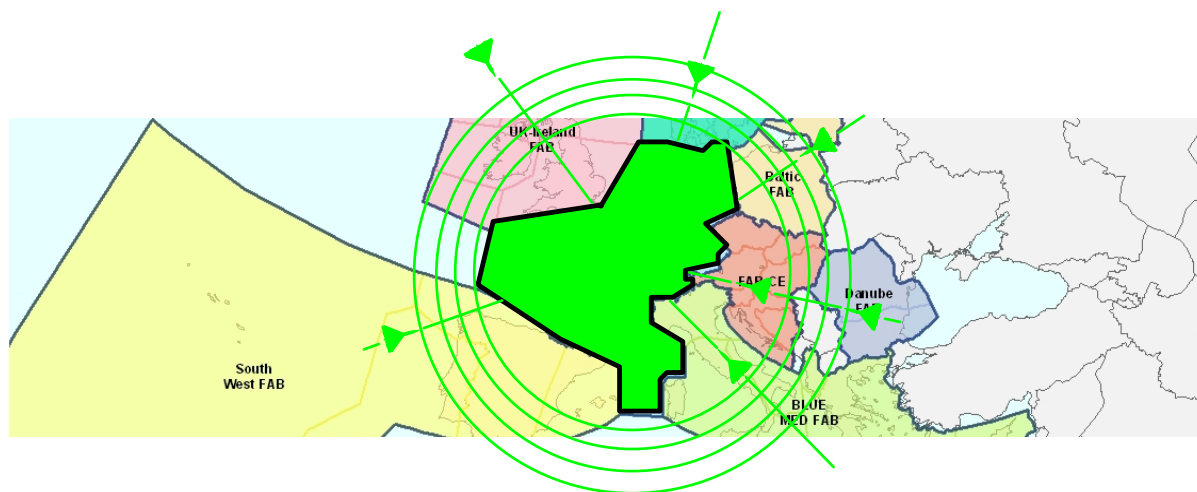




**Demonstration of Compliance  
with  
Article 9a of Regulation (EC) No 550/2004**

**24 June 2012**



**Co-financed by the European Union**  
Trans-European Transport Network (TEN-T)

## DOCUMENT SUMMARY

<b>Objective :</b> Report demonstrating compliance of FABEC with Article 9a of Regulation (EC) No 550/2004 ("the Service Provision Regulation") and Regulation (EU) No 176/2011 ("the FAB Implementing Rule").			
<b>Origin :</b> SG FABEC State Bureau, CM AFG, CM FMCG, CM State Committees, CM ANSP Standing Committees, CM COM Cell, SDM		<b>Audience :</b> Commission, [P]FC, ANSCB, Interested Parties	
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## DOCUMENT SIGN OFF SHEETS

Federal Republic of Germany

*[To be inserted by June 24<sup>th</sup>, 2012]  
[Civil and military authorities]*

Federal Republic of Germany Bundesrepublik Deutschland	[INSERT NAME/Function]
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## Kingdom of Belgium

*[To be inserted by June 24<sup>th</sup>, 2012]*

*[Civil and military authorities]*

Kingdom of Belgium	[INSERT NAME/Function]
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## French Republic

*[To be inserted by June 24<sup>th</sup>, 2012]*

*[Civil and military authorities]*

French Republic	[INSERT NAME/Function]
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**Grand Duchy of Luxembourg**

*[To be inserted by June 24<sup>th</sup>, 2012]*

Grand Duchy of Luxembourg	[INSERT NAME/Function]
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## The Netherlands

*[To be inserted by June 24<sup>th</sup>, 2012]*

*[Civil and military authorities]*

The Netherlands	[INSERT NAME/Function]
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## Swiss Confederation

*[To be inserted by June 24<sup>th</sup>, 2012]*

*[Civil and military authorities]*

Swiss Confederation	[INSERT NAME/Function]
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## 1 INTRODUCTION

In accordance with Regulation (EC) No 550/2004<sup>1</sup> Article 9a, a Functional Airspace Block has to be established by mutual agreement between all the Member States. This mutual agreement between the FABEC States is the "Treaty relating to the Functional Airspace Block Europe Central".

Before notifying the Commission of the establishment of the FABEC, the FABEC Member States shall provide the Commission, the other Member States and other interested parties with adequate information and provide them an opportunity to submit their observations.

The Annex to Commission Regulation (EU) No 176/2011 (FAB IR) sets out the information that the FABEC Member States have to provide jointly to the Commission by 24 June 2012 to demonstrate compliance with the requirements of Article 9a of Regulation (EC) No 550/2004.

The Commission shall assess the fulfilment by the FABEC of the requirements set out in paragraph 2 of Regulation (EC) No 550/2004 Article 9a.

The FABEC Member States further have to take all necessary measures in order to establish FABEC by 04 December 2012.

## 2 PURPOSE

The purpose of this document is to:

- demonstrate compliance of the FABEC with Article 9a of Regulation (EC) No 550/2004;
- to have a framework for the information provided by the FABEC;
- to facilitate the assessment of the FABEC EC Information by different stakeholders.

## 3 STRUCTURE OF THE DOCUMENT

The document uses a clear structure to facilitate review and assessment.

**Paragraph 4** clarifies the understanding of the FABEC implementation phase which is completed by 04 December 2012.

**Paragraph 5** explains the methodology, which is used to demonstrate compliance with Article 9a of Regulation (EC) No 550/2004.

**Paragraph 6** addresses the complete framework, which is created to manage the FABEC.

**Paragraph 7** gives an overview of initiatives, which relate to performance of the FABEC.

**Paragraph 8** makes an overall claim on the compliance of the FABEC with Article 9a of Regulation (EC) No 550/2004.

The document is completed by a list of **Annexes**, which provide evidence of information aggregated in this "Demonstration of Compliance".

## 4 FABEC IMPLEMENTATION

"Establishment" and "Implementation" are terms used in the SES legislation in relation to FABs. Therefore it is necessary to upfront establish a common understanding of the FABEC "establishment" versus the FABEC "implementation".

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<sup>1</sup> Regulation (EC) No 1070/2009 of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004.

With respect to the Service Provision Regulation it is considered that “establishment” means the legal process through which FABEC is established by enactment of the FABEC State Treaty in accordance with Article 9a.3.

“Implementation” is a process of putting in place FABEC enablers (i.e. their effective implementation), as provided for in various acts of SES legislation and the legal and institutional FABEC framework (e.g. the FABEC State Treaty and the NSA Memorandum of Cooperation and other possible pursuant acts) in order to meet the requirements.

## 5 METHODOLOGY TO DEMONSTRATE COMPLIANCE

The method used to demonstrate compliance of the FABEC with relevant SES legislation uses the Guidance Material released by the Commission to support the establishment of a Functional Airspace Block.

The following format is used as a FABEC means to demonstrate compliance with Commission Regulation (EU) No 176/2011 (FAB IR) requirements.

Relevant Annex	<b>FAB requirement</b> [Brief description of the regulatory requirement or optional provision under consideration in this particular table, accompanied, where possible, by the corresponding legal text].	<b>SES legal reference(s)</b> [References to the relevant legal acts]
<b>FABEC understanding of requirement</b> [This field explains, where deemed necessary, how the FABEC understood particular aspects or words in the requirements; and elaborates on aspects such as the scope, the applicability and what should be the key or relevant aspects to be considered by the FABEC stakeholders. Often, the regulatory requirement is straightforward and there is no specific need to explain the understanding of the requirement. In such case ‘Not applicable’ will be mentioned].		
<b>Description of FABEC action and evidence</b> [Specific actions are needed in this field, or a summary of the mandatory or optional actions and deliverables, which confirm or demonstrate that the respective requirement/option has been successfully fulfilled or implemented. The actions and evidence may support the FABEC partners to trace and manage various evidences in support of their achievements or improvements at the FABEC level. It however remains entirely within the FABEC Member States’ decision to which extent and in what ways such evidences are disclosed to third parties. Reference will be made to relevant Annexes and/or Attachments].		
<b>Maturity and availability of supporting evidence</b> [It is in the meantime commonly recognized that the establishment and implementation of FABs is a continuous process. In many cases FAB Information does not require a deliverable to be finalized by 24 June 2012 but e.g. requests which plans exist, which elements are addressed, which changes are envisaged etc. to meet the requirement. A specific statement will be made on the maturity of the deliverable released to demonstrate compliance. If some actions are planned, then information will be given on associated timelines. Some information – because of the confidential nature of its content – can not be released publicly. In this case, a summary is provided. A maximum amount of material is released in order to offer maximum transparency to stakeholders on the FABEC achievement].		

