Switzerland) referred to measures for increasing the available human resources;
  - 2 NSAs (Austria and Hungary) reported measures related to the specific training to be provided to the NSA personnel.
- ◆ 6 States (Bulgaria, Cyprus, Czech Republic, Lithuania, Luxembourg and Slovenia) did not take any actions with regard to the details of the assessments provided by their NSAs. 3 of them (Czech Republic, Lithuania and Slovenia) reported budgetary restrictions as a main reason for the lack of actions planned with regards to the employment of additional safety oversight personnel.
- ◆ The additional comments provided by France, Germany, Poland and Romania do not allow for determination whether any actions were taken by the State with relation to the assessment performed by the NSA.
- ◆ It is also noted that:
- Belgium reported having selection and recruitment constraints even though the required budget is available;
  - Two NSAs (Italy and Slovenia) reported having already performed an assessment of their human resources needed against the requirements resulting from the SES II package.

## Conduct of safety oversight to ANS, ASM and ATFM

NOTE: The requirement to conduct safety oversight to ASM and ATFM does not apply to the Spanish-MET NSA, so it will not be considered in the rest of this section whenever ASM and ATFM are concerned

- ◆ All 31 NSAs reported having exercised safety oversight to ANS. The situation with relation to ATFM and ASM oversight can be seen in the figure below:

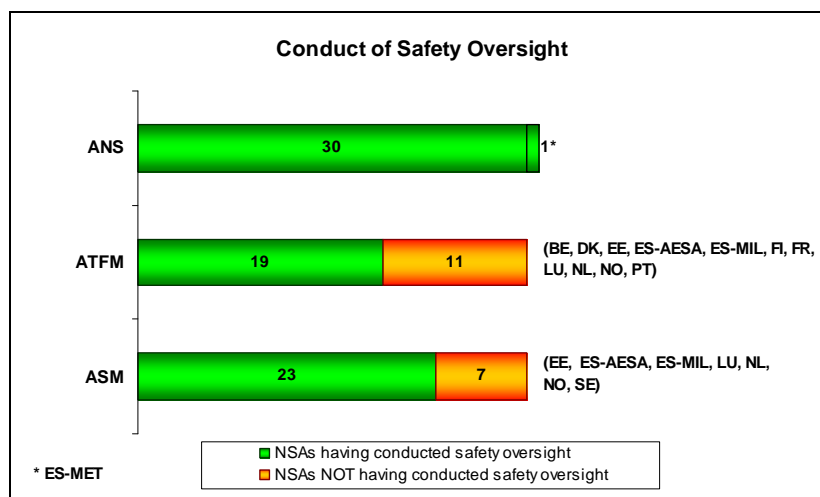


Figure 9

- ◆ The main reasons given or identified where safety oversight is exercised to a limited scope are:
  - limited NSA human resources (Belgium);
  - giving priority to safety oversight of changes (Denmark);
  - lack of established procedures to address ASM and/or ATFM (Estonia, Norway – both plan to have such procedures in place in 2010 – and Portugal who reported plans to exercise safety oversight of ATFM in 2010 but made no reference to the development of the required procedures);
  - no on-site audit addressing ATFM in 2009 even though the process was already established in the internal documents (Finland, Spain-AESA);
  - safety oversight of ATFM performed in the frame of ANS oversight activities (Cyprus and France - however, France recognised that safety oversight of ATFM should be addressed explicitly);
  - safety oversight not applicable to either ATFM or ASM (Luxembourg);
  - focus of safety oversight placed on the verification of compliance of ANSPs with the Common Requirements and procedures for the introduction of safety relevant changes (Netherlands).
- ◆ Additionally, the following facts should be noted:
  - Sweden reported having established a process but that no safety oversight of ASM was exercised during 2009;
  - Austria reported a shared responsibility for safety oversight of ASM between NSA, Ministries of Transport and Defence and Austro Control;
  - Slovenia referred to ESARR2 and 3 as the scope of its safety oversight;
  - The explanation provided by Luxembourg NSA with regards to safety oversight of ANS in 2009 focussing on “oversight of interfaces and procedures at apron /

*manoeuvring area level -taxi way incursion and vehicle ground traffic-*“ indicates a very narrow scope of the oversight performed.

### **Establishment of a process required by NSAs to verify compliance in safety significant aspects**

#### **– Scope**

- ◆ 18 NSAs reported having established a comprehensive safety oversight process addressing required verifications in all three areas that are under safety oversight (ANS, ATFM and ASM): Austria, Cyprus, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Slovak Republic, Slovenia, Spain-MET (only ANS required), Sweden and UK. It is noted that:
  - 4 of these NSAs (Greece, Hungary, Poland and Sweden) reported not addressing in their safety oversight process the verification of compliance with safety-related obligations in the designation acts - however, none of them reported any conditions attached to their designation acts;
  - 2 of these NSAs (Greece and Slovenia) reported not addressing the verification of implementation of safety directives - however, no safety directives were reported by them in 2009.
- ◆ 2 NSAs (Estonia and Switzerland) reported that their safety oversight processes address all required verifications with exception of those concerning the EC declarations of verification of systems and the EC declarations of conformity or suitability for use of constituents of systems.
- ◆ 8 NSAs reported having established processes which address all or most of the required verifications as regards ANS, but no or limited verifications as regards ASM and ATFM:
  - Bulgaria, France and Luxembourg (all required verifications for ANS);
  - Belgium, Netherlands, Portugal, Spain-AESA (all required verifications except of verification of obligations in the designation act); and
  - Norway (all required verifications except the verifications in relation with the EC declarations in the area of EATMN systems interoperability and the verification of risk assessment and mitigation procedures).
- ◆ The 3 remaining NSAs reported having established safety oversight processes that lack several of the required verifications, as follows:
  - Denmark and Spain-MIL only verify the ongoing compliance of the ANSPs and the risk assessment and mitigation procedures; and
  - Romania only verify compliance with the safety regulatory requirements prior to issuing or renewing a certificate; and ongoing compliance of the ANSPs.
- ◆ Except for Greece, Romania and Slovenia, the other NSAs provided brief explanations of their situation and intentions with relation to the establishment of safety oversight processes.

#### **– Procedure**

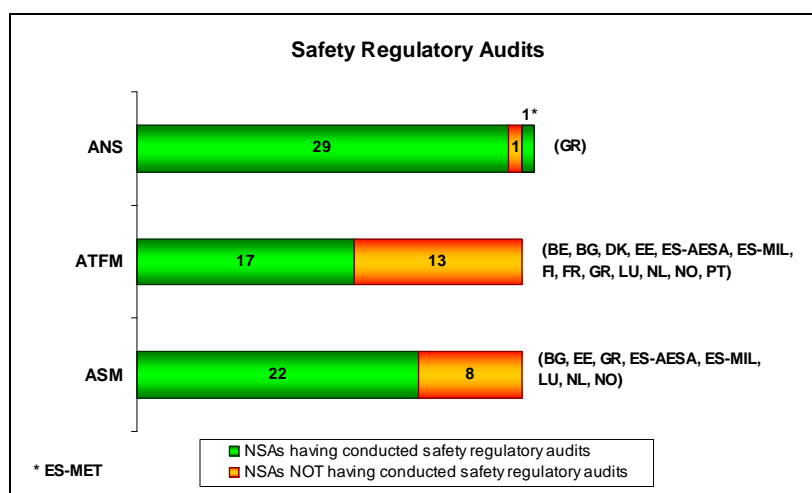
- ◆ All 31 NSAs reported that their process for verification of compliance with safety regulatory requirements fully meets the four conditions (as per Article 5.2 a, c, d and e of the safety oversight Regulation) as far as ANS is concerned.
- ◆ Out of the 30 NSAs for which the requirement to develop processes meeting these four conditions also applies to ASM and ATFM:
  - 20 NSAs reported having fully compliant processes also for ASM and ATFM: Austria,

Cyprus, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, Slovak Republic, Spain-MIL, Sweden, Switzerland and UK. It is noted that:

- Spain-MIL contradicted its own previous statements that its established safety oversight process for verification of compliance with safety regulatory requirements does not apply to ASM and ATFM;
  - Germany mentioned having only a draft safety oversight manual in support of its established documented procedures.
- The remaining 10 NSAs reported having established processes that do not address at all ASM and ATFM (Bulgaria, Estonia, Spain-AESA, Luxembourg, Netherlands, and Norway); or do not address only ATFM (Belgium, Denmark France and Portugal). It is noted that:
- Belgium reported that its process for ASM is based on documented procedures and provides the organisation concerned with an indication of the results of the safety oversight activity, but that it does not meet the remaining two conditions;
  - Portugal reported having a documented process to verify compliance with safety regulatory requirements applicable to ASM, but which does not meet the other three conditions;
  - Only 5 of the 10 NSAs provided some explanations of the reasons for this partial compliance (Belgium - lack of adequate resources; Denmark and Netherlands - other priorities) or gave an indication of their plans (Bulgaria and Estonia). The 5 other NSAs (France, Luxembourg, Norway, Portugal and Spain-AESA) did not give any comments in this respect.
- ◆ It is noted that very few States provided the required additional info to this section in the comments field. Apart from Lithuania, Poland, Portugal, Romania, Spain-AESA and UK, all the other States gave no or vague references to their documented procedures.

### Safety regulatory audits

The situation regarding the NSAs having conducted safety regulatory audits fulfilling all of the requirements of Article 6.2 of the safety oversight Regulation can be seen in the figure below.



**Figure 10**

It should be noted that:

- ◆ Greece reported not conducting any audits at this moment but reported plans to start the safety oversight activities in 2010.
- ◆ Hungary, even though checking affirmative for the full scope of safety audits (ANS, ASM and ATFM), reported doing that only in relation to the Common Requirements.
- ◆ Bulgaria, Estonia, Norway and Portugal are planning to include the ATFM and/or ASM safety oversight processes and procedures in their safety oversight manuals in 2010.
- ◆ Luxembourg commented that in their case safety regulatory audits as per Article 6.2 are not applicable in case of ASM and ATFM functions.
- ◆ France commented that safety regulatory audits as per Article 6.2 are not applicable in the case of ATFM.
- ◆ Belgium reported that in case of ASM audits they do not comply yet with all of the requirements of Article 6 of the safety oversight Regulation. Belgium also reported that this was due to limited human resources.

### **Procedures related to changes in functional systems**

- ◆ 26 NSAs reported having accepted the procedures put in place by the organisations concerned for introduction of safety related changes to their functional systems.
- ◆ The 5 NSAs who provided a negative answer gave the following explanations:
  - Denmark, Estonia and Greece plan to develop appropriate processes and procedures;
  - Finland, while giving a negative answer, provided an unclear explanation whether the NSA has accepted the ANSPs' procedures as per Article 8.1 of the safety oversight Regulation;
  - Norway reported that its ANSPs have developed the necessary procedures but have not yet submitted them to the NSA for acceptance.
- ◆ 24 NSAs reported having put in place internal procedures relating to the review of changes to the functional systems proposed by their ANSPs.
- ◆ The 7 NSAs who reported not yet having the required procedures in place (Denmark, Estonia, Finland, Norway, Poland, Portugal, Spain-MIL) stated that the procedures are under development.
- ◆ Additionally, it should be noted that:
  - Belgium, Germany, Italy and Spain-MIL reported that the work to establish these procedures is still ongoing;
  - Czech Republic, Sweden and Switzerland indicated that the procedures are in place but the review of the safety arguments has not started yet;
  - Of all the NSAs that have their internal procedures established, only Greece did not provide any detailed reference to the relevant document/manual/regulation.

### **Safety directives**

- ◆ The reported information showed that in 2009 none of the NSAs issued safety directives. However, Spain-AESA reported having verified compliance with the safety directives issued before 2009.
- ◆ One NSA (UK) reported issuing Safety Alerts called ATSIN (Air Traffic Services

Information Notices) and forwarding them to EUROCONTROL, to the Member States and other recipients when an urgent attention by ANSPs is required.

- ◆ Poland provided a comment relating to the publication of the safety directives on a website while simultaneously reporting having issued no safety directives.

### **Safety oversight records**

- ◆ Most of the NSAs (with the exception of Austria, Belgium and Germany) reported having organised a document management system where safety oversight related records are collected in hard-copy and/or electronic format and are stored in the databases and archives of the NSAs.
- ◆ The following explanations by some NSAs should be noted:
  - Germany made a reference to a draft safety oversight manual without additional explanation;
  - Belgium neglected to provide an answer to this question;
  - Austria's answer does not provide any indication about the record keeping system in place;
  - Greece reported that its NSA maintains all safety oversight records available for peer reviews, which is in contradiction with the fact that the NSA has not yet started exercising safety oversight.
- ◆ 4 NSAs (Spain-AESA, Estonia, France and Latvia) reported having implemented a quality management system which supports the record keeping processes. The rest of the NSAs developed dedicated procedures for this activity.

### **Safety oversight arrangements for cross-border provision of services**

See Section 5-Cross-Border Provision of ATS.

### **ECAA States**

#### **– Annual Safety Oversight Report**

- ◆ None of the ECAA States have produced a safety oversight report during the reporting period of year 2009. Three ECAA NSAs (Albania, Croatia and FYROM) reported that such annual report will be ready in the first quarter of 2010. Serbia and Bosnia and Herzegovina did not provide any additional explanation.

#### **– Exercise of safety oversight to ANS, ASM and ATFM, establishment of processes by NSA to verify compliance, safety regulatory audits**

- ◆ 4 NSAs (Albania, Croatia, FYROM and Serbia) reported having exercised safety oversight activities with relation to the ANS providers (encompassing established processes, documented procedures and audit activities). Only Albania reported having exercised such oversight in relation to ASM and ATFM functions, while Croatia reported applying safety oversight to ASM.
- ◆ Bosnia and Herzegovina reported not having exercised safety oversight of ANS, ATFM and ASM at all (lack of safety oversight processes, procedures and audits).
- ◆ Albania, however, reported lack of established processes to verify compliance with safety regulatory requirements. They gave an affirmative answer for the questions relating to the establishment of documented procedures for such verifications and the conduct of safety regulatory audits for ANS, ASM and ATFM.

- ◆ Croatia established a documented process for safety oversight of ATFM; however this process has not yet been implemented and verification is planned for 2010.
- ◆ FYROM and Serbia have no processes or procedures in place with relation to oversight of ASM and ATFM. FYROM reported planning to consider them in 2010.
- **Procedures related to changes in functional systems**
  - ◆ 2 of the ECAA NSAs (Albania and Bosnia and Herzegovina) did not accept yet the procedures put in place by the ANSPs for the introduction of safety-related changes to their functional systems. In the case of Bosnia and Herzegovina the issue cannot be considered applicable since the ANSP has not been established yet.
  - ◆ Croatia, FYROM and Serbia reported that their NSAs have accepted procedures by the ANSPs for the introduction of safety-related changes.
  - ◆ Albania, while explaining that DGCA has enacted such requirements by national regulation, nonetheless reports that procedures by the ANSPs for the introduction of safety-related changes are still to be developed.
  - ◆ All 4 States reported that their NSAs have established a review procedure of the proposed changes in compliance with the safety oversight Regulation through regulatory instruments (Albania) or CAA/NSA procedures (Croatia) or safety oversight manual (FYROM and Serbia).
- **Assessment of human resources**
  - ◆ 4 NSAs (Albania, Croatia, FYROM and Serbia) reported having conducted during the reporting period an assessment of their required human resources. Moreover, all four States reported taking actions as a result of such assessment.
  - ◆ Albania mentioned expecting a further addition of three more staff.
  - ◆ FYROM reported having increased the NSA's staffing levels by two additional safety inspectors.
  - ◆ Bosnia and Herzegovina did not conduct such an assessment.
- **Safety directives**
  - ◆ None of the ECAA NSAs participating in the SES Report reported issuing any safety directives during the reporting period or having verified compliance with any previously issued directives. No comments were given.
- **Safety oversight records**
  - ◆ 3 NSAs (Bosnia and Herzegovina, Croatia and Serbia) did not provide any information as regards their arrangements for keeping the safety oversight records. Albania reported that such arrangements are described in the NSA's Safety Oversight Manual. FYROM reported that records are kept in accordance with national regulation on keeping the documents.

## Analysis & Conclusions

While most of the NSAs confirmed either having produced an **annual safety oversight report** in 2009 (for 2008), or reported ongoing work on their reports for 2009, the number of references or web-links to the reports (7 in total; only 1 web-link active) is clearly insufficient and not according to what was required in the Template.

It should also be taken into consideration that the information given in section 14.1.2 of the States' Annual Reports (**NSA Resources**) complemented with the information reported by States in their LSSIP documents under ESSIP Objective SRC-AUDI (Implementation of Safety Regulatory Auditing by NSAs), may raise questions as regards the effectiveness of safety auditing by some of the States/NSAs. Some examples:

- Austria, whose NSA reported very limited capabilities (only two FTE); ;
- Czech Republic reported being in a similar situation, with lack of adequate NSA capabilities;
- Bulgaria reported not having any qualified safety auditors;
- Malta and Sweden, even though reporting affirmative in all aspects of safety regulatory auditing, indicated in SRC-AUDI that they do not have enough personnel with appropriate auditors qualifications.

When confronting this information with the fact that only three NSAs declared themselves satisfied with the level and competency of their human resources performing safety oversight tasks, and the fact that only half of the States where the assessment of human resources was done has already taken, or plan to take, measures in order to ensure that their NSAs have the necessary capabilities required, it seems clear that the problem of competent resources in the area of safety oversight still remains the main concern for most NSAs, as it may represent an impediment for an effective safety oversight.

With relation to the **effective implementation of the safety oversight Regulation** it must be noted that there are significant differences between the application of safety oversight to ANS compared to its application to the ATM functions (ASM and ATFM). Except for the case of Greece, all of the NSAs reported having performed safety oversight in relation to ANS with established processes based on documented procedures and safety regulatory audits in place.

However, half of the NSAs apply only partial or no safety oversight activities for ASM and/or ATFM functions. This could be largely attributed to the absence, or only partial establishment, of procedures and use of safety regulatory audits for ASM and/or ATFM.

This would indicate a delay in the effective application of the safety oversight Regulation for ASM and ATFM. However, the need to tackle the safety oversight of ASM and ATFM is already recognised by most of the NSAs, and more actions towards the full implementation of safety oversight in compliance with this Regulation should be expected in 2010.

There were several cases of incorrect use of "N/A" (not applicable) as a response to Template questions. As an example, verifying compliance with any safety-related obligations in the designation act or the implementation of safety directives is applicable, and establishing such safety oversight processes is required irrespective of whether during the reporting period there have been no circumstances or reasons to perform such verifications.

Additionally in relation to the **safety oversight of changes** as per the safety oversight Regulation it must be noted that a majority of the NSAs reported having already approved ANSPs procedures for the introduction of safety related changes to the functional systems and more than 60% of the NSAs reported having established their internal procedures for the safety oversight of changes.

None of the 31 NSAs reported having issued **safety directives** in 2009 and only UK reported having issued ATsINs for topics requiring urgent attention. Safety directives are intended to be a useful tool in case when an immediate action with regards to an unsafe condition is determined by the NSA. Lack of use of this tool raises a question whether there were any limitations with regards to the process of issuing safety directives.

Most of the NSAs have established processes for keeping **records** relating to safety oversight activities via internal procedures, national regulations or quality management system of the NSA.

*NOTE: Where appropriate, as it was indicated in the Template, the analysis has been complemented with data from the LSSIP documents of the States, particularly ESSIP Objectives SRC-AUDI, SRC-CHNG, SRC-OVCA, SRC-RLMK and SRC-SLRD.*

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## Recommendations

### 2009-29-EC

The European Commission should require that clear and comprehensive identification of the annual safety oversight reports should be ensured by the States/NSAs by indicating the appropriate references and/or a correct web-link.

### 2009-30-States (All)

States should ensure that NSAs provide the full legal references to their documented procedures or national regulations relating to safety oversight activities.

### 2009-31-EC

The European Commission should clarify if it accepts that States use the SES implementation Annual report submitted as part of LSSIP as a means of compliance with Article 14.1 of the safety oversight Regulation.

### 2009-32-States (BE, BG, DK, EE, ES, FI, FR, LU, NL, NO, PT, SE)

In order to ensure full and effective implementation of safety oversight by the NSAs in compliance with the safety oversight Regulation there is a need to expedite developing NSAs' arrangements and processes for the supervision of ASM and ATFM functions.

### 2009-33-States (All)

NSAs should ensure that they produce and update an assessment of the human resources needed as required by Article 11 of the safety oversight Regulation.

### 2009-34-EC

The European Commission should encourage States to make use of the safety directives whenever unsafe conditions to a functional system occur, in accordance with the safety oversight Regulation, and inform the Commission of any aspects identified that might inadequately restrain currently the use of this instrument.

### 2009-35-States (GR)

Greece should expedite initiating safety oversight of ANS by its NSA in accordance with the safety oversight Regulation.

### 2009-36-States (AT)

The European Commission should clarify with Austria the issue of shared responsibility for ASM related safety oversight between NSA and ANSP.

## 8.2 Software Safety Assurance

**In relation with the deferred application of Regulation (EC) N° 482/2008, its implementation appears to be in its early stages as only about half of the States reported fulfilling all applicable requirements.**

**In 2010 all the requirements of the Regulation will become applicable and therefore the report for 2010 will bring more substantial inputs.**

### Introduction

The purpose of this section is to assess the current level of, and preparatory plans for, the implementation of Regulation (EC) N° 482/2008 (hereinafter “the software safety assurance Regulation”).

*Legal Basis: the software safety assurance Regulation.*

### Consolidation

- ◆ 17 of the 29 States reported fulfilling all applicable requirements for Software Safety Assurance during the reporting period: Bulgaria, Czech Republic, Finland, France, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Slovenia, Slovak Republic, Spain, Switzerland and UK. Out of these Spain, Finland and France replied that they would apply the requirements for changes to existing software as of 1st July 2010.
- ◆ The following issues should be taken into consideration:
  - Spain explained that, while no project involving new software has been fully completed yet, software assurance is already part of safety studies, therefore the required software assurance evidences will be available when systems with new software are ready for deployment;
  - The comment by Czech Republic, i.e. that each of its organisations is ISO certified and has implemented QMS and SMS, is insufficient explanation for demonstrating compliance.
- ◆ 5 other States reported being partially compliant:
  - Austria reported partial implementation and work in progress;
  - Denmark reported partial compliance by NAVIAIR and uncertainty regarding the level of implementation in other organisations concerned;
  - Germany explained that there have been no changes to the existing software and that, subsequently, ANSPs did not make available the required assurances to the NSA demonstrating that the requirements have been satisfied;
  - Norway reported partial implementation and further plans;
  - Romania reported that an ANSP procedural document awaits approval by NSA.
- ◆ As for the remaining 7 States:
  - Belgium, Estonia, Greece, Portugal and Sweden reported implementation and oversight planned for 2010, although some elements are in place in Estonia;
  - Cyprus reported that “*The ANSP SMS contains a procedure requiring a safety assessment prior to introduction of new or changes to existing system, including software*”;
  - Luxembourg referred to lack of implementation of ESARR 6 requirements at ANSP level.

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## Evolution

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N/A

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## Analysis & Conclusions

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There is still much room for improvement as regards implementation by ANSPs and verification of compliance by NSAs with regards to the Software Safety Assurance. In 2010 all of the requirements of the Regulation will become applicable and therefore the report for 2010 will bring more substantial inputs.

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## Recommendations

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### **2009-37-States (AT, BE, CY, CZ, DE, DK, EE, GR, LU, NO, PT, RO, SE)**

States that have reported only partially compliant should review their situation and make efforts to complete implementation for the full scope of applicability of this Regulation.

## 9. ATCO Licensing

**The transposition of the ATCO license Directive has reportedly gathered momentum in 2009. All States have introduced at least Operational Level 4 for language endorsements in English. Most States have reported having established competent medical bodies of the NSA or medical examiners.**

### Introduction

The purpose of the section is to present the collected data on the level of the transposition of the Directive as a whole and concrete information on language requirements, medical certificates and bodies/examiners, and certification of training providers. In addition, the section aims at establishing a database with information on language requirements and training providers per State, thus disseminating useful information on possible ATCOs mobility.

*Legal Basis: Articles 8, 12, 13, 16 and 20 of the ATCO license Directive.*

### Consolidation

#### Transposition

- ◆ 26 States reported in their Annual Reports having transposed the ATCO license Directive into their national legal system however, by the time of the publication of this report, all States except Luxembourg had informed the EC of the transposition of the Directive and provided the text of the national provisions enforced to comply with it.
- ◆ Norway reported the same partial transposition situation as 2007-2008 SES Annual report adding information about certified training provider, language requirements and medical certificates.

#### Language Requirements

The Language requirements introduced by the 29 States are presented below:

STATE	Dir. Transposed	Requirements in English language		Requirements in local languages	
		Y/N	Comments	Y/N	Comments
AT	Y	Y	Level 4, in accordance with article 8.1 Level 5 could be required for reasons of service provided.	Y	Level 4 is mandatory for German speakers. Level 5 could be required for reasons of service provided.
BE	Y	Y	Level 4	N/A	-
BG	Y	Y	Level 4 is introduced in the revised Regulation No. 1.	Y	Linguistic requirements for Bulgarian language are introduced in the Regulation No.1. The Regulation No.1 does not specify the proficiency level of Bulgarian language. The proficiency level of Bulgarian language is determined by the assessment body during ATCO's theoretical/practical examination.
CH	Y	Y	Level 4	N	The work to establish these requirements for the languages French, German and Italian is still ongoing.
CY	Y	Y	Level 4	Y	Level 4 for Greek language

STATE	Dir. Transposed	Requirements in English language		Requirements in local languages	
		Y/N	Comments	Y/N	Comments
CZ	Y	Y	Licence holder must demonstrate compliance with at least the operational level (level four) of the language proficiency rating scale.	N	-
DE	Y	Y	Level 4	Y	Level 4 for German language.
DK	Y	Y	Level 4	Y	Level 4
EE	Y	Y	Level 4	Y	National linguistic requirements have been imposed through Regulation No96 of the Minister of Economic Affairs and Communication of 22 August 2005. Requirement for Estonian language have been imposed, level C1 of proficiency is required.
ES	Y	Y	Level 4, as established under paragraph 3 of Article 16 (Competencia lingüística) of the Royal Decree 1516/2009.	Y	Level 4, as established under paragraph 3 of Article 16 (Competencia lingüística) of the Royal Decree 1516/2009, subject to the provisions established under paragraph 4 of that same article for aerodromes with a significant level of international operations.
FI	Y	Y	Level 4	Y	Level 4 for Finnish language
FR	Y	Y	Level 4	Y	Level 4 for French language
GR	N	Y	Level 4. Proficiency in English is required for ab-initios. ELPAC test promoted for use.	Y	Level 5 for Greek language
HU	Y	Y	Level 4	Y	Level 4 for Hungarian language.
IE	Y	Y	Level 4. However, according to Art. 13 (1) of SI 305/2008, <i>“the supervisory authority may require level 5 where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety.”</i>	Y	See Req. in English Language
IT	Y	Y	Level 4	Y	Level 4
LT	Y	Y	Level 4 according Director of CAA Order No 4R-155 of 17 July 2007.	Y	Level 4 according Director of CAA Order No 4R-155 of 17 July 2007
LU	Y	Y	Level 4	N	-
LV	Y	Y	Level 4	N	-
MT	Y	Y	Level 4	Y	LN 139 establishes a requirement for Level 4 in Maltese for Aerodrome Controllers
NL	Y	Y	Level 4-6	N	No local language requirements implemented
NO	Partially	Y	Level 4	Y	Level 4
PL	N	Y	Implemented in accordance with Annex 1 to the Convention on International Civil Aviation Organization and Directive 2006/EC/23	N	-

STATE	Dir. Transposed	Requirements in English language		Requirements in local languages	
		Y/N	Comments	Y/N	Comments
PT	Y	Y	Level 4 and level 5 (NAV Portugal adopted the ELPAC test – English Language Proficiency for Aeronautical Communication of EUROCONTROL)	Y	Level 4
RO	Y	Y	Level 4, according to national legislation RACR–LCTA, Ed.1/2008 and PIAC LCTA, ed. 03/2009	Y	-
SE	Y	Y	Level 4	Y	Level 4 for Swedish language
SI	Y	Y	Level 4	N	-
SK	Y	Y	Level 4	N	-
UK	Y	Y	Level 4	N	No other language requirements in the UK.

