



FABEC Implementation Phase

[Provisional] State Governance Manual

EC Information

Annex C



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


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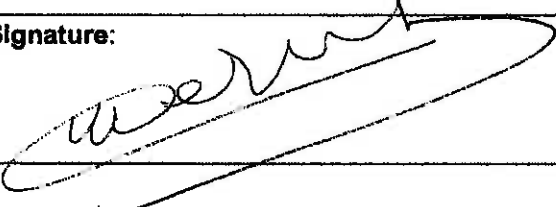
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C.1	H&AC	Approved	1.2	25.03.2012	Provisional State Governance Manual

1. BACKGROUND

In the FABEC Treaty, it is foreseen to put a States structure in place: the FABEC Council, the Airspace Committee, the Harmonisation and Advisory Committee, the Financial and Performance Committee, the NSA Committee and the ANS Consultative Board. The Governance manual explains how the FABEC State structure will cooperate and describes the consultation arrangements with the FABEC ANSPs.

The FAB IR further defines the need to provide “*Information on arrangements between civil and military authorities of their involvement in the governance structures*”. This information is also included in the States Governance Manual.

The NMF IR also imposes requirements on FABEC States. These have been considered in the States Governance Manual as well.

FABEC State governance has been adopted by the Provisional FABEC Council and the ANS Consultative Board during their meeting on the 19th of January 2012. The FABEC Contracting States are applying "provisionally" the defined governance arrangements since December 2011, so well before the formal establishment of FABEC.

FABEC States decided to create a FABEC State Bureau with a Permanent Secretary to support the exercise of the State governance. The formal FABEC Point of Contact as required by the FAB IR is also mentioned in the manual in its Annex H.

The establishment of States governance also leads to a requirement to timely have a modified and adequate ANSP governance in place.

Proven State governance structures and governance will be in force when FABEC is established.

The State Governance Manual is considered as a living document and is now under the monitoring of the Harmonisation and Advisory Committee which will report back to the FABEC Council with proposal of improvement where deemed necessary from practical experience or changing environment.

2. PURPOSE AND CONTENT OF THE DELIVERABLE

The FABEC State Governance Manual fulfils the objective to:

- Describe the rules of procedures applicable for the FABEC Council, its committees and the ANS Consultative Board.
- Define the tasks and competencies of each individual State body, including the arrangements for both Civil and Military parties.
- Explain the role of the FABEC States Bureau (ToR).
- Define the coordination with the ANSPs bodies.

In addition, the manual describes the detailed activities of each State Committee in line with the obligations of the FABEC Treaty. The members and the chairperson of the committees are also listed in the document.

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FABEC Implementation Phase

Provisional State Governance Manual

EC Information

Attachment C.1



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

DOCUMENT SUMMARY

Objective : <i>This document is the governance manual of the FABEC States in order to steer the [provisional] FABEC bodies.</i>			
Origin : TFSG		Audience : FABEC bodies	
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1.0	19/01/2012	Approved version by Provisional FABEC Council/2	G. Poget
1.1	6/02/2012	Update Swiss representative to Airspace Committee (Annex F)	M. Pleyers
1.2	25/03/2012	Update Dutch representative to NSA Committee (Annex F)	M. Pleyers

PRELIMINARY REMARK

This manual has been developed for the FABEC States bodies for its governance and has to be approved by the FABEC Council during its first meeting. It will be provisionally applied by the provisional FABEC Council, the provisional FABEC Committees and the provisional ANS Consultative Board.

The FABEC governance will be formally established as soon as the FABEC Treaty will enter into force, namely on the first day of the second month following the deposit of the last instrument of ratification with the Depositary (article 38 of the FABEC Treaty which is foreseen in autumn 2012¹).

This manual will be revised after the FABEC Treaty has entered into force and whenever needed.

¹According to the last report on the ratification process made at the 6SFG/26 of January 5th 2012.

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INTRODUCTION

1.1 Objective of the document

The Governance Manual contains all documents needed in order to ensure the proper and efficient governance of the FABEC by the Contracting States as soon as it is implemented in accordance with the applicable legislation.

1.2 Background

The FABEC Treaty was signed by the Contracting States on 2nd December 2010.

Formally the FABEC will be established after the ratification of the FABEC Treaty. The FABEC Treaty shall enter into force on the first day of the second month following the deposit of the last instrument of ratification with the Depositary.

As soon as the ratification process has been completed, the governance established by the FABEC Treaty will be in place *de jure* without any further legal measures.

1.3 Provisional application of the FABEC governance

According to the DGs and their military counterparts at the occasion of the meeting of the SSB/14 on 6th of July 2011 held in Brussels at ECTL HQs, the governance as established by the FABEC Treaty will be applicable from 1st of September 2011 on a provisional basis.