## 6 THE FABEC FRAMEWORK

### 6.1 The State agreement

#### 6.1.1 The State-level agreement by which FABEC is established

Annex B	<p><b>FAB requirement</b></p> <p>A FAB shall only be established by mutual agreement between all the Member States and, where appropriate, third countries who have responsibility for any part of the airspace included in the FAB.</p> <ul style="list-style-type: none"> <li>▪ where a FAB relates ... the agreement ... shall contain the necessary provisions concerning the way in which the block can be modified; and</li> <li>▪ the way in which a Member State can withdraw from the block, including transitional arrangements</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Art. 9a.3 Regulation (EC) No 550/2004, as amended by Art. 2.5 of Regulation (EC) No 1070/2009. § 2(a) of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Not applicable.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Member States have developed and signed a Treaty relating to the establishment of the Functional Airspace Block “Europe Central” (Annex B).</p> <p>Provisions for the modification of the FABEC and the withdrawal of a State from the FABEC are described in Article 33 to Article 36 of the Treaty.</p> <p>The Treaty involves all relevant civil and military authorities that take decisions on the establishment and modification of the FABEC, on establishing specific arrangements in the FABEC and on the ensuing FABEC operations. The Treaty does delegate specific competences and tasks to the FABEC Council and four State Committees by the FABEC Member States. The Treaty is a legal instrument facilitating direct cooperation and coordination among the authorities and ANSPs concerned. The Treaty is consistent with the desired areas and levels of cooperation in the FABEC and stands as a strong political and legal vehicle in support of the FABEC.</p> <p>The Treaty encompasses the issues identified as mandatory by the SES I regulatory package. The articles reflect the different institutional arrangements in FABEC Member States, different aims for harmonisation, co-ordination or integration, and different approaches to civil – military co-ordination.</p> <p>The FABEC objectives are described in Article 6. The objective of the FABEC is to achieve optimal performance in the areas relating to safety, environmental sustainability, capacity, cost-efficiency, flight efficiency and military mission effectiveness by the design of airspace and the organisation of air traffic management in the airspace concerned regardless of existing boundaries.</p> <p>Commitment for cooperation is expressed in Article 7. The FABEC Member States commit to cooperate and to take appropriate measures in the domains of airspace, harmonisation of rules and procedures, provision of air navigation services, civil – military cooperation, charging, supervision, performance and governance.</p> <p>FABEC Member States exchanged information on the main provisions of the Treaty with</p>		

different stakeholders and took their feedback into account.

Chapter 8 of the Treaty enables the FABEC Member States to meet the requirements of the SES II regulatory package. To support related processes, the FABEC Member States have established a Financial and Performance Committee.

The Treaty enters into force on the first day of the second month following the deposit of the last instrument of ratification with the Depositary. The Government of the Kingdom of Belgium is the Depositary of the Treaty.

The Depositary shall register the Treaty and any subsequent amendment with ICAO.

### ***Maturity and availability of supporting evidence***

The Treaty relating to the establishment of the Functional Airspace Block "Europe Central" is finalized and was signed at ministerial level by the six FABEC Member States on the second of December 2010.

## 6.1.2 Ratification of the FABEC Treaty

H&A/C	<p><b><i>FAB requirement</i></b></p> <p>Ratification is the declaration by which each FABEC Member State formally accepts at national level, with or without reservation, the content of the Treaty between all the Member States.</p>	<p><b><i>SES legal reference(s)</i></b></p> <p>Art. 9a.3 Regulation (EC) No 550/2004, as amended by Art. 2.5 of Regulation (EC) No 1070/2009. Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b><i>FABEC understanding of requirement</i></b></p> <p>A follow-on action to the signature of the FABEC State Treaty is the ratification at national level. The FABEC State Treaty can not be published in the OJEU unless ratified by the six FABEC Member States.</p>		
<p><b><i>Description of FABEC action and evidence</i></b></p> <p>After the signature of the FABEC State Treaty on 02 December 2010, all FABEC Member States started national ratification processes depending on relevant national law and/or type of agreement.</p> <p>These are comprehensive processes which differ per Member State and can take up to two years to be completed.</p> <p>The FABEC manages a detailed plan which traces on a monthly basis per FABEC Member State the establishment of documents for the ratification, the translation, the consultation of the concerned ministries, the approval of concerned ministries, the advisory procedure by Council of State, the submittal of documents to the Parliament, the discussions within the Parliament, the approval by the Parliament (one or two chambers), the Publication, and the Deposit of the ratification instrument.</p>		
<p><b><i>Maturity and availability of supporting evidence</i></b></p> <p>Monthly the FABEC program status reporting demonstrates that the six FABEC Member States are on track to complete their national ratification processes between March 2012 and October 2012.</p>		
<p><b><i>FABEC EC Information Compliance Statement</i></b></p> <p>On 24 June 2012, when the EC Information is due, all FABEC Member States are not yet in a position to declare that the national ratification process is completed successfully. Two FABEC Member States (Luxembourg and Switzerland) however have completed their national ratification process by 24 June 2012.</p>		

### 6.1.3 The Point of Contact for FABEC

Annex C	<p><b>FAB requirement</b></p> <p>Member States establishing a FAB shall specify their Point of Contact for the Functional Airspace Block.</p> <p>Additionally, if Member States agree on adopting a FAB Performance Plan, then a competent counterpart exists in the FAB which is made responsible for the coordination within the FAB and the relations with the Commission for the implementation of the FAB Performance Plan.</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 9a.3 Regulation (EC) No 550/2004, as amended by Art. 2.5 of Regulation (EC) No 1070/2009.  § 1(b) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB-IR).  Art. 5.2.(b) Regulation (EC) No 691/2010 (PS IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Not applicable.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Member States developed and approved a [Provisional] State Governance Manual (Annex C) in which clear roles and responsibilities are described for the FABEC State Bodies. The FABEC State governance will be formally established when the FABEC State Treaty enters into force.</p> <p>The Rules of Procedures (RoPs) of the FABEC Council, the four State Committees, the FABEC State Bureau (FSB) and the ANSCB are described in the Governance Manual. The FSB supports the work and decision-making of the FABEC Council and State Committees. The Bureau is led by a Secretary General (SG). This SG, in consultation with the Chair of the FABEC Council, ensures the Point of Contact function for FABEC related activities on behalf of the FABEC Council towards EC.</p> <p>The FABEC Member States decided to adopt a FAB Performance Plan for RP1. The Financial and Performance Committee is responsible for the coordination of performance within the functional airspace block and the relations with the Commission for the implementation of the performance plan. The nominated Chair of this Committee ensures the coordination on performance with the Commission and the PRB on behalf of the FABEC Council.</p> <p>Specific roles and responsibilities as Point(s) of Contact for the FABEC are documented in Section 5.4, Section 7.2 and Annex G of the [Provisional] State Governance Manual (Annex C).</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The [Provisional] State Governance Manual was approved on 19 January 2012 by the [Provisional] FABEC Council.</p>		

#### 6.1.4 Definition of FABEC in space and time

Annex B	<p><b>FAB requirement</b></p> <ul style="list-style-type: none"> <li>▪ “functional airspace block” means an airspace block [...]</li> <li>▪ “airspace block” means an airspace of defined dimensions, in space and time, within which air navigation services are provided.</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Articles 2.6 of Regulation (EC) No 549/2004, as amended by Art. 1.2 (h) of Regulation (EC) No 1070/2009. § 1(c) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB-IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Not applicable.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Member States define the FABEC functional airspace block dimensions and the airspace concerned in Article 3 of the FABEC State Treaty (Annex B). The airspace concerned includes all FIRs and UIRs from the FABEC Member States in continental Europe. Overseas territories of the French Republic and the Kingdom of the Netherlands are excluded. The previous definition clearly specifies the lateral and vertical dimensions of the FABEC and no variations apply as a function of time.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The FABEC State Treaty is finalized and was signed on 02 December 2010.</p>		

6.1.5 Accident/incident investigation within FABEC

Annex B	<p><b>FAB requirement</b></p> <p>A description of the arrangements dealing with accident and incident investigation.</p> <p>[N.B. This requirement is part of the FAB Safety Case in the FAB IR]</p>	<p><b>SES legal reference(s)</b></p> <p>§ 1(b) of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB-IR)</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FABEC Member States may use a State Treaty to set up or facilitate a FABEC framework for accident and incident investigation.</p> <p>Other aspects related to occurrence reporting and assessment; exchange of information concerning reported safety occurrences; harmonised severity assessment of safety occurrences can be covered in the FABEC Safety Case (under Safety Occurrence Management).</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC State Treaty (Annex B) describes the framework for accidents and serious incidents in Chapter 12 as an addition to the already applying European and international legislation. A relationship has been defined between the national level and the FABEC level. The FABEC Council will be informed if shortcomings at the FABEC level are identified. It is further specified that the provisions of Article 31 prevail over provisions already existing between two FABEC States in case of differences.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The FABEC State Treaty is finalized and was signed on 02 December 2010.</p>		