Table 3

### Medical Requirements

- ◆ 3 States (Belgium, Cyprus and Italy) reported that no competent medical bodies of the NSA or medical examiners have been established yet. Austria and Luxembourg provided unclear answers reporting compliance with Class 1 requirements (flight crew licensing).
- ◆ Reportedly, in almost all States the medical certificates for ATCOs are compliant with Annex I of the Chicago Convention on International Civil aviation and the EUROCONTROL Requirements for European Class 3 Medical Certification. Austria and Luxembourg provided unclear answers referring to national legislation without further details.

### Training Providers

- ◆ Three States reported not having certified ATCO training providers (Portugal, Spain and UK) – all are expecting to conclude the certification in 2010.
- ◆ A few States reported having certified training providers before the actual transposition (entry into force of national legal acts) of the Directive requiring this (Czech Republic, Finland, Netherlands).
- ◆ A list of certified providers and the types of training for they have been certified is attached as Annex 3.

### ECAA States

- ◆ According to the amended Annex I to the ECAA agreement as of March 2009 the Directive shall be transposed into the national legal system of the ECAA States. Currently, only Serbia reported having transposed the Directive in 2009, for Albania, Croatia and FYROM the transposition is expected in 2010. Bosnia and Herzegovina reported any pending plans for transposition.

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## Evolution

Compared to 2007-2008 eight more States have now transposed the Directive. Luxembourg's transposition is awaiting a parliamentary approval. Most of the 2009 reports contain reference to local legislative acts transposing the Directive.

All States but Luxembourg (15 in 2008) have now communicated to the Commission the text of the national laws, regulations and administrative provisions, as required by Article 20 of the Directive.

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## Analysis & Conclusions

The process of transposition of the Directive has gathered a momentum during 2009 as only Luxembourg remains to finalise the process and communicate to the EC the text of the national provisions enforced to comply with the Directive.

The level of certified providers has increased significantly as only three States have yet to certify training providers. However, the situation of certification with some States – Poland and Austria, should be reconsidered in relation to the newly announced dates of transposition, while in the cases of certification before the actual transposition the contradiction should be clarified.

Based on the reports it appears that overall there is a good level of transposition of the requirements for medical examiners and Class 3 Medical certification. However, this conclusion is made within the limits of the sometimes contradictory data with respect to the timeline of the transposition in the rest of the reporting table for the Directive. Further, the three States yet to establish competent medical bodies or medical examiners need to do so.

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## Recommendations

### **2009-38-States (LU)**

The European Commission should request Luxembourg to communicate the full text of the provisions transposing the Directive into national law.

### **2009-39-States (BE, CY, IT)**

Belgium, Cyprus and Italy should be asked to provide their plans for appointment of competent medical bodies or medical examiners.

## 10. FABs

The Denmark-Sweden FAB was notified to the European Commission in December 2009. Among the remaining 7 FAB projects reported some still lack clarity on a target date for implementation or have provided contradictory information with respect to such date.

All projects report progress with respect to the signature of high level policy documents but only one FAB (FABEC) reported the implementation of early benefits packages. The UK-Ireland FAB reported the implementation of several FAB initiatives with no further details.

With a view to the statutory deadline for FAB implementation some of the projects reported combining the definition, development and implementation phases.

### Introduction

The purpose of the section is to present the collected information on the level of progress, developments, consultation processes and major milestones in the ongoing process of FAB establishment and implementation.

*Legal Basis: Article 5 of Regulation (EC) N°551/2004 (hereinafter "the airspace Regulation"), Article 8 of the service provision Regulation and Article 3 of the safety oversight regulation.*

### Consolidation

#### General

- ◆ The UK-Ireland FAB is reported as being established effective July 2008. Institutional arrangements are reported to be in place. In the 2009 reports no precise information was provided which enables conclusions to be drawn on the developments of the FAB in that year.
- ◆ The Denmark-Sweden FAB is reported being declared at the Single Sky Committee on the 3rd December 2009. The NUAC Company has been established and will manage FAB administration from autumn 2010 and responsible for ANS provision in the fully integrated airspace from 2012.
- ◆ Seven additional FAB projects are reported as ongoing in the 29 States area: Baltic (Lithuania, Poland), BLUEMED (Cyprus, Greece, Italy, Malta, Albania, Egypt and Tunisia), Danube (Bulgaria - Romania), FABCE (Austria, Czech Republic, Hungary, Slovenia, Slovak Republic, Bosnia and Herzegovina and Croatia), FABEC (Belgium, Germany, France, Luxembourg, Netherlands and Switzerland), NEFAB (Estonia, Finland, Latvia, Sweden, Denmark, Norway and Iceland), Spain - Portugal FAB.

#### Baltic (Lithuania, Poland)

- ◆ The major milestone reported in the development of the Baltic FAB was the successful application for TEN-T funding and subsequent public procurement for a feasibility study. The study is expected to be completed in 2011.
- ◆ The States have coordinated the information provided in the annual reports.
- ◆ As in 2008, both States reported the limited progress concerning the development of the Common Aviation Area with the EU-neighbouring States as being a significant issue for the establishment of the Baltic FAB.

- ◆ No formal agreement on the joint designation of service providers was reported but the intention is to keep the project in line with the deadline stipulated in Regulation (EC) 1070/2009.
- ◆ Both States reported several fora and occasions where consultations with interested stakeholders have been carried out.

Link to Ten-T page:

[http://tentea.ec.europa.eu/en/ten-t\\_projects/ten-t\\_projects\\_by\\_country/multi\\_country/2008-eu-40006-s.htm](http://tentea.ec.europa.eu/en/ten-t_projects/ten-t_projects_by_country/multi_country/2008-eu-40006-s.htm)

<b><u>Baltic</u></b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Poland</b>	Dec 2007 Dec 2011	TBD	TBD	TBD	TEN-T Financing
<b>Lithuania</b>	Dec 2007 Dec 2011	TBD	TBD	TBD	

### **BlueMed** (Cyprus, Greece, Italy, Malta, Albania, Egypt and Tunisia)

- ◆ In 2009 the project reportedly has entered its Definition phase after the political commitment by States was made in November 2008. This phase is expected to finish in 2011 with a go/no go decision for implementation. The definition phase of the project is co-funded by TEN-T.
- ◆ The first phase of the implementation is scheduled for 2011-2012 while full implementation is planned for 2015.
- ◆ Italy and Greece reported the EC FAB Focal Point Group (FFPG) as a consultation forum while Cyprus and Malta reported to have carried out local consultations.
- ◆ From the data in the reports it would appear that some coordination was undertaken with the drafting of the responses thus the statements of the States coincide.

<b><u>BlueMed</u></b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Cyprus</b>	Finished	Mar 2009 - Sep 2011	Jan 2012 – Dec 2012	Dec 2015	Start of the Definition phase
<b>Greece</b>	Finished	Mar 2009 - Sep 2011	Jan 2012 – Dec 2012	Dec 2015	
<b>Italy</b>	Finished	Mar 2009 - Sep 2011	Jan 2012 – Dec 2012	Dec 2015	
<b>Malta</b>	Finished	Sep 2009 - Dec 2012	Dec 2011– Dec 2012	Not provided	
<b>Albania</b>	Finished	Mar 2011	Not provided	Dec 2015	

### **Danube** (Bulgaria - Romania)

- ◆ The organisation of the project for the Definition phase was reportedly agreed in 2009. Both States reported the planned signature of MoU and consequent governance arrangements.
- ◆ No formal agreement on the joint designation of service providers was reported.
- ◆ Consultation with the European Commission for the TEN-T funding of the studies for the Definition phase was reported by Bulgaria, while Romania pointed out meetings at European level attended by the ANSPs.

- ◆ Implementation is planned to commence in January 2013.

Link to Ten-T page:

[http://tentea.ec.europa.eu/en/ten-t\\_projects/ten-t\\_projects\\_by\\_country/multi\\_country/2008-eu-40001-s.htm](http://tentea.ec.europa.eu/en/ten-t_projects/ten-t_projects_by_country/multi_country/2008-eu-40001-s.htm)

<b>Danube</b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Bulgaria</b>	Oct 2007 - Jul 2008	Jan 2009 - Dec 2010	Jan 2011 – Dec 2012	Jan 2013 – no date	Organisation of the project for the Definition Phase
<b>Romania</b>	Oct 2007 - Jul 2008	Jan 2009 - Dec 2010	Jan 2011 – Dec 2012	Dec 2012 – no date	

**FABCE** (Austria, Czech Republic, Hungary, Slovenia, Slovak Republic, Bosnia and Herzegovina and Croatia)

- ◆ The major milestone in the FABCE development was the signature by the States of a MoU in November 2009. This is one of the few dates on which there is a common reporting among the FABCE States with various dates being given by the States for subsequent phases. Thus Hungary reported the Implementation phase completed in December 2009 whilst Austria reported the Implementation did not start until January 2010. Based on a synthesis of the information provided by the seven States it appears the Development phase will have concluded by the beginning of 2010. Similarly there is no agreement on the target date for completion of implementation with dates provided ranging from December 2009 to December 2015.
- ◆ Austria and Czech Republic reported delays in the finalisation of the State-to-State agreement and its postponement until May 2010. Hungary reported that the signature of the State agreement is expected in November 2010. Slovenia and the Slovak Republic did not report any details in relation to the State agreement. In FABCE there is no reported formal agreement on the joint designation of service providers yet.
- ◆ Czech Republic and Slovak Republic reported consultations taking place in 2009 in the framework of the EC FAB Focal Point Group (FFPG). Hungary and Croatia referred to institutional framework for consultation established by the State MoU. Austria reported on consultations that took place in 2008.

Link to Ten-T page:

[http://tentea.ec.europa.eu/en/ten-t\\_projects/ten-t\\_projects\\_by\\_country/multi\\_country/2008-eu-40007-s.htm](http://tentea.ec.europa.eu/en/ten-t_projects/ten-t_projects_by_country/multi_country/2008-eu-40007-s.htm)

<b>FAB CE</b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Austria</b>	Apr 2007 – Mar 2008	Apr 2007 – Mar 2008	Mar 2008 – Dec 2009	Jan 2010 - Dec 2015	State-to State MoU – November 2009
<b>Czech Republic</b>	Apr 2007 – Mar 2008	Apr 2007 – Mar 2008	2008 - 2010	2010 - 2012	
<b>Hungary</b>	Apr 2007 – Mar 2008	Jan 2008 – mid 2010	-----	Mar 2008 - Dec 2009	
<b>Slovenia</b>	Apr 2007 – Mar 2008	Apr 2007 – Mar 2008	Mar 2008 – Dec 2009	Jan 2010 – Dec 2012	
<b>Slovak Republic</b>	Apr 2007 – Mar 2008	2008 – 2009	2009 - 2010	2010 - 2012	
<b>Bosnia and Herzegovina</b>	mid 2007 – Dec 2007	Mar 2007 – May 2007	2008 - 2009	2009 - 2015	
<b>Croatia</b>	Apr 2007 – Mar 2008	Mar 2008 – Aug 2008	Sep 2008 – Dec 2009	2009 -	

**FABEC** (Belgium, Germany, France, Luxembourg, Netherlands and Switzerland and UK as cooperative partner)

- ◆ The project is now in its Definition phase but decision has been reportedly taken to start in parallel the Implementation phase with some early packages – such as improvement of the Amsterdam/Ruhr/Frankfurt area, night network and city pairs.
- ◆ All States in FABEC reported expectations for the FAB to be “operational” by 2012.
- ◆ Formal agreement between the States on the supervision of the service provision in FABEC was planned by the end of 2009 but it was postponed for early 2010. The signature of the State-to-State agreement for the establishment and institutional framework of FABEC is planned for December 2010. There is no reported formal agreement on the joint designation of service providers yet.
- ◆ France, Germany, Luxembourg, Netherlands and Switzerland reported that a consultation process is in place without any further details. Belgium reported that consultation is being done through briefings to the Single Sky Committee (SSC).
- ◆ No TEN-T financing for 2009.

<b>FABEC</b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Belgium</b>	Mid 2006 – Jun 2008	2006 –2008	2008-2010	Jan 2009-2012	Launch of early implementation packages – combining together the Development and Implementation
<b>France</b>	Mid 2006 – Jun 2008	2009 –2012	2009-2009	2009-2012	
<b>Germany</b>	Mid 2006 – Jun 2008	2006 –2008	2008-2010	2008-2012	
<b>Luxembourg</b>	Mid 2006 – Jun 2008	2006-2008	2008-2010	2008-2012	
<b>Netherlands</b>	Mid 2006 – Jun 2008	2006-2008	2008-2010	2008-2012	
<b>Switzerland</b>	Mid 2006 – Jun 2008	2006-2008	2008-2010	2008-2012	

**NEFAB** (Estonia, Finland, Latvia, Sweden, Denmark, Norway and Iceland)

- ◆ The project is currently in the feasibility phase, which is planned to be closed by end 2010. The development and definition phase will commence prior to the conclusion of the feasibility phase. Implementation activities are also planned to run in parallel with the definition and development phase. Implementation is planned for completion in December 2012.
- ◆ The States reported the establishment of Nordic NSA Group having regular meetings also in relation to the NEFAB project. No details were provided on the status of this group and related deliverables or decisions.
- ◆ All States reported that consultations are being carried out at several levels – SSC, FPPG and also with neighbouring FABs.
- ◆ There is no reported formal agreement on the joint designation of service providers yet.

Link to Ten-T page:

[http://tentea.ec.europa.eu/en/ten-t\\_projects/ten-t\\_projects\\_by\\_country/multi\\_country/2008-eu-40005-s.htm](http://tentea.ec.europa.eu/en/ten-t_projects/ten-t_projects_by_country/multi_country/2008-eu-40005-s.htm)

<b>NEFAB</b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Denmark</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	Establishment of the Nordic NSA Group
<b>Estonia</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	
<b>Finland</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	
<b>Latvia</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	
<b>Norway</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	
<b>Sweden</b>	Jan 2009 – Dec 2010	Jun 2010 – Dec 2011	Jun 2010 – Dec 2011	Jan 2011- Dec 2012	

### Denmark – Sweden FAB

- ◆ Two major milestones were reported in the development of this FAB – the establishment of the NUAC Company – a daughter company of the providers in Denmark and Sweden. It will be tasked with the service provision in the Danish and Swedish airspace. The NUAC Company will be certified but the designation for the respective airspace will remain with the mother companies Naviair and LFV.
- ◆ Sweden reported that the agreement on supervision is part of the documents supporting the declaration of the Denmark-Sweden FAB, while Denmark pointed out that it is awaiting signature by the director general of the Danish NSA.
- ◆ N.B. According to the Denmark LSSIP 2010-2014 on the 17th December 2009 the State Agreement between Denmark and Sweden establishing the Danish/Swedish Functional Airspace Block encompassing all Danish and Swedish Airspace was signed by the respective Ministers.
- ◆ Consultation with stakeholders was reported as taking place in October 2009 with military and trade union representatives and in December 2009 at the Single Sky Committee with neighbouring States and the European Commission.

<b>DK-SE FAB</b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Denmark</b>	Sep 2005 - Jul 2005	Feb 2006 – Jul 2007	Jul 2007 – Jun 2012	Sep 2008 – Dec 2009	The DK/SE FAB was declared in December 2009 and establishment of the joint NUAC Company
<b>Sweden</b>	Sep 2005 - Jul 2005	Feb 2006 – Jul 2007	Jul 2007 – Jun 2012	Sep 2008 – Dec 2009 (Jan 2009 - 2012)	

### Spain – Portugal FAB

- ◆ The major milestones in the FAB project were the signatures of a MoU between the two States in March 2009 and the establishment of supervisory and working institutional arrangements. There is no information provided on the timing of subsequent phases or the date for final implementation.
- ◆ The MoU has reportedly established a Stakeholders Consultation Forum – its first meeting is scheduled for mid-2010.
- ◆ With regard to agreement on supervision, the two States reported that a draft agreement

between the NSAs on the supervision of cross-border service provision is drafted and is expected to be signed in the first of 2010.

- ◆ There is no reported formal agreement on the joint designation of service providers yet.

<b><u>ES-PT FAB</u></b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Portugal</b>	2008-2009	2009 through 2010		No date set	MoU between ANSP and NSAs – Mar 2009
<b>Spain</b>	2008-2009	2009 through 2010		No date set	

### **UK- Ireland**

- ◆ Both States reported the ongoing work on the FAB development. UK reported about the development of a performance scheme for the FAB and that the European Commission and other States have been regularly informed on the FAB developments at the SSC and the FFPG.
- ◆ Ireland reported the implementation of several FAB initiatives and the production of the second FAB report but did not refer to any consultation that took place in 2009.
- ◆ None of the States provided any concrete results achieved from their common work in the FAB, although Ireland referred to a number of FAB initiatives that had been implemented but provided no information on what these were.

<b><u>UK-IE FAB</u></b>	<b>Feasibility</b>	<b>Definition</b>	<b>Development</b>	<b>Implementation</b>	<b>Major Milestone in 2009</b>
<b>Ireland</b>					Second annual FAB report A number of FAB initiatives implemented.
<b>UK</b>					Ongoing work to develop Performance scheme for UK/Ireland FAB.

Figure 11 below provides an overview of the current plans for the various FABs in terms of scheduled implementation phases to meet the requirements for implementation by December 2012.

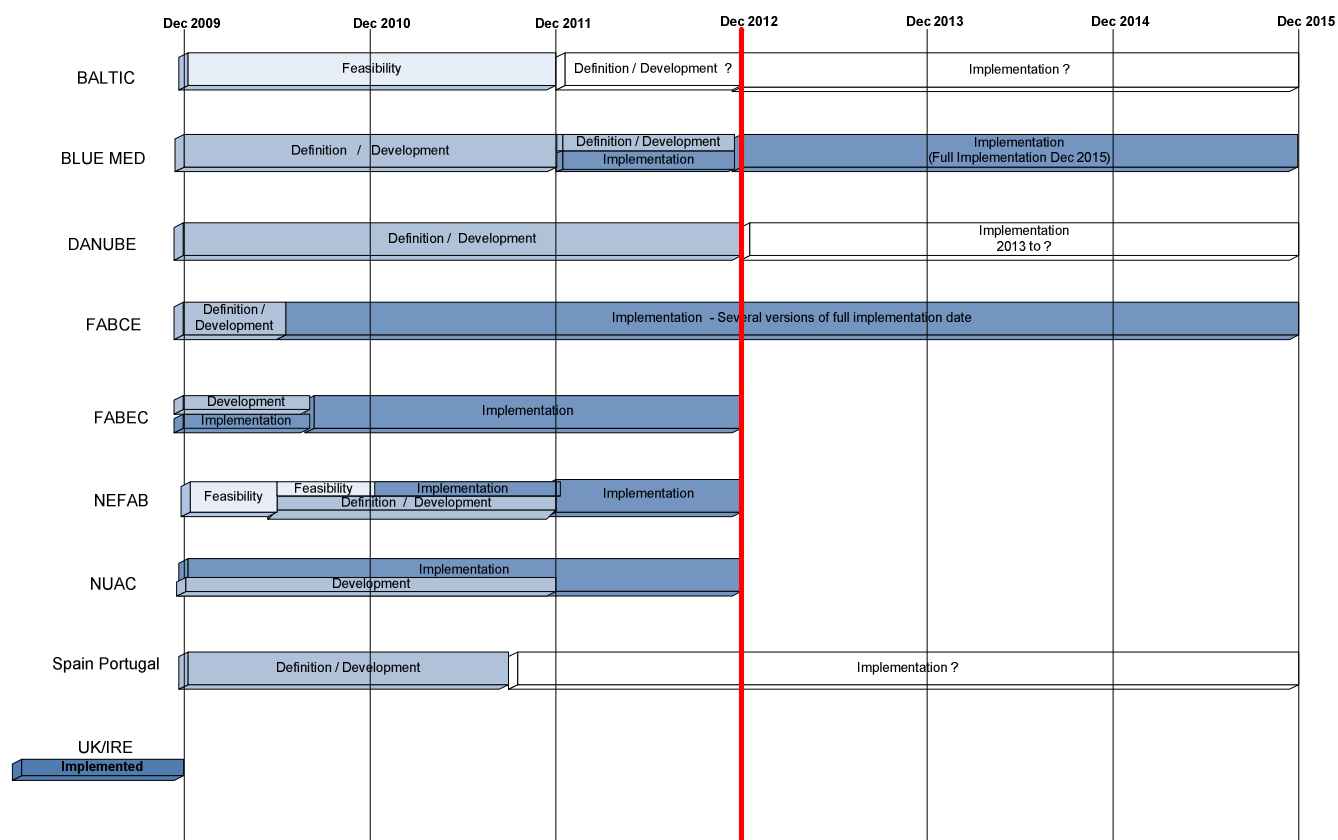


Figure 11 - FAB implementation phases

### ECAA States

- ◆ Three ECAA States are part of a FAB project (Albania – BlueMed, Bosnia and Herzegovina and Croatia – FABCE). Their participation and contribution to the projects however would largely depend on the level of implementation of the aviation EU law, ATM/ANS part in particular, which in many areas has been experiencing delays.
- ◆ Three ECAA States are not yet part of any FAB initiative: FYROM, Montenegro and Serbia.

### Evolution

According to the 2009 reports all FAB projects have progressed either at institutional level with signatures of memoranda of understanding or cooperation at various levels or through implementation of operational packages, although little detail is provided on the latter.

However, as in 2008, the States involved in some projects (notably FABCE) appear to have diverging opinion on the timing of actions that have been or are to be undertaken in the FAB establishment and or implementation.

Latvia has joined the NEFAB initiative.

Reportedly, the NSAs have become more closely involved into the FAB projects. (Nordic NSA Group, negotiation on NSA agreement in FABEC, drafting of NSA to NSA agreement in Spain - Portugal FAB).

In comparison to the 2007-2008 reports and in the light of the official deadline for implementation States some FAB projects (FABEC, NEFAB) have decided to combine the definition/development phases with early implementation actions.

The Denmark-Sweden FAB has been declared as established while the full operational capacity of the NUAC Company for the service provision in the integrated Danish and Swedish airspace will gradually be implemented in 2011-2012.

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## Analysis & Conclusions

Three FABs (Baltic, Danube, Spain - Portugal) have no target implementation date for the FAB. Such a target seems fundamental to providing stakeholders with confidence that the comprehensive planning required to meet the December 2012 deadline is being undertaken.

The implementation dates provided by FABCE States vary significantly indicating a lack of shared understanding of what is meant by "implementation". The term also appears to have been interpreted in a variety of ways by other FABs. Thus some States view implementation as establishing a FAB by way of signing a FAB agreement, whereas to others implementation means having an operational FAB in place which is delivering ANS services. There should be common understanding among States on what they are meant to be achieving by December 2012.

Although most of the FAB projects have reported progress this seems to be still oriented to the institutional arrangements mainly in the form of high level document (memoranda) thus not detailing or delivering yet any concrete results or decisions.

Some of the projects (BlueMed, NEFAB (with the exception of Finland), FABCE, Danube) reported the same details with regard to the phases of the projects as in 2008 in most cases not adding any concrete developments or results (just changing the future to past tense) may point out difficulties or lack of concrete achievements in 2009.

In the 2008 annual reports most of the States noted milestones to be achieved in 2009. In the 2009 reports the attainment of many of these is pushed out to 2010, which would indicate delays and difficulties in the management of the projects and achievement of project targets.

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## Recommendations

### **2009-40-EC**

The European Commission should continue to support the efforts by the States to raise the level of commitment for the establishment of FABs from the level of ANSPs to the highest policy-making authorities in the States going beyond the areas ATM/ANS, as appropriate.

### **2009-41-EC-States (All)**

The States, European Commission and interested parties should increase the frequency and scope of inter-FAB coordination and cooperation so as to achieve a significant positive effect on the network and manage successfully the wide variety of complex issues that would not be limited only to intra-FAB State boundaries.

### **2009-42-States (LT-PL, BG-RO, ES-PT)**

The States who are members of the Baltic, Danube, Spain - Portugal FAB should be asked to provide a target implementation date and details of the nature and timing of the intermediary phases required leading to implementation.

### **2009-43-EC**

The European Commission should note the apparent lack of a common view on the meaning of the term "implementation" and clarify the difference between FAB establishment and FAB implementation.

## 11. Interoperability

### 11.1 NSA Responsibilities

**The results show a positive trend in setting-up appropriate tasks and responsibilities as well as supporting processes relative to the supervisory roles of the NSAs derived from the interoperability Regulation. For those two States who did not provide positive responses it is reported as either work in progress, or expected to be completed in 2010.**

**Given that all States rely on the ANSPs for performing the conformity assessments (as opposed to Notified Bodies) the lack of information from the NSAs on how they ensure the ANSP fulfils the conditions allowing them to conduct conformity assessment is unsatisfactory.**

**As for the appointment of Notified Bodies, there are no changes from the previous report. No new bodies were notified during the reporting period.**

#### Introduction

The purpose of the section is to verify whether the NSAs have put in place the necessary arrangements for the supervision of ANSPs as required by the interoperability Regulation.