2 REVIEW AND APPROVAL OF STATES GOVERNANCE MANUAL

This manual will be amended from time to time under the supervision of the provisional Harmonisation and Advisory Committee. This manual will be revised after the FABEC Treaty will be established, subject to approval by the FABEC Council. Any amendment thereafter shall be approved by the FABEC Council. A new version of the manual shall be established for each amendment.

3 REFERENCE DOCUMENTS

- a. FABEC Treaty including the guidance material
- b. Treaty between the European Community and the Swiss Confederation on air transport, including Annexes
- c. MoC NSA
- d. Joint designation Act according to Article 12.1 of the FABEC Treaty.
- e. List of designated ATSPs according to Article 12.2 of the FABEC Treaty
- f. Structure of the FABEC State Governance (organisation chart)
- g. List of treaties applicable within FABEC

4 RULES OF PROCEDURE

According to the decision of the SSB/14 of July 6, 2011, these Rules of procedure apply to the provisional FABEC Council, the provisional Committees and working groups and the provisional ANS Consultative Board until the entry into force of the FABEC Treaty.

4.1 Rules of procedure for the FABEC Council

Article 1: Definitions

Advisor – means a non-Representative who supports a Representative and works for the same Contracting State as the Representative concerned.

Alternate – means a person designated by a Contracting State to represent it in the Council in the absence of the Representative.

Committee – means a body as established by Article 24 paragraph 1 of the Treaty.

Council – means the FABEC Council as established by Article 2 paragraph 1 of the Treaty.

Observer – means a non-Representative invited by the Council to participate in one or more meetings of the Council, or part thereof, according to Article 21 paragraph 2 of the Treaty.

Order of business – means a list of items for consideration at one meeting.

Qualified person or personality – means a person invited by the Council to be consulted on specific issues because of his specialized expertise or knowledge.

Representative – means a person designated by a Contracting State to represent it in the Council according to Article 21 paragraph 1 of the Treaty.

Treaty – means the Treaty of the 2nd of December 2010 relating to the establishment of the Functional Airspace Block “Europe Central” between the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Swiss Confederation.

Working group - means a body as established by Article 24 paragraph 1 of the Treaty dedicated to a specific task and for a limited period of time.

Article 2: Composition of the Council

1. The Council is composed of the following Representatives from each Contracting State:
 - a. one Representative from the authority responsible for civil aviation, and;
 - b. one Representative from the authority responsible for military aviation².
2. Each Contracting State shall designate an Alternate for each of its Representatives with the same rights and obligations attributed to the Representative.
3. A Representative may represent only one Contracting State.
4. Each Representative may be accompanied by one or two Advisors, with a maximum of two per Contracting State.

Article 3: Chairmanship

² Luxembourg does not have a representative from the authority responsible for military aviation.

1. The chairmanship and the vice-chairmanship shall rotate according to the order of the Contracting States as laid down in the title of the FABEC Treaty.
2. At the end of the term of the Chairperson, the Vice-Chairperson becomes the Chairperson.
3. The respective Contracting States to appoint the Chairperson and the Vice-Chairperson shall designate them from amongst their respective Representatives.
4. The term of office of the Chairperson and the Vice-Chairperson is one year.
5. The Chairperson and the Vice-Chairperson shall be Representatives from two different Contracting States.
6. In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings of the Council and perform the other duties of the Chairperson.
7. If the Chairperson or the Vice-Chairperson is unable to complete his term of office, a new Chairperson or Vice-Chairperson shall be designated by the Contracting State concerned within four calendar weeks according to paragraph 3 and shall hold office for the remainder of the term of his predecessor.

Article 4: Tasks of the Chairperson

In order to fulfill his tasks, the Chairperson shall inter-alia:

- a. organize, convene and preside at the meetings of the Council, including the sending of the invitation and the distribution of the Order of business, the related documents and the meeting report;
- b. present his orientation for his term of office at the first meeting as Chairperson;
- c. organize the work of the Council, prepare the work program of the Council and ensure its follow-up as well as the annual report on FABEC;
- d. take necessary actions to ensure the execution of the work to be done and to ensure a balanced contribution of the States to the work of the Council;
- e. keep track of the implementation of the decisions of the Council by the Contracting States;
- f. prepare the meetings in order to facilitate the decision making by the Council;
- g. ensure the observance of these Rules of procedure;
- h. act as focal point for the external affairs of the Council and for the internal governance structure;
- i. chair the meetings of the Air Navigation Services Consultative Board as well as other consultation meetings of air navigation service providers, airspace users and other stakeholders;
- j. ensure any other tasks assigned to him by the Council or by these Rules of procedure.

Article 5: Observers

1. Unless otherwise decided by the Council, the Chairperson may invite Observers representing non-Contracting States, air navigation service providers, airspace users, airport operators, international organizations or other stakeholders.
2. Observers may attend the meetings of the Council or part thereof not held in closed session.
3. Observers have no right to vote.