6.1.6 Military and civil authorities in FABEC governance structures

Annex B Annex C	<b>FAB requirement</b> Arrangements between competent civil and military authorities in respect of their involvement in the governance structures of the functional airspace block.	<b>SES legal reference(s)</b> § 2(d) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB-IR)
<b>FABEC understanding of requirement</b> Not applicable.		
<b>Description of FABEC action and evidence</b> <p>The FABEC State Treaty (Annex B) is very specific on how competent civil and military authorities cooperate within a FABEC context. The FABEC Member States commit (Article 7) to cooperate and to take appropriate measures in the domain of civil – military cooperation. Chapter 5 Article 17 defines the principles governing the civil – military cooperation and expands further on cross border operations. FABEC military training activities may take place regardless of national boundaries. A civil and/or military ANSP of one FABEC Member State may provide services over the territory of another FABEC Member State. The FABEC Member States stress the importance of a close cooperation in domains such as safety and security. Chapter 9 Article 21 describes the FABEC Council. Civil and military authorities are represented with an equal status. Voting in the FABEC Council is done on the basis of unanimity and with one vote per State. The FABEC Council is supported by four State committees and working groups. They are composed of both civil and military experts appointed by the FABEC Member States.</p> <p>The FABEC Member States have approved a Governance Manual (Annex C) for the governance of the FABEC States bodies. More detail is given in this document on the involvement of both civil and military authorities in the States governance structures according to their Rules of Procedure.</p>		
<b>Maturity and availability of supporting evidence</b> <p>The FABEC State Treaty is finalized and was signed on 02 December 2010. The FABEC [Provisional] State Governance Manual was approved by the [Provisional] FABEC Council on 19 January 2012.</p>		

## 6.2 Designation and arrangements between ANSPs

### 6.2.1 Joint designation of ATS providers in FABEC

Annex D	<p><b>FAB requirement</b></p> <p>Member States shall ensure the provision of air traffic services on an exclusive basis ... For this purpose, Member States shall designate an air traffic service provider holding a valid certificate ... (SPR)</p> <p>In respect of functional airspace blocks established ... that extend across the airspace under the responsibility of more than one Member state, the Members States concerned shall jointly designate, ... one or more air traffic service providers, at least one month before implementation of the airspace block (SPR)</p> <p>The Members States shall specify the jointly designated air traffic service providers and their respective areas of responsibility. (FAB IR)</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 8 of Regulation (EC) No 550/2004, as amended by Art. 2.4 of Regulation (EC) No 1070/2009; § 1(c) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB IR)</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FAB IR addresses Articles 8 and 9 of the Service Provision Regulation. ATSPs are designated within a specific functional airspace block.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>In accordance with Article 12 of the FABEC State Treaty, the FABEC Member States jointly designate the Air Traffic Service Providers to provide services on an exclusive basis within the airspace falling under their responsibility. The designation of ATSPs according to national borders is preferred as the first step of a progressive approach combined with Article 10 of the SPR by which ANSPs may avail themselves of the services of other service providers that have been certified in the Community.</p> <p>ANA Luxembourg, Belgocontrol, DFS, DSNA, EUROCONTROL (Maastricht UAC), LVNL and skyguide are to be jointly designated as ANSPs by the FABEC Member States (Annex D Attachment 1). The FABEC Member States will jointly designate the ATSPs at least one month before establishing the FABEC.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The processes for both certification and designation are well established within the FABEC Member States and reported by the FABEC Member States in the yearly report on SES Legislation Implementation.</p>		

### 6.2.2 Designation of MET service providers in FABEC

Annex D	<p><b>FAB requirement</b></p> <p>The Member States may designate a provider of meteorological services to supply all or part of meteorological data on an exclusive basis ...</p> <p>The Member States shall inform ... any decision ... regarding the designation of a provider of meteorological services (SPR)</p> <p>The Member States shall specify the jointly designated meteorological service providers, if</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 9 of Regulation (EC) No 550/2004; § 1(c) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
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	applicable, and their respective areas of responsibility. (FAB IR)	
<b>FABEC understanding of requirement</b>		
The FABEC Member States can designate the provider of aeronautical meteorological services on an exclusive basis.		
<b>Description of FABEC action and evidence</b>		
<p>The FABEC Member States designate the following 5 MET SPs (Annex D Attachment 3):</p> <ul style="list-style-type: none"> <li>▪ Belgium: Belgocontrol</li> <li>▪ Switzerland: MeteoSchweiz</li> <li>▪ Germany: Deutscher Wetterdienst (DWD)</li> <li>▪ France: Météo France</li> <li>▪ The Netherlands: Koninklijk Nederlands Meteorologisch Instituut (KNMI)</li> <li>▪ Luxembourg: Administration de la Navigation Aérienne</li> </ul>		
<b>Maturity and availability of supporting evidence</b>		
The information is confirmed in the yearly reporting by the FABEC Member States on SES Legislation Implementation.		

6.2.3 ATSPs without certification i.a.w. Art. 7(5) SPR

Annex D	<p><b>FAB requirement</b></p> <p>Members States may allow the provision of air navigation services ... without certification ... in cases where the provider offers them primarily to aircraft movements other than GAT. (SPR)</p> <p>Member States shall specify the providers of air traffic services providing services without certification in accordance with Art. 7(5) of the SPR and their respective area of responsibility. (FAB IR)</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 7(5) of Regulation (EC) No. 550/2004; § 1(c) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB IR)</p>
<b>FABEC understanding of requirement</b>		
Not applicable.		
<b>Description of FABEC action and evidence</b>		
Annex D Attachment 3 lists the designated ATSPs in the FABEC which do not have a certification i.a.w. Art. 7(5) SPR. Belgium, Germany and The Netherlands have as such designated military ATSPs, which are certified by the respective Member State within the framework of national standards (but not according to SES-standards). The French Military ATSP is certified in accordance with Article 7(5) SPR.		
<b>Maturity and availability of supporting evidence</b>		
Supporting evidence is available.		

## 6.3 Supervision in FABEC

### 6.3.1 NSA-to-NSA agreements

Annex E	<p><b>FAB requirement</b></p> <p>With respect to FABs that extend across the airspace falling under the responsibility of more than one Member State, the Member States concerned must conclude an agreement on supervision with regard to the ANSPs providing services relating to those blocks. (SPR)</p> <p>The Member States shall provide information on the arrangements between the national supervisory authorities in the functional airspace block. (FAB IR)</p>	<p><b>SES legal reference(s)</b></p> <p>Article 2.3 of Regulation (EC) No. 550/2004 (SPR) as amended by Article 2.1 of Regulation (EC) No.1070/2009. § 2(b) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Not applicable.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC NSAs have signed an NSA Memorandum of Cooperation (MoC) on 27 January 2011 (Annex E). This MoC complements the FABEC State Treaty on supervision with necessary technical and procedural details. The NSAs have agreed that their cooperation covers in particular and so far as appropriate the supervision of Air Navigation Service Providers (ANSPs) providing cross-border services, the supervision of ANSPs holding a valid certificate in one State and providing services in another State, the acceptance of FABEC safety related changes, the supervision on interoperability of systems, the process for licensing of ATCOs, the recognition and supervision of training organisations, the performance scheme, and the harmonisation of oversight procedures and methodologies. The NSA MoC ensures effective and consistent oversight within the areas of responsibility of the NSAs concerned, in conditions of transparency and mutual recognition of the supervisory tasks and their results. The MoC is further detailed in the FABEC NSA Manual (Annex E – Attachment 1).</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The FABEC NSA MoC was signed by all parties on 27 January 2011. The FABEC NSA Manual was signed by all parties on 05 April 2012.</p>		