*Legal Basis: Articles 6, 7 & 8 of the interoperability Regulation and Articles 5 & 9 of the safety oversight Regulation.*

#### Consolidation

- ◆ 27 States reported having specifically defined and allocated tasks and responsibilities in accordance with the interoperability Regulation and with the relevant requirements of the safety oversight Regulation. With regard the 2 States which gave a negative answer, one (Switzerland) reported that the implementation of the interoperability Regulation is still ongoing, while the other (Estonia) reported that plans are in place to address this by the end of 2010.
- ◆ With regard to whether supporting process descriptions allowing the NSA to supervise compliance had been developed, 22 out of the 29 States gave a positive response. Of the remaining 7 States:
  - 2 States (France and Denmark) advised the work is almost finalised and the process descriptions were developed but their status was not formalised yet;
  - 4 States (Estonia, Malta, Norway and Switzerland) reported the work is ongoing;
  - 1 State (Hungary) gave a negative response without providing any additional details.
- ◆ It is noted that Italy, who gave a positive answer regarding the generic question on the process descriptions, responded affirmative to the sub-question addressing the process relative to the supervision of compliance as defined in the interoperability Regulation, but gave a negative answer in respect of the safety oversight Regulation. In this case no further details/explanations were provided.
- ◆ 11 States reported having defined templates for the EC declarations and/or technical files. One State (Finland) reported using the guidance developed by another State (UK). For the other States it was either work in progress or no information was given on what they use in place of templates as a means of meeting the requirements of Annex IV of the interoperability Regulation.

- ◆ In 19 out of the 29 States, the NSAs have verified that the ANSPs fulfil the conditions allowing them to conduct conformity assessment activities without making use of a Notified Body. As no other observations were provided in the response it may be concluded that in all 19 cases the fulfilment of the conditions were confirmed by the verifications. The 10 NSAs (Cyprus, Denmark, Estonia, Greece, Hungary, Luxembourg, Netherlands, Norway, Spain-MIL and Switzerland) where the fulfilment of the conditions was not verified neglected to provide any additional information regarding their plans and thus compliance with the regulation is unknown.
- ◆ No new bodies were notified during the reporting period. There is still only one Notified Body, being that appointed by Spain (INTA – Instituto Nacional de Tecnología Aeroespacial).
- ◆ Only 2 States (Malta and UK) reported having established coordination with other State authorities in view of the possible appointment of one or several Notified Bodies. While Malta did not provide any further details, The UK reported that *“process and methods for assessing and recognising an IOP (Interoperability) notified body have been discussed and identified but no further action has taken place, as there have been no indications of a notified body wanting to be established”*.

### **ECAA States**

- ◆ According to the reports, there are no changes compared with the previous reporting period. None of the ECAA States have defined or allocated tasks to their NSAs derived from the interoperability Regulation or the related requirements of the safety oversight Regulation, nor have they defined supporting processes. Albania, Serbia and FYROM have reported work in progress on these topics.
- ◆ Consequently none of the ECAA States have verified the fulfilment on the conditions by the ANSPs allowing them to conduct conformity assessment activities without the involvement of a Notified Body.
- ◆ No bodies are notified by the ECAA States and there are no plans to do so.

### **Evolution**

The results show an increase in the number of the NSA having allocated clear tasks and responsibilities derived from the interoperability Regulation and from the relevant requirements of the safety oversight Regulation. A positive response to this question was provided by 27 States, compared with 23 States in the previous reporting period. It should be noted that one of the States which provided a negative response (Estonia) declared in the previous reporting exercise that *“The CAA has a plan to set up by end of 2009”*, now advises that *“The CAA has a plan to set up by end of 2010”*.

There is a slight increase in the number of States having defined descriptions of the supporting processes (22 in 2009 compared to 21 in the previous reporting period). It should be noted that one State (Denmark) which gave a positive response in the previous report provided a negative one in this report. This change was explained as being a result of *“new understanding after having participated in EUROCONTROL training courses”*.

As for the appointment of Notified Bodies, no evolution observed from the previous reporting period. No bodies notified during the reporting period.

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## Analysis & Conclusions

The responses show a positive trend in the awareness of the NSAs with regard to their roles and responsibilities as well as the development of supporting processes. However there are still several States that have these activities under development, with plans for completion during 2010. It is observed that for almost one third of the States, the NSAs have not verified the fulfilment of the conditions by the ANSPs allowing them to conduct conformity assessment activities without the involvement of a Notified Body.

On the other hand, there is an apparent lack of interest in organisations wishing to be appointed as Notified Bodies.

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## Recommendations

### 2009-44-States (CH, CY, DK, EE, GR, HU, LU, NL, NO, ES-MIL)

The European Commission should require those NSAs that have not done so, to verify that the ANSPs running verifications activities themselves, without involving a Notified Body, fulfil the conditions laid down in the legislation.

## 11.2 Verification of compliance

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### Introduction

The purpose of the section is to assess the current level of, and preparatory plans for, the implementation of the interoperability Regulation and the different implementing rules currently in force under it.

*Legal Basis: Articles 5, 6 & 7 of the interoperability Regulation, Regulation (EC) N° 1032/2006, as amended by Regulation (EC) N° 30/2009 – (hereinafter “the COTR Regulation”), Regulation (EC) N° 633/2007 (hereinafter “the FMTP Regulation”), Regulation (EC) N° 1033/2006 (hereinafter “the IFPL Regulation”), Regulation (EC) N° 1265/2007 (hereinafter “the AGVCS Regulation”), Regulation (EC) N° 262/2009 (hereinafter “the Mode S interrogator Regulation”) and Regulation (EC) N° 29/2009 (hereinafter “the DLS Regulation”).*

### 11.2.1 Regulation (EC) No. 552/2004 on Interoperability

**There is a positive trend in the interpretation and the application of the regulatory requirements relative to the verification of compliance. There is an undisputable increase in the maturity of the subject, however some disparities between the answers indicate that further harmonisation and clarifications are needed.**

#### Consolidation

- ◆ As in the previous edition of this report there are still significant differences between the numbers of EC declarations of verification of systems issued in different Member States. Out of the 29, in 11 States (Austria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Hungary, Italy, Malta, Norway and Switzerland) no EC declaration of verification of systems was received during the reporting period. There is a significant variance in the number of declarations of verification with the largest numbers received being in the UK (63) and Germany (58).
- ◆ 2 States, (Germany and Luxembourg), reported the reception of EC declarations of verifications of systems submitted by ANSPs certified in another State and providing services within the airspace under their responsibility (1 declaration for Germany and 2 declarations issued by Maastricht UAC for Luxembourg).
- ◆ 19 States also received EC declarations of conformity/suitability for use of constituents. 9 States have not received any declaration of conformity/suitability for use of constituents while 1 State (Malta) has provided no information.
- ◆ 2 States (Slovenia and Sweden) reported the reception of EC declarations of verifications for systems but no declarations of conformity/suitability for use of constituents therefore it may be concluded that in these 2 cases no constituents were specifically identified.
- ◆ 1 State (Denmark) reportedly received 4 EC declarations of conformity/suitability for use of constituents without having received any EC declarations of verifications of systems.
- ◆ No safeguard measures were reported to the European Commission by States ascertaining cases of non-compliance of systems/constituents with the applicable Regulations. However one State (Netherlands) has "*formally requested the manufacturer of ARTAS under LINUX Eurocontrol HQ CAMOS to issue a Declaration of Suitability for Use*". The issue has been reported as still ongoing.

#### ECAA States

- ◆ As in the previous report no EC declaration were received in the ECAA States, neither for systems or constituents. No additional information was provided by these States.

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## Evolution

There are less States reporting the reception of no EC declarations of verification of systems than during the previous reporting period. However it should be noted that 7 States (Austria, Cyprus, Czech Republic, Estonia, Greece, Switzerland and Norway) have reported nil EC declarations of verifications of systems during both reporting periods therefore it may be concluded that for these States no systems were put into service between mid 2007 and end 2009. No conclusion can be drawn for one State (Malta) which has not provided any relevant information.

More States (19 compared with 14 for the previous reporting period) have reported the reception of EC declarations of conformity/suitability for use of constituents. As in the previous report there is quite a consistent interpretation of constituents.

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## Analysis & Conclusions

There is an increase in the number of States having received EC declarations of verifications of systems and mainly EC declarations of conformity/suitability for use of constituents which shows a better and more harmonised understanding of the Regulation by the concerned stakeholders.

However further clarifications may be required from the States which have reported no reception of EC declarations of verifications during both reporting periods. In some cases it seems that there are still non-harmonised interpretations of systems versus constituents.

The fact that one State (Denmark) has received four EC declarations of conformity/suitability for use of constituents without receiving any EC declaration of verification of systems needs to be clarified as in principle the declarations for constituents are to be included in the technical files associated to EC declarations of verification of systems.

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## Recommendations

### **2009-45-EC [Rec. # 2008-40]**

The European Commission should continue supporting the currently on-going work to achieve a harmonised interpretation and granularity of systems further to their present definition in Annex I to the interoperability Regulation as well the identification of constituents.

### **2009-46-States (AT, CH, CY, CZ, DK, EE, GR, HU, IT, MT, NO)**

The European Commission should request the seven States who advised no EC declarations of verification of systems to confirm that no systems have been put into service in the reporting period.

### 11.2.2 Regulation (EC) No 1032/2006 on Coordination and Transfer (COTR) as amended by Regulation (EC) No. 30/2009

**There is a positive evolution in the implementation of the Regulation confirming the already good level of compliance indicated by the previous Report. Some of the misunderstandings evident in the responses provided for the previous Report have now been clarified.**

#### Consolidation

- ◆ 13 States reported having verified the compliance of the service providers with the COTR Regulation. A further 5 States reported plans to verify compliance during 2010. In this context it should be observed that the final date for compliance with the mandatory processes (i.e. compliance of systems in service at the date of entry into force of the Regulation) is 31 December 2012, with later dates being applicable for the implementation of processes supporting data link are the dates identified in the DLS Regulation.
- ◆ 1 State (Norway) seems to strictly associate COTR Regulation with the DLS Regulation claiming that “*Norwegian airspace is not part of the airspace for which data link carriage is mandatory*” therefore no verification has to be done by the NSA. It should be noted that the scope of COTR is much wider than the scope of the DLS Regulation therefore information exchange processes have to be implemented irrespective of the implementation of data link.
- ◆ With regard the (voluntary) implementation of the processes between ATC units other than ACCs, 6 States explicitly reported using common synchronised systems with APP and TWR units therefore with no need of data exchanges.
- ◆ When the processes are implemented or planned to be implemented, they usually address the exchanges between ACCs and the major APPs/TWRs. However no clear conclusions with regard the implementation could be drawn as some States included in their responses the exchanges with neighbouring ACCs while the question in the Template was only addressing the exchanges between ATC units other than ACCs.
- ◆ The Pre-departure notification and coordination processes are implemented in 15 States while others reported having plans to implement it. With regard the transfer of communications process, only 4 States reported implementations while 9 others reported plans either to implement or to consider the possible implementation.
- ◆ For the civil-military processes, most of the responses reported using common integrated civil/military systems. 4 States explicitly reported the implementation of the Basic flight data and of the Change to basic flight data processes while no State reported any plan to implement the optional crossing coordination processes.
- ◆ 28 out of the 29 States reported using or having plans to use OLDI for the implementation of the Regulation. One State (UK) plans to directly use the Regulation to achieve compliance. It should be noted that among the States reporting the use of OLDI, two States (Germany and Sweden) have referred to versions of OLDI (2.3 and 3) which were not recognised as Means of Compliance in the context of the interoperability Regulation (the OLDI version recognised through the publication of the title in the EU Official Journal is version 4.1). There is slightly less interest in the use of ADEXP with only 25 States having reported use or plans to use ADEXP.
- ◆ All the States reported either compliance or ongoing preparatory work/plans so as to achieve compliance of the systems in place at the entry into force of the Regulation

(legacy systems) with the applicable requirements before the end of the transitional arrangements (31 December 2012).

### **ECAA States**

- ◆ No verification yet by the NSAs of the level of compliance, justified in some cases (Croatia, Serbia) by the “*lack of legal basis*”.
- ◆ With regard the voluntary implementation of the exchange processes between ATC units other than ACCs, the responses showed a mixed level of implementation. There is one State (Serbia) having reportedly implemented some processes between ACC and APP. Others reported plans to implement between ACC and APP/TWR (Albania). Other States provided negative responses (Croatia) or positive responses without any elaboration or included in their responses the exchanges between ACC units.
- ◆ There are reported implementations or plans for implementation for the Pre-Departure notification and coordination process in all the 5 States while the transfer of communication processes seem to be implemented in only one State (Bosnia and Herzegovina) while the others have plans for 2011/2012. However with regard the positive answer provided by Bosnia and Herzegovina, no other information is indicated in the response.
- ◆ All 5 States are reportedly using OLDI as the technical solution for implementation while 3 of them reported using or having plans to use ADEXP.

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### **Evolution**

The reports confirmed a good level of implementation and actions or plans are put in place by all the States to achieve compliance with the mandatory obligation of all systems before the end of the transitional arrangements.

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### **Analysis & Conclusions**

The responses confirmed the good level of implementation of the Regulation as well as the preparedness for compliance of the legacy systems with the applicable requirements before the end of the transitional period, on the 31 December 2012. It is worth to be noted that in 13 States the NSAs have already verified the compliance of the ANSPs with the applicable regulatory requirements.

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### **Recommendations**

#### **2009-47-EC**

The European Commission should maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc.

### 11.2.3 Regulation (EC) No 633/2007 on Flight message transfer protocol

**The implementation of the Regulation is ongoing or is planned. However following the analysis of the received responses it is evident that there is a significant risk that the implementation will be late in some of the States relative to the applicable date provided for in the Regulation.**

#### Consolidation

- ◆ 7 States reported having already verified the compliance of the ANSPs with the FMTP Regulation. The others reported that the implementation is in progress.
- ◆ It should be noted that among these, 9 States (Austria, Cyprus, Denmark, Estonia, Finland, Ireland, Italy, Norway and Poland) indicated deployment dates which are beyond the applicability date identified in the Regulation (20 April 2011). These dates range between end 2011 and 2015 (in the case of Finland).
- ◆ It is observed that 3 States that previously reported compliance with the Regulation in their 2008 SES Annual report (Denmark, Ireland and Slovenia) now indicated implementation plans for 2011/2012 (Denmark and Ireland) or plans without a date (Slovenia).
- ◆ The FMTP Community Specification is the preferred implementation solution with only one State (UK) reporting they do not intend to use it.

#### ECAA States

- ◆ None of the States reported having implemented the Regulation however 4 of them have reported having implementation plans in the context of the modernisation of their systems in the timeframe 2011/2012. The only State (Albania) which reported compliance in its last year's SES Annual report now has provided a negative answer with regard the compliance as well as with regard the use of the Community Specification and has provided no dates for implementation.

#### Evolution

There are no significant differences compared with the previous report. All States reported either implementation or having plans to implement in the context of the deployment of new systems (or major upgrades) in the years to come.

#### Analysis & Conclusions

The implementation of the Regulation is ongoing or is planned. However following the analysis of the received responses there is a possible risk that the implementation will be late in some of the States as compared with the applicability dates of the Regulation.

#### Recommendations

##### 2009-48-States (AT, CY, DK, EE, FI, IE, IT, NO, PL)

The European Commission should remind the nine States who reported implementation plans with dates beyond the end of the transitional arrangements (20 April 2011) of their obligation to meet the required deadlines and further, ask what they intend to do to redress priorities to ensure a breach does not occur.

**2009-49-States (DK, IE, SI)**

The European Commission should ask Denmark, Ireland and Slovenia why, having reported implementation was completed in the previous report, they are now reporting only plans for implementation.

#### 11.2.4 Regulation (EC) N° 1033/2006 on Procedures for flight plans in the pre-flight phase

**The responses confirmed the good level of implementation of Regulation (EC) No 1033/2006 among all the concerned stakeholders.**

#### Consolidation

- ◆ 14 States reported the verification of the ANSPs for compliance with the provisions of the applicable requirements of the IFPS Regulation while 8 other States reported plans to verify compliance in 2010.
- ◆ Only 2 States (Denmark and Sweden) detected cases of non-compliance by operators, however these were of limited magnitude. Sweden reported the identification of corrective actions without providing further information.
- ◆ One State (Latvia) reported that full compliance will be achieved after full accession to EUROCONTROL and inclusion in the IFPS Zone.
- ◆ None of the States reported any cases of non-compliance by the IFPS with the applicable regulatory requirements.
- ◆ 23 States reported the use of the EUROCONTROL Specification for the Initial Flight Plan, which was recognised as Community Specification, as means of compliance with the applicable regulatory requirements. Of those giving negative responses to the question, one State (France) reported the use of an alternative solution, one State (UK) reported the use of the Regulation only, while one State (Norway) reported not using the Community Specification but did not indicate any other means of compliance.
- ◆ 20 States reported the use of the EUROCONTROL ADEXP Specification, which was recognised as a Community Specification for compliance with the applicable regulatory requirements. Among those providing negative responses, 3 States reported plans to implement ADEXP while the others either used the Regulation directly (UK) or did not provide further explanations with regard their intentions.

#### ECAA States

- ◆ None of the States NSA reported having verified the compliance of the ANSPs with the applicable requirements, in most of the cases due to the lack of legal basis (Albania, Croatia, Serbia) while one State (FYROM) reported having plans to verify the compliance during 2010. No non-compliances were observed during the reporting period, from the Operators or from the IFPS.
- ◆ With regard the use of Community Specifications, 4 States reported the use of the EUROCONTROL Specification for the Initial Flight Plan while one State (Albania) reported that the transposition of the Regulation has not been done yet, without providing information about the intention to use the Specification. There is slightly less interest in the use of ADEXP with only 3 States reported implementations or plans.

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## Evolution

There is an positive trend in the implementation of the Regulation as well as a better understanding of the roles and responsibilities deriving from the application of the Regulation (e.g. the roles of the State for the compliance of IFPS with the applicable regulatory requirements). There is also a positive evolution with regard the use or the planned use of the EUROCONTROL Specifications for the achievement of compliance with the Regulation.

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## Analysis & Conclusions

The responses indicate a much better understanding of the Regulation compared with the previous report. As the current reporting period is the first after the date of applicability of the Regulation, the received responses do not show any particular issues with regard its implementation.

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## Recommendations

### **2009-50-EC**

As the responses do not show any particular implementation problem and confirm the good level of awareness and understanding it is recommended to remove the questions related to this Regulation from the future reporting exercises.

### 11.2.5 Regulation (EC) N° 1265/2007 on air-ground voice channel spacing

**A good level of implementation of the AGVCS Regulation was confirmed based on the responses received.**

#### Consolidation

- ◆ 18 States reported having verified the compliance of the ANSPs with the applicable requirements of the AGVCS Regulation.
- ◆ 6 States claimed not being concerned by the Regulation, generally due to airspace organisation (e.g. no sectors with a lower limit at or above FL 195).
- ◆ 4 States reported plans to verify compliance of the ANSPs in the course of 2010.
- ◆ 11 States reported having made frequency conversions from 25 kHz to 8.33 kHz during the reporting period. However it should be noted that according to the information available in the ICAO COM2 Table, between January 2009 and January 2010 only 5 States coordinated frequency conversions (Bulgaria, Greece, Italy, Romania and The UK) therefore the inconsistency between the two sources of information needs to be addressed.
- ◆ Only one State (Greece) reported exceptional circumstances preventing ANSPs from complying with Article 3.3 of the Regulation. These circumstances address unwarranted objections raised from an adjacent non-EU State for some 8.33 frequency assignments. Details on this exceptional circumstance have been communicated to the European Commission as required by the Regulation.
- ◆ Only 10 States reported to the European Commission the list of non-transport type State aircraft not equipped with 8.33 kHz capable radios before 31 December 2009. Among these States, one (Greece) reported having sent the list to EUROCONTROL DCMAC which does not discharge it of the obligation to send the information to the European Commission.
- ◆ Among the States which have not communicated to the European Commission the list of non-transport type State aircraft not equipped in time, some have not provided any further explanation (11 States) while other have either equipped all the non-transport type State aircraft flying above FL 195 or do not operate any non-transport type State aircraft flying in the airspace of applicability.
- ◆ The responses received confirmed the trend of the previous report showing that the majority of the States have issued AICs as the measure to ensure awareness and compliance of the operators with the regulatory requirements.
- ◆ Only 2 States (Cyprus and Romania) reported non-compliances leading to corrective measures.

## **ECAA States**

- ◆ None of the States reported having verified the compliance of the ANSPs with the applicable regulatory provisions, mainly due to the lack of legal basis. 2 States (Croatia and FYROM) confirmed having made conversions during the reporting period while one State (Serbia) confirmed that all the adequate frequency were converted in the previous reporting period.

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## **Evolution**

Frequencies continued to be converted and coordinated during the reporting period confirming the already good level of implementation of the Regulation. The implementation is also confirmed by the verifications of the NSAs and by the concrete results of the Frequency planning meetings which show high levels of satisfaction rates with regard the outcome of the frequency requests.

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## **Analysis & Conclusions**

There responses confirmed the good level of implementation of the Regulation. However, there are States that show a misunderstanding of the scope and applicability of the Regulation. These States claimed not being concerned by the Regulation, generally due to airspace organisation (e.g. no sectors with a lower limit at or above FL 195). Article 4 “Associated procedures” of the Regulation, including mostly the phraseology to be used, applies also below FL 195, irrespective of the possibility to make conversions from 25 kHz to 8.33 kHz.

However it seems that there are still misunderstandings with regard the obligations of the States to report to the European Commission the list of non-transport type State aircraft not equipped in time even if this aspect was also stressed in the previous report.

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## **Recommendations**

### **2009-51-EC**

The European Commission, together with EUROCONTROL, should investigate the differences found between the reported and coordinated frequency conversions.

### **2009-52-EC**

As the responses do not show any particular implementation problem and confirm the good level of awareness and understanding it is recommended to remove the questions related to this Regulation from the future reporting exercises, pending the approval of the updated Regulation dealing with the deployment of 8.33 kHz communications in the airspace below FL 195.

### 11.2.6 Regulation (EC) No 262/2009 on allocation and use of Mode S interrogator codes

**The responses received indicate an encouraging level of implementation as well as the positive role of the relevant EUROCONTROL working arrangements supporting the coordination and the allocation of Mode S interrogators codes. However some States seem to have misunderstood some of the regulatory requirements as well as their applicability therefore their responses may distort the overall conclusions.**

#### Consolidation

- ◆ 11 States reported that there are no Mode S operators under their jurisdiction. In some cases (Austria, Bulgaria, Greece, Malta, Poland) Mode S interrogators are planned for deployment by 2011.
- ◆ One State (Switzerland) reported that the Regulation has not been transposed yet in the national legislation and that the review of the Regulation is ongoing.
- ◆ Despite the fact that Article 3 is only applicable from 1 January 2011, the States having Mode S operators under their responsibilities all reported compliance with the relevant ICAO provisions and with the provisions of Annex III of the Regulation. One State (Belgium) reported compliance by the civil ANSP but not yet compliance by the military Mode S operators.
- ◆ In several cases, non-compliances of Mode S operators were reported by States, and even by States who reported having no Mode S operators under their responsibilities (Austria, Poland and Sweden). Among the States having reported non-compliance, 6 (Austria, Germany, France, Netherlands, Poland and Sweden) did not provide any further comments/clarifications. One State (Hungary) reported non-compliance of three military Mode S interrogators despite having provided affirmative answers to the specific questions related to the compliance of the Mode S operators.
- ◆ 10 States explicitly referred to the EUROCONTROL working arrangements in the context of the questions related to the process coordination and allocation of Mode S interrogators codes, while 5 States did not provide any details with regard the process being followed.
- ◆ Some States provided confusing responses which need further clarification. Slovenia reported putting a Mode S radar into service at Ljubljana airport in April 2009, however it provided negative answers to all the questions related to the process for the allocation of interrogator codes. Spain responded affirmatively to the questions on the compliance of Mode S operators with the applicable ICAO provisions but negatively to the questions related to allocation processes. There are also States (Malta, Slovenia) that reported being out of the “applicability area” which seems to indicate confusion with the applicability area of the EUROCONTROL Mode S programme. In fact the Regulation is applicable whenever a Mode S interrogator is operated by a Mode S operator.
- ◆ In terms of whether disagreements on changes to the interrogators code allocation plans had been brought forward to the European Commission during the reporting period, only one State (France) provided an affirmative answer. The comment provided by France stated that “*In case of any observed conflict DSNA provides the information to EUROCONTROL through MICOG*”.

- ◆ Only 8 States reported having implemented monitoring means (procedural or technical) to detect interrogator code conflicts.
- ◆ 11 States reported implementing fall-back modes of operation. In general these fall-back modes are based on reverting to Mode A/C interrogations.

### **ECAA States**

- ◆ Only 3 States have provided responses while FYROM has stated that the Regulation is not included in the ECAA agreement and Serbia has only stated that the existing system does not have Mode S capabilities. It seems that only Croatia has already coordinated through the EUROCONTROL working arrangements the allocation of Mode S interrogator code(s).

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## **Evolution**

N/A

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## **Analysis & Conclusions**

The responses received indicate a good level of implementation as well as the positive role of the relevant EUROCONTROL working arrangements supporting the coordination and the allocation of Mode S interrogators codes. However some States seem to have misunderstood some of the regulatory requirements mainly in what concerns the applicability of the Regulation.

Based on the responses it is concluded that there are Mode S operators who have not yet implemented monitoring means to detect interrogator code conflicts, which is a legal obligation imposed under the Regulation “unless the potential loss of Mode S target surveillance data has been assessed to have no safety significance” as required by the Regulation, therefore the existence of such an assessment needs to be documented and verified.

The responses show a generally good level of civil-military cooperation aiming to ensure that military units operating Mode S interrogators comply with the Regulation whenever they operate Mode S interrogators. However some of the respondents (Finland, Romania and Switzerland) misinterpreted the scope of the question (the operation of Mode S interrogators by military units) and linked it with the equipage of the State aircraft with Mode S transponders.

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## **Recommendations**

### **2009-53-EC**

The European Commission should maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc., in order to clarify the apparent misunderstandings.

### 11.2.7 Regulation (EC) No 29/2009 on data link services

**There is some incipient planning work, mainly in the core area, while a more generalised planning and preparation is expected for 2010/2011. This is to be confirmed by the future editions of the Report.**

#### Consolidation

- ◆ 15 States confirmed awareness by all their main stakeholders of the mandatory introduction of the data link services specified in the DLS Regulation as of 2013/2015. However only 8 States have confirmed having plans for the State's general obligations in respect of data link.
- ◆ 4 States confirmed having enacted plans/policies to meet the State's obligations for transport-type State aircraft while 6 States confirmed plans/ preparatory work initiated by the operators. However among these 6 States, some (Austria Spain, Sweden and Switzerland) seem to have misinterpreted the question as they referred in the associated comments to the implementation by the service providers and not by the operators which was the scope of the question.