Article 6: Qualified persons or personalities

Unless otherwise decided by the Council, the Chairperson may invite Qualified persons or personalities to attend the relevant part(s) of a meeting of the Council, on his own initiative or at the request of a Contracting State.

Article 7: Meetings

1. The Council shall meet at such times and places as may be deemed necessary but at least twice a year according to its work program and upon written invitation of the Chairperson.
2. The Chairperson shall determine the dates and places of the ordinary meetings at the beginning of his term of office.
3. At any time, the Chairperson may, on his own initiative, or shall, at the request of a Contracting State, call an extraordinary meeting in case the item cannot be postponed to the next ordinary meeting. Such a meeting shall take place as soon as reasonably possible.
4. In case of necessity or urgency, the Chairperson may conduct a meeting by telephone or other telecommunications facilities ensuring all participants to hear each other.
5. On matters that do not justify to call a meeting of the Council, the Chairperson may consult the Council in writing, by e-mail or by any other means of communication.

Article 8: Order of business and related documents

1. The provisional Order of business shall be prepared by the Chairperson.
2. The provisional Order of business and the related documents, submitted for action, shall be distributed with the invitation to all Representatives, and to the Observers if necessary, at least three calendar weeks before the meeting of the Council.
3. Documents shall clearly mention whether they are submitted for information or action. The Order of business shall specify the items to be dealt with in closed session.
4. Any Contracting State may propose items for the Order of business not later than two calendar weeks before the meeting of the Council.
5. Any new items not mentioned in the Order of business may be discussed if all Contracting States attending the meeting agree.
6. On request of a Contracting State, an item shall be dealt with in closed session.
7. The final Order of business shall be adopted at the beginning of the respective meeting.

Article 9: Administrative support

1. The Chairperson fulfills its functions with the support of the staff and the means to its disposal within its national functions and makes use of the support of the FABEC States

Bureau³ in order to ensure the proper functioning of the Council.

2. Unless the Council decides otherwise, expenses arising from the fulfillment of the Chairmanship are borne by the Contracting State concerned.

Article 10: Relation with Committees and working groups

1. The Chairperson shall regularly be in contact with the Chairpersons of the Committees and working groups assisting the Council.
2. The Rules of procedure and the tasks of the Committees and working groups shall be approved by the Council.
3. The Chairpersons and the Vice-Chairpersons of the Committees and working groups are appointed by the Council.

Article 11: Strategic plan

The Council shall adopt a strategic plan and work accordingly. This plan shall be reviewed on a regular basis.

Article 12: Quorum

A majority of the Contracting States shall constitute a quorum for the conduct of a meeting of the Council.

Article 13: Voting procedure

1. Each Contracting State has one vote. Only Representatives shall be entitled to vote.
2. Decisions of the Council shall be taken by a unanimous vote.
3. A vote may take place as soon as the quorum is constituted.
4. A Contracting State not present at the time of the decision shall notify the Chairperson of its vote in writing within four calendar weeks after having received the draft meeting decisions.
5. A vote may take place through written procedure on the initiative of the Chairperson. Each Contracting State shall notify the Chairperson of its vote in writing within three calendar weeks after having received the related proposal. If a Contracting State requests that the proposal needs to be examined at a meeting of the Council, the written procedure shall be terminated without results and the Chairperson shall put this item in the order of business of the next meeting of the Council.
6. The Chairperson shall ensure the observance of the voting procedure.

³ Ref Chapter 7

Article 14: Competencies of the Council

1. The Council is empowered to decide on any item listed in Article 22 of the Treaty.
2. The Council may delegate decision making powers to the Committees in their specific domains of competencies. In that case, the Committees shall take decisions in accordance with the principles of Article 13.
3. Conditions of the delegation shall be detailed in the decision of the Council. Sub-delegation is not permitted.
4. Such delegation of powers shall not prevent the Council from being able to raise matters at any time as part of its tasks according to Article 22 of the Treaty.

Article 15: Language

1. The deliberations of the Council shall be conducted in English. The documentation for the Council shall be drawn up in English.
2. Decisions shall be drawn up in English. If needed, a Contracting State may translate a decision in its own language(s) and ascertain its conformity with the English text of the decision. The translation shall be communicated to the Council if requested by a Contracting State.

Article 16: Meetings' report

1. The Chairperson shall ensure that the meeting report is drawn up after each Council meeting. It shall contain a summary of deliberations, the conclusions reached and decisions adopted at the meeting as well as the list of actions that need to be undertaken.
2. The draft meeting decisions shall be provided by the Chairperson to the Representatives within one calendar week after the meeting.
3. The draft meeting report shall be provided by the Chairperson to the Representatives within three calendar weeks after the meeting. Unless comments are received by the Chairperson within a period of two calendar weeks after having received the draft meeting report, the meeting report shall be deemed adopted.
4. The meeting report or parts thereof may be made available to the observers or any other stakeholder unless otherwise decided by the Council.