## 6.4 Cooperation between FABEC ATSPs

### 6.4.1 Arrangements between FABEC ATSPs

Annex F	<b>FAB requirement</b> ... provide information on the arrangements between the air traffic service providers in the functional airspace block. (FAB IR)	<b>SES legal reference(s)</b> § 2(c) of Part One of the Annex to Regulation (EC) No 176/2011 (FAB IR).
<b>FABEC understanding of requirement</b> Not applicable.		
<b>Description of FABEC action and evidence</b> <p>The FABEC High Level Policy Group concluded on 26 June 2008 that FABEC is feasible and necessary and they invited the FABEC Air Navigation Service Providers to conclude the cooperation agreement necessary for the implementation and operation of FABEC. The FABEC ANSPs identified the need to reinforce their cooperation for the realisation of the FABEC and they considered that the implementation of cooperation models between them should be carried out as a step-by-step approach. The Cooperation Agreement (Annex F) between the FABEC ANSPs is a contractual framework to progressively develop the implementation and operation of the FABEC.</p>		
<b>Maturity and availability of supporting evidence</b> <p>The original Cooperation Agreement between the FABEC ANSPs was signed by the FABEC CEOs on 18 November 2008. The High Level Implementation Board decided in 2009 to reinforce the structures of the FABEC program in order to achieve the performance targets of the FABEC program as derived from SES legislation II and this led to a first modification of the Agreement (Amendment 1). In 2010, the Agreement was modified further to allow a more open access of foreground and background information between the FABEC partners (Amendment 2). In 2011, the Agreement was amended to have a more robust decision making mechanism at the level of the ANSP Strategic Board (Amendment 3). At present, the FABEC ANSPs are investigating the feasibility of establishing a permanent common support structure for the FABEC. The ANSP Cooperation Agreement is a mature agreement which is expected to be amended regularly to allow a stepwise reinforcement of cooperation between the FABEC ANSPs.</p>		

## 6.5 Requirements stemming from Article 9a SPR

### 6.5.1 Consistency with the European route network

Annex H Annex G	<p><b>FAB requirement</b></p> <p>... provide information to demonstrate that route design and implementation for the FAB is consistent with, and completed within, the established process for overall coordination and implementation of the European route network ... (FAB IR)</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 6 of Regulation (EC) No 551/2004; Art. 3 of Regulation (EC) No 677/2011 (NF IR); §3 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FABEC Member States and ANSPs need to address and fulfil these requirements in direct relation with the execution of the network functions provided for in Article 6 of the Airspace Regulation and Article 3 of the NF IR. The requirements have to be executed within the related CDM process with the Network Manager (NM) and in accordance with the implementing measures adopted by the NM to this purpose.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>Since 2007, the FABEC has closely cooperated with the EUROCONTROL Route Network Development Sub-Group (RNDSG) Secretariat. A FABEC focal point was nominated and RNDSG was continuously informed on all FABEC airspace design plans and projects. The Network Manager was involved and provided direct and constructive support to the FABEC airspace design developments. FABEC airspace initiatives are based on a FABEC Airspace Policy (see Annex G) which is in conformity with the SESAR CONOPS, the Advanced Airspace Scheme and the Dynamic Management of the European Airspace Network Operational Concepts.</p> <p>As regards the development of the future FABEC airspace structure, FABEC considered ARN Version-7 Concept of Operations and Catalogue of Projects.</p> <p>FABEC closely monitors and supports the development of a new European Route Network Improvement Plan (ERNIP). By supporting this initiative, the FABEC ensures that their airspace initiatives reflect the requirement that the European airspace is designed as a single airspace and meets the applicable performance targets.</p> <p>By the current close cooperation with the ERND function FABEC regional interconnectivity and interoperability with the European route network is ensured. In adherence to the FABEC airspace design principles, developed in close cooperation with the Network Manager, appropriate consideration is given to the forecasted air traffic flows. All Real Time Simulations of FABEC are and have been executed in full transparency with the Network Manager.</p> <p>Through the CDM process with the Network Manager, the FABEC ensures that in relation to airspace utilisation and capacity management, the FABEC airspace structures are planned in such a way as to facilitate flexible and timely airspace use and management with regard to routing options, traffic flows, sector configuration schemes and the configuration of airspace structures.</p> <p>The implementation of a FABEC Free Route Airspace is being organized as a FABEC priority. High-level workshops were organized with active support and involvement of the Network Manager.</p> <p>The FABEC ensures that - prior to the implementation of FABEC airspace design projects - these are compatible and consistent with the ERNIP and are co-ordinated with those partners impacted by the projects and the Network Manager. The FABEC continuously reviews the ERNIP to take into account new or changing demands on the airspace. Within the FABEC, continuous co-ordination is ensured between civil and military authorities.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The Airspace Policy (Annex G) and the cooperative processes with the Network Manager as described in Annex H Attachment 2 confirm that the necessary processes are in place and mature.</p>		

6.5.2 Conditions stemming from regional agreements within the ICAO

Annex I	<b>FAB requirement</b> The Member States shall provide the list of existing regional agreements concluded in compliance with the framework established by Annex 11 to the ICAO Convention which are of relevance with respect to the establishment and operations of the FAB. (FAB IR)	<b>SES legal reference(s)</b> Art. 9a §2(g) of Regulation (EC) No 550/2004 (SPR); §7 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).
<b>FABEC understanding of requirement</b> The FABEC must comply with the conditions stemming from regional agreements concluded within the ICAO. This covers regional air navigation agreements in accordance with ICAO Annex 11 and approved by the ICAO Council, where one ICAO Contracting State has accepted the responsibility for the provision of ATS over the High Seas or airspace of undetermined sovereignty. Any aeronautical agreement or arrangement has to be registered with ICAO by virtue of Article 83 of the ICAO Convention and in accordance with ICAO Doc 6685 - Rules for Registration with ICAO of Aeronautical Agreements and Arrangements.		
<b>Description of FABEC action and evidence</b> The establishment of the FABEC is done in accordance with the SES legislation and is currently not subject to the process for amendment of the Air Navigation Plan (ANP). The FABEC establishment and operation does not lead to a change of the FIR boundaries or to the facilities and services provided. As such the FABEC Member States do not have to amend the ANPs. The FABEC State Treaty and any subsequent amendment thereto will be registered with ICAO in accordance with the provisions of Article 83 of the Chicago Convention. The FABEC further monitors the development and impact of SERA.  The FABEC bundled all regional agreements into one single Annex (Annex I).		
<b>Maturity and availability of supporting evidence</b> Understanding of requirement excludes the need to provide supplementary evidence.		

6.5.3 Interaction with regional agreements in existence on 04 December 09

Annex I	<b>FAB requirement</b> The Member States shall provide the list of existing agreements concluded by one or more of the Member States concerned, including those with third countries, which are of relevance with respect to the establishment and operations of the FAB. (FAB IR)	<b>SES legal reference(s)</b> Art. 9a §2(h) of Regulation (EC) No 550/2004 (SPR); §8 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).
<b>FABEC understanding of requirement</b> Not applicable.		
<b>Description of FABEC action and evidence</b> The FABEC Member States verified if existing agreements are in conflict with the FABEC State Treaty. The FABEC Member States concluded that in general there is no conflict between the FABEC State Treaty and existing agreements and therefore there is no need to amend any of the existing agreements.		
<b>Maturity and availability of supporting evidence</b> A list of all existing regional agreements is given in Annex I.		

## 6.6 Stakeholder Consultation

Annex J Annex K	<p><b>FAB requirement</b></p> <p>Regarding the Cost Benefit Analysis of the FABEC Implementation Phase, the FAB IR imposes an obligation to consult the main stakeholders and to obtain feedback on the cost and benefit estimates, which are applicable to their operations.</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 10 of Regulation (EC) No 549/2004, as amended by Regulation (EC) No 1070/2009; § 4(f) of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FAB IR has one mandatory requirement to consult main stakeholders on the cost and benefit of a FAB. Article 10 of the FR offers a more extensive insight on stakeholder consultation requirements within the SES context. Member States, acting in accordance with their national legislation, and the Commission shall establish consultation mechanisms for appropriate involvement of stakeholders in the implementation of the SES.</p> <p>At the SSC/43 meeting, the Commission proposed to manage the stakeholder consultation process for FABs. There is however an interest for the FABEC to directly address stakeholders on their initiative and to give due considerations to observations received.</p> <p>Beyond these requirements, there is also a need for the FABEC to have a dialogue with its Staff Representative Bodies. Such dialogue –being complementary to the national/local process – is essential for a successful operation of the FABEC.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC organised a stakeholder consultation on the FABEC Implementation Phase CBA on 11 May 2012. FABEC used this occasion to ensure the best result in FABEC establishment by 04 December 2012. The regulatory baseline – (EC) No 550/2004 as amended by (EC) 176/2011 was used as the reference for the consultation meeting. The process is in line with what was described and discussed within the Single Sky Committee and during FFIG meetings. The FABEC Member States presented the FABEC CBA and all its background information. After the stakeholder consultation, the FABEC offered a period to collect detailed written observations from the stakeholders. The FABEC duly considers the observations and includes proposed action in the EC Information to be delivered by 24 June 2012.</p> <p>The FABEC further recognizes the importance of a good and continuous social dialogue and communication during the different phases of the FABEC: feasibility, implementation and in future ‘operation’. Annex J reflects actions undertaken within the communications domain with different stakeholders. Annex K provides more specific information on the interaction, which took place with Staff Representative Bodies and the arrangements which have been agreed between the different parties.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>Supporting evidence is available in Annex J and K. The list of observations from the Stakeholder Conference on the implementation of FABEC is provided together with the EC Information by 24 June 2012.</p>		