#### ECAA States

- ◆ None of the States provided any positive answer to the questions. Albania and Croatia reported having plans to transpose the Regulation in the national legislation while Serbia reported that the new ATM system planned for 2011 will have data-link capabilities.

#### Evolution

N/A

#### Analysis & Conclusions

It seems that the preparatory work and planning has not really gathered momentum following the publication of the Regulation. Most States reported the intention to start the planning process in 2010/2011. As expected, the States in the core area which will have to comply by 2013 are more advanced on that matter compared with the remaining States which will have to achieve compliance by 2015. There is not too much visibility at State level with regard the awareness/preparedness of the operators with regard the compliance with the regulatory requirements.

#### Recommendations

##### 2009-54-EC

The European Commission to maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc., in order to raise the awareness of the stakeholders with regard the applicable regulatory requirements as well as the impact of these requirements on their systems.

### **11.2.8 Additional information with respect to compliance with the implementing rules on interoperability**

Very few States have provided additional information with regard the compliance with the interoperability Regulation and associated implementing rules. The comments are addressing the following aspects:

- ◆ Cyprus – reported a lack of the necessary specialist staff needed for the supervision of compliance in the NSA. It was therefore considering the use of Recognised Organisations.
- ◆ Italy - reported the set-up an audit program on the interoperability Implementing Rules, with the double aim of verifying the regulatory compliance and the state of programs, with direct link to the ESSIP Stakeholder Lines of Action reported in the LSSIP.
- ◆ Slovak Republic - noted the format used for declarations of conformity or suitability attached to different components is not standardized which necessitates additional communication on the part of the NSA with the ANSP(s) and consequently the ANSP(s) with the manufacturers.

## 12. Air Navigation Charging

**Progress was made in a number of States for the effective application of enforcement measures for the recovery of charges. This is encouraging. However, six States still have no effective measures in place as foreseen by Article 14.3 of the service provision Regulation and are in breach of the SES legislation in this respect.**

### Introduction

The purpose of the section is to assess the States application of enforcement measures for the recovery of charges.

*Legal Basis: Article 14 of the charging scheme Regulation.*

### Consolidation

#### Enforcement measures in place

- ◆ 21 States reported having enforcement measures in place for the collection of air navigation charges in accordance with Article 14.3 of the service provision Regulation. States reported that such measures will be in place in 2010 and 6 advised that they do not have such measures in place and did not indicate any plans in this respect.
- ◆ Out of the 21 States reporting existing measures, 6 States indicated that these had not been effectively applied by the time of submission of their 2009 SES report. These 6 States also did not provide clear references of the national legal basis for such measures.
- ◆ The 14 remaining States reported having already effectively applied the measure and gave clear references to the corresponding national legal basis. It should be noted that the CRCO confirmed that the measures of 6 States have been successfully applied in the context of the Multilateral Route Charges System, some repeatedly and to the benefit of the whole system.

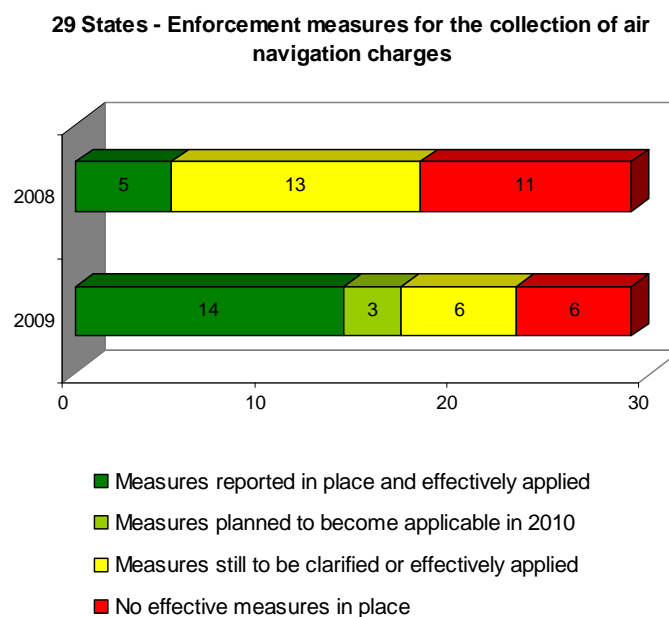
#### Type of enforcement measures in place

- ◆ The most frequent enforcement measure for the recovery of air navigation charges applicable in the States is the denial of service (reportedly applied in 12 States; and planned to become applicable in 2 States in 2010). Detention of aircraft is applied in 6 States.
- ◆ 4 States reported on the application of “other” measures, namely the suspension/revocation of operating permits (in 2 States), tax-related measures (1 State) and forfeiture of bond (1 State). The effectiveness of these “other” measures is still to be demonstrated.

#### ECAA States

- ◆ Enforcement measures are reported in place in 2 of the 5 reporting ECAA States but had not been effectively applied at the date of submission of the 2009 SES report. For the remaining 3 States, no such measures are in place yet.

## Evolution



**Figure 12**

Some progress has been made in the effective application of enforcement measures for the recovery of charges since last year's edition of this report. Two States are in the process of amending their national law so as to allow for the application of such measures in 2010. Other States have further clarified and confirmed the application of enforcement measures for the recovery of air navigation charges.

This allows, *inter alia*, for the successful application of enforcement measures in the context of the Multilateral Route Charges System. In this respect, the number of States in which measures can be applied for the benefit of the System rose to 6 in 2009 and is expected to reach 9 in 2010.

This is encouraging, however, 6 States still have no effective measures in place in accordance with Article 14.3 of the service provision Regulation and are in clear breach of the SES legislation in this respect and another 6 States still need to clarify or ensure applicability of the reported existing measures.

## Analysis & Conclusions

### Enforcement measures for the collection of air navigation charges

The information in the reports and the data available from CRCO shows that progress was made in a number of States for the effective application of enforcement measures for the recovery of charges since last year. This is encouraging, however, six States still have no effective measures in place in accordance with Article 14.3 of the service provision Regulation and are in breach of the SES legislation in this respect, and another six States still need to clarify or enforce such measures.

Effective enforcement measures applied in the States are for the benefit of the whole community in the context of the collection through a single charge per flight, as in the case of the Multilateral Route Charges System. In this context, each State should bring its contribution to the system. Furthermore, these measures would have a greater effect if applied by a critical mass of States, thus making it impossible for bad debtors to operate in Europe.

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## Recommendations

### **2009-55-States**

The European Commission should urge the six States which have no effective enforcement measures in place to introduce such measures with no delay.

### **2009-56-States**

The European Commission should request clarification to the other six States on the existing measures and their possible enforcement.

## 13. Implementation of Flexible Use of Airspace

### Introduction

The aim of this section is to assess the level of implementation by States of the different requirements of Regulation (EC) N° 2150/2005 (hereinafter “the FUA Regulation”).

*Legal Basis: Article 8 of the FUA Regulation.*

### 13.1 National Organisation and Responsibilities at the Three ASM Levels of FUA

#### 13.1.1 Strategic Airspace Management - ASM Level 1

**Implementation of FUA at ASM Level 1 has almost been completed with the exception of Ireland and Slovenia where it is still ongoing.**

**The consolidated results of FUA at ASM Level 1 implementation are very positive with issues identified last year being addressed in many instances.**

**There is a large number of States who have not advised the European Commission about the identified persons/organisations as required under Article 4.3 of the FUA Regulation.**

**Considering the poor application of FUA assessment process and review of airspace procedures, the development of some form of guideline material that details this process should be considered.**

### Consolidation

- ◆ 27 out of 29 States (all except Ireland and Slovenia), compared to 24 last year, reported having implemented Flexible Use of Airspace (FUA) at ASM Level 1. Denmark provided an ambiguous “Yes/No” answer, explaining that the High Level Airspace Policy Body - HLAPB met in 2009 for the first time in several years. This answer was considered as “Yes”.
- ◆ 27 States (24 last year) reported having established a High Level Airspace Policy Body. The remaining two States are Latvia and Slovenia. It should be noted that:
  - Latvia, while answering positively to having implemented ASM Level 1, it reported not having established an HLAPB. Nevertheless, according to the answers provided by Latvia “*National regulation is being adapted to facilitate full FUA implementation.*”
- ◆ 22 States (same as last year) reported having established ASM/ATFM consistency measures. Those who reported not having established such measures are Cyprus, Hungary, Latvia, Luxembourg, Norway, Slovenia and Spain.
- ◆ 23 States (same as last year) reported having established ASM/ATS consistency measures. The remaining States, six of them, are Cyprus, Latvia, Luxembourg, Norway, Slovenia and Spain.
- ◆ 19 States reported having notified the European Commission about the identified persons/organisations responsible for all the tasks listed in Article 4.1 of the FUA Regulation. 10 States (Cyprus, France, Germany, Greece, Hungary, Latvia, Malta, Netherlands, Romania and Slovenia) reported not having yet done it.

- ◆ 25 States reported regularly reviewing and addressing the users' requirements. 4 States (6 last year) yet to meet this requirement are Cyprus, Denmark, Malta and Slovenia.
- ◆ In 26 States the processes of approval of airspace reservations or restrictions are performed reportedly by the body which should have this responsibility in accordance with the Regulation. 3 States (6 last year) yet to meet this requirement are Cyprus, Estonia and Slovenia.
- ◆ 24 States (21 last year) reported having defined temporary airspace structures and procedures to offer multiple airspace reservations and route options. The States where these structures are reportedly not yet defined are Cyprus, Estonia, Hungary, Malta and Slovenia.
- ◆ 21 States (19 last year) reported having established criteria and procedures providing for the creation and use of adjustable lateral and vertical limits of the airspace. Those States who reported not having yet established such criteria and procedures are Bulgaria, Cyprus, Denmark, Estonia, Malta, Netherlands, Slovenia and Spain.
- ◆ 23 States (21 last year) reported having assessed their national airspace structures and route networks with the aim of planning for flexible airspace structures and procedures. Those States who answered negatively to this requirement are Cyprus, Latvia, Malta, Netherlands and Slovenia.
- ◆ 20 States reported having defined specific conditions under which the responsibility for separation between civil and military flights rests on the ATS units or on the controlling military units. 2 states (Bulgaria and Hungary) reported not having done so. In the remaining 7 states, (Cyprus, Finland, Slovenia, Sweden, Latvia, Malta and Norway), there is no military ATS provider thus the question is not applicable, but in order to accept not applicable as an answer, they should have stated that in their respective States neither MIL ANSP nor Controlling MIL Units exist.
- ◆ 19 States (18 last year) declared having established assessment mechanisms for FUA performance. The 10 States with no performance assessment mechanisms are Cyprus, Czech Republic, Ireland, Latvia, Malta, Netherlands, Slovak Republic, Slovenia, Spain and Sweden. All except Cyprus reported plans to establish it in the future.
- ◆ 17 States (same as last year) reported performing a periodical review and revision of airspace procedures, as required, based on the outcome of a FUA performance assessment.
- ◆ 21 States (same as last year) reported having established mechanisms to archive data concerning the requests, allocation and actual use of airspace structures for further analysis and planning activities. States that reportedly lack such mechanisms are Czech Republic, Estonia, Greece, Malta, Slovenia, Spain, Sweden and Denmark. Only 14 States (12 last year) reported having abandoned imposing permanent airspace restrictions. 2 States (Bulgaria and Spain) who reported not having abandoned imposing permanent airspace indicated that they intend to do so.

### **ECAA States**

- ◆ Only Croatia reported implementation of FUA at ASM Level 1. Croatia reported having established a High Level Airspace Policy Body, while Albania, FYROM and Serbia plan to do so.
- ◆ Albania, FYROM and Serbia reported conducting regular reviews and addressing all users' requirements. It is noted that Croatia reported affirmatively to this question in their previous report but this year gave a negative answer.

- ◆ Only Serbia (none of the States last year) reported having defined temporary airspace structures and established mechanisms to assess the performance of FUA operations.
- ◆ Although the majority of ECAA States reported having implemented FUA at ASM Level 3 (all except Bosnia and Herzegovina) there is no FUA at ASM Level 2 in any of the States. Nevertheless, the functions of the FUA at ASM Level 2 are to be provided from the beginning of 2010 in both Croatia and Serbia.

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## Evolution

There has been no significant evolution since the previous report, which had already shown a good level of implementation of FUA at ASM Level 1.

The Level 1 has almost been completed with the exception of Ireland and Slovenia, where the implementation is in progress. The same applies for the establishment of the HLAPB.

Regarding the establishment of the ASM/ATFM consistency measures, periodical reviews and revisions of airspace procedures and established mechanisms for data archiving, there has been no progress since the previous reporting period. Namely, the proportion of those who have introduced the measures is stagnating at 76%.

For the rest of the requirements, only one to two States have introduced the required measures related to ASM Level 1. This means that one third of the States is yet to meet these requirements.

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## Analysis & Conclusions

Implementation of FUA at ASM Level 1 has almost been completed with the exception of Ireland and Slovenia where it is still ongoing. In Ireland all the tasks related to ASM Level 1 are being effectively executed without being legally formalised and in Slovenia official implementation was planned for early 2010.

The consolidated results of FUA at ASM Level 1 implementation are very positive with issues identified last year being addressed in many instances.

A significant number of states still impose permanent airspace restrictions. Permanent airspace restrictions are still necessary for most of the States, for safety, security, environmental measures or for specific activities (navy, missiles, shooting areas, etc.). And this is unlikely to change in the near term according to comments provided.

It seems that, due to the lack of a more detailed definition of the process for assessing FUA performance and review of airspace procedures based on this assessment, these requirements have not been implemented in many States.

Furthermore, several States have not established ASM/ATFM or ASM/ATS consistency measures; this issue should be addressed.

The States that have not yet performed the task of assessing the national airspace structures and route network with the aim of planning for flexible airspace structure and procedures should consider this in a wider context, i.e. with due consideration of TRA/TSA airspace structures planning, design and allocation as a function of the ATS route network performance.

Some States have yet to address the task of assessing the national airspace structures and route network with the aim of planning for flexible airspace structures. This should be looked at in a wider context, i.e. with due consideration of TRA/TSA airspace structures planning, design and allocation with regard to or as a function of the ATS route network performance.

There is a large number of States who have not advised the European Commission about the identified persons/organisations as required under Article 4.3 of the FUA Regulation.

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## Recommendations

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### **2009-57-States (CY, CZ, ES, IE, LV, MT, NL, SE, SI, SK) [Rec. # 2008-50]**

The European Commission should address the situation where 10 States have not established assessment mechanisms for the FUA performance and encourage these States to expedite implementing such mechanisms.

### **2009-58-EC [Rec. # 2008-51]**

The European Commission should consider whether any specific clarification or dedicated support is needed by the States which have not yet introduced FUA at ASM Level 1 but where the civil and military users nevertheless share the national airspace (Ireland and Slovenia), so that these States implement the FUA requirements at ASM Level 1 which are respectively necessary.

### **2009-59-States (CY, DE, FR, GR, HU, LV, MT, NL, RO, SI)**

The ten States who have not notified the European Commission of the identified persons/organisations in accordance Article 4.1 of the FUA Regulation should do so as a matter of priority.

### **2009-60-EC**

Considering the poor application of FUA assessment process and review of airspace procedures, the development of some form of guideline material that details this process should be considered.

### 13.1.2 Pre-Tactical Airspace Management - ASM Level 2

**Overall, the reports provided evidence of continuation of implementation of FUA at ASM Level 2.**

**25 States reported that airspace is allocated in accordance with the conditions and procedures defined in Article 4.1 of the FUA Regulation, which shows that implementation is progressing.**

**The European Commission should clarify to States that, whenever there is any type of interactive civil/military airspace utilisation, they should implement some form of ASM Level 2 (planning for airspace reservation).**

### Consolidation

- ◆ 27 of the 29 States reported having implemented FUA at ASM Level 2, an increase of 2 (Ireland and Malta) over the last year. 2 States which reported not yet having implemented FUA at ASM Level 2 are Cyprus and Slovenia.
  - It should be noted that Latvia answered positively to this question, which is inconsistent with the fact that it reported not having formally established an HLAPB;
  - In case of Ireland, although ASM Level 1 is yet to be legally formalised, the activities at this level are being effectively performed, therefore, the positive answer given for ASM Level 2 should be seen in this light.
- ◆ 26 States (22 last year) reported having established an Airspace Management Cell. Of the 3 states without an AMC, Cyprus and Estonia provided details of alternative entities responsible for daily airspace allocations. Slovenia did not provide the information requested on who performs this function.
- ◆ 23 States, the same as last year, reported having established joint civil-military cell.
- ◆ 25 States (24 last year) reported that the airspace is allocated in accordance with the conditions and procedures defined in Article 4.1 of the FUA Regulation. 4 States who reported not meeting this requirement are Cyprus, Malta, Slovak Republic and Slovenia.
- ◆ States were asked in the Template if the established AMCs are provided with adequate dedicated ASM supporting systems to perform and communicate the pre-tactical airspace management tasks. The majority of States (22) considered they had adequate ASM supporting systems. Cyprus, Estonia, Latvia, Luxembourg, Malta, Slovenia and Sweden considered it not necessary at this time.

### ECAA States

- ◆ Out of 5 States, Serbia reported having implemented FUA at ASM Level 2, as well as a joint civil-military Airspace Management Cell. Albania and Croatia reported that an AMC will be established during the first quarter of 2010.

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## Evolution

The implementation rate of ASM Level 2 on State level, has reached almost 85 % during the reporting period, compared to 80 % from the previous period. The most significant progress has been recorded in the establishment of the Airspace Management Cells.

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## Analysis & Conclusions

Overall, the reports provided evidence of continuation of implementation of FUA at ASM Level 2.

There is a contradiction with 26 AMCs being declared but only 23 joint CIV/MIL cells. 3 states (Ireland, Latvia and Lithuania) have a joint CIV/MIL cell but report having no AMC, so the question is in essence, how those that are only civil achieve CIV/MIL character of it.

25 States reported that airspace is allocated in accordance with the conditions and procedures defined in Article 4.1 of the FUA Regulation, which shows that implementation is progressing.

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## Recommendations

### **2009-61-EC [Rec. # 2008-52]**

The European Commission should clarify to States that, whenever there is any form of interactive civil/military airspace utilisation, they should implement some form of ASM Level 2 (planning for airspace reservation).

### 13.1.3 Tactical Airspace Management - ASM Level 3

**The States that reported not having ensured coordination procedures and communication facilities to allow for real-time activation, de-activation or reallocation of airspace allocated at pre-tactical FUA at ASM Level 2, may have misunderstood the question in the Template.**

**The implementation in all but one State (Cyprus) of immediate release of airspace reservations is very satisfactory.**

**There is a need to emphasise the critical importance of establishing coordination procedures permitting direct communication of relevant information in order to resolve specific traffic situations or concerns wherever civil and military controllers are providing services in the same airspace.**

### Consolidation

- ◆ 27 States (1 more than last year – Malta) reported having implemented FUA at ASM Level 3. Cyprus and Slovenia reported not having implemented it yet.
  - In case of Ireland, the same remark as under ASM Level 2 applies for ASM Level 3.
- ◆ 24 States (23 last year) reported having ensured coordination procedures and communication facilities allowing for the real-time activation, de-activation or reallocation of airspace allocated at pre-tactical FUA at ASM Level 2. 5 States which reported not having this facility are The Slovak Republic, Finland, Malta, Cyprus and Slovenia.
- ◆ 25 States (23 last year) declared having established coordination procedures to ensure the timely and effective exchange of any modification of planned airspace reservations and the adequate notification of all affected users. Those States who reported not having established procedures are Cyprus (no details provided) Malta (who reported having no military controlling units), Slovenia and Finland (who reported a single entity providing of both civil and military ATS).
- ◆ 25 States (all except Cyprus, Finland, Malta and Slovenia) reported having ensured that the relevant ATS Units and controlling military units have established coordination procedures and supporting systems to ensure safety when managing interactions between civil and military flights.
- ◆ 19 States (17 last year) reported having established coordination procedures allowing for direct communication of relevant information in order to resolve specific traffic situations where civil and military controllers are providing services in the same airspace.
- ◆ 19 States reported establishment of the coordination procedures between civil and military controllers to permit direct communication of relevant information to resolve specific traffic situations in terms of position of aircraft and flight intention of aircraft. The following explanations were provided by the remaining 10 States:
  - in terms of information on position of aircraft Malta, Sweden and Slovenia explained that their is no separate Military ATM Service provider;
  - Luxembourg stated that there were no simultaneous civil/military activities in its airspace;
  - Cyprus, Finland, Germany, Hungary and Latvia did not provide an explanation simply advising the requirement was not applicable;
  - It is observed that some States who answered “N/A” or “No” to this question should have answered “Yes” as they have integrated CIV/MIL ATC thus they will have

procedures in place given the system is common.

- ◆ 28 States (27 states last year) declared they release airspace reservations as soon as activities cease. Only Cyprus reported not applying this practice.

### **ECAA States**

- ◆ All States with the exception of Bosnia and Herzegovina reported having implemented FUA on ASM Level 3. Procedures allowing real-time activation/de-activation/reallocation of airspace reportedly do not exist in FYROM. All States reported having established coordination procedures ensuring the timely exchange of modifications of planned airspace reservations. Albania, Bosnia and Herzegovina, FYROM and Serbia reported they release their airspace reservations as soon as the needs for a reservation cease.

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### **Evolution**

The implementation rate for this set of the requirements has risen from 80% to 85 % since the previous reporting period. The recorded implementation progress has been equally distributed across all requirements.

Even though the progress was rather insignificant, the overall implementation can be characterised as satisfactory.

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### **Analysis & Conclusions**

The States that reported not having ensured coordination procedures and communication facilities to allow for real-time activation, de-activation or reallocation of airspace allocated at pre-tactical FUA at ASM Level 2, may have misunderstood the question in the Template, which actually did not refer only to whether the civil controller and the air defence controlling unit are able to communicate and coordinate. Where such coordination exists, this should be sufficient to allow for real-time airspace de-activation.

It is obvious that if ANSP has an integrated function and no air defence exists there is no need for coordination procedures and the rest is matter of consistency.

However, any real-time airspace activation or reallocation requires a consistent and coordinated process between all the ASM partners, i.e. Approved Agencies and AMCs. Still there are many States where this issue needs to be addressed.

Even in cases of airspace which is completely segregated for military operations, which is the least preferred solution, there can always be situations (e.g. due to adverse weather conditions or any other unexpected situation), when suddenly either the civil or the military aircraft, or both, may need to divert from their originally planned flight trajectories thus accidentally enter the airspace in which the other aircraft operates. In such cases, two-way communication and coordination between the civil and military controllers entailing corresponding exchanges of position information and of flight intention information are absolutely critical.

The implementation in all but one State (Cyprus) of immediate release of airspace reservations is very satisfactory.

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### **Recommendations**

#### **2009-62-EC [Rec. # 2008-55]**

There is a need to emphasise the critical importance of establishing coordination procedures permitting direct communication of relevant information in order to resolve specific traffic situations or concerns wherever civil and military controllers are providing services in the same airspace.

## 13.2 Cooperation between States at the 3 levels of FUA

**About half of the States reported not coordinating their airspace policy with their neighbours, which impacts negatively on the achievement of the objective to better accommodate the needs of the airspace users.**

**The European Commission should encourage States to continue their efforts in establishing and maintaining sound mechanisms for the cross-border policy consultation, as this is one of the main foundations of effective FUA and an essential condition for the establishment of FABs.**

### 13.2.1 Strategic Airspace Management - ASM Level 1

#### Consolidation

- ◆ Only 15 States (14 last year) confirmed that they coordinate their airspace management policies with the respective neighbouring States in order to jointly address the use of cross-border airspace structures. Those States who reported negatively are: Austria, Bulgaria, Czech Republic, Denmark, Greece, Ireland, Lithuania, Malta, Norway, Romania, Slovak Republic, Slovenia, Spain and Cyprus (providing comment that they do not share any cross border areas with other countries since they are surrounded by airspace over the high seas).
- ◆ 11 States (12 last year) reported sharing of Cross-Border Areas (Poland this year answered “No” while providing a positive answer last year).
- ◆ 8 States reported sharing TRA/TSA with neighbouring states. Belgium reported that TRA/TSAs, other than CBAs, are shared with France, Netherlands and Germany. However, France and Netherlands did not report sharing TRA/TSAs with other states. Furthermore, other States also reported sharing TRA/TSA with France and Netherlands.
- ◆ 12 States (same as last year) have established cross-border conditional routes (CDRs).
- ◆ 6 States (same as last year) (Belgium, Estonia, Germany, Latvia, Netherlands and Switzerland) reported the establishment of a common set of standards with their respective neighbours for separations between civil and military flights in cross-border activities.

#### ECAA States

- ◆ These States reported not coordinating their airspace management policies with the respective neighbouring States in order to jointly address the use of cross-border airspace structures.

#### Evolution

Only one state has been added to those who coordinate their ASM policies with other respective States, amounting up to 51%. However, the implementation rate of all requirements for the coordination at Level 1 has been stagnating since the previous reporting period at less than 36 %. This, owing to the fact that one State reversed the implementation status of one of the requirements from the previous report.

The overall implementation responsiveness is unsatisfactory.

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## Analysis & Conclusions

About half of the States reported not coordinating their airspace policy with their neighbours, which impacts negatively on the achievement of the objective to better accommodate the needs of the airspace users. In order to fulfil that objective, airspace policy should be a cooperative exercise by the concerned States in all cases of cross-border air traffic (civil or military).

The reported relatively low number of cross-border CDRs can be explained by the fact that the need for such routes arises only where there is a TRA/TSA located close to a common State border.

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## Recommendations

### **2009-63-EC**

The European Commission should encourage States to continue their efforts in establishing and maintaining sound mechanisms for the cross-border policy consultation, as this is one of the main foundations of effective FUA and an essential condition for the establishment of FABs

## 13.2.2 Pre-Tactical Airspace Management - ASM Level 2

### Consolidation

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- ◆ 2 States (Ireland and UK, with UK having the lead AMC role) reported having established a joint or multinational AMC. Estonia reported exercising pre-tactical planning of the airspace utilisation for all three Baltic States.

### ECAA States

- ◆ None of the ECAA States reported to have a joint multinational cell at ASM Level 2. Croatia reported being investigating that possibility as part of FAB CE.

### Evolution

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There has been no evolution recorded on the ASM Level 2 with regards to the cooperation between the States. This means that the reports are almost identical to the previous except for some minor details.

### Analysis & Conclusions

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The situation so far should be considered as normal under the circumstances, since a joint or multinational AMC applies only for those States that have established the CBAs.