Article 17: Documentation recording

1. The Chairperson shall ensure that the entire documentation developed within the activities of the Council shall be placed on the OneSky website.
2. Meetings decisions are chronologically recorded and available on request at any time.

Article 18: Correspondence

All correspondence shall be addressed to the Chairperson at his Organization Headquarters, unless otherwise decided.

Article 19: Final clauses

1. These Rules of procedure or any portion thereof may be revoked temporarily, suspended or amended by the Council.
2. In the event of any conflict between any provision of these Rules of procedure and any provision of the Treaty, the latter shall prevail.

4.2 Rules of procedure for the FABEC Committees

Article 1: Definitions

Advisor - means a non-Member who supports a Member and works for the same Contracting State as the Member concerned.

Alternate member - means a civil or military expert having specialized expertise in the field of the work assigned to a Committee and appointed by a Contracting State to represent it in the absence of the Member.

Committee - means a body as established by Article 24 paragraph 1 of the Treaty.

Council - means the FABEC Council as established by Article 2 paragraph 1 of the Treaty.

Member - means a civil or military expert having specialized expertise in the field of the work assigned to a Committee and appointed by a Contracting State according to Article 24 paragraph 2 of the Treaty.

Observer - means a non-Member invited by the Committee to participate in one or more meetings of the Committee, or part thereof, according to Article 24 paragraph 3 of the Treaty.

Order of Business - means a list of items for consideration at one meeting.

Qualified person or personality – means a person invited by the Committee to be consulted on specific issues because of his specialized expertise or knowledge.

Treaty – means the Treaty of the 2nd of December 2010 relating to the establishment of the Functional Airspace Block “Europe Central” between the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Swiss Confederation.

Working group - means a body as established by Article 24 paragraph 1 of the Treaty dedicated to a specific task and for a limited period of time.

Article 2: Scope of these Rules

1. These Rules of procedure shall apply to the Airspace Committee, the Harmonisation and Advisory Committee, the Financial and Performance Committee and the National Supervisory Authorities Committee.
2. Unless otherwise provided, these Rules of procedure shall also apply to any other Committee or Working group established by the FABEC Council.

Article 3: Composition of the Committees and appointment of members

1. Each Contracting State shall designate for each Committee at least one Member, but no more than two, and shall ensure necessary succession.
2. Each Contracting State shall designate an Alternate member for its Member(s).
3. No Member or Alternate member may represent more than one Contracting State.
4. Each Member or Alternate member of a Committee may be accompanied by one or two Advisors, with a maximum of two per Contracting State.

Article 4: Tasks of the Committees according to the Treaty

In order to fulfill its tasks as defined in the Treaty, each Committee shall inter-alia:

- a. assist the Council;
- b. support the Council in order to prepare the decision making of the Council;
- c. submit working papers to the Council for information or action;
- d. execute the tasks and competencies as described in the FABEC States Governance Manual;
- e. define a work program and hold a progress report;
- f. maintain external contacts within the remit of the tasks of the Committee;
- g. execute any other tasks assigned to it by the Council.

Article 5: Delegation of decision-making power to the Committees

1. A Committee may take decisions on the items within its domain of competency on which the decision making power is delegated by the Council to the Committee concerned.
2. Conditions of the delegation by the Council of the decision making power within the domain of competency of a Committee shall be detailed in a decision of the Council.
3. Sub-delegation of decision making power by a Committee is not permitted.

Article 6: Chairmanship

1. The Chairperson and the Vice-Chairperson of a Committee shall be appointed by the FABEC Council from among the Members of the Committee concerned.
2. The Chairperson and the Vice-Chairperson shall be Members from two different Contracting States.
3. The term of office of the Chairperson and the Vice-Chairperson is two years. The first term of office of the Vice-Chairperson is one year.
4. In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings of the Committee and perform the other duties of the Chairperson.
5. If the Chairperson or the Vice-Chairperson is unable to complete its term of office, a new Chairperson or Vice-Chairperson shall be appointed by the Council within four calendar weeks and shall hold office only for the remainder of the term of its predecessor.

Article 7: Tasks of the Chairperson

In order to fulfill his tasks, the Chairperson shall inter-alia:

- a. organize, convene and preside at the meetings, including the sending of the invitation and the distribution of the order of business, the related documents and the meeting report;
- b. organize the work of the Committee, prepare the work program of the Committee and ensure its follow-up as well as the progress report;
- c. take necessary actions to ensure the execution of the work to be done and to promote a balanced contribution of the States to the work of the Committee;
- d. prepare the meetings in order to facilitate the decision making by the Committee;
- e. forward information to the Committee, in particular in case of consultation of the Committee by the Council;
- f. act as Focal point of the Committee for the Council, other Committees and other interested parties;
- g. report on a regular basis to the Council on the work of the Committee;
- h. ensure the coordination and cooperation with other Committees;
- i. support the preparation of the meetings of the Council;
- j. ensure the observance of these Rules of procedure;
- k. ensure any other task assigned to him/her by the Council or by these Rules of procedure.