## 6.7 Enhancing inter-FAB coordination

Annex B	<p><b>FAB requirement</b></p> <p>Member States shall cooperate to the fullest extent possible with each other, in particular Member States establishing neighbouring FABs.</p> <p>Where relevant, cooperation may also include third countries taking part in FABs.</p>	<p><b>SES legal reference(s)</b></p> <p>Article 9a Regulation (EC) No. 550/2004, as amended by Article 2.5 of Regulation (EC) No.1070/2009; <i>Recitals (1), (7)</i> Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FABEC State Treaty constitutes the first step reflecting the cooperation between the FABEC Member States. This requirement concerns not only intra-FAB but also inter-FAB cooperation.</p> <p>Cooperation – where relevant - should include third countries taking part in a Functional Airspace Block where relevant.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>Regarding intra-FAB cooperation, the signature and ratification by all FABEC Member States – including Switzerland - of the FABEC State Treaty establishing FABEC is ongoing and is planned to be completed by 04 December 2012.</p> <p>Regarding inter-FAB cooperation, adjacent FABs for FABEC are: UK/IRL FAB, NUAC FAB, Baltic FAB, FABCE, Blue MED FAB and SW Portugal-Spain FAB. The largest traffic flows into the FABEC Area of responsibility result from UK/IRL FAB and Blue MED FAB. An arrangement has been made by which UK and NATS are collaborative partners to FABEC (involving State, Regulator and ANSP), and special consideration is given to the airspace southeast of London when addressing FABEC airspace design. FABEC further had several coordination meetings during the feasibility study and the implementation phase with neighbouring FABs such as UK/IRL FAB, NUAC FAB, Baltic FAB and Blue MED FAB.</p> <p>Other working arrangements also exist within FABEC for cooperation on service provision (e.g. CH-IT-FR cooperation and AEFMP cooperation)</p> <p>Additionally, the FABEC is represented and actively participates in all international bodies (e.g. Single Sky Committee, FAB Focal Point Group and the Network Management Board) where close cooperation between the FABs is fostered.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The signature of the FABEC State Treaty between six FABEC Member States including Switzerland.</p>		

## 7 ENHANCING FABEC PERFORMANCE

### 7.1 Safety Case supporting FABEC

Annex L	<p><b>FAB requirement</b></p> <p>FABs shall, in particular, be supported by a Safety Case.</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 9a.2 (a) of Regulation (EC) No 550/2004 (SPR), as amended by Art. 2.5 of Regulation (EC) No 1070/2009; <i>Recital (14)</i> and §1 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FAB IR is very specific on requirements for a “Functional Airspace Block” Safety Case. FABEC considers safety as an integral part of its performance.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Safety Case is seen as a means to address safety-related organisational and managerial aspects within FABEC at State, NSA and ANSP levels. The FABEC Safety Case Report (Annex L Attachment 4) describes what measures are taken in order to maintain high levels of safety within FABEC. It provides the necessary documented assurance that the FABEC is established and managed in a safe manner. The description of the safety-related framework in the FABEC allows for clear determination of the roles and responsibilities relating to safety management and safety oversight within the FABEC.</p> <p>In order to meet all mandatory legal requirements laid down in §1 of Part Two of the Annex to Regulation (EC) No 176/2011 following evidence is provided:</p> <ul style="list-style-type: none"> <li>▪ the FABEC Safety Policy (Annex L Attachment 1) reflecting that the FABEC maintains a high level of ATM safety and giving due consideration of responsibility and accountability for safety starting from the FABEC CEO level;</li> <li>▪ the established arrangements for dealing with accident and incident investigation (covered under paragraph 8.1.5 of this document); FABEC Occurrence Management (Annex L Attachment 2) addresses the detection, reporting, analysis and potential follow up mechanism which is in place within the FABEC;</li> <li>▪ the FABEC Safety Case Report (Annex L Attachment 4) demonstrates how the development and establishment of FABEC is conducted safely and in accordance with the SES legislation;</li> <li>▪ a FABEC Safety Performance Management (SPM) system (Annex L Attachment 3) creating the processes that collect, interpret, analyze and distribute the safety performance measurement results. For this not only incidents are used (lagging indicators), but also the qualities of the underlying processes (leading indicators). The performance management closely follows the EU Regulation 691/2010.</li> </ul> <p>The FABEC continues to address the safety-relevant operational aspects outside the FABEC Safety Case and in a conventional manner, e.g. through safety assessments or project safety cases ensuring the application of the existing SES Regulations. In accordance with the FAB-IR, the FAB Safety Case is not required to go into such details. An overview of safety risk assessment and mitigation for FABEC changes is given in Annex L Attachment 5.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>FABEC safety deliverables are mature and available and meet the requirements from the FAB IR. The FABEC Safety Case was approved by the highest level of the FABEC governing bodies.</p>		

## 7.2 Optimum use of airspace

Annex G Annex H Annex N	<p><b>FAB requirement</b></p> <p>FABs shall, in particular, enable optimum use of airspace, taking into account air traffic flows.</p> <p>Member States shall provide the following information:</p> <ul style="list-style-type: none"> <li>a) a description of the relations with the relevant network functions for airspace management and air traffic flow management referred to in Article 6 of Regulation (EC) No 551/2004 of the European Parliament and of the Council, including the coordination, arrangements and procedures to achieve optimised use of the airspace;</li> <li>b) in respect of airspace management within the functional airspace block not covered by the network functions referred to in Article 6 of Regulation (EC) No 551/2004, information on: <ul style="list-style-type: none"> <li>o the arrangements for an integrated airspace management,</li> <li>o the provisions for sharing of airspace management data,</li> <li>o the arrangements for an effective cooperative decision-making;</li> </ul> </li> <li>c) in respect of real time coordination within the functional airspace block, a description of how cross-border activities are managed if new areas are created resulting from the establishment of the functional airspace block.</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2 paragraphs (b) and (c) of Regulation (EC) No 550/2004, as amended by Art. 2.5 of Regulation (EC) No1070/2009; Art. 6 of Regulation (EC) No 551/2004, as amended by Art. 2.5 of Regulation (EC) No1070/2009; Regulation (EC) No 2150/2005 (FUA IR); Art. 4.3 of Regulation (EC) No 255/2010 (ATFM IR); Art. 10 of Regulation (EC) No 677/2011 (NF IR); §2 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Not applicable.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The key activity within any Functional Airspace Block is the optimum use of airspace irrespective of national boundaries. The economic outlook for aviation leads to the definition of FABEC performance targets. These targets can be achieved by implementing the Airspace Policy (Annex G) defined by the FABEC States. This recent policy initiates the development of an Airspace Strategy (Annex N Attachment 1) and underlying concepts (Annex N Attachments 2, 3, 4 and 5) which describe how the strategy is implemented. The strategy is realized through a FABEC Airspace Design Program captured in a 5 year rolling plan. A new program is being re-planned in the spring-summer 2012 timeframe to take into account the new FABEC Airspace Strategy 2012 whilst setting the right priorities to bring improved performance to the airspace users. This program needs to be de-conflicted with local/national projects and also needs to consider that the cycle of Airspace Design and ATM projects might not always concur with the actual external economical context but has to cope with a long term traffic growth outlook.</p> <p>Regarding the relation with the Network Manager, the FABEC ensured close cooperation and coordination between the FABEC and the NM, such as in strategic planning level and tactical daily flow and capacity management. The FABEC established – in close cooperation with the NM - harmonised processes, procedures and interfaces at both States' and ANSP level (Annex H Attachment 1 and 2). By this approach, the FABEC Member States and ANSPs ensure that consolidated FABEC views will be related to the network functions.</p> <p>Airspace management within the FABEC, FABEC has undertaken different initiatives to ensure a more integrated management of the FABEC airspace, to ensure that airspace management</p>		

data are shared within the FABEC as required in support of FABEC operational requirements, to ensure effective civil-military cooperative decision-making and military-military cooperation and to have arrangements for an effective Collaborative Decision Making. The tangible result of these initiatives is documented in Annex M where the outcome of FABEC ATFCM/ASM Live Trials leading to more integrated management of FABEC airspace is described and where FABEC Booking Principles and Priority Rules are listed. The ATFCM/ASM Live Trials at FAB-level will lead to further work and possibly to an implementation in 2013. The same Annex also contains information on a FABEC/A-CDM Operational Concept Document which leads to a FABEC implementation project.