### Recommendations

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Nil

### 13.2.3 Tactical Airspace Management - ASM Level 3

#### Consolidation

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- ◆ 10 States (Belgium, Denmark, Estonia, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands and Switzerland) reported having established a common set of procedures to manage specific traffic situations and/or to enhance the real-time airspace management between civil and military units involved in or concerned with cross-border activities.
- ◆ For the remaining 19 States the following should be noted:
  - Greece, Ireland, Poland, Romania, Slovak Republic and Slovenia are planning to address this issue through their respective FAB initiatives, however other States in the respective FAB initiatives did not confirm this statement;
  - Finland and Sweden reported plans to define the set of procedures in connection with the creation of the common cross-border military training area;
  - Poland stated that there are initial talks with Czech Republic while Czech Republic stated that they currently have no plans;
  - France and Cyprus considered this as not applicable;
  - Bulgaria, Czech Republic, Hungary, Malta, Norway and UK reported having neither a need nor plans at this stage.

#### ECAA States

- ◆ Similar to the situation of ASM Level 2, all States reported not having implemented the relevant requirements.

#### Evolution

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Compared to the previous reporting period the number of States who reported positively has been increased by one (Luxembourg). The implementation rate has reached only 34.4%, which is considered unsatisfactory.

#### Analysis & Conclusions

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This is yet another requirement that a number of States plan to address through the respective FAB initiatives. This will be followed up in the next reporting cycle.

#### Recommendations

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Nil.

### 13.3 Safety Assessment

**The reported information contains generally positive results of the implementation of the concerned requirements.**

**The European Commission should urge those states that have yet to implement safety management processes to address this issue as a matter of priority.**

#### Consolidation

- ◆ 26 States (23 last year) reported having established a safety management process in order to conduct all safety assessment activities prior to the introduction of any changes to the FUA operations.

The 3 States that reported not having established such a safety management process are: Latvia, Slovenia and UK.

However,

- UK reported that the major ANSP (NATS) currently employs an in-house system of safety assessment (LTC ATC Procedures Safety Assessment - LAPSA) and any FUA change would be managed and overseen by a special body - ASSG-B (a sub-group of the ASSG);
- Latvia reported that the process is under development and Slovenia advised that this will be addressed after the establishment of the High level Airspace Policy Body.

#### ECAA States

- ◆ In Serbia, transposition of ESARRs into national legislation is formalised in 2009 and the respective safety management process is part of the SMATSA SMS. Croatia is still waiting for the late establishment of a National ASM board. FYROM reported managing this process within the safety assessment of the civil ATS system and procedures, since it has not yet established specific FUA co-ordination procedures.

#### Evolution

The implementation rate has progressed since the previous report from 80% to 90%. The implementation progress could be characterised as positive since only three States are yet to meet the requirement.

#### Analysis & Conclusions

The reported information contains generally positive results of the implementation of the concerned requirements. Still, it should be reiterated that there should be no exception to apply the safety management process anytime when a change is planned within the application of the FUA concept.

#### Recommendations

##### 2009-64-States (LV, SI)

The European Commission should urge those states that have yet to implement safety management processes to address this issue as a matter of priority.

## 13.4 Performance Assessment

A negative trend can be observed due to the fact that 6 states who were undertaking safety evaluation in the previous reporting period, did not conduct it in 2009. This would indicate either an issue with the quality of reporting or alternatively, with the States' approach to the requirements for evaluation of the functioning of safety.

The European Commission should seek clarification from those states who previously reported compliance in the previous reporting period and not confirming it in 2009.

The progress in airspace capacity and efficiency performance assessment should not be considered satisfactory since 10 States out of 29 do not apply any kind of it.

### 13.4.1 Safety

#### Consolidation

- ◆ 20 States reported having established an evaluation of the functioning at all three ASM Levels related to safety. 9 States not having established are Bulgaria, Cyprus, Czech Republic, Germany, Latvia, Luxembourg, Netherlands, Slovenia and Spain.

It has been observed that some States which reported having carried out the evaluation in the previous reporting period did not perform it in 2009. These States are Bulgaria, Cyprus, Czech Republic (none of whom offered any explanation for this change), Netherlands, Spain and Germany (all of which reported plans for implementation).

#### ECAA States

- ◆ Serbia reported having established such a process between SMATSA/MoD according to its internal procedures. Croatia is still waiting for the late establishment of a National ASM board in order to start the process. Other ECAA States reported not having yet established any performance assessment processes.

#### Evolution

No progress has been recorded since the previous reporting period regarding the evaluations of safety performance. Furthermore, some States who had answered positively for the previous reporting period now reported not having performed the safety performance evaluations. No explanations have been given..

#### Analysis & Conclusions

While in 2009 there were four more States conducting the safety evaluation than in the previous reporting period, it should be noted that two states (name them) who reported the ongoing implementation of safety evaluation in their previous report have not actually implemented it.

A negative trend can be observed due to the fact that 6 states who were undertaking safety evaluation in the previous reporting period, did not conduct it in 2009. This would indicate either an issue with the quality of reporting or alternatively, with the States' approach to the requirements for evaluation of the functioning of safety.

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## Recommendations

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### 2009-65-EC

The European Commission should clarify to States that no exception should be made and/or allowed in establishing effective processes for the evaluation of the functioning of agreements, procedures and supporting systems from a safety standpoint.

### 2009-66-States (BG, CY, CZ, DE, ES, NL)

The European Commission should seek clarification from those states who previously reported compliance in the previous reporting period and not confirming it in 2009.

## 13.4.2 Airspace Capacity and Efficiency

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### Consolidation

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- ◆ 19 States (18 last year) reported having established evaluation processes for the functioning of agreements, procedures and supporting systems established at the three ASM levels in relation with airspace capacity and efficiency.

10 States which reported not having established such evaluation of the processes are Bulgaria, Cyprus, Czech Republic, Denmark, Latvia, Luxembourg, Netherlands, Slovak Republic, Slovenia and Spain.

### ECAA States

- ◆ As last year, only Serbia reported having an airspace capacity as well as efficiency assessment in place.

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### Evolution

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Positive, but very moderate trend, with 1 State more than in the previous report having established evaluation processes with regards to the airspace capacity and efficiency. This level of implementation remains unsatisfactory..

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## Analysis & Conclusions

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The reported implementation progress should not be considered satisfactory since 10 States out of 29 do not apply any kind of airspace capacity and efficiency performance assessment.

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## Recommendations

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### 2009-67-EC [Rec. # 2008-57]

The European Commission should remind States that performance assessments in the areas of airspace capacity and efficiency are required to achieve the objectives of the FUA implementation.

### 13.4.3 Flexibility

#### Consolidation

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- ◆ 18 States (17 last year) reported conducting evaluations of their processes applied for the functioning of agreements, procedures and supporting systems established at the three ASM Levels with respect to flexibility of aircraft operations of all users.

11 States which reported not having established such evaluation of the processes are Bulgaria, Cyprus, Czech Republic, Denmark, Hungary, Latvia, Luxembourg, Netherlands, Slovak Republic, Slovenia and Spain.

#### ECAA States

- ◆ Only 1 of the ECAA States (Serbia) reported having an evaluation process undertaken internally by SMATSA (the ANSP).

#### Evolution

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An insignificant level of progress has been made since previous reporting period, resulting in the proportion of implementation at 62%.

There are still eleven States who should start conducting evaluations of their processes applied for the functioning of agreements, procedures and supporting systems established at the three ASM Levels with respect to flexibility of all users.

#### Analysis & Conclusions

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Most of the provided answers were very generic and did not provide sufficient details, thus impeding any meaningful conclusion. This would require revisiting the issue of the content and detail of answers, but also more detailed and self-explanatory questions posed for the future reporting cycle.

#### Recommendations

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Nil.

### 13.5 Compliance Monitoring

**A large number of States were not fully compliant although many reported plans to achieve compliance in the next reporting cycle. Based on the non-achievement of such commitments given in the last reporting period, progress on this issue needs to be carefully monitored and the states concerned asked to confirm the commitment to plans for compliance.**

**The European Commission should emphasise to the States the importance and necessity of effective compliance self-monitoring and request those states who do not meet the requirements to advise their plans for it.**

#### Consolidation

- ◆ 19 States (16 last year) declared that they are fully compliant with the FUA Regulation based on their compliance self-monitoring. However, not many details have been given on how the States actually achieved compliance. Furthermore, some States, which responded “Yes”, gave the comments which clearly indicated the answer should have been “No”.

10 States which declared not being fully compliant are Austria, Bulgaria, Cyprus, Denmark, Ireland, Latvia, Norway, Slovenia, Slovak Republic and Spain.

- ◆ 19 States (13 last year) reported having established a FUA compliance monitoring process.

The 10 States which reported not having established a compliance monitoring process are Estonia, Hungary, Italy, Latvia, Malta, Netherlands, Norway, Slovenia, Spain and Switzerland. For more than half of these states (Estonia, Hungary, Netherlands, Norway, Spain and Switzerland) the compliance monitoring process is being prepared.

#### ECAA States

- ◆ None of the States reported being fully compliant with the FUA Regulation nor a having compliance monitoring process in place.
- ◆ Serbia reported plans to achieve full compliance with the FUA Regulation in 2010. Croatia reported that a FUA Implementation plan is in its draft status.
- ◆ Croatia accomplished 2 audits, in the field of ASM and audit of implementation FUA on ASM Level 2 and ASM Level 3.

#### Evolution

The implementation level of the FUA compliance monitoring process has risen from 50%, from the previous report, to 65.5% in this reporting period.

Namely, three more States this year reported full compliance, as well as, six more States reported having established FUA compliance monitoring process.

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## Conclusions

Based on the reported information, it was very difficult to ascertain whether the States, declaring full compliance, were indeed fully compliant as comments provided indicated otherwise.

A large number of States were not fully compliant although many reported plans to achieve compliance in the next reporting cycle. Based on the non-achievement of such commitments given in the last reporting period, progress on this issue needs to be carefully monitored and the states concerned asked to confirm the commitment to plans for compliance.

The overall reported level of implementation of the inspections, surveys and safety audits was still quite low, between 7 and 11 States were not undertaking these, depending on area of interest.

According to the facts noted in this sub-section, it would appear that States have encountered difficulties with differentiating between inspections, surveys and safety audits, and therefore with the establishment of such activities.

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## Recommendations

### **2009-68-EC, States (AT, BG, CH, CY, DK, EE, ES, HU, IE, IT, LV, MT, NL, NO, SI, SK) [Rec. # 2008-58]**

The European Commission should emphasise to the States the importance and necessity of effective compliance self-monitoring and request those States who do not meet the requirements to advise their plans for compliance.

### **2009-69-EC [Rec. # 2008-59]**

The European Commission should consider supporting the States by providing some guidance as to the definitions and differences between inspections, surveys and safety audits in the context of compliance monitoring. The European Commission should also consult with States in identifying good practice as to what should be the frequency of such activities.

### 13.6 Problems in the implementation of Regulation (EC) N° 2150/2005

**The reported problems were quite diverse and mostly in relation with the respective national regulatory frameworks.**

**As a common issue, it was noted once again that States seemed to have encountered problems in differentiating between inspections, surveys and audits, an issue which is already tackled in the sub-section on Compliance Monitoring.**

#### Consolidation

- ◆ 15 States (14 last year) did not report any difficulties or eventual need for changes.  
As last year, States provided diverse comments. The majority of these comments are actually related to specific national issues and their direct relevance to the FUA Regulation.  
Different procedures were sometimes applied by neighbouring States. Interoperability issues related to data exchange with the neighbouring centres are reported, still being dependant on the networks and the FMTP status of these centres.

#### ECAA States

- ◆ In FYROM, the national legislations should be amended allowing the transposition and full implementation of the FUA Regulation and the airspace Regulation and it is expected to take place during Q2 2010. Croatia noted that full application of the FUA Regulation in the airspace over High Seas application of airspace structures is not recognised by ICAO, and applicable for non-EU Member States.

#### Evolution

N/A.

#### Conclusions

The reported problems were quite diverse and mostly in relation with the respective national regulatory frameworks. It was not feasible to list them exhaustively or make specific comments or suggestions to any of them in this Report.

As a more common issue, it was noted once again that States seemed to have encountered problems in differentiating between inspections, surveys and audits, an issue which is already tackled in the sub-section on Compliance Monitoring.

#### Recommendations

##### 2009-70-EC [Rec. # 2008-62]

Given the issues noted in the sub-sections on Compliance Monitoring, the European Commission should consider, in consultation with the States, whether to provide support through a dedicated event (e.g. a workshop) where the identified problems would be discussed and also cases of best practice proposed.

## Compendium of recommendations

### National Supervisory Authorities' (NSAs) establishment and responsibilities

**2009-01- EC**

The European Commission should investigate the reasons both for the limited use of Recognised Organisations by the NSAs and the lack of interest in companies in the sector to undergo the recognition process.

**2009-02- States (AT)**

Austria should be asked for clarification with respect to the allocation of the NSA's responsibilities between the Minister of Transport and the CAA.

**2009-03- States (AT)**

The European Commission should seek clarification from Austria on how the process of appointment of its Recognised Organisations by decree is in compliance with the requirements of Article 10.1 of the safety oversight Regulation.

**2009-04- States (AT, BE)**

The European Commission should seek advice from Austria on how it intends to ensure compliance in terms of supervision of AFIS providers. Belgium should be asked to confirm whether it has any AFIS services.

**2009-05- States (PT)**

Portugal should be asked to review and advise its intentions in terms of independent supervision of MET provision.

### NSA Resources

**2009-06- States (All)**

States should continue their efforts in providing their NSAs with sufficient and competent staff to ensure that the NSAs have the necessary capabilities to perform their tasks.

**2009-07- EC - States (All)**

The European Commission should encourage States to continue looking for creative solutions (i.e. closer cooperation with other NSAs especially within FABs, secondment of staff from other divisions of the regulatory authorities, etc.) to ensure that NSAs can perform their tasks despite the existing budgetary constraints.

**2009-08- States (BG, LU, ES)**

The three NSAs that reported having no qualified safety auditors/inspectors (Bulgaria, Luxembourg and Spain-MIL) should take measures to address this issue as a matter of urgency.

**2009-09- States (DE, ES, GR, SI)**

The European Commission should seek further clarifications from the NSAs (Germany, Greece, Slovenia and Spain-AESA) who reported having qualified safety auditors/inspectors while reporting not having established qualification criteria for this task.

**2009-10- States (AT, DK, IT, LT)**

The European Commission should request Austria, Denmark, Italy and Lithuania to provide the details of the qualification criteria established for safety auditors/inspectors and/or references to the relevant documents/regulations.

## Certification of Air Navigation Service Providers

### 2009-11- States (IT, PT)

The European Commission should request Portugal and Italy clarification on the situation with respect to the certification of, respectively, Instituto de Meteorologia, I.P. and Altatoscana Spa.

### 2009-12- States (FR)

France should be requested to provide an update on the situation of the seven AFIS providers whose certificate expired in 2009.

### 2009-13- States (All) [Rec. # 2008-13]

Given the great variety in the duration of validity of certificates, the NSAs should consider the possibility of harmonising the validity periods, especially in relation to FABs. This recommendation can be extended to the harmonisation of ongoing compliance practices and cycles within FABs.

### 2009-14- EC - States (All) [Rec. # 2008-14]

Considering the small number of NSAs entrusted with competencies over military ANS provision to GAT, the European Commission should explore ways in which to ascertain that States that allow provision of such services without certification, as per Article 7(5) of the service provision Regulation, have nevertheless implemented effective measures ensuring that these services are provided in maximum compliance with the Common Requirements. Furthermore, the European Commission together with the States should explore how to facilitate harmonisation of the supervision of military ANS provided to GAT.

## Designation of Air Traffic and Meteorological Service Providers

### 2009-15- States (DE, HU)

The European Commission should request Germany and Hungary to provide all the required information on the designation of their ATS and MET providers.

### 2009-16- States (FR)

The European Commission should request France to provide clarification on the situation regarding the designation of its 62 AFIS providers.

### 2009-17- States (CH, PT)

The European Commission should urge Portugal and Switzerland to complete the designation process of all its ATSPs as soon as possible.

### 2009-18- States (CY)

The European Commission should urge Cyprus to complete the designation process of its ATS and MET providers.

### 2009-19- States (AT, BE, BG, CZ, ES, LT, NO)

Austria, Belgium, Bulgaria, Czech Republic, Lithuania, Norway and Spain should provide the required information on the airspace blocks for which their ATS or MET providers have been designated.

## Cross-Border Provision of Air Traffic Services

### **2009-20- States (All) [Rec. # 2008-21]**

In order to avoid complications with different liability regimes, States/NSAs should ensure that a proper legal basis is in place for the provision of cross-border ATS and urgently establish the appropriate arrangements for the supervision of ANSPs in this context. This process should commence as soon as possible irrespective of the progress on FABs.

### **2009-21- EC**

The follow up should continue and be further refined, building on the extensive information collected within this 2009 cycle.

### **2009-22- States (DE)**

The European Commission should request Germany to provide data in the requested level of detail.

### **2009-23- EC**

The European Commission should advise EASA on the situation regarding the need to ensure the certification of ANSPs from third countries that provide services in the SES airspace.

## Ongoing Compliance

### **2009-24- States (DE, FR, NO, PT, SE)**

The European Commission should request clarification from Germany, France, Norway, Portugal and Sweden as to the reasons for not checking one or several of the certified providers for ongoing compliance as the requirement is for all certified providers to be subject to annual monitoring.

### **2009-25- EC**

The European Commission should endeavour to assess whether the reported lack of resources in NSAs has an impact on the actual execution and effectiveness of the annual inspection programmes.

### **2009-26- EC**

The European Commission should highlight to the NSAs the goal and benefits of consultation of their indicative inspection programmes with ANSPs and other NSAs concerned.

## Consultation of Stakeholders

### **2009-27- EC [Rec. # 2008-47]**

The European Commission should encourage the States to maintain and improve the consultation mechanisms, as these represent one of the main foundations of effective implementation. States should be also encouraged to share applied good practices.

### **2009-28- States (All)**

Article 11.3(b) of Regulation (EC) 1070/2009 relating to the drafting of the national or FAB performance plans requires these shall be subject to consultation with relevant stakeholders. In this context, States may have to assess the effectiveness of the current fora in the light of the legally binding nature of the performance targets for ANS and ensure the necessary involvement and commitment of all parties.

## Safety Oversight

### 2009-29- EC

The European Commission should require that clear and comprehensive identification of the annual safety oversight reports should be ensured by the States/NSAs by indicating the appropriate references and/or a correct web-link.

### 2009-30- States (All)

States should ensure that NSAs provide the full legal references to their documented procedures or national regulations relating to safety oversight activities.

### 2009-31- EC

The European Commission should clarify if it accepts that States use the SES implementation Annual report submitted as part of LSSIP as a means of compliance with Article 14.1 of the safety oversight Regulation.

### 2009-32- States (BE, BG, DK, EE, ES, FI, FR, LU, NL, NO, PT, SE)

In order to ensure full and effective implementation of safety oversight by the NSAs in compliance with the safety oversight Regulation there is a need to expedite developing NSAs' arrangements and processes for the supervision of ASM and ATFM functions.

### 2009-33- States (All)

NSAs should ensure that they produce and update an assessment of the human resources needed as required by Article 11 of the safety oversight Regulation.

### 2009-34- EC

The European Commission should encourage States to make use of the safety directives whenever unsafe conditions to a functional system occur, in accordance with the safety oversight Regulation, and inform the Commission of any aspects identified that might inadequately restrain currently the use of this instrument.

### 2009-35- States (GR)

Greece should expedite initiating safety oversight of ANS by its NSA in accordance with the safety oversight Regulation.

### 2009-36- States (AT)

The European Commission should clarify with Austria the issue of shared responsibility for ASM related safety oversight between NSA and ANSP.

## Software Safety Assurance

### 2009-37- States (AT, BE, CY, CZ, DE, DK, EE, GR, LU, NO, PT, RO, SE)

States that have reported only partially compliant should review their situation and make efforts to complete implementation for the full scope of applicability of this Regulation.

## Air Traffic Controllers Licensing

### 2009-38- States (LU)

The European Commission should request Luxembourg to communicate the full text of the provisions transposing the Directive into national law.

### 2009-39- States (BE, CY, IT)

Belgium, Cyprus and Italy should be asked to provide their plans for appointment of competent medical bodies or medical examiners.

## Functional Airspace Blocks (FABs)

### 2009-40- EC

The European Commission should continue to support the efforts by the States to raise the level of commitment for the establishment of FABs from the level of ANSPs to the highest policy-making authorities in the States going beyond the areas ATM/ANS, as appropriate.

### 2009-41- EC-States (All)

The States, European Commission and interested parties should increase the frequency and scope of inter-FAB coordination and cooperation so as to achieve a significant positive effect on the network and manage successfully the wide variety of complex issues that would not be limited only to intra-FAB State boundaries.

### 2009-42- States (LT-PL, BG-RO, ES-PT)

The States who are members of the Baltic, Danube, Spain - Portugal FAB should be asked to provide a target implementation date and details of the nature and timing of the intermediary phases required leading to implementation.

### 2009-43- EC

The European Commission should note the apparent lack of a common view on the meaning of the term “implementation” and clarify the difference between FAB establishment and FAB implementation.

## Interoperability

### NSA Responsibilities

#### 2009-44- States (CH, CY, DK, EE, GR, HU, LU, NL, NO, ES-MIL)

The European Commission should require those NSAs that have not done so, to verify that the ANSPs running verifications activities themselves, without involving a Notified Body, fulfil the conditions laid down in the legislation.

#### Verification of compliance

- **Regulation (EC) No. 552/2004 on Interoperability**

#### 2009-45- EC [Rec. # 2008-40]

The European Commission should continue supporting the currently on-going work to achieve a harmonised interpretation and granularity of systems further to their present definition in Annex I to the interoperability Regulation as well the identification of constituents.

#### 2009-46- States (AT, CH, CY, CZ, DK, EE, GR, HU, IT, MT, NO)

The European Commission should request the seven States who advised no EC declarations of verification of systems to confirm that no systems have been put into service in the reporting period.

- **Regulation (EC) No 1032/2006 on Coordination and Transfer (COTR) as amended by Regulation (EC) No. 30/2009**

#### 2009-47- EC

The European Commission should maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc.

- **Regulation (EC) No 633/2007 on Flight message transfer protocol**

#### 2009-48- States (AT, CY, DK, EE, FI, IE, IT, NO, PL)

The European Commission should remind the nine States who reported implementation plans with dates beyond the end of the transitional arrangements (20 April 2011) of their

obligation to meet the required deadlines and further, ask what they intend to do to redress priorities to ensure a breach does not occur.

#### **2009-49- States (DK, IE, SI)**

The European Commission should ask Denmark, Ireland and Slovenia why, having reported implementation was completed in the previous report, they are now reporting only plans for implementation.

#### **- Regulation (EC) N° 1033/2006 on Procedures for flight plans in the pre-flight phase**

#### **2009-50- EC**

As the responses do not show any particular implementation problem and confirm the good level of awareness and understanding it is recommended to remove the questions related to this Regulation from the future reporting exercises.

#### **- Regulation (EC) N° 1265/2007 on air-ground voice channel spacing**

#### **2009-51- EC**

The European Commission, together with EUROCONTROL, should investigate the differences found between the reported and coordinated frequency conversions.

#### **2009-52- EC**

As the responses do not show any particular implementation problem and confirm the good level of awareness and understanding it is recommended to remove the questions related to this Regulation from the future reporting exercises, pending the approval of the updated Regulation dealing with the deployment of 8.33 kHz communications in the airspace below FL 195.

#### **- Regulation (EC) No 262/2009 on allocation and use of Mode S interrogator codes**

#### **2009-53- EC**

The European Commission should maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc., in order to clarify the apparent misunderstandings.

#### **- Regulation (EC) No 29/2009 on data link services**

#### **2009-54- EC**

The European Commission to maintain the proactive approach through provision of timely clarifications, identification of needs for dedicated support, promotion of best practices, etc., in order to raise the awareness of the stakeholders with regard the applicable regulatory requirements as well as the impact of these requirements on their systems.

### **Air Navigation Charging**

#### **2009-55- States**

The European Commission should urge the six States which have no effective enforcement measures in place to introduce such measures with no delay.

#### **2009-56- States**

The European Commission should request clarification to the other six States on the existing measures and their possible enforcement.

## Implementation of Flexible Use of Airspace

### National Organisation and Responsibilities at the Three ASM Levels of FUA

#### 2009-57- States (CY, CZ, ES, IE, LV, MT, NL, SE, SI, SK) [Rec. # 2008-50]

The European Commission should address the situation where 10 States have not established assessment mechanisms for the FUA performance and encourage these States to expedite implementing such mechanisms.

#### 2009-58- EC [Rec. # 2008-51]

The European Commission should consider whether any specific clarification or dedicated support is needed by the States which have not yet introduced FUA at ASM Level 1 but where the civil and military users nevertheless share the national airspace (Ireland and Slovenia), so that these States implement the FUA requirements at ASM Level 1 which are respectively necessary.

#### 2009-59- States (CY, DE, FR, GR, HU, LV, MT, NL, RO, SI)

The ten States who have not notified the European Commission of the identified persons/organisations in accordance Article 4.1 of the FUA Regulation should do so as a matter of priority.

#### 2009-60- EC

Considering the poor application of FUA assessment process and review of airspace procedures, the development of some form of guideline material that details this process should be considered.

#### 2009-61- EC [Rec. # 2008-52]

The European Commission should clarify to States that, whenever there is any form of interactive civil/military airspace utilisation, they should implement some form of ASM Level 2 (planning for airspace reservation).

#### 2009-62- EC [Rec. # 2008-55]

There is a need to emphasise the critical importance of establishing coordination procedures permitting direct communication of relevant information in order to resolve specific traffic situations or concerns wherever civil and military controllers are providing services in the same airspace.

### Cooperation between States at the 3 levels of FUA

#### 2009-63- EC

The European Commission should encourage States to continue their efforts in establishing and maintaining sound mechanisms for the cross-border policy consultation, as this is one of the main foundations of effective FUA and an essential condition for the establishment of FABs

## Safety Assessment

#### 2009-64- States (LV, SI)

The European Commission should urge those states that have yet to implement safety management processes to address this issue as a matter of priority.

## Performance Assessment

### **2009-65- EC**

The European Commission should clarify to States that no exception should be made and/or allowed in establishing effective processes for the evaluation of the functioning of agreements, procedures and supporting systems from a safety standpoint.

### **2009-66- States (BG, CY, CZ, DE, ES, NL)**

The European Commission should seek clarification from those states who previously reported compliance in the previous reporting period and not confirming it in 2009.

### **2009-67- EC [Rec. # 2008-57]**

The European Commission should remind States that performance assessments in the areas of airspace capacity and efficiency are required to achieve the objectives of the FUA implementation.