Article 8: Task forces

1. The Committee may establish permanent or temporary task forces as required to help it fulfill its tasks or to examine particular issues. The Chairperson of a task force shall be appointed by the Committee concerned.
2. The terms of reference and the Rules of procedure of a task force shall be determined by the Committee concerned.
3. Observers may attend meetings of task forces on the same conditions as stated in Article 9.

Article 9: Observers

1. Unless otherwise decided by the Committee, the Chairperson may invite Observers representing non-Contracting States, air navigation service providers, airspace users, airport operators, international organizations or other stakeholders.
2. Observers may attend the meetings of a Committee or part() thereof not held in closed session.
3. Observers may participate in the discussions of a Committee. They have no right to vote.
4. Proposals by Observers will be discussed in a Committee if supported by at least two Contracting States.

Article 10: Qualified persons or personalities

The Chairperson may invite qualified persons or personalities to attend the relevant part(s) of a meeting of a Committee, on its own initiative or at the request of a Contracting State.

Article 11: Meetings

1. A Committee shall meet at such times and places as may be deemed necessary but at least twice a year, according to its work program and upon written invitation of the Chairperson.
2. At any time, the Chairperson may, on its own initiative, or shall, at the request of a Contracting State, call an extraordinary meeting. Such meeting shall take place as soon as reasonably possible.
3. In case of necessity or urgency, the Chairperson may conduct a meeting by telephone or other telecommunication facilities ensuring all participants to hear each other.
4. On matters that do not justify to call a meeting of a Committee, the Chairperson may consult the Committee in writing, by e-mail or by any other means of communication.

Article 12: Order of business and related documents

1. The provisional Order of business shall be prepared by the Chairperson.
2. The provisional Order of business shall be distributed with the invitation to all Members, and to the Observers if necessary, at least two calendar weeks before the meeting of a Committee.
3. Documents shall clearly mention whether they are submitted for information or action. The Order of business shall specify the items to be dealt with in closed session.
4. All related documents shall be distributed to all Members, and to the Observers if necessary, at least one calendar week before the meeting of a Committee.
5. Any Contracting State may propose items for the Order of business.
6. Any new item not mentioned in the Order of business may be discussed if all Contracting States attending the meeting agree.
7. On request of a Contracting State, an item shall be dealt with in closed session.
8. Items proposed by Observers may be included in the Order of business if they are supported by at least two Contracting States.
9. The final Order of business shall be adopted at the beginning of the respective meeting.

Article 13: Administrative support

1. The Chairperson of a Committee fulfills its tasks with the support of the staff and the means to its disposal within its national functions or according to the arrangement in the Annex to these Rules of procedure required for the proper functioning of the Committee. The Chairperson makes use of the support of the FABEC States Bureau⁴.
2. Unless the Council decides otherwise, expenses arising from the fulfillment of the Chairmanship are borne by the Contracting State concerned.

Article 14: Quorum

A majority of the Contracting States shall constitute a quorum for the conduct of business of a Committee.

Article 15: Decision making of Committees

1. Unless otherwise provided by article 16, decisions of a Committee can only be taken within the scope of Articles 4 and 8 and shall not have any binding effect outside the Committee concerned.
2. Committee decisions shall preferably be adopted by consensus. Voting, which will be on a majority basis of the Contracting States attending the meeting, should be exceptional.
3. In case of urgency or when deemed necessary for any other reason, the Committee can take decisions by written procedure.
4. No motion or amendment shall be voted on, unless it has been seconded by at least another Contracting State.

Article 16: Decision making of Committees on the items on which the decision making power is delegated by the Council

1. Decisions of a Committee on an item within its domain of competency on which the decision making power is delegated by the Council to the Committee concerned according to article 5 shall have the same effect as if taken by the Council.
2. Such decisions shall be taken in accordance with the principles of Article 13 of the Rules of procedure for the FABEC Council.

⁴Ref Chapter 7

Article 17: Language

1. The discussions of the Committees shall be conducted in English.
2. All documents related to the work of the Committees shall be drawn up in English.

Article 18: Meeting report

1. The Chairperson shall ensure that the meeting report is drawn up after each Committee meeting. It shall contain a summary of discussions, the conclusions reached, decisions adopted at the meeting and the actions to be undertaken.
2. The draft meeting decisions shall be provided by the Chairperson to the Members within one calendar week after the meeting.
3. The draft meeting report shall be provided by the Chairperson to the Members within three calendar weeks after the meeting. Unless comments are received within a period of two calendar weeks, the meeting report shall be deemed adopted.
4. The Chairperson shall forward the final version of the meeting report to the Council and to the other Committees if appropriate.
5. The meeting report or parts thereof may be made available to the Observers or any other stakeholder unless otherwise decided by the Committee.