Within FABEC, one major Airspace Design project (AMRUFRA) already has led to the implementation of a new cross-border airspace design and new routes. The management of the airspace affected by this change is documented in a LoA. Change pages of this LoA are given in Annex N Attachment 8. This change involved both civil and military partners. The successful approach ('foster ANSP') used throughout this project is as well applied within other FABEC Airspace Design projects, which have to be implemented in the short to medium term.

#### ***Maturity and availability of supporting evidence***

Supporting evidence is mature and available. This requirement is considered as an ongoing requirement which is continuously monitored throughout FABEC initiatives.

### 7.3 **FAB contribution to a reduced environmental impact**

Annex O	<p><b>FAB requirement</b></p> <p>... shall provide statements confirming that the functional airspace block contributes to a reduction of the aviation environmental impact ...</p>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.1 of Regulation (EC) No 550/ 2004, as amended by Article 2.5 of Regulation (EC) No 1070/2009; <i>Recitals</i> (3), (5), (24) of Regulation (EC) No1070/2009; §4(d) of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>This requirement is part of the FABEC CBA. The Environment EU-wide target is -0.75% route extension in 2014 compared to 2009. The FABEC Airspace Design work will contribute to this target by flight efficiency improvements. In their performance plan for reference period one the FABEC States submitted two environmental KPIs at FAB level, the first being an improvement with 5% by 2014 compared to 2011 of the percentage of route extension and the second KPI is to implement approach procedures supporting continuous descends at 21 out of a shortlist of 23 relevant FAB airports. The FABEC prepares for an additional KPI addressing environment during RP2. Additionally, it is understood that compliance with this requirement can be demonstrated by agreeing on a common mission aiming to contribute to reducing the environmental impact within the FABEC.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>FABEC early recognized the importance of reducing the environmental impact within a FABEC context. Therefore a Standing Committee on environmental matters has been established and FABEC CEOs adopted a FABEC ANSPs Environmental Mission, which creates a framework for environmental work. FABEC is committed to play its role in the contribution to an effective environmental system, aiming at improving the overall environmental performance and recognising interdependencies with other key performance areas. FABEC objectives therefore are to monitor the FABEC environmental performance, to comply with relevant environmental regulations, to screen for environmental effects in an early stage of the FABEC-projects, to estimate CO<sub>2</sub>-reductions &amp; to identify triggers for potential noise effects (e.g. lower airspace and TMA) for FABEC Airspace Design projects, to consider mitigation options when developing FABEC-projects and to promote environmental awareness. A FABEC environmental case is attached in Annex O. This case includes environmental contributions of Early Implementation Packages, Airspace Design Projects and Airspace Strategy Projects. It should be highlighted that FABEC agreed not to head for local/national aggregation of Free Route Airspace projects, but that FABEC intends to implement this major change as a FABEC project under the portfolio of Airspace Strategy Projects.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>Supporting evidence is mature and available in Annex O.</p>		

## 7.4 ATM/ANS technical resources within FABEC

Annex P	<p><b>FAB requirement</b></p> <p>... be justified by their overall added value, including optimal use of technical resources ...</p>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2(d) of Regulation (EC) No 550/ 2004, as amended by Regulation (EC) No 1070/2009; §4 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The technical infrastructure within FABEC enables FABEC ANSPs to meet their operational requirements. It is recognized that many of the existing regulatory provisions addressing the technical infrastructure have a specific local application, which is complemented by the necessary harmonization at FABEC level, adding value to the overall implementation process.. The common procurement of technical systems appears to be a valid enabler to initiate the optimum use of technical resources.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The current systems of FABEC ANSPs are diverse. The Technical Directors of the 7 FABEC ANSPs have been addressing the adverse impact of this fragmentation of the European Air Traffic Management and Communications, Navigation and Surveillance (ATM/CNS) systems, by setting up a Standing Committee at their level and a number of Working Groups and Expert Task Forces which meet very regularly. This effective network did not exist before the start of the Implementation Phase and has demonstrated its added-value by the exchange of best practices, know-how and technical expertise.</p> <p>It supports technical cooperative and harmonization opportunities which will offer significant leverage for the development of performance driven ATM/CNS systems and technical services, enablers for a better OPS airspace utilization and capacity management, as well as productivity and cost-efficiency. It should also be noted that during the Feasibility Study Phase, numerous cooperation opportunities with significant potential benefits have been identified in a candid and open mindset without being inhibited by local or national constraints. In the subsequent Implementation Phase, a number of potential cooperation initiatives had to be postponed until a next generation of systems is due, because of the constraining reality of existing strong commitments and contracts of the ANSPs with industry for the planned and imminent deployment of new systems. It is noteworthy however, that several technical bilateral cooperation initiatives between FABEC ANSPs – some beyond the FABEC set-up, or between Civilian and Military ANSPs - are effectively contributing to the optimization and convergence of systems and services, and as such are also supporting e.g. the “Virtual Centre” concept.</p> <p>While the qualitative benefits of this closer and more intense cooperation in the technical domain are evident, they are difficult to quantify. On the other hand, a number of quantifiable cooperation benefits have been achieved, as briefly described in the following paragraph and as evidenced in the 7 Attachments of Annex P.</p> <p>The FABEC further identified similarities between CNS services of FABEC ANSPs and hence looked for possible synergies generated by cooperation on FABEC CNS services. A supporting Business Case on the subject was developed (Annex P Attachment 7).</p> <p>Other opportunities for cooperation result from reviewing upgrade and replacement of systems between FABEC partners. A FABEC Advisory Process for Technical Investments complementary to the FABEC Procurement TF is being established. (Annex P Attachment 1). FABEC partners started by jointly specifying and procuring a state-of-the-art Voice Communication System (VCS) and established a Voice Communication Board (Annex P Attachment 4). This common approach from the planning and specification stages is meant to decrease fragmentation of systems between FABEC ANSPs. The FABEC partners further</p>		

identified a number of cooperation measures for which coordinated deployment could start in the short term. Useful work was also done on interoperability by an OLDI TF (Annex P Attachment 2). Results of this TF are being implemented and are expected to bring tangible benefits. Regulatory requirements and related timelines inspired FABEC partners to successfully cooperate in the area of Air Ground Data Link Services (Annex P Attachment 3). Further work was done on the optimization of surveillance sensors and the implementation of a ground telecommunication network enabling to perform IP services (Annex P Attachment 5 and 6).

Action and evidence demonstrate that cooperation between FABEC partners on the use of technical resources can deliver and should further intensify. It is expected that more opportunities for cooperation will emerge within the context of the deployment phase of SESAR at FABEC level. FABEC verifies that its activities are aligned with the ATM Master Plan, that its technical systems in support of the SESAR CONOPS are compliant with the SESAR architecture. FABEC is adequately represented in the Interim Deployment Steering Group and Expert Group.

#### ***Maturity and availability of supporting evidence***

Supporting evidence is available in Annex P.

## 7.5 Management of human resources

Annex Q	<p><b>FAB requirement</b></p> <p>... be justified by their overall added value, including optimal use of human resources ...</p>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2(d) of Regulation (EC) No 550/ 2004, as amended by 1070/2009; §4 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The potential added value for FABEC initiatives in the human resources domain is demonstrated in the FABEC Implementation Phase CBA. Individual FABEC ANSPs plan for and employ adequate human resources in accordance with the relevant regulatory requirements that apply at national and local levels. FABEC ANSPs may opt for various partnership arrangements in order to optimise recruitment, formation/training and usage of the necessary human resources at FAB level, beyond the local/ national levels. Harmonisation of training contributes to human resources optimisation.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>FABEC undertook 2 initiatives in the Human Resources domain to optimize the use of human resources. The first initiative was a review of possible cooperation at FABEC level in the training domain. This initiative led to the development of a Business Case and a specific Cost Benefit Analysis (CBA). An extract of the CBA is given in Annex Q Attachment 1.</p> <p>A second initiative investigated the possibility to deliver ATCO Basic Training at FABEC-level to partners who have such requirement. This initiative led to the conclusion of a FABEC Agreement on ATCO Basic Training. Public information of this Agreement is attached in Annex Q Attachment 2.</p> <p>A last initiative is still under development is the organization of distributed simulations at FABEC level for airspace design simulations, new concept validations, the implementation of Free Route airspace and the implementation of additional coordination messages.</p> <p>Beyond these initiatives it is clear that all FABEC ANSPs cooperate to employ appropriately skilled and trained personnel to ensure the safe provision of their services. The FABEC NSA Committee is the single oversight counterpart at FABEC level for training matters.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>Supporting evidence that optimal use of human resources is strengthening between FABEC partners is available.</p>		