## Compliance Monitoring

### **2009-68- EC, States (AT, BG, CH, CY, DK, EE, ES, HU, IE, IT, LV, MT, NL, NO, SI, SK) [Rec. # 2008-58]**

The European Commission should emphasise to the States the importance and necessity of effective compliance self-monitoring and request those States who do not meet the requirements to advise their plans for compliance.

### **2009-69- EC [Rec. # 2008-59]**

The European Commission should consider supporting the States by providing some guidance as to the definitions and differences between inspections, surveys and safety audits in the context of compliance monitoring. The European Commission should also consult with States in identifying good practice as to what should be the frequency of such activities.

## Problems in the implementation of the FUA Regulation

### **2009-70- EC [Rec. # 2008-62]**

Given the issues noted in the sub-sections on Compliance Monitoring, the European Commission should consider, in consultation with the States, whether to provide support through a dedicated event (e.g. a workshop) where the identified problems would be discussed and also cases of best practice proposed.

## Annex 1 List of NSAs

State	Name of the NSA	Separation from the ANSP	MIL <sup>10</sup>	Legal Basis
AT	CAA (Oberste Zivilluftfahrtbehörde)	Institutional		Aviation Act
BE	Belgian Supervising Authority for Air Navigation Services (BSA-ANS)	Institutional	✓	Law of 25 July 2006 (art 48 – 51) and Royal Decree of 14 February 2006 – NSA.
BG	DGCAA	Institutional		EC regulation 549/2004, the provisions of Civil Aviation Act and the DGCAA structural regulation
CH	Federal Office of Civil Aviation (FOCA)	Institutional	✓ (only for ATCO Licensing)	SR Number 748.0 "Bundesgesetz über die Luftfahrt (LFG)". Art. 3 adn SR Number 748.132.1 Verordnung vom 18. Dezember 1995 über den Flugsicherungsdienst Art.2, Absatz 1
CY	National Supervisory Authority for Air Navigation Services, Department of Civil Aviation (DCA), Ministry of Communications and Works.	Functional		Art. 8B of the Civil Aviation Act 213 (I) 2008 and Council of Ministers decision no. 62.376 of 21.7.2005
CZ	Civil Aviation Authority (Úřad pro civilní letectví)	Institutional		Civil Aviation Act No. 49/1997 Coll.
DE	Bundesaufsichtsamt für Flugsicherung (BAF)	Functional, institutional and organisational separation		Federal law, dated 29 July 2009
DK	CAA Denmark (Statens Luftfartsvæsen (SLV))	Institutional. AIM is separated functionally		Air Navigation Act (Consolidated Act no. 1484 of 19 December 2005 with the amendments following 97 of Act no. 538 of 8 June 2006, 5 of Act no. 542 of 8 June 2006, Act no. 242 of 21 March 2007, and 31 of Act no. 512 of 6 June 2007)
EE	Estonian Civil Aviation Administration	Institutional		Aviation act § 7

<sup>10</sup> NSA has competences on military issues

State	Name of the NSA	Separation from the ANSP	MIL <sup>10</sup>	Legal Basis
	(ECAA)			
ES	Agencia Estatal de Seguridad Aérea (Air Safety State Agency).	Organisational.		Law 28/2006, of 18 July, on state agencies for public services improvements. Royal Decree 184/2008, of 8 February, through which the remit and organisation of the Air Safety State Agency was approved.
ES	Deputy Chief Air Force Staff	Functional	✓	Directive 12/2007, from Chief Air Force Staff, on the SES regulations implementation in the Spanish Air Force.
ES	Secretary of State for Climate Change	Institutional	(Only MET)	Real Decreto 1130/2008 por el que se desarrolla la estructura orgánica básica del Ministerio de Medio Ambiente, y Medio Rural y Marino. (Royal Decree 1130/2008, laying down the basic structure of the Ministry of the Environment, and Rural and Marine Affairs)
FI	Ilmailuhallinto; FCAA (Finnish Civil Aviation Authority)	Institutional		Act on the Finnish Civil Aviation Authority (1247/2005), Aviation Act (1242/2005)
FR	"Direction de la Sécurité de l'Aviation civile (DSAC)	Functional	✓	Decree n 2008–680 dated 2008, July, 9th, on the organisation of the Ministry of Ecology, Energy, Sustainable development, and Country planning Decree n 2008–1299 dated 2008, December, 11Th, on the creation of the Direction for Safety in Civil Aviation (DSAC).
GR	Hellenic Air Navigation Supervisory Authority (HANSA)	Functional separation established		Law 3446/2006 establishes the NSA while Presidential Decree 150/2007 covers the organisation, the staffing and the responsibilities of the NSA.
HU	Directorate for Air Transport of National Transport Authority (NTA DAT)	Institutional		Act XCVII. of 1995, National Aviation Act and Government Decree No.263/2006.(XII.20.)
IE	IAA/SRD	Functional		(1) Aviation Regulation Act 2001 (2) Air Navigation and Transport (Amendment) Act 1998 (3) Irish Aviation Authority Act 1993 (4) SES Legislation
IT	Ente Nazionale per l'Aviazione Civile ENAC	Institutional	✓	ENAC, the Italian Civil Aviation Authority, has been appointed as regulator and National Supervisory Authority in November 2004 with dedicated law 265/2004. This appointment has been included in the new version of basic code of Air Law (change to Italian

State	Name of the NSA	Separation from the ANSP	MIL <sup>10</sup>	Legal Basis
				<p>Navigation Code) in Italy – issued in June 2005 – thus completely implementing the separation of regulation and safety oversight from the service provision. ENAC is also responsible for the regulation for environmental matters in ATM.</p> <p>In accordance with the European Community Regulation 550/2004, article 7, paragraph 5, the Italian Air Force is authorised to provide ATS, CNS and MET Services to General Air Traffic (GAT) without certification.</p> <p>The Italian Air Force has adapted its organisational structure in order to generate functional separation between the high level body (USAM) accountable for services' internal supervision and the units responsible for the provision of Air Navigation Services (Major Commands).</p> <p>Internal supervision activities and provision of Air Navigation Services to GAT are ensured by Italian Air Force in compliance with European Community laws and national regulation promulgated by the National Supervisory Authority, Ente Nazionale per l'Aviazione Civile (ENAC).</p> <p>As required by Italian law, ENAC carries on its supervision on air navigation services provided by Italian Air Force to GAT in accordance with a special agreement signed by the two organizations.</p>
LT	Lithuanian CAA	Institutional		By 13 May 2005 Order No 3–233 of Ministry of Transport & Communication on Implementation of SES regulation in Republic of Lithuania CAA Lithuania is nominated as National Supervisory Authority.
LU	Direction de l'Aviation Civile (DAC)	Institutional		The legal framework for the DAC is called: Loi modifiée du 19 mai 1999 ayant pour objet d'instituer (...) une Direction de l'Aviation Civile. For the NSA it is defined through the SES regulation. The NSA has been appointed by Ministerial decision.
LV	Department of Air Transport, (MoT)	Institutional		Law on Aviation
LV	Civil Aviation Agency of Latvia (LCAA)	Institutional		Law on Aviation; Regulation of Cabinet of Ministers No 808 Regulation on State Agency The Civil Aviation Agency 25–10–2005.
MT	Civil Aviation Directorate Transport Malta (CAD–TM)	Institutional		Civil Aviation (Provision of Air Navigation Services) Order, LN 281/2006
NL	(Part of) the Transport and Water Management Inspectorate, within MoT (IVW, Inspectie Verkeer en Waterstaat)	There is organisational separation of IVW from LVNL, MUAC;		The Aviation Act (article 11.1(2)), last amended in Sept 2007 (State Journal 2007, 405) and the Ministerial Decree (article 2a(3)) concerning the establishment of IVW, last amended May 2008 (State newspaper 26th May 2008): IVW is the nominated NSA

State	Name of the NSA	Separation from the ANSP	MIL <sup>10</sup>	Legal Basis
		and functional separation from KNMI (certified MET services provider).		
NO	Civil Aviation Authority Norway	Organisational		Norwegian Civil Aviation Act (Luftfartsloven) Air Navigation Consolidation Act No. 543 of 13 June 2001 as amended, Ministerial Order Nr 795 of 3 September 2001.
PL	The Civil Aviation Office	Institutional		Polish Aviation Law of July the 3rd, 2002
PT	INAC, I.P. (Instituto Nacional de Aviação Civil, I.P.), except for Meteorology, which is outside of the scope of INAC, I.P.	Organisational/Structural and functional.		Decree–Law no. 145/2007, 27th April.
RO	Romanian Civil Aeronautical Authority (RCAA) for all specific tasks of NSA, except the security matters	Separation from ANSP (ROMATSA) – Organisational, institutional. Separation from AIS Dept. within RCAA functional		Aviation Act of Romania approved by Government Ordinance no. 29/1997 concerning the Civil Air Code of Romania with further amendments, MoT Order no. 1185/ 2006, designating RCAA as NSA for all the specific tasks of NSA, except the security matters which are in the responsibility of MoT–DGCA (published in Monitorul Oficial No. 602 of 12 July 2006); MoT Order no. 11/2008, approving the national regulation entitled RACR–SSNA ed. 2/2008, 'Supervision and Designation of the ANSPs' (published in Monitorul Oficial No. 42 of 18 January 2008); procedural documents, to implement and apply the supervision processes of ANSPs in accordance with the SES Regulations, named PIAC–SSNA – Part I, ed. 01/2006, PIAC–SSNA – Part II, ed. 01/2007 and PIAC–SSNA, Part III, ed. 01/2007. These procedural documents have been approved by Decisions of the Director general of the RCAA and published on RCAA's web–site;
RO	MoT–DGCA only for security matters.	MoT–DGCA: Institutional separation both from ANSP (ROMATSA) and RCAA.		MoT–DGCA is acting as the NSA in the field of civil aviation security based on the provisions set in the Aviation Act, Government Decision No. 443/2005 concerning the approval of the National Civil Aviation Security Programme, further amended by Government Decision No. 533/2008 and Government Decision No. 1869/2005 for the approval of National Quality Control Programme on civil aviation security.
SE	Swedish Transport Agency	Institutional		Luftfartslag (1957:297) – Civil Aviation Act Luftfartsförordning (1986:171) – Civil Aviation Ordinance

State	Name of the NSA	Separation from the ANSP	MIL <sup>10</sup>	Legal Basis
				Förordning (2008:1300) med instruktion för Transportstyrelsen – Ordinance laying down the Statute for the Swedish Transport Agency
SI	The Ministry of Transport	Functional, Organisational and Institutional.		Amendment of Aviation Law, No 113, dated 6 Nov 2006
SK	MOT&CAA SK	Institutional		Civil Aviation Act
UK	Civil Aviation Authority	Institutional	✓ (ATCO Licensing, Engineering & technical staff, Interoperability)	<p>The Civil Aviation Authority (CAA), a public corporation, was established by Parliament in 1972. The CAA is the UK's independent specialist aviation regulator. Its activities include economic regulation, airspace policy, safety regulation and consumer protection.</p> <p>The CAA has been appointed as the NSA under a Statutory Instrument, the Single European Sky (National Supervisory Authority) Regulations 2004 (Statutory Instrument 2004 No. 1958).</p> <p><a href="http://www.opsi.gov.UK/si/si2004/20041958.htm">http://www.opsi.gov.UK/si/si2004/20041958.htm</a></p> <p>See the following link for more information.</p> <p><a href="http://www.caa.co.UK/default.aspx?categoryid=1">http://www.caa.co.UK/default.aspx?categoryid=1</a></p>

**Annex 2 List of Certified ANS Providers**

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
AT	Austro Control GmbH	Y	Y	Y	Y	Y	10/12/2006			Unlimited subject to ongoing compliance
BE	Belgocontrol	Y		Y	Y	Y	01/06/2007			31/05/2013
BG	Bulgarian Air Traffic Services Authority (BULATSA)	Y		Y	Y	Y	21/06/2007			21/06/2012
CH	Skyguide	Y	Y	Y	Y		20/12/2006			19/12/2012
CH	MeteoSchweiz					Y	21/12/2006			20/12/2012
CH	Engadin Airport		Y				01/06/2007			31/05/2013
CY	Cyprus ANS (CYANS) of DCA	Y	Y	Y	Y		21/06/2007	21/06/2009		21/06/2012
CY	MET Service					Y	19/06/2007	18/06/2009		Unlimited
CZ	Air Navigation Services of the Czech Republic (ANS CR)	Y	Y	Y	Y		05/12/2006			05/12/2010
CZ	Czech Hydro-Meteorological Institute (CHMI)					Y	07/06/2007			07/06/2011
CZ	Vodochody Airport	Y					11/06/2007	16/12/2008		16/12/2010
CZ	Aircraft Industries	Y					19/06/2007	12/10/2009		11/10/2011
DE	DFS Deutsche Flugsicherung GmbH	Y	Y	Y	Y		30/11/2006			Unlimited
DE	The Tower Company GmbH (Aerodrome control services and other services for regional airports)	Y	Y				26/03/2007			Unlimited
DE	Deutscher Wetterdienst DWD German Meteorological Service					Y	14/03/2007			Unlimited
DE	Airbus Deutschland GmbH (Aerodrome Control services for Hamburg-Finkenwerder)	Y	Y				20/06/2007			30/11/2011
DE	Rhein-Neckar-Flugplatz GmbH (Aerodrome Control services for Mannheim)	Y	Y				17/09/2008			31/08/2012
DE	Black Forest Airport Lahr GmbH (Aerodrome Control services for Lahr)	Y	Y				13/04/2007			30/04/2011
DE	BAN 2000 GmbH				Y		18/05/2007	22/06/2009		22/06/2014

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
	(CNS-Services for Regional Airports)									
DE	Thales ATM Navigation GmbH (CNS-Services for Regional Airports)				Y		18/05/2007			30/04/2011
DK	Naviair	Y	Y		Y		15/12/2006			15/12/2012
DK	AFIS Sindal (EKSN)		Y				15/12/2006			15/12/2012
DK	AFIS Stauning (EKVJ)		Y				15/12/2006			15/12/2012
DK	AFIS Sønderborg (EKSB)		Y				15/12/2006			15/12/2012
DK	AFIS Esbjerg (EKEB)		Y				15/12/2006			15/12/2012
DK	AFIS Odense (EKOD)		Y				15/12/2006			15/12/2012
DK	AFIS Vamdrup		Y				15/02/2007			15/02/2013
DK	AFIS Tyra (EKGF)		Y				15/12/2006			15/12/2012
DK	Danmarks Meteorologiske Institut (DMI)					Y	15/12/2006			15/12/2012
DK	Luftfartsinformationstjenesten (AIM)			Y			15/12/2006			15/12/2012
DK	Aarhus Airport				Y		15/12/2006			15/12/2012
DK	Billund Airport				Y		15/12/2006			15/12/2012
DK	NAVAID				Y		15/12/2006			15/12/2012
DK	Henrik Hansen Elektronik				Y		15/12/2006			15/12/2012
DK	Kastrup Airport				Y		15/12/2006			15/12/2012
EE	EANS	Y		Y	Y		02/05/2007	22/12/2008		21/12/2012
EE	Estonian Meteorological and Hydrological Institute (EMHI)					Y	15/06/2007	21/12/2008		21/12/2011
EE	Tallinn Airport	Y	Y		Y	Y	15/06/2007	10/06/2008		15/06/2011
ES	Aena	Y	Y	Y	Y		19/12/2006			19/12/2012
ES	AEMET					Y	20/12/2006			20/12/2012
FI	Ilmailulaitos Finavia	Y	Y	Y	Y	Y	20/12/2006			20/12/2012
FI	City of Mikkeli		Y		Y	Y	31/05/2007			31/05/2013
FI	Rengonharju foundation		Y		Y	Y	31/05/2007			31/05/2013
FI	Finnish Meteorological Institute					Y	20/12/2006			20/12/2012
FR	DSNA	Y	Y	Y	Y		19/12/2006			19/12/2010

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
FR	METEO FRANCE					Y	11/12/2006			11/12/2010
FR	CFA	Y					05/12/2008			05/12/2012
FR	COMALAT	Y					18/06/2007			18/06/2011
FR	ALAVIA	Y					14/06/2007			14/06/2011
FR	CEV	Y					06/12/2007			06/12/2011
FR	DIA			Y			18/06/2007			18/06/2011
FR	Collectivité de Saint Barthélemy (SAINT-BARTHELEMY Apt.)		Y				11/06/2007	20/06/2009		30/06/2011
FR	Régie autonome de l'aéroport de Saint Martin Grand Case (SAINT-MARTIN GRAND-CASE Apt.)		Y				11/06/2007	20/06/2009		30/06/2011
FR	Commune de saint Bon Courchevel (COURCHEVEL Altiport Apt.)		Y				20/06/2007	30/06/2008		30/06/2011
FR	Chambre de commerce et d'Industrie du Cantal (AURILLAC Apt.)		Y				19/06/2007	30/06/2009		31/12/2009
FR	Syndicat Mixte de Gestion Aérodrome Départemental Le Puy en Velay / Loudes (Le Puy en Velay Loudes Apt.)		Y				20/06/2007	30/06/2009		30/06/2013
FR	Aéroports de Lyon (Lyon BRON Apt.)		Y				20/06/2007	30/06/2009		30/06/2013
FR	CHAMBRE DE COMMERCE ET D'INDUSTRIE DE MOULINS-VICHY (MOULINS Montbeugny Apt.)		Y				20/06/2007	30/06/2008		30/06/2012
FR	GRAND ROANNE AGGLOMERATION (ROANNE Renaison Apt.)		Y				19/06/2007	30/09/2009		30/12/2009
FR	SYNDICAT MIXTE DE GESTION DE L'AERODROME DE SAINT FLOUR - COLTINES (SAINT-FLOUR Coltines Apt.)		Y				30/06/2007	30/06/2009		30/06/2011
FR	Commune de VICHY (VICHY Charmeil Apt.)		Y				20/06/2007	30/06/2008		30/06/2010
FR	Chambre de Commerce et de l'Industrie d'AMIENS (AMIENS Glisy Apt.)		Y				11/06/2007	30/06/2009		30/06/2010
FR	Syndicat mixte pour l'aménagement et l'exploitation de l'aérodrome de Valenciennes-Denain (VALENCIENNES Denain Apt.)		Y				14/06/2007	30/06/2009		30/06/2011

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
FR	Chambre de Commerce et d'Industrie de l'Yonne (AUXERRE Branches Apt.)		Y				21/06/2007	30/06/2008		20/06/2010
FR	Chambre de Commerce et d'Industrie du Doubs (BESANCON la Veze Apt.)		Y				21/06/2007	21/06/2009		21/06/2011
FR	Société d'Exploitation de Vatry Europort (S.E.V.E.) (CHALONS Vatry Apt.)		Y				18/06/2007	15/12/2008		17/12/2009
FR	Société de l'Aéroport de Colmar SAS (COLMAR Houssen Apt.)		Y				19/06/2007	20/06/2008		20/06/2012
FR	Chambre de Commerce et d'Industrie de Dijon (DIJON Longvic Apt.)		Y				21/06/2007	12/06/2009		21/06/2011
FR	Chambre de Commerce et d'Industrie du Jura (DOLE Tavaux Apt.)		Y				21/06/2007	21/06/2008		20/06/2011
FR	Chambre de Commerce et de l'Industrie des Vosges (EPINAL Mirecourt Apt.)		Y				04/06/2007	17/06/2009		21/06/2013
FR	Syndicat Mixte de l'aérodrome du Pays de Montbéliard (MONTBELIARD Courcelles Apt.)		Y				21/09/2007	17/09/2009		21/06/2013
FR	Syndicat Mixte de Gestion de l'Aéroport de Nancy (NANCY Essey Apt.)		Y				14/06/2007	17/06/2009		21/06/2013
FR	Chambre de commerce et d'industries de la Nièvre (NEVERS Fourchambault Apt.)		Y				14/06/2007	17/06/2009		21/06/2013
FR	Chambre de Commerce et d'Industrie de Reims et d'Eprenay (REIMS Prunay Apt.)		Y				14/06/2007	17/06/2009		21/06/2013
FR	Société de Gestion de l'Aéroport de Troyes en Champagne (TROYES Barberey Apt.)		Y				19/02/2008	19/05/2008		19/05/2010
FR	Société d'exploitation Chalon Champforgeuil aéroport (CHALON Champforgeuil Apt.)		Y				03/12/2008	03/12/2008		02/12/2010
FR	Société de Gestion de l'Aéroport d'Angers Marcé (ANGERS Marcé Apt.)		Y				14/06/2007	21/06/2008		21/06/2011
FR	Communauté de Communes de Belle-Île-en-Mer (BELLE ILE EN MER Apt.)		Y				19/06/2007	21/06/2008		21/06/2010
FR	Syndicat mixte pour l'Aménagement et l'Exploitation de l'Aérodrome de BLOIS VENDOME LE BREUIL (BLOIS Le Breuil Apt.)		Y				14/06/2007	30/06/2008		30/06/2010

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FR	Chambre de Commerce et de l'Industrie du Cher (BOURGES Apt.)		Y				20/06/2007	30/06/2008		30/06/2010
FR	Aéroport Chateauroux Centre (CHATEAUROUX Déols Apt.)		Y				12/06/2007	30/06/2009		30/06/2013
FR	Ville de Cholet (CHOLET Le Pontreau Apt.)		Y				19/06/2007	29/09/2009		30/09/2012
FR	Chambre de Commerce et de l'Industrie de DIEPPE (DIEPPE Saint Aubin Apt.)		Y				12/06/2007	30/06/2009		30/06/2012
FR	Chambre de Commerce et d'Industrie Centre et Sud Manche (GRANVILLE Apt.)		Y				12/06/2007	21/06/2008		31/12/2009
FR	Syndicat Intercommunal de l'Aéroport de La Baule-Escoublac - Pornichet - Le Pouliguen (LA BAULE Escoublac Apt.)		Y				19/06/2007	21/06/2009		31/12/2011
FR	Chambre de Commerce et d'Industrie de la Vendée (La Roche sur Yon les Ajoncs et l'île d'Yeu Le grand Phare Apt.)		Y				11/06/2007	21/06/2009		30/06/2011
FR	Syndicat Mixte de l'Aéroport de Laval et de la Mayenne (S.M.A.L.M.) (LAVAL Entrammes Apt.)		Y				20/06/2007	21/06/2009		30/06/2011
FR	Chambre de Commerce et d'Industrie de Morlaix (MORLAIX Ploujean Apt.)		Y				14/06/2007	21/06/2009		30/06/2012
FR	SMAEDAOL (ORLEANS Saint Denis de l'Hôtel Apt.)		Y				12/06/2007	30/06/2009		30/11/2011
FR	Commune de Ouessant (OUESSANT Kerlaouen Apt.)		Y				18/06/2007	21/06/2008		21/06/2010
FR	Commune de Quiberon (QUIBERON Apt.)		Y				23/06/2009	01/07/2009		31/12/2009
FR	Syndicat Mixte Aéroport Saint-Brieuc Armor (St BRIEUC Armor Apt.)		Y				14/06/2007	21/06/2009		30/06/2013
FR	SEMAVAL (TOURS Val de Loire Apt.)		Y				12/06/2007	30/06/2009		30/06/2012
FR	Syndicat Mixte de Pierrefonds (Saint Pierre Pierrefonds Apt.)		Y				18/06/2007	31/12/2007		31/12/2009
FR	Syndicat Mixte de l'aérodrome civil d'Albi-Le Séquestre (ALBI Le Séquestre Apt.)		Y				14/06/2007	17/06/2009		30/06/2012
FR	Société d'Economie Mixte du Gers (AUCH		Y				20/06/2007	20/06/2008		20/06/2010

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	Lamothe Apt.)									
FR	COMMUNAUTE d'AGGLOMERATION DE BRIVE (BRIVE Laroche Apt.)		Y				11/06/2007	29/09/2009		31/12/2010
FR	Syndicat mixte Aérodrome Cahors Lalbenque (CAHORS Lalbenque Apt.)		Y				19/06/2007	08/10/2009		31/10/2011
FR	Chambre de Commerce et d'Industrie de CASTRES-MAZAMET (CASTRES Mazamet Apt.)		Y				11/06/2007	30/09/2009		30/09/2011
FR	Syndicat Mixte de l'Aérodrome de Millau-Larzac (MILLAU Larzac Apt.)		Y				19/06/2007	20/06/2008		20/06/2010
FR	CHAMBRE DE COMMERCE ET D'INDUSTRIE de MONTLUCON-GANNAT PORTES d'Auvergne (MONTLUCON Gueret Apt.)		Y				19/06/2007	17/06/2009		30/06/2011
FR	Syndicat Mixte pour l'Aménagement et l'Exploitation de l'Aérodrome d'Intérêt Départemental de Pamiers-Les Pujols (PAMIERS les Pujols Apt.)		Y				11/06/2007	17/06/2009		30/06/2012
FR	Chambre de commerce et d'industrie d'Alès et des Cévennes (ALES Deaux Apt.)		Y				11/06/2007	21/06/2009		31/12/2011
FR	AUSAT (GAP Tallard Apt.)		Y				18/06/2007	25/10/2009		21/12/2011
FR	Aéroport du Golfe de Saint-Tropez (La MOLE Apt.)		Y				11/06/2007	21/06/2009		31/12/2010
FR	Société Aéroport International du Castellet (Le CASTELLET Apt.)		Y				11/06/2007	12/10/2009		30/09/2011
FR	Mairie de Lézignan Corbières (LEZIGNAN Corbières Apt.)		Y				18/06/2007	19/02/2009		28/02/2011
FR	Chambre de commerce et d'industrie de La Lozère (Mende-Brenoux Apt.)		Y				18/06/2007	21/06/2009		30/06/2011
FR	CHAMBRE DE COMMERCE ET D'INDUSTRIE D'ANGOULEME (Angoulême Brie-Champniers et Rochefort Saint-Agnant Apt.)		Y				12/06/2007	30/06/2009		29/06/2012
FR	Communauté d'Agglomération du bassin		Y				11/06/2007	30/06/2008		29/06/2011