Article 19: Documentation recording

1. The Chairperson shall ensure that the entire documentation developed within the activities of the Committees shall be placed on the OneSky website.
2. Meetings decisions are chronologically recorded and available on request at any time.

Article 20: Correspondence

All correspondence shall be addressed to the Chairperson at its Organization Headquarters, unless otherwise decided.

Article 21: Final clauses

1. These Rules of procedure or any portion thereof may be revoked temporarily, suspended or amended by the Council.
2. The Committees may deviate from these Rules of procedure when not in conflict with the Treaty and approved by the Council. Such deviations shall be laid down in the Annexes to these Rules of procedure.
3. In the event of any conflict between any provision of these Rules of procedure and any provision of the Treaty, the latter shall prevail.

SPECIAL PROVISIONS APPLICABLE TO THE AIRSPACE COMMITTEE

None.

SPECIAL PROVISIONS APPLICABLE TO THE HARMONISATION AND ADVISORY COMMITTEE

None.

SPECIAL PROVISIONS APPLICABLE TO THE FINANCIAL AND PERFORMANCE COMMITTEE

None.

**SPECIAL PROVISIONS APPLICABLE TO THE NATIONAL SUPERVISORY
AUTHORITIES COMMITTEE.**

All formal decisions of the NSA Committee shall be taken by unanimity of all Contracting States according to article 5, paragraph e, of the Agreement of 26 January 2011 on the cooperation of the FABEC National Supervisory Authorities.

4.3 Rules of procedure for the Air Navigation Services Consultative Board

Article 1: Definitions

Consultative Board – means the Air Navigation Services Consultative Board as established by Article 29 paragraph 1 of the Treaty.

Council – means the FABEC Council as established by Article 2 paragraph 1 of the Treaty.

Observer – means a non-member invited to participate in one or more of meetings of the Consultative Board, or part thereof, according to Article 29 paragraph 3 of the Treaty.

Order of business – means a list of items for consideration at one meeting.

Qualified person or personality – means a person invited to be consulted on specific issues because of his specialized expertise or knowledge.

Treaty – means the Treaty of the 2nd of December 2010 relating to the establishment of the Functional Airspace Block « Europe Central » between the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Swiss Confederation.

Article 2: Composition of the Consultative Board

The members of the Consultative Board are:

- a. the representatives from the Council according to the Article 2 of the “Rules of procedure of the FABEC Council” or a delegation of them;
- b. the Chief Executive Officers or equivalents representing FABEC civil air navigation service providers or a delegation of them;
- c. the Military Officers or equivalents representing FABEC military air navigation service providers or a delegation of them.

Article 3: Chairmanship

The Chairperson and the Vice-Chairperson of the Council fulfill the same functions for the Consultative Board.

Article 4: Tasks of the Chairperson

In order to fulfill his tasks, the Chairperson shall inter-alia:

- a. organize, convene and preside at the meetings of the Consultative Board, including the sending of the invitation and the distribution of the order of business, the related documents and the meeting report;
- b. take necessary actions to ensure the execution of the work to be done;
- c. ensure the regular up-date of the list of items which are scheduled for the Order of business of the ANSCB and the coordination of this list with the Order of business of the Council;

- d. inform the Consultative Board on the decisions taken by the Council;
- e. ensure the observance of these Rules of procedure;
- f. act as focal point of the Consultative Board;
- g. ensure any other tasks assigned to him by the Council, after consultation of the Consultative Board, or by these Rules of procedure.

Article 5: Observers

1. Unless otherwise agreed by the Council, the Chairperson may invite observers representing non-Contracting States, air navigation service providers, airspace users, airport operators, international organizations or other stakeholders.
2. Observers may attend the meetings of the Consultative Board or part thereof.

Article 6: Qualified persons or personalities

Unless otherwise agreed by the Council, the Chairperson may invite Qualified persons or personalities to attend the relevant part of a meeting of the Consultative Board, on his own initiative or at the request of a member of the Consultative Board.

Article 7: Meetings

The Consultative Board shall meet at such times and places as may be deemed necessary but at least twice a year, upon written invitation of the Chairperson.

Article 8: Order of business and related documents

1. The provisional Order of business shall be prepared by the Chairperson.
2. The provisional Order of business and the related documents shall be distributed with the invitation to all members, and to the Observers if necessary, at least three calendar weeks before the meeting of the Consultative Board.
3. Any member may propose items for the Order of business not later than two calendar weeks before the meeting of the Consultative Board.
4. The final Order of business shall be adopted at the beginning of the respective meeting.
5. The Consultative Board shall hold a non-exhaustive list of items which are scheduled for the Order of business of the ANSCB in the up-coming six months. This list shall be updated regularly.