## 7.6 Cost Benefit analyses

Annex R	<p><b>FAB requirement</b></p> <p>... confirm overall added value based on cost-benefit analyses</p> <ul style="list-style-type: none"> <li>a) the cost-benefit analysis was conducted according to industry standard practice, using among others discounted cash flow analysis;</li> <li>b) the cost-benefit analysis provides a consolidated view of the impact of the establishment of the functional airspace block on the civil and military airspace users;the cost-benefit analysis demonstrates an overall positive financial result (net present value and/or internal rate of return) for the establishment of the functional airspace block;</li> <li>c) the functional airspace block contributes to a reduction of the aviation environmental impact;</li> <li>d) values for costs and benefits, their sources and the assumptions made to develop the cost-benefit analysis were documented;</li> <li>e) main stakeholders were consulted and provided feedback on the costs and benefit estimates which are applicable to their operations.</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2(d) of Regulation (EC) No 550/ 2004, as amended by 1070/2009; §4 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>§4(c) and (d) of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR) are covered under sections 9.1.3 and 8.6.</p> <p>The FABEC IP CBA includes a realistic assessment of the latest information and a degree of confidence, which may be placed on the results. The FABEC IP CBA is different from the FABEC Feasibility Phase (FSR) CBA since it builds on four years of experience to identify implementation possibilities and impact on risk and schedule. SES legislation does not express itself on what an acceptable positive value of Net Present Value and/or Internal Rate of Return is.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC has undertaken a full cost-benefit analysis of FABEC initiatives during the FABEC Feasibility Study Phase and the FABEC Implementation Phase (2008 – 2012). The work has been performed under the direction of the FABEC Performance Management Group and the Standing Committee Finance. CBAs are not just a requirement of the SES legislation, but as well considered as a sound practice within a FABEC context for decision making.</p> <p>The results of the FABEC Implementation Phase (Annex R Attachment 1) put forward - through different initiatives – that FABEC brings net benefits. FABEC governance bodies were however not satisfied with the forecasted performance improvement underlying the FABEC Implementation Phase CBA and decided early 2012 to initiate a far more ambitious Airspace Strategy program. A dedicated CBA was developed on this initiative and is attached in Annex R Attachment 2. FABEC has a wide range of cooperative initiatives ongoing but realizes that major benefits for the airspace users should come from operational initiatives. The FABEC also took care to ensure that benefits claimed are independent from achievements of the SESAR program and that the reference case used is in line with latest information available from EUROCONTROL.</p> <p>The overall conclusion of the CBA is that the specified FABEC initiatives will bring benefits. It is however recognized that benefits have to grow over time as more elements of cooperation are successively implemented and as the level of cooperation is intensified.</p>		

***Maturity and availability of supporting evidence***

The FABEC Implementation Phase CBA is conducted according to industry standard practice. Areas of uncertainty related to traffic demand, benefits of initiatives, impact of discount rate, influence of ANSP cost plans and adjustment of delay figures were all taken into account and assessed by applying a sensitivity-analysis. The case provides a consolidated view of the impact on airspace users. The CBA demonstrates an overall positive financial result for the establishment of the FABEC.

## 7.7 Smooth and flexible transfer of responsibility for ATC between ATS units

Annex H Annex P Annex N Annex M	<p><b>FAB requirement</b></p> <p>Ensure smooth and flexible transfer of responsibility for air traffic control between air traffic service units.</p> <p>... include information on the changes introduced by the establishment of the functional airspace block:</p> <ul style="list-style-type: none"> <li>a) a description of the arrangements for cross border provision of air traffic services; the arrangements concluded to enhance coordination procedures between the concerned air traffic service providers within the functional airspace block and further planned initiatives to enhance coordination;</li> <li>b) a description of the arrangements concluded to enhance coordination procedures between the concerned civil and military air traffic service providers and further planned initiatives to enhance coordination in line with the concept of flexible use of airspace;</li> <li>c) a description of the arrangements concluded to enhance coordination procedures with the concerned adjacent air traffic service providers, and further planned initiatives to enhance coordination.</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2(e) of Regulation (EC) No 550/ 2004, as amended by 1070/2009; §5 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>Fulfilling this requirement presumes actions related to the CDM processes and interfaces with the Network Manager (NM). Changes are ongoing to EUROCONTROL processes, procedures and reference deliverables as a result of the adoption of NF IR and nomination of the NM.</p> <p>Smooth and flexible transfer of responsibility for air traffic control can be ensured at FABEC level by:</p> <ol style="list-style-type: none"> <li>1. implementing OLDI messages for coordination and transfer of ATC between units;</li> <li>2. agreeing on a roadmap for procurement and implementation of new technical systems and constituents to ensure convergence of technical systems on interoperability;</li> <li>3. implementing FABEC developments in line with EUROCONTROL ATS Route Network (ARN) V7 – Concept &amp; Catalogue of Projects;</li> <li>4. sharing data with the NM as required by the CDM process with the NM;</li> <li>5. providing technical systems for airspace management ensuring seamless and flexible operations across FABEC.</li> </ol>		
<p><b>Description of FABEC action and evidence</b></p> <p>FABEC has been working closely together from the start with the Network Manager to define the necessary arrangements in line with the NM IR and to ensure that processes and procedures between FABEC and the Network Manager are fully aligned (Annex H). FABEC Member States and ANSPs took the necessary measures to ensure cooperation in areas such as strategic planning and tactical daily flow and capacity management.</p> <p>The requirements on interoperability and common procurement of new technical systems are covered under the FAB IR requirement to make optimal use of technical resources. As mentioned in Annex P, FABEC additionally has elaborated an extensive Technical Convergence Plan covering all technical areas.</p> <p>From the beginning of any airspace initiative, FABEC has closely cooperated with the European Route Network Design (ERND) function. FABEC hotspots were defined and</p>		

prioritized with EUROCONTROL since 2006 throughout the FABEC feasibility study phase and the implementation phase. FABEC airspace design projects as described in Annex N are recognized in the Airspace Action Plans retained in successive versions of the ATS Route Network (ARN).

FABEC ANSPs share data with the network manager as required by the NM IR. FABEC partners have successfully organized FABEC ATFCM/ASM Live Trials (Annex M Attachment 2) to validate a relevant function at FAB-level, which leads to follow-on work with the Network Manager in 2012. Lessons learnt are available for other FABs.

FABEC evaluated within the same context software tools and document templates available at the FABEC level and the local units to exchange information. The LARA tool was used as airspace monitoring tool whilst at the same time reviewing the capabilities of another airspace monitoring tool of one of the FABEC ANSPs (STANLY\_ACOS). These tools are today operationally available between FABEC partners and ensure seamless and flexible operations between FABEC partners.

#### ***Maturity and availability of supporting evidence***

Supporting evidence is available and mature in different Annexes of the EC Information file.

## 7.8 **Compatibility of airspace configurations and optimisation of airspace structures**

Annex G	<p><b>FAB requirement</b></p> <p>... Member States shall provide information on the available plans how to achieve harmonised organisation and classification of different airspace configurations within the functional airspace block. The plans shall include:</p> <ul style="list-style-type: none"> <li>a) the principles for airspace classification and airspace organisation for the functional airspace block;</li> <li>b) the changes of airspace configuration resulting from the harmonisation within the functional airspace block.</li> </ul>	<p><b>SES legal reference(s)</b></p> <p>Article 9a.2(f) of Regulation (EC) No 550/ 2004, as amended by 1070/2009; §6 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>The FABEC addresses this requirement in close relation to the execution of the network functions in accordance with NF IR. 'Airspace structures' are intrinsically connected to the airspace design process.</p> <p>The FABEC Member States and its ANSPs as part of FABEC or individually, through the CDM process, are also required to ensure that common principles apply in relation to airspace utilisation and capacity management.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Member States have developed a FABEC Airspace Policy (Annex G). The policy determines a FABEC Member States framework to steer, monitor and assess FABEC airspace design and management against agreed common principles with a view to an optimal contribution to the FABEC performance. The FABEC Airspace Policy is the policy document approved by the [Provisional] FABEC Council, and developed for the FABEC Member States to fulfil their obligations under provision of the FABEC Treaty with respect to the design and management of airspace (Art 8 and 9), in line with SES regulation.</p> <p>The policy is the reference document of the FABEC Member States Airspace Committee, the FABEC Member States Harmonisation and Advisory Committee and the FABEC ANSPs when executing operational work. It includes also the principles of participation to the collaborative decision process of the NMF.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>The FABEC Airspace Policy is reviewed by the [Provisional] FABEC Council.</p>		