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	d'Arcachon Sud (ARCACHON La Teste de Buch Apt.)									
FR	Commune de Périgueux (Périgueux-Bassillac Apt.)		Y				12/06/2007	21/06/2009		31/12/2009
FR	Commune de ROYAN (ROYAN-Médis Apt.)		Y				14/06/2007	21/06/2009		20/06/2012
FR	SEAAP - Société Exploitation Aéroport Albert Picardie (ALBERT BRAY Apt.)		Y				22/10/2009	?		31/12/2011
GR	Hellenic Civil Aviation Authority / Air Navigation Services (HCAA/ANS)	Y*	Y*	Y*	Y*		*Not yet certified			
GR	Hellenic National Meteorological Service (HNMS/MET)					Y*	*Not yet certified			
HU	HungaroControl Pte. Ltd. Co.	Y	Y	Y	Y	Y	31/10/2006			06/10/2010
HU	Budapest airport (CNS)				Y		30/11/2008			30/11/2010
HU	National Weather services					Y	23/09/2008			30/09/2012
HU	FlyBalaton LHSM airport				Y		20/06/2007	25/06/2009		30/09/2011
HU	Debrecen LHDC airport		Y		Y		20/06/2007	03/07/2009		31/08/2011
HU	LHPP Pécs-Pogány		Y		Y		20/06/2007	17/06/2009		31/08/2011
HU	Békéscsaba		Y		Y		20/06/2007	21/05/2009		27/05/2011
HU	Győr-Pér		Y		Y		20/06/2007	29/05/2009		31/08/2011
HU	Nyíregyháza		Y		Y		20/06/2007	05/06/2009		31/08/2011
HU	Szeged		Y		Y		20/06/2007	13/05/2009		19/05/2011
IE	IAA Operations Directorate	Y	Y	Y	Y		27/11/2006			25/11/2010
IE	IAA Technology Directorate				Y		27/11/2006			22/11/2010
IE	Waterford Airport	Y	Y		Y	Y	27/11/2006			26/11/2010
IE	Kerry Airport PLC	Y	Y		Y	Y	06/12/2006			04/12/2010
IE	Galway Airport	Y	Y		Y	Y	27/11/2006			26/11/2010
IE	Ireland West Airport Knock	Y	Y		Y		27/11/2006			25/11/2010
IE	Sligo Airport Co LTD	Y	Y		Y	Y	27/11/2006			25/11/2010
IE	Donegal Airport	Y	Y		Y	Y	27/11/2006			25/11/2010
IE	Weston Airport	Y	Y		Y	Y	06/12/2006			04/12/2010

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IE	Met Eireann (Aviation Services Division)					Y	06/12/2006			04/12/2010
IT	ENAV S.p.A	Y	Y	Y	Y	Y	20/06/2007	20/06/2009		20/06/2011
IT	AVDA SpA		Y				21/06/2007	20/06/2009		20/06/2011
IT	Aeroporto Reggio Emilia s.r.l		Y				19/09/2007	19/09/2009		31/01/2010
IT	Società Aeroporto Cerrione SpA (Biella)		Y	Y	Y	Y	25/03/2008			24/03/2010
IT	Aeroporto Lucca SpA		Y		Y	Y	15/10/2008			14/10/2010
IT	Aeroporto di Siena SpA		Y		Y	Y	02/02/2009			01/02/2011
IT	GE.AR.TO SpA (aeroporto Tortoli)		Y		Y	Y	04/06/2009			03/06/2011
IT	Aeroporto G. Caproni Trento SpA		Y		Y	Y	21/09/2009			20/09/2011
LT	ORO NAVIGACIJA, the Air Navigation Service provider in Lithuania	Y	Y	Y	Y		21/12/2006			21/12/2012
LT	Lithuanian Hydro-Meteorological Service Provider					Y	19/06/2008			18/06/2014
LU	Administration de la navigation aérienne (ANA)	Y	N/A	Y	Y	Y	07/12/2009			07/12/2011
LV	State Joint-Stock Company Latvijas Gaisa Satiksme (LGS)	Y	Y	Y	Y	Y	20/12/2006			20/12/2010
LV	Latvian Environment, Geology and Meteorology Agency (LEGMA)					Y	20/12/2006			20/12/2010
MT	Malta Air Traffic Services Limited (MATS)	Y	Y	Y	Y		11/06/2007			11/06/2013
MT	Malta International Airport plc (MIA)					Y	11/06/2007			11/06/2013
NL	Air Traffic Control The Netherlands (LVNL, "Luchtverkeersleiding Nederland")	Y	Y	Y	Y		14/03/2007			Unlimited
NL	Maastricht UAC	Y					08/11/2006			Unlimited
NL	KNMI					Y	21/02/2007			Unlimited
NL	Meteo Consult					Y	10/08/2007			Unlimited
NO	Avinor	Y	Y	Y	Y	Y	01/07/2007	01/06/2009		01/06/2019
NO	Oslo Airport				Y		01/07/2007	01/06/2009		01/06/2012
NO	Statoil		Y		Y	Y	01/07/2007	01/11/2009		01/11/2014
NO	ConocoPhillips		Y		Y	Y	01/07/2007	01/11/2009		01/11/2014

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NO	Sunnhordland Airport		Y			Y	01/07/2007	01/06/2009		01/06/2019
NO	Skien Airport		Y			Y	01/07/2007	01/06/2009		01/06/2019
NO	Notodden Airport		Y			Y	01/07/2007	24/11/2009		01/06/2019
NO	Kings Bay AS		Y			Y	01/07/2007	01/11/2009		01/06/2011
NO	Meteorologisk Institutt (met.no)					Y	01/07/2007			01/05/2013
PL	Polish Air Navigation Services Agency	Y		Y	Y		18/06/2008			17/06/2011
PL	Institute of Meteorology and Water Management (IMGW)					Y	07/08/2008			22/04/2011
PT	Navegação Aérea de Portugal - NAV Portugal, E.P.E.	Y		Y	Y		11/12/2008			11/12/2011
PT	Câmara Municipal de Bragança		Y**				25/02/2008	20/02/2009		28/02/2011
PT	Câmara Municipal de Chaves		Y**				30/07/2008	30/10/2009		30/10/2011
PT	Câmara Municipal de Portimão		Y**				27/06/2008			28/06/2010
PT	Vila Real Social, Habitação e Transportes, E.M.		Y**				25/02/2008	20/02/2009		28/02/2011
PT	Academia Aeronáutica de Évora		Y**				27/06/2008			28/06/2010
PT	Câmara Municipal de Évora				Y***		19/03/2009			19/03/2011
PT	SATA Gestão de Aeródromos, S.A		Y**		Y***		AFIS: 15/12/2008 CNS: 17/06/2009	AFIS: 10/03/2009		AFIS: 15/03/2011 CNS: 17/06/2011
RO	Regia Autonoma Romanian Air Traffic Services Administration – ROMATSA	Y		Y (oly PIB)	Y	Y	15/12/2006	Amd.1 27/12/06	Amd. 2 30/12/2009	15/12/2012
RO	AIS Dept. within RCAA			Y (except PIB)			20/06/2007	20/06/2008	20/06/2009	20/06/2011
SE	LFV	Y	Y	Y	Y	Y	20/12/2006			19/12/2012
SE	SMHI					Y	02/04/2007			02/04/2013
SE	Arvika kommun		Y		Y	Y	09/08/2007	05/06/2009		14/06/2015
SE	European Air Cargo AB		Y		Y	Y	14/06/2007			13/06/2012

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
SE	Kinnarps AB		Y		Y	Y	14/03/2007			13/03/2013
SE	Gällivare kommun				Y		14/03/2007			13/03/2013
SE	Gävle kommun		Y		Y	Y	20/06/2007			19/06/2012
SE	Hagfors kommun		Y		Y	Y	14/06/2007	03/06/2009		02/06/2011
SE	Hemavan Tärnaby Airport AB		Y		Y	Y	29/05/2007			28/05/2013
SE	Stiftelsen Karlskoga flygplats		Y		Y	Y	20/06/2007			19/06/2012
SE	Kramfors/Sollefteå Flygplats AB		Y		Y	Y	14/03/2007			13/03/2013
SE	Lidköping/Hovby Flygplats AB		Y		Y	Y	29/05/2007			28/05/2013
SE	Lycksele kommun		Y		Y	Y	20/12/2006			19/12/2012
SE	AB Dalaflyget		Y		Y	Y	14/03/2007			13/03/2013
SE	Oskarshamns Utveckling AB		Y		Y	Y	29/05/2007			28/05/2013
SE	Pajala kommun		Y		Y	Y	14/06/2007	18/05/2009		17/05/2011
SE	Skövde Flygplats AB		Y		Y	Y	28/03/2007			27/03/2013
SE	Storumans Flygplats AB		Y		Y	Y	29/05/2007			28/05/2013
SE	Härjedalens kommun		Y		Y	Y	29/05/2007			28/05/2013
SE	Torsby Flygplats AB		Y		Y	Y	20/06/2007			19/06/2012
SE	Vilhelmina kommun		Y		Y	Y	29/05/2007			28/05/2013
SE	Arvidsjaur Flygplats AB				Y		20/06/2007			19/06/2012
SE	Cityflygplatsen i Göteborg AB				Y		20/06/2007			19/06/2012
SE	Fyrstads Flygplats AB				Y		20/06/2007			19/06/2012
SE	Halmstad Flygplats AB				Y		21/06/2007			20/06/2012
SE	Kristianstad Airport AB				Y		14/06/2007			13/06/2012
SE	Småindustri lokaler i Klippan AB				Y		21/06/2007			20/06/2012
SE	Linköping City Airport AB				Y		29/05/2007			28/05/2013
SE	Stockholm Skavsta Flygplats AB				Y		20/06/2007			19/06/2012
SE	Söderhamns kommun				Y		14/03/2007			13/03/2013
SE	Västerås Flygplats AB				Y		21/06/2007			20/06/2012
SE	Växjö Flygplats AB				Y		14/06/2007			13/06/2012

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
SE	Örebro Läns Flygplats AB				Y		29/05/2007			28/05/2013
SI	Slovenia Control Ltd.	Y	Y	Y	Y		20/12/2006	21/12/2008		21/12/2010
SI	Agency for Environment of Republic of Slovenia.					Y	20/12/2006	21/12/2008		21/12/2010
SK	Letové prevádzkové služby Slovenskej republiky (LPS SR)	Y	Y	Y	Y		12/12/2006			Unlimited
SK	Slovak Hydrometeorological Institute (SHMU)					Y	12/12/2006			Unlimited
UK	Airways Aero Associations Ltd	Y			Y		21/12/2006	31/12/2009		31/12/2011
UK	Air Caernarfon Ltd				Y		02/05/2007	31/12/2009		31/12/2011
UK	Albemarle Shoreham Airport Ltd	Y			Y	Y	14/04/2008	31/12/2009		31/12/2011
UK	Argyll & Bute Council	Y			Y		19/06/2008	31/12/2009		31/12/2011
UK	ATC Lasham	Y			Y		06/06/2007	31/12/2009		31/12/2011
UK	BAE Systems Marine Ltd (Walney Island)		Y		Y		31/01/2007	31/12/2009		31/12/2011
UK	BAE Systems Integrated System Technologies Ltd (Bristol Filton)	Y			Y	Y	31/01/2007	31/12/2009		31/12/2011
UK	BAE Systems (Operations) Ltd (Warton and Woodford)	Y			Y		02/05/2007	31/12/2009		31/12/2011
UK	Belfast City Airport	Y			Y	Y	06/06/2007	31/12/2009		31/12/2011
UK	Bickerton's Aerodromes Ltd (Denham)		Y		Y		02/05/2007	31/12/2009		31/12/2011
UK	Biggin Hill Airport Ltd	Y			Y	Y	31/01/2007	31/12/2009		31/12/2011
UK	Blackbushe Airport Ltd		Y		Y		31/01/2007	31/12/2009		31/12/2011
UK	Blackpool Airport Ltd	Y			Y	Y	14/06/2007	31/12/2009		31/12/2011
UK	British International Ltd (Penzance)				Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	City Airport Manchester Ltd (Barton)		Y		Y		06/06/2007	31/12/2009		31/12/2011
UK	Cornwall Airport Limited (Newquay)	Y			Y	Y	19/12/2008	31/12/2009		31/12/2011
UK	Council of The Isles of Scilly (St Mary's)	Y			Y	Y	31/01/2007	31/12/2009		31/12/2011
UK	Cumbernauld Airport Ltd				Y		14/06/2007	31/12/2009		31/12/2011
UK	Derry City Council	Y			Y	Y	15/05/2007	31/12/2009		31/12/2011
UK	Dundee Airport Ltd	Y			Y	Y	31/08/2007	31/12/2009		31/12/2011
UK	Enniskillen				Y		06/06/2007	31/12/2009		31/12/2010

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
UK	Exeter & Devon Airport Ltd	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Fairoaks Airport Ltd		Y		Y		30/03/2007	31/12/2009		31/12/2011
UK	Fenland Aero Club (Licensing) Ltd		Y		Y		21/12/2006	31/12/2009		31/12/2011
UK	Gloucestershire Airport Ltd	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Goodwood Road Racing Company Ltd		Y		Y		15/05/2007	31/12/2009		31/12/2011
UK	Herefordshire Aero Club Ltd (Shobdon)		Y		Y		30/03/2007	31/12/2009		31/12/2010
UK	Highlands and Islands Airports Ltd	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Imperial War Museum Duxford		Y			Y	06/06/2007	31/12/2009		31/12/2011
UK	Infratil Airport Europe Ltd	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Kemble Air Services Ltd		Y		Y		02/05/2007	31/12/2009		31/12/2011
UK	Leeds Bradford International Airport	Y			Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	Leicestershire Aero Club Ltd				Y		15/05/2007	31/12/2009		31/12/2011
UK	London Ashford Airport	Y			Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	London Southend Airport Company Ltd	Y			Y	Y	31/01/2007	31/12/2009		31/12/2011
UK	Manchester Airport Group plc	Y			Y	Y	06/06/2007	31/12/2009		31/12/2011
UK	Marshalls of Cambridge Aerospace Ltd	Y			Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	Met Office					Y	02/05/2007	31/12/2009		31/12/2011
UK	Mid Wales Airport Ltd (Welshpool)				Y		06/06/2007	31/12/2009		31/12/2010
UK	Montclare Shipping Co. Ltd (Elstree)		Y		Y		02/05/2007	31/12/2009		31/12/2011
UK	NATS NERL	Y	Y	Y	Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	NATS NSL	Y	Y		Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	Newcastle International Airport Ltd	Y			Y	Y	21/12/2006	31/12/2009		31/12/2011
UK	Norwich Airport Ltd	Y			Y	Y	31/01/2007	31/12/2009		31/12/2011
UK	Oxford Aviation Services Ltd	Y			Y		21/12/2006	31/12/2009		31/12/2011
UK	Peel Airports Ltd	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Pembrokeshire County Council				Y		06/06/2007	31/12/2009		31/12/2011
UK	Plymouth City Airport	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Radarmoor Limited (Wellesbourne)		Y		Y		02/05/2007	31/12/2009		31/12/2011

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of 1st Certif.	1st Expiry Date/Renewal	2nd Expiry Date/Renewal	Valid until
UK	Redhill Aerodrome Ltd	Y			Y		06/06/2007	31/12/2009		31/12/2011
UK	Rochester Airport plc		Y		Y		15/05/2007	31/12/2009		31/12/2011
UK	Serco Ltd	Y			Y	Y	30/03/2007	31/12/2009		31/12/2011
UK	Shenley Farms (Aviation) Ltd (Headcorn)				Y		06/06/2007	31/12/2009		31/12/2011
UK	Sherburn Aero Club Ltd				Y		06/06/2007	31/12/2009		31/12/2011
UK	Shetland Islands Council (Tingwall)		Y		Y		02/05/2007	31/12/2009		31/12/2011
UK	Shuttleworth Old Warden Aerodrome		Y		Y		02/05/2007	31/12/2009		31/12/2011
UK	Stobart Air Ltd (Carlisle Airport)	Y			Y	Y	02/05/2007	31/12/2009		31/12/2011
UK	Sywell Aviation Ltd		Y		Y		15/05/2007	31/12/2009		31/12/2011
UK	Tatenhill Aviation Ltd				Y		15/05/2007	31/12/2009		31/12/2010
UK	Truman Aviation Ltd (Nottingham)				Y		15/05/2007	31/12/2009		31/12/2010
UK	Westland Helicopters Ltd	Y			Y		31/01/2007	31/12/2009		31/12/2011
UK	West Wales Airport Ltd		Y		Y		15/05/2007	31/12/2009		31/12/2011
UK	Westward Airways (Land's End) Ltd	Y			Y		15/05/2007	31/12/2009		31/12/2011
UK	Wolverhampton Airport Ltd		Y		Y		14/06/2007	31/12/2009		31/12/2011

### Annex 3 List of Certified Training Providers

State	Name of the Training Provider	Certified	Date of Certif.	Valid until	Types of Services Certified
AT	AUSTRO CONTROL	Y	04/2009	unlimited	All training in accordance with EC Directive.
BE	BELGOCONTROL	Y	10/02/2009	10/02/2015	Basic training
BG	BULATSA Training centre	Y	14/11/2009	14/11/2012	ATCO basic, rating and refreshment trainings as well as the different type of endorsement trainings.
CH	Skyguide Training Center	Y	26/09/2008	26/09/2010	ATCO, SRT
CH	Sky Watch Aerodrome FISO Training Provider	Y	25/06/2009	25/06/2011	FISO
CY	Department of Civil Aviation Training Unit	Y	20/10/2009	—	Initial Basic, ADI(TWR),APP,ACS(RAD).
CZ	ANS CR	Y	16/11/2009	15/11/2013	-
DE	DFS Deutsche Flugsicherung GmbH	Y	02/12/2008	unlimited	Initial ATCO–Training
DE	TTC The Tower Company	Y	30/12/2009	unlimited	Initial ATCO–Training
DK	Naviair	Y	01/12/2005	Renewal every 2nd year	Practical ATC Training. A total of 8 Approval Certificates (units).
DK	Mittarfeqaarfiit, Greenland Airport Authority	Y	24/11/2005	30/11/2010	Practical ATC Training. 1 unit (DK/ATC/001).
DK	SIU, Mittarfeqaarfiit, Greenland Airport Authority	Y	19/12/2007	30/11/2010	Theoretical ATC training, Basic Training only (DK/ATM/103).
DK	SAC	Y	06/07/2007	30/04/2010	Theoretical ATC training, Basic Training only (DK/ATM/102)
DK	Naviair (Theoretical Training)	Y	09/10/2009	31/10/2010	Theoretical ATC training, Basic all levels (DK/ATM/104).
EE	Estonian Aviation Academy	Y	06/03/2009	30/06/2011	Air Traffic Control Basic Training Rating Training ACS, ADV/ADI, APP, APS(RAD)
ES	MAPER/DEN (MAndo de PERSONal/Dirección de ENseñanza)	N	N/A	N/A	Training for military Air Traffic Controllers
ES	Servicios y Estudios para la Navegación Aérea y la Seguridad Aeronáutica, Sociedad Anónima, SENASA, (Services and Studies for the Air Navigation and the Aeronautical Safety)	N	-	-	Development of secondary legislation on civil training providers certification is in progress. The Royal Decree 1516/2009 gives the AESA a deadline of one year after the publication of the secondary legislation for the certification of the providers (Disposición transitoria cuarta).

State	Name of the Training Provider	Certified	Date of Certif.	Valid until	Types of Services Certified
FI	Avia College	Y	12/05/2009	Until further notice	Initial training Continuation training
FI	IImailulaitos Finavia, Air Navigation Services	Y	20/05/2009	20/05/2010	Unit training Continuation training Training of on-the-job training instructors Training of assessors
FI	The Air Navigation Services Centre for South Finland	Y	15/05/2009	15/05/2010	Initial training Unit training Continuation training
FR	ENAC	Y	03/07/2007	02/07/2010	Initial training
FR	CRNA/Est	Y	15/04/2008	14/04/2011	Unit training and continuation training
FR	CRNA Nord	Y	21/04/2008	20/04/2011	Unit training and continuation training
FR	CRNA Ouest	Y	15/04/2008	14/04/2011	Unit training and continuation training
FR	CRNA Sud Est	Y	15/04/2008	14/04/2011	Unit training and continuation training
FR	CRNA Sud Ouest	Y	21/04/2008	20/04/2011	Unit training and continuation training
FR	SNA Antilles Guyane	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Centre Est	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Nord	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Nord Est	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Ouest	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Océan Indien	Y	11/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Région parisienne Roissy	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Région parisienne Orly et Aviation générale	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Sud	Y	05/05/2008	05/05/2011	Unit training and continuation training
FR	SNA Sud Est	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Sud Ouest	Y	13/05/2008	12/05/2011	Unit training and continuation training
FR	SNA Sud Sud Est	Y	13/05/2008	12/05/2011	Unit training and continuation training
GR	"HCAA/Civil Aviation Training Center" (SPOA)	N	-	-	SPOA is certified in accordance with National law. SPOA will be certified by HANSA in conjunction with the certification of the ANSP.

State	Name of the Training Provider	Certified	Date of Certif.	Valid until	Types of Services Certified
HU	HungaroControl Pte. Ltd. Co.	Y	26/06/2008	30/06/2013	<ul style="list-style-type: none"> <li>– initial training, providing basic and rating training, leading to the grant of a student licence;</li> <li>– unit training, including transitional training prior to on–the–job training and on–the–job training, leading to the grant of an air traffic controller licence;</li> <li>– continuation training, keeping the endorsements of the licence valid;– training of on–the–job training instructors, leading to the grant of the instructor endorsement;</li> <li>– English language endorsement training.</li> </ul>
IE	Irish Aviation Authority – Technology & Training	Y	07/08/2008	06/08/2010	Training courses for:– Student ATCO– Additional ratings– Licence endorsements
IT	ENAV S.p.A.	Y	06/2009	06/2011	-
LT	SE Oro navigacija Training Centre	Y	01/10/2009	01/10/2010	Air traffic controller training:– Unit training– Continuation training– Refreshing training Air traffic electronics specialist training:– Unit training– Continuation training– Refreshing training
LT	Vilnius Gediminas Technical University Antanas Gustaitis' Aviation Institute	Y	29/09/2010	30/09/2010	Initial training of air traffic controllers
LV	ANS Training Centre	Y	24/09/2008	Unlimited	Initial Air Traffic Controller training, unit training and development training.
MT	Malta Air Traffic Services Ltd.	Y	29/10/2008	28/10/2010	Pre On The Job Training Course ADI Pre On The Job Training Course APS Pre On The Job Training Course ACS On The Job Training Course ADI On The Job Training Course APS On The Job Training Course ACS Contingency Training Course Refresher Training Course
NL	Air Traffic Control The Netherlands (LVNL, Luchtverkeersleiding Nederland)	Y	18/09/2007	unlimited	All as per ATCO Directive Article 2.12 (Initial training , Unit training, Continuation training, training of OJT instructors and training of examiners/assessors)
NO	Avinor	Y	29/07/2009	29/07/2014	ATCO Unit training and parts of institutional rating training
PL	PANSA Training Provider	Y	15/11/2009	14/11/2010	ATCOs, FISOs
PL	Polish Air Force Academy	Y	05/10/2009	04/10/2010	ATCOs

State	Name of the Training Provider	Certified	Date of Certif.	Valid until	Types of Services Certified
	Training Provider				
PT	NAV Portugal, E.P.E.	N	-	-	Certification is under way. It is foreseen for the first half of 2010
SI	Slovenia Control Ltd.	Y	30/10/2009	30/10/2010	ATCO's, ATSEP's
SK	Letecká akola ilinskej University	Y	03/11/2006	01/02/2011	ATCO Initial Training (Basic training/ theoretical part)
SK	LPS SR	Y	19/08/2008	01/11/2012	Full range of ATCO Training
SE	Entry Point North AB, Nordic ATS Academy	Y	18/08/2009	17/08/2015	Training Organisation for personnel in Air Traffic Service
SE	Lapland Aviation Academy AB	Y	14/01/2009	13/01/2010	Training Organisation for personnel in Air Traffic Service
SE	LFV ANS Utbildning	Y	30/09/2009	24/02/2015	Training Organisation for personnel in Air Traffic Service
UK	NATS	N	N/A	N/A	Certification of Training Providers is scheduled for completion by 28 February 2010.
UK	ASTAC Ltd	N	N/A	N/A	Certification of Training Providers is scheduled for completion by 28 February 2010.
UK	Bae Systems	N	N/A	N/A	Certification of Training Providers is scheduled for completion by 28 February 2010.
UK	30 ANSP Unit Training Sections (approx)	N	N/A	N/A	Certification of Training Providers is scheduled for completion by 28 February 2010.