Article 9: Administrative support

1. The Chairperson fulfills its functions with the support of the staff and the means to its disposal within its national functions and makes use of the support of the FABEC States Bureau⁵ in order to ensure the proper functioning of the Consultative Board.
2. Unless otherwise decided by the Council, expenses arising from the fulfillment of the Chairmanship are borne by the Contracting State concerned.

Article 10: Discussions

1. The Consultative Board shall discuss all matters relating to the provision of air navigation services within the FABEC, in accordance with Article 29 of the Treaty.
2. The matters for discussion will be determined by the items opened up for consultation by the States and the advices given by the ANSPs to the States.
3. The States will determine the items open for consultation.
4. The ANSPs will give advice to the States when deemed appropriate by one of the members and with the aim to achieve the FABEC and enhance its performance.
5. The discussions of the Consultative Board shall be reported to the Council.

Article 11: Language

The discussions of the Consultative Board shall be conducted in English. The documentation for the Consultative Board shall be drawn up in English.

Article 12: Meetings' report

1. The Chairperson shall ensure that the meeting report is drawn up after each Consultative Board meeting. It shall contain a summary of meeting's discussions.
2. The draft meeting report shall be provided by the Chairperson to the members within three calendar weeks after the meeting. Unless comments are received by the Chairperson within a period of two calendar weeks after having received the draft meeting report, the report shall be deemed adopted.
3. The meeting report or parts thereof may be made available to the Observers or any other stakeholder unless otherwise decided by the Council.

Article 13: Documentation recording

The Chairperson shall ensure that the entire documentation developed within the activities of the Consultative Board shall be placed on a website.

Article 14: Correspondence

All correspondence shall be addressed to the Chairperson at his Organization Headquarters, unless otherwise agreed.

Article 15: Final clauses

1. These Rules of procedure or any portion thereof may be revoked temporarily suspended or amended by the Council.

⁵Ref Chapter 7

2. In the event of any conflict between any provision of these Rules of procedure and any provision of the Treaty, the latter shall prevail.

5 TASKS AND COMPETENCIES

5.1 FABEC Council

The FABEC Council governs the FABEC. In that context, in order to meet the commitments of the Contracting States under the FABEC Treaty, the FABEC Council is tasked with initiating actions and taking decisions in the following areas:

- a. ensure the implementation of the Treaty and the fulfilment of the objectives of the FABEC in general;
- b. define the development of the civil and military cooperation;
- c. agree on the common design and policy for the airspace concerned;
- d. define the modalities of the cooperation on the application of the concept of flexible use of airspace;
- e. support the harmonisation of the substantive rules and procedures;
- f. facilitate the joint designation process of the air traffic service providers;
- g. adopt the charging policy applicable in the airspace concerned and set the single unit rate for en-route traffic in the airspace concerned;
- h. support the development and the implementation of a common overall Safety Management System;
- i. define strategic objectives for the development of the FABEC, assess the results achieved and take appropriate measures if required;
- j. approve the performance plan and the related performance targets;
- k. adopt its rules of procedure and those of the committees, working groups and the Air Navigation Services Consultative Board;
- l. set up committees other than those established by the Treaty and working groups to assist it in specific matters and approve the proposals of the committees and working groups;
- m. ensure the coordination of the FABEC with adjacent functional airspace blocks, including efficient interfaces;
- n. coordinate the positions of the Contracting States with regard to the application of international agreements regarding in particular the work of ICAO, EUROCONTROL, the European Commission, the European Aviation Safety Agency and joint undertakings in the field of air traffic management;
- o. facilitate the settlement of disputes arising between Contracting States;
- p. take the measures required by the accession of a State to the Treaty;
- q. take the measures required by the denunciation of the Treaty by a Contracting State;
- r. assess the consistency between the Treaty and any changes to Regulations on the Single European Sky;
- s. propose amendments to the Treaty;
- t. ensure consultation of the air navigation service providers, airspace users and other stakeholders where appropriate.

5.2 Airspace Committee

Committee Tasks and Competencies

The Airspace Committee ensures that a FABEC airspace policy is developed, implemented and applied in close cooperation between civil and military authorities for the FABEC airspace.

The Airspace Committee has to facilitate defragmentation and dynamic sectorisation within FABEC airspace.

The airspace under consideration of the Airspace Committee is all flight information regions and upper information regions within continental Europe of the Contracting States ('the airspace concerned').