## 7.9 Consistency with the EU-wide performance targets

Annex S	<p><b>FAB requirement</b></p> <p>FABs have to facilitate consistency with Community-wide performance targets.</p> <p>... provide information on the arrangements concluded in order to facilitate consistency with the European Union-wide performance ...</p>	<p><b>SES legal reference(s)</b></p> <p>Art. 5 of Regulation (EU) No 691/2010; Art.11 of Regulation (EC) No 549/2004; Art. 9a.2(i) of Regulation (EC) No 550/2004, as amended by 1070/2009; §9 of Part Two of the Annex to Regulation (EC) No 176/2011 (FAB IR).</p>
<p><b>FABEC understanding of requirement</b></p> <p>It is understood that the Commission welcomes the submission of a FABEC Performance Plan. For this FAB IR requirement, FABEC Member States may refer to information already provided to the Commission under the provision of Article 5 of Regulation (EU) No 691/2010.</p> <p>The Performance Regulation and in particular its Art. 5.2 (e) allowed FABEC to exclude the cost efficiency target from its plan, on the understanding that the FABEC Performance Plan will aggregate the national cost efficiency targets in order to allow to have a view on their global consistency with the European Union-wide targets. Setting targets in the key performance areas of safety and environment was only optional for RP1.</p>		
<p><b>Description of FABEC action and evidence</b></p> <p>The FABEC Member States encouraged close cooperation to submit a Performance Plan at Functional Airspace Block level as of RP1. Because the FABEC Member States decided to adopt a performance plan at FAB level, they ensured that the FABEC Performance Plan is in conformity with the layout of a performance plan defined in Regulation (EU) No 691/2010. The Commission was notified which national supervisory authority or body is responsible for the coordination within the FABEC and the relations with the Commission for the implementation of the performance plan. Appropriate arrangements were made to ensure that a FABEC target is established for the key performance indicators environment and capacity. To ensure the balance between the civil and military interests also targets were set for Military Mission Effectiveness. The FABEC Member States are jointly responsible for the achievement of these performance targets set for FABEC; the national cost-efficiency targets are aggregated and a global FABEC figure demonstrating the cost efficiency effort at FABEC level is provided for information. The FABEC Performance and Financial Committee was notified as being the focal point of contact for performance planning to the Commission. An extract of the FABEC Performance Plan for RP1 is given in Annex S Attachment 1. The performance management at FABEC level requires related processes at the level of the FABEC Member States which interface with the corresponding processes of the FABEC ANSPs. These processes are described in Annex S Attachment 2. The maturity of the performance management system at FABEC level was demonstrated when developing an addendum to the original FABEC Performance Plan to cope with the comments made by the Commission and the PRB early 2012.</p> <p>The FABEC is also closely cooperating with the Network Manager to ensure that there is no duplication in the value chain of the performance benefits claimed by the Network Manager or the FABEC.</p>		
<p><b>Maturity and availability of supporting evidence</b></p> <p>FABEC developed a FAB level Performance Plan for RP1.</p>		

## 8 CONCLUSIONS

This report demonstrates that there has been significant work between six FABEC Member States in implementing the SES legislation and more particularly Article 9a(2) of Regulation (EC) No 550/2004 (SPR), amended by Regulation (EC) No 1070/2009; and Regulation (EC) No 176/2011 (FAB IR).

The FABEC demonstrates its ability to cope with the second package of SES legislation and to take measures at FABEC level to respond to the Performance Scheme and the creation of the Network Management Function.

The six FABEC Member States consider that the regulatory requirements contained in Article 9a(2) of Regulation (EC) No 550/2004 (SPR), amended by Regulation (EC) No 1070/2009; and Regulation (EC) No 176/2011 (FAB IR) are met by FABEC and should allow the Commission to positively conclude by 04 December 2012 on the establishment of the FABEC as a Functional Airspace Block in the core area of Europe.

Based on the establishment, the FABEC Member States and ANSPs then have to intensify their cooperation in order to deliver the necessary medium and long-term FABEC performance improvements towards the civil and military airspace users and the other stakeholders.

## LIST OF ANNEXES

Annex A	Glossary
Annex B	FABEC State Treaty
Annex C	[Provisional] State Governance Manual
Annex D	Designation within FABEC
Annex E	NSA Arrangements
Annex F	FABEC Cooperation Agreement ANSPs
Annex G	FABEC Airspace Policy
Annex H	FABEC Arrangements with the Network Manager
Annex I	FABEC Regional Agreements
Annex J	Communication Plan FABEC Implementation Phase
Annex K	Consultation of Staff Representative Bodies
Annex L	FABEC Safety Case
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Annex O	FABEC Environmental Case
Annex P	Optimal use of technical resources
Annex Q	Optimal use of HR resources
Annex R	FABEC Implementation Phase Cost Benefit Analysis
Annex S	FABEC Performance



## Glossary

A	Airspace
A-CDM	Airport – Collaborative Decision Making
AEFMP	Algiers – Spain – France – Morocco - Portugal
AFG	ANSP FABEC Group
AGDL	Air Ground Data Link
AMRUFRA	Amsterdam Ruhr Frankfurt
ANA	Administration de la Navigation Aérienne
ANP	Air Navigation Plan
ANSP	Air Navigation Service Provider
ARN	Airspace Route Network
ASM	Airspace Management
ATC	Air Traffic Control
ATCO	Air Traffic Controller
ATFCM	Air Traffic Flow and Capacity Management
ATFM	Air Traffic Flow Management
ATM	Air Traffic Management
ATS	Air Traffic Service
ATSP	ATS Provider
C	Committee
CBA	Cost-Benefit Analysis
CDM	Collaborative Decision Making
CEO	Chief Executive Officer
CH	Switzerland
CM	Chairman
CNS	Communication Navigation Surveillance
COM	Communications
CONOPS	Operational Concept
DFS	Deutsche Flugsicherung GmbH
Doc	Document
DSNA	Direction des Services de la Navigation Aérienne
DWD	Deutscher Wetterdienst
EC	European Commission
ENV	Environment

ERND	European Route Network Design
ERNIP	European Route Network Improvement Plan
EU	European Union
EUROCONTROL	European Organisation for the Safety of Air Navigation
FAB	Functional Airspace Block
FABCE	FAB Central Europe
FABEC	FAB Europe Central
FFPG	FAB Focal Point Group
FIN	Financial
FIR	Flight Information Region
FMCG	FABEC Military Coordination Group
FR	Framework Regulation
FR	France
FSB	FABEC State Bureau
FSR	Feasibility Study Report
FUA	Flexible Use of Airspace
GAT	General Air Traffic
GE	German
H&A/C	Harmonization and Advisory Committee
HR	Human Resources
HR-T	HR - Training
ICAO	International Civil Aviation Authority
IDSG	SESAR Interim Deployment Steering Group
IP	Implementation Phase
IR	Implementing Rule
IRL	Institutional Regulatory Legal
IRL	Ireland
IT	Italy
KNMI	Koninklijk Nederlands Meteorologisch Instituut
LARA	Local And sub-Regional Airspace Management support system
MED	Mediterranean
MET	Meteorological
MoC	Memorandum of Cooperation

NF	Network Function
NM	Network Manager
No	Number
NPV	Net Present Value
NSA	National Supervisory Authority
NUAC	Nordic Upper Area Control
OLDI	Online Data Interchange
OJEU	Official Journal European Union
OPS	Operations
PMG	Performance Management Group
PRB	Performance Review Board
PS	Performance Scheme
RNDSG	Route Network Development Sub-Group
RoP	Rule of Procedure
RP	Reporting Period
SAF	Safety
SC	Standing Committee
SDM	Social Dialogue Manager
SERA	Standardized European Rules of the Air
SES	Single European Sky
SESAR	SES ATM Research
SG	Secretary General
SP	Service Provider
SPM	Safety Performance Management
SPR	Service Provision Regulation
SSC	Single Sky Committee
STANLY_ACOS	Statistical Analysis (GE electronic booking / booking status display system)
TEC	Technical
TEN-T	Trans European Network – Transport
TMA	Terminal Area
UK	United Kingdom
UIR	Upper Information Region
V	Version

VCS

Voice Communication System