## Annex 4 List of Designated ATS Providers

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
AT	Austro Control GmbH		01/07/2008		unlimited
BE	Belgocontrol		02/03/2005		01/03/2010
BG	Bulgarian Air Traffic Services Authority (BULATSA)		23/12/2008		21/06/2012
CH	Skyguide	FIR Switzerland plus Airspace of delegated Services from France, Italy and Germany.	01/07/2007		unlimited
CY	Cyprus ANS (CYANS) of DCA	Nicosia FIR	21/06/2007		unlimited
CZ	Air Navigation Services of the Czech Republic (ANS CR)	(FIR Praha, LKPR, LKTB, LKKV, LKMT)	05/12/2006		05/12/2010
CZ	Vodochody Airport	(LKVO)	11/06/2007	16/12/2008	16/12/2010
CZ	Aircraft Industries	(LKKU)	19/06/2007	12/10/2009	11/10/2011
DE	DFS Deutsche Flugsicherung GmbH	-	-		-
DE	The Tower Company GmbH (Aerodrome control services and other services for regional airports)	Aerodrome control services and other services for regional airports	01/12/2009		-
DE	Airbus Deutschland GmbH (Aerodrome Control services for Hamburg-Finkenwerder)	Aerodrome Control services for Hamburg-Finkenwerder	01/12/2009		-
DE	Rhein-Neckar-Flugplatz GmbH (Aerodrome Control services for Mannheim)	Aerodrome Control services for Mannheim	01/12/2009		-
DE	Black Forest Airport Lahr GmbH (Aerodrome Control services for Lahr)	Aerodrome Control services for Lahr	01/12/2009		-
DK	Naviair	All airspace within Copenhagen FIR except TIZ, TIA and military CTR, TMA and LTA.	20/12/2006		unlimited
DK	AFIS Sindal (EKSN)	(EKSN)/TIZ	20/12/2006		unlimited
DK	AFIS Stauning (EKVJ)	(EKVJ)/TIZ	20/12/2006		unlimited
DK	AFIS Sønderborg (EKSB)	(EKSB)/TIZ	20/12/2006		unlimited
DK	AFIS Esbjerg (EKEB)	(EKEB)/TIZ	20/12/2006		unlimited
DK	AFIS Odense (EKOD)	(EKOD)/TIZ	20/12/2006		unlimited
DK	AFIS Vamdrup	(EKGF)TIZ/TIA	20/12/2006		unlimited

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
DK	AFIS Tyra (EKGf)	(EKVD)/TIZ	20/12/2006		unlimited
DK	Kastrup Airport	All airspace within Copenhagen FIR except TIZ and TIA	20/12/2006		unlimited
EE	EANS	Tallinn FIR/UIR included TALLINN CTR and TMA permanently, and Kärdla CTR, Kärdla FIZ, Kärdla TMA, Kuressaare CTR, Kuressaare FIZ, Kuressaare TMA, Tartu CTR, Tartu TMA, Pärnu FIZ outside working hours of those units	27/01/2009		unlimited
EE	Tallinn Airport	Kärdla CTR, Kärdla FIZ, Kärdla TMA, Kuressaare CTR, Kuressaare FIZ, Kuressaare TMA, Tartu CTR, Tartu TMA, Pärnu FIZ	27/01/2009		unlimited
ES	Aena	All air space under Spanish responsibility.	15/06/1991		Unlimited based on Law 4/90 (*).
FI	Ilmailulaitos Finavia	Finland FIR except EFMI FIZ and EFSI FIZ	21/12/2006		20/12/2018
FI	City of Mikkeli	Mikkeli flight information zone ( EFMI FIZ)	21/06/2007		20/06/2019
FI	Rengonharju foundation	Seinäjoki flight information zone (EFSI FIZ)	21/06/2007		20/06/2019
FR	DSNA	The whole airspace under French responsibility, either due to ICAO rules, or due to international agreements or bilateral Letters of Agreement.	09/04/2007		unlimited
HU	HungaroControl Pte. Ltd. Co.	Budapest FIR CTA and FIS	01/01/2007		unlimited
IE	IAA Operations Directorate	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Waterford Airport	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Kerry Airport PLC	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Galway Airport	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Ireland West Airport Knock	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Sligo Airport Co LTD	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Donegal Airport	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IE	Weston Airport	See AIP Ireland ENR 2.1	20/12/2006		unlimited
IT	ENAV S.p.A	See AIP ITALY	01/01/1981		unlimited
IT	AVDA SpA	AFIS for Aosta Airport	Before 2004	31/12/2009	31/12/2010
IT	Aeroporto Reggio Emilia s.r.l	AFIS for Reggio Emilia Airport	Before 2004	31/12/2009	31/12/2010
IT	Società Aeroporto Cerrione SpA (Biella)	AFIS for Biella Cerrione Airport	Before 2004	31/12/2009	31/12/2010

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
IT	Aeroporto Lucca SpA	AFIS for Lucca Airport	Before 2004	31/12/2009	31/12/2010
IT	Aeroporto di Siena SpA	AFIS for Siena Ampugnano Airport	Before 2004		31/12/2010
IT	GE.AR.TO SpA (aeroporto Tortoli)	AFIS for Tortoli' Arbatax Airport	Before 2004		31/12/2010
IT	Aeroporto G. Caproni Trento SpA	AFIS for Trento Airport (LIDT)	21/09/2009		21/09/2014
LT	ORO NAVIGACIJA, the Air Navigation Service provider in Lithuania	-	21/12/2006		unlimited
LU	Administration de la navigation aérienne (ANA)	Ref. to LSSIP 2010-2014 Chap.2	21/12/2007		unlimited
LV	State Joint-Stock Company Latvijas Gaisa Satiksme (LGS)	RIGA FIR/UIR	20/12/2006		20/12/2010
MT	Malta Air Traffic Services Limited (MATS)	Malta Flight Information Region	06/11/2007		11/06/2013
NL	Air Traffic Control The Netherlands (LVNL, "Luchtverkeersleiding Nederland")	LVNL provides ATS up to FL 245.	18/09/2007		unlimited
NL	Maastricht UAC	MUAC provides ATS above FL245	18/09/2007		unlimited
NO	Avinor		09/03/2007		03/09/2012
NO	Statoil		09/03/2007		03/09/2012
NO	ConocoPhillips		09/03/2007		03/09/2012
NO	Sunnhordland Airport		09/03/2007		03/09/2012
NO	Skien Airport		09/03/2007		03/09/2012
NO	Notodden Airport		09/03/2007		03/09/2012
PL	Polish Air Navigation Services Agency	FIR Warsaw	03/08/2007		unlimited
PT	Navegação Aérea de Portugal - NAV Portugal, E.P.E.	Lisbon and Santa Maria FIRs	19/12/2006		unlimited
RO	Regia Autonoma Romanian Air Traffic Services Administration – ROMATSA	-	21/12/2006		unlimited
SE	LFV	Sweden FIR/UIR	20/06/2007		unlimited
SI	Slovenia Control Ltd.	Air traffic services are provided for the entire territory of the state. ( AIP-19 NOV 2009)	23/03/2006		unlimited
SK	Letové prevádzkové služby Slovenskej republiky (LPS SR)	FIR Slovak Republic	12/12/2006		unlimited
UK	Airways Aero Associations Ltd	Wycombe Air Park / Booker	15/06/2007		

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
UK	Albemarle Shoreham Airport Ltd	Shoreham	14/04/2008		All designations have been granted in accordance with the relevant notifications in the United Kingdom Aeronautical Information Publication. ATS ANSP designations are not time limited but were re-issued at the time of re-certification
UK	Argyll & Bute Council	Oban Airport	19/06/2008		
UK	ATC Lasham	Lasham	15/06/2007		
UK	BAE Systems Marine Ltd (Walney Island)	Barrow / Walney Island	15/06/2007		
UK	BAE Systems Integrated System Technologies Ltd (Bristol Filton)	Bristol Filton	15/06/2007		
UK	BAE Systems (Operations) Ltd (Warton and Woodford)	Warton Woodford	15/06/2007		
UK	Belfast City Airport	Belfast City	15/06/2007		
UK	Bickerton's Aerodromes Ltd (Denham)	Denham	15/06/2007		
UK	Biggin Hill Airport Ltd	Biggin Hill	15/06/2007		
UK	Blackbushe Airport Ltd	Blackbushe	15/06/2007		
UK	Blackpool Airport Ltd	Blackpool	15/06/2007		
UK	City Airport Manchester Ltd (Barton)	Manchester / Barton	15/06/2007		
UK	Cornwall Airport Limited (Newquay)	Newquay	19/12/2008		
UK	Council of The Isles of Scilly (St Mary's)	Scilly Isles / St Marys	15/06/2007		
UK	Derry City Council	Londonderry / Eglinton	15/06/2007		
UK	Dundee Airport Ltd	Dundee	01/12/2007		
UK	Exeter & Devon Airport Ltd	Exeter	15/06/2007		
UK	Fairoaks Airport Ltd	Fairoaks	15/06/2007		
UK	Fenland Aero Club (Licensing) Ltd	Fenland	15/06/2007		
UK	Gloucestershire Airport Ltd	Gloucestershire	15/06/2007		
UK	Goodwood Road Racing Company Ltd	Chichester / Goodwood	15/06/2007		
UK	Herefordshire Aero Club Ltd (Shobdon)	Shobdon	15/06/2007		
UK	Highlands and Islands Airports Ltd	Barra Benbecula Campbeltown Inverness Islay Kirkwall Stornoway Sumburgh	15/06/2007		

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
		Tiree Wick			
UK	Imperial War Museum Duxford	Duxford	15/06/2007		
UK	Infratil Airport Europe Ltd	Manston Prestwick	15/06/2007		
UK	Kemble Air Services Ltd	Kemble	15/06/2007		
UK	Leeds Bradford International Airport	Leeds Bradford	15/06/2007		
UK	London Ashford Airport	Lydd	15/06/2007		
UK	London Southend Airport Company Ltd	Southend	15/06/2007		
UK	Manchester Airport Group plc	Bournemouth Humberside Nottingham East Midlands	15/06/2007		
UK	Marshalls of Cambridge Aerospace Ltd	Cambridge Great Yarmouth / North Denes Coventry	15/06/07 01/04/08 27/04/09		
UK	Montclare Shipping Co. Ltd (Elstree)	Elstree	15/06/2007		
UK	NATS NERL	London Area Control Centre London Terminal Control Centre Manchester Area Control Centre Scottish Area Control Centre	15/06/2007		
UK	NATS NSL	Aberdeen / Dyce Aberporth Range Belfast/Aldergrove Birmingham Bristol Cardiff Edinburgh Farnborough London City London Gatwick London Heathrow London Luton London Stansted Manchester Southampton	15/06/2007		
UK	Newcastle International Airport Ltd	Newcastle	15/06/2007		

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
UK	Norwich Airport Ltd	Norwich	15/06/2007		
UK	Oxford Aviation Services Ltd	Oxford / Kidlington	15/06/2007		
UK	Peel Airports Ltd	Doncaster Sheffield Durham Tees Valley Liverpool	15/06/2007		
UK	Plymouth City Airport	Plymouth	15/06/2007		
UK	Radarmoor Limited (Wellesbourne)	Wellesbourne Mountford	15/06/2007		
UK	Redhill Aerodrome Ltd	Redhill	15/06/2007		
UK	Rochester Airport plc	Rochester	15/06/2007		
UK	Serco Ltd	Cranfield Hawarden London Heliport Scatsta	15/06/2007		
UK	Shetland Islands Council (Tingwall)	Lerwick / Tingwall	15/06/2007		
UK	Shuttleworth Old Warden Aerodrome	Shuttleworth / Old Warden	15/06/2007		
UK	Stobart Air Ltd (Carlisle Airport)	Carlisle	15/06/2007		
UK	Sywell Aviation Ltd	Northampton / Sywell	15/06/2007		
UK	Westland Helicopters Ltd	Yeovil / Westland	15/06/2007		
UK	West Wales Airport Ltd	West Wales / Aberporth	15/06/2007		
UK	Westward Airways (Land's End) Ltd	Lands End / St Just	15/06/2007		
UK	Wolverhampton Airport Ltd	Wolverhampton	06/09/2007		

**Annex 5 List of Designated MET Providers**

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
AT	Austro Control GmbH		01/07/2008		unlimited
BE	Belgocontrol		01/01/2005		31/12/2010
BG	Bulgarian Air Traffic Services Authority (BULATSA)		23/12/2008		21/06/2012
CH	MeteoSchweiz	FIR Switzerland	01/07/2007		unlimited
CY	MET Service	Nicosia FIR	21/06/2007		unlimited
CZ	Czech Hydro-Meteorological Institute (CHMI)		07/06/2007		07/06/2011
DE	Deutscher Wetterdienst DWD German Meteorological Service	-	-		-
DK	Danmarks Meteorologiske Institut (DMI)	Copenhagen FIR	16/01/2007		unlimited
ES	AEMET		20/12/2006		-
FI	Finnish Meteorological Institute	Finland FIR/UIR	19/06/2007		18/06/2010
FR	METEO FRANCE	Same airspace as DSNA.	14/12/2007		unlimited
IE	Met Eireann (Aviation Services Division)	See AIP Ireland ENR 2.1	25/04/2008		-
LT	Lithuanian Hydro-Meteorological Service Provider	-	19/07/2007		unlimited
LU	Administration de la navigation aérienne (ANA)	Ref. to LSSIP 2010-2014 Chap.2	21/12/2007		unlimited
LV	State Joint-Stock Company Latvijas Gaisa Satiksme (LGS)	RIGA FIR/UIR	20/12/2006		20/12/2010
LV	Latvian Environment, Geology and Meteorology Agency (LEGMA)	RIGA FIR/UIR	20/12/2006		20/12/2010
MT	Malta International Airport plc (MIA)	Luqa International Airport and Malta Flight Information Region	06/11/2007		11/06/2013
NL	KNMI		18/09/2007		unlimited
NO	Meteorologisk Institutt (met.no)		01/01/2010		31/12/2012
PL	Institute of Meteorology and Water Management (IMGW)	FIR Warsaw	09/01/2008	01/01/2009	22/04/2011
RO	Regia Autonoma Romaniana Air Traffic Services Administration – ROMATSA	-	21/12/2006		-
SE	LFV	Sweden FIR/UIR	20/06/2007		unlimited

State	Name of the ANSP	Airspace under its responsibility	Date of Desig.	1st Expiry Date	Valid until
SI	Agency for Environment of Republic of Slovenia.	MET Services are provided for the entire territory of the state.	23/03/2006		unlimited
SK	Slovak Hydrometeorological Institute (SHMU)	FIR Slovak Republic	12/12/2006		unlimited
UK	Met Office	(ICAO Annex 3 en-route METS in UK airspace and aerodrome forecast for the UK)	20/06/2007		31/03/2012



11	<b>UM 19 RENDA TUVAR (FIR Boundary)</b>									
HR	NSA Arr.:	Case A		Case B		Case C				
SMATSA										

Trilateral agreement among CCL, FATCA and ENAV and Trilateral agreement among CCL, Slovenia CAA and ENAV. These are planned to be approved by the States.

12	<b>Portoro CTR</b>									
HR	NSA Arr.:	Case A		Case B		Case C				
SloveniaControl										

LoA between ATCC Ljubljana and ATCC Zagreb (there is no agreement on the State level).

13	<b>FAB CE</b>									
CZ	NSA Arr.:	Case A		Case B		Case C				
AustroControl										

At present, the operations are covered with letters of Agreement between ANSPs.

14a	<b>East of Praha Rhein Line</b>									
CZ	NSA Arr.:	Case A		Case B		Case C				
DFS										

LoA between DFS Upper Karlsruhe UAC and ANS CR Praha ACC, Effective: 19.11.2009. Appropriate national implementation process is missing.

14b	<b>East of Praha Munich Line</b>									
CZ	NSA Arr.:	Case A		Case B		Case C				
DFS										

LoA between DFS Munich ACC and ANS CR Praha ACC., Effective: 19.11.2009. Appropriate national implementation process is missing.

15	<b>Area S of DESEN</b>									
CZ	NSA Arr.:	Case A		Case B		Case C				
PANSA										

LoA between ANS of CR ( ACC Praha, APP Ostrava) and Polish Air Navigation Services Agency (ACC Warszawa, APP Krakow) effective 2007–11–22. Appropriate national implementation process is missing.

16	<b>Areas C, H1, L1</b>									
DK	NSA Arr.:	Case A		Case B		Case C				
LFV										

Promemoria (memorandum) 1981–01–23 (SÖ 1981–25) reported by Sweden. LoA between CAA Denmark and LFV Sweden dated 1912009. Draft agreement has been exchanged at state–and NSA level. Supervision of ATS provider are described in NSA agreement which were foreseen to be signed late 2009.

17a	<b>Manto</b>									
FI	NSA Arr.:	Case A		Case B		Case C				
Avinor										

By LoA, Finnish and Norwegian ATS authorities have agreed to delegate Air Traffic Services of their respective UIR/FIR. In addition the associated ATS–procedures have been defined by the LoAs jointly agreed between the responsible ATC–units. The preparation of a State level agreement between Norway and Finland is planned to start immediately after the similar agreement between Finland and Sweden has been adopted during 2010.

17b	<b>Halti</b>									
FI	NSA Arr.:	Case A		Case B		Case C				
Avinor										

By LoA, Finnish and Norwegian ATS authorities have agreed to delegate Air Traffic Services of their respective UIR/FIR. In addition the associated ATS–procedures have been defined by the LoAs jointly agreed between the responsible ATC–units. The preparation of a State level agreement between Norway and Finland is planned to start immediately after the similar agreement between Finland and Sweden has been adopted during 2010.

18	<b>Area Kvarken</b>									
FI	NSA Arr.:	Case A		Case B		Case C				
LFV										

The intergovernmental agreement concerning the delegation of ATS between the States is under approval process of Finland. Finalisation during the year 2010. CAA agreements concerning the supervision of ATS providers will be agreed upon the State level agreement has been adopted.

19	<b>(U)L607, KONAN–KOK</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
Belgocontrol										

LoA Paris ACC / Brussels ACC 12 MAR 2009, reported by Belgium to be notified to the NSAs and approved by the States concerned.

20a	<b>Region of Geneva</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
skyguide										

Agreement between France and Switzerland signed 22/06/2001. Entry into force: 01/08/2001. An agreement addresses the supervision of Skyguide. Switzerland remains responsible for its own ATSP supervision.

20b	<b>ARR to Zurich TMA</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
skyguide										

Agreement between Reims ACC and Zurich ACC signed before 2004. As far as NSA arrangements are concerned, an agreement addresses the supervision of Skyguide. Switzerland remains responsible for its own ATSP supervision.

21a	<b>French portion of Karlsruhe Baden Baden CTR</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
DFS										

LoA between Strasbourg APP and Karlsruhe Baden Baden TWR. Approval by the States and arrangements between NSAs foreseen under FABEC Agreement.

21b	<b>French portion of Sarre TMA + Saarbrücken CTR + Zweibrücken CTR</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
DFS										

LoA between Strasbourg APP + Reims ACC and DFS. Approval by the States and arrangements between NSAs foreseen under FABEC Agreement.

22	<b>French portion of San Sebastian CTR</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
AENA										

LoA between Biarritz APP and San Sebastian APP.

23	<b>Triangle area Brest UIR near TULTA, FL&gt;245</b>									
FR	NSA Arr.:	Case A		Case B		Case C				
IAA										

LoA Brest ACC and Shannon ACC, approved by Irish NSA and planned to be approved formally by Ireland.



34	<b>Hannover UIR above FL244</b>									
DE	NSA Arr.:	Case A			Case B		Case C			
MUAC										

MUAC is a NL-based, certified and designated ATSP in the NL Aviation Act, and operates on the basis of the 4 States' Agreement relating to the provision and operation of ATS and facilities by EUROCONTROL at MUAC, date 25-11-1986. Agreement by the 4 States' NSAs on a Manual for the oversight activities of MUAC. Supervision of MUAC is carried out by IWV (CAA-NL) in coordination with the other 3 States' NSAs within the frame of the 4-States NSA

35	<b>Area Rönne South West</b>									
DE	NSA Arr.:	Case A			Case B		Case C			
LFV										

LFV and DFS, Letter of Agreement to define the coordination procedures to be applied between ATCC Malmö and Bremen ACC, 06/12/16, D-LFV 2008-002095.LFV and DFS, Letter of Agreement to define the coordination procedures to be applied between ATCC Malmö and Karlsruhe UAC, 06/12/21, D-LFV D-LFV 2008-002910. Draft agreement at state and NSA level is planned to be exchanged during 2010 and in place 2011.

36	<b>Airspace of the Fürstentum Liechtenstein</b>									
Liechtenstein	NSA Arr.:	Case A			Case B		Case C			
Skyguide										

State Act and political agreements, full delegation to Switzerland.

37	<b>LESMO AREA</b>									
HU	NSA Arr.:	Case A			Case B		Case C			
AustroControl										

Letter of Agreement between HungaroControl Pte. Ltd. Co. and Austro Control G.m.b.H. Notified to the NSAs and approved by the States concerned through 26/2007.(III.1.) GKM-HM-KvVM joint order, ANEX 2

38	<b>Kosice TMA2</b>									
HU	NSA Arr.:	Case A			Case B		Case C			
LPS, SK										

Letter of Agreement between HungaroControl Pte. Ltd. Co. and Letové prevádzkové služby Slovenskej republiky (LPS), s.p. 01. 03. 2007. Notified to the NSAs and approved by the States concerned through 26/2007.(III.1.) GKM-HM-KvVM joint order, ANEX 2. Slovak Republic via MoT send the proposal to Hungary for all arrangement regarding the supervision of ATS, process has not finished yet.

39	<b>Donegal Area</b>									
IE	NSA Arr.:	Case A			Case B		Case C			
NATS										

Overarching FAB MoU between the IAA and the CAA established 6 Jun 08. LoA as amended. Letter of approval from the DoT issued to the UK CAA on 2nd July 2007 and UK CAA approval of the arrangement received in August 2007.

40	<b>Blue Med</b>									
IT	NSA Arr.:	Case A			Case B		Case C			
AustroControl										

LoA between Padova ACC and Wien ACC22.11.2007 (last rev.27.08.2009), notified to ENAC. Austria report that a State contract will be developed including safety regulatory aspects.

41	<b>Region of Val Aosta</b>									
IT	NSA Arr.:	Case A			Case B		Case C			
Skyguide										

LoA between Milan ACC and Geneve ACC17.12.2009LoA between Rome ACC and Geneve ACC 17.12.2009, notified to ENAC. State agreement still under discussion. Switzerland will submit a proposal to Italy for the NSA supervision, as soon as the States agreement will be signed.

42	<b>Area over South Alps</b>									
IT	NSA Arr.:	Case A			Case B		Case C			
DSNA										

LoA between Milan ACC and Marseille ACC05.06.2008 (last rev.04.06.2009)LoA between Rome ACC and Marseille ACC 07.05.2009, notified to ENAC.

43	<b>Area South-West of Sicily over international waters</b>									
IT	NSA Arr.:	Case A			Case B		Case C			
MATS										

LoA between Rome ACC and Malta ACC 14.01.2010, notified to ENAC. Draft State agreement proposed by Malta but not yet accepted by Italy.

44	<b>Border straightening</b>									
IT	NSA Arr.:	Case A			Case B		Case C			
SloveniaControl										

LoA between Padova ACC and Ljubljana ACC20.11.2008 (last rev.27.08.2009), notified to ENAC.

45	<b>National airspace &gt; FL135 and &lt; FL245</b>									
LU	NSA Arr.:	Case A			Case B		Case C			
BelgoControl										

Covered by a LoA. FABEC agreement to be signed in 2010 will create the required legal framework for NSA cooperation; a specific memorandum of cooperation between the FABEC NSAs will define working arrangements.

46	<b>National airspace &gt; FL245</b>									
LU	NSA Arr.:	Case A			Case B		Case C			
MUAC										

State Agreement (NL, BE, DE and LU) signed in Brussels on 25 November 1986. Joint NSA committee of the 4 MUAC States (NL, BE, DE and LU)

47a	<b>Amsterdam UTA southern part</b>									
NL	NSA Arr.:	Case A			Case B		Case C			
Belgocontrol										

LoA between LVNL (ANSP designated in NL) Amsterdam ACC and Belgocontrol – Brussels ACC, dated 28 Aug 2008. Arrangements for supervision are under development subject to a FABEC NSA task force.

47b	<b>Maastricht TMA-1 and Maastricht TMA-2</b>									
NL	NSA Arr.:	Case A			Case B		Case C			
Belgocontrol										

LoA between LVNL – ATS Beek and Belgocontrol – Brussels ACC, dated 12 May 2005. Belgium reports date of 23 Oct 2008. Arrangements for supervision are under development subject to a FABEC NSA task force.

47c	<b>SASKI A Area</b>									
NL	NSA Arr.:	Case A			Case B		Case C			
Belgocontrol										

LoA between LVNL (Amsterdam ACC) and Belgocontrol – Brussels ACC, dated 28 Aug 2008. Belgium reports date of 7 May 2009. Arrangements for supervision are under development subject to a FABEC NSA task force.

47d	<b>L179 Area between FL 095 and FL 195</b>									
NL	NSA Arr.:	Case A			Case B		Case C			
Belgocontrol										

LoA between Mil ATCC Nieuw Milligen to Brussels ACC and Approach, dated 8 May 2008. Arrangements for supervision are under development subject to a FABEC NSA task force.





74	<b>Entire airspace under the responsibility of Montenegro</b>									
ME	NSA Arr.:	Case A		Case B	Case C					
SMATSA										

Designation act: Contract of Establishment of limited liability corporation under the name Serbia and Montenegro Air Traffic Services Agency, Limited. An arrangement with CAD and Montenegro Civil Aviation Agency is in preparatory phase.

75	<b>North Sea Area IV</b>									
Iceland	NSA Arr.:	Case A	Case B	Case C						
NATS										

Long standing agreement being updated. Agreement reached with Iceland NSA to complete an exchange of assurance similar to that agreed for the RATSU Triangle (sent to Iceland 10 Sep 09 and response received 16 Sep 09). The institutional arrangements are the same as described in the RATSU Triangle exchange of assurance and both NSAs are expecting to complete final agreements following a change to lateral limits of North Sea Area IV.

## Annex 7 Acronyms

Note: The NSAs and ANSPs which are specifically referred to in the main body of the Report by their acronyms can be identified in Annex 1 – List of NSAs and Annex 2 - List of Certified ANS Providers.

A/G	Air/Ground
ABI	OLDI Advanced Boundary Information Message
ACC	Area Control Centre
ACT	Activation Message (Part of Basic OLDI)
ADEXP	ATS Data Exchange Presentation
AFI	African and Indian Ocean Region (ICAO)
AFIS	Aerodrome Flight Information Service
AGVCS	Air-Ground voice channel spacing
AIC	Aeronautical Information Circular
AIS	Aeronautical Information Service
AMC	Airspace Management Cell
ANS	Air Navigation Services
ANSP	Air Navigation Service Provider
APP	Approach Control Unit
ARTAS	ATM Surveillance Tracker and Server System
ASM	Airspace Management
ATC	Air Traffic Control
ATCO	Air Traffic Controller
ATM	Air Traffic Management
ATS	Air Traffic Services
ATSP	Air Traffic Service Provider
ATZ	Aerodrome Traffic Zone
CAA	Civil Aviation Authority
CAMOS	Centralised ARTAS Maintenance & Operational Support
CAB	Cross-border Airspace Block
CAR	Cross-border Airspace Relation
CBA	Cross-Border Area (FUA)
CDR	Conditional Route
CFMU	Central Flow Management Unit
CIV/MIL	Civil-Military
CNS	Communication Navigation Surveillance
COTR	Coordination and Transfer
CRCO	Central Route Charges Office
DCMAC	Directorate of Civil-Military ATM Coordination
DG	Director General
DGCA	Director General of Civil Aviation
DLS	Data Link Services
EAD	European AIS Database
EASA	European Aviation Safety Agency
EATMN	European Air Traffic Management Network
EC	European Commission
ECAA	European Common Aviation Area
EEA	European Economic Area
EGNOS	European Geostationary Overlay Service

ESARR	EUROCONTROL Safety Regulatory Requirement
ESSIP	European Single Sky ImPlementation
EU	European Union
FAB	Functional Airspace Block
FFPG	FABs Focal Point Group
FIS	Flight Information Services
FL	Flight Level
FMTF	Flight message transfer protocol
FUA	Flexible Use of Airspace
GAT	General Air Traffic
HLPB	High Level Airspace Policy Body
IANS	EUROCONTROL Institute of Air Navigation Services
ICAO	International Civil Aviation Organization
IFPL	Initial Flight Plan
IFPS	(Integrated) Initial Flight Plan Processing System
ILS	Instrument Landing System
ISO	International Standards Organization
LSSIP	Local Single Sky ImPlementation
MET	Meteorological Services for Air Navigation
MoD	Ministry of Defence
MoT	Ministry of Transport
MoU	Memorandum of Understanding
N/A	Not applicable
NSA	National Supervisory Authority
EUR Region	European Region * (ICAO)
OLDI	Online Data Interchange
PRC	Performance Review Commission
QMS	Quality Management System
RWY	Runway
SES	Single European Sky
SES I	First Single European Sky legislation package
SES II	Second Single European Sky legislation package
SESAR	the Single European Sky ATM Research Programme
SMS	Safety Management System
SSC	Single Sky Committee
TEN-T	Trans European Network (-Transport)
TMA	Terminal Control Area
TRA	Temporary Reserved Area
TSA	Temporary Segregated Area
TWR	Tower Control Unit
UAC	Upper Area Control (Centre)
(ICAO) USOAP	ICAO Universal Safety Oversight Audit Programme
VFR	Visual Flight Rules

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