In that context, the Airspace Committee ensures the following roles and responsibilities in accordance with the FABEC Treaty:

1. To establish a common airspace policy, in close cooperation between civil and military authorities;
2. To establish rules to design, to organize and to ensure the FABEC airspace to facilitate defragmentation and to improve use of airspace;
3. To establish the FABEC rules of flexible use of airspace;
4. To organize the coordination of classification of the various parts of airspace in order to reduce existing differences in practices;
5. To ensure the application of air traffic flow and capacity management for an efficient and consistent application;
6. To ensure the harmonisation of relevant procedures and agreements between civil and/or military air traffic service providers;
7. To ensure the examination and to approve changes of cross border airspace and/or airspace affecting the performance at the FABEC level;
8. The Airspace Committee shall organise the common FABEC view in the framework of Network Management Function (NMF), on the coordination of airspace policies and on EC rules related to airspace policies;
9. The Airspace Committee shall develop uniform design process(es) for cross borders routes and areas;
10. The Airspace Committee shall examine on a systematic basis the airspace taking in due consideration the need to facilitate defragmentation and dynamic sectorisation;
11. The Airspace Committee shall apply Key performance indicators (KPI) and Performance indicators (PI) in relation to the airspace concerned considering at least flight efficiency, capacity and military mission effectiveness;
12. The Airspace Committee will address at least the issues concerning airspace modifications when it involves:
 - I. the airspace structure (TMA) of coordinated airports, as defined by the European Council regulation (EEC) N 95/93 of 18 January 1993 on common rules for the allocation of slots at Community Airports;
 - II. cross-border routes and areas;
 - III. if a modification proposal might have impact on the FABEC performance (airspace or route remaining above FL 195).

Inputs & Deliverables

Refer to Annex A.

Process & Method of working

The Airspace Committee will work in accordance with the Rules of Procedure for the Committees.

In addition to these rules, the Airspace Committee:

1. may set up task forces in order to prepare the documents to be discussed at committee level. When task forces requires the ANSP expertise, the requirement will be tabled at FABEC Council level;
2. shall have access to airspace project documents in order to assess the proposals and/or results;
3. defines positions and recommendations based on draft papers developed before the meetings;
4. ensures that members have access to a common database in which all airspace change proposals and Letters of Agreement considering airspace of the Contracting States are centralized;
5. shall review and evaluate the airspace modification implementation by the KPI/PI.

Issues related to legal nature will require the support of the Harmonisation and Advisory Committee.

The AC is entitled to call, as appropriate, on ANSPs expertise or on other expertise.

Membership

When appointing members for the Airspace Committee, States shall have due regard to the fact that the Committee addresses issues predominantly requiring civil – military cooperation.

Members shall possess competences and experience with regard to the tasks and competences of the airspace Committee.

External Relations & Consultation

Relation & Consultation subject	With whom
1. Consultation on change proposal.	Stakeholders
2. Coordination with Eurocontrol	NMF, CFMU, AMC, NM

5.3 Harmonisation and Advisory Committee

Committee Tasks and Competencies

The HAC ensures harmonisation in any area deemed necessary for the benefit of the FABEC Council's objectives and to provide the required support on any matter not within the scope of competence of the three other Committees, such as legal aspects, general policy development or strategy.

Harmonisation should be taken in a broad sense. It includes analysis of differences in national regulations affecting the defragmentation of airspace to propose draft decision to the FABEC Council to amend the regulations that causes difficulties. It also includes the development of visions and common proposals with respect to regulatory changes at international or European level.

Definitions/terms

Harmonisation task

Harmonisation is considered to mean the following: In the case of harmonisation of law, the aim is to make a consistent whole of law. It is an important concept in the European Union for creating common standards across the Member States.

The 'legal' definition of harmonisation is: "Harmonisation seeks to 'effect an approximation or co-ordination of different legal provisions or systems by eliminating major differences and creating minimum requirements or standards'. Unification on the other hand focuses upon substituting or combining two or more legal systems and replacing them with a single system."

Depending on the ambition, harmonisation can be seen as a step towards unification and, in a way, harmonisation aims or strives towards unification. Unification does not allow for tailored solutions in specific situations, whereas harmonisation is a process of ascertaining the admitted limits of international unification, but does not necessarily amount to a vision of total uniformity.

Advisory task

Further to articles 10 and 12, the task of the Harmonisation and Advisory Committee will be of a more general nature in order to assist the FABEC Council in all tasks/issues that are not specifically within the remit of the other three committees, such as legal issues, general policy development, strategy, coordination or any specific tasks/issues assigned by the FABEC Council. The execution of these tasks will fall under the advisory task of the HAC.

In that context, the Harmonisation and Advisory Committee ensures the following roles and responsibilities, as defined by the FABEC Treaty:

1. To organize the harmonisation of Contracting States rules and procedures;
2. To ensure, with NSAC, that a common overall SMS is developed and implemented by the ATSPs;
3. To propose an update of the joint designation common instrument in the airspace concerned when necessary;
4. To maintain the joint designation list of ATSP providing (a) aerodrome flight information services, (b) ATS limited to a control zone of aerodrome, or (c) ATS under military supervision;

5. To ensure the collection of information on the rights and obligations of the designated ATSP and of any change in their terms of certification or their legal status;
6. To assist and advise the Council on legal issues concerning the implementation of the Treaty;
7. To assist and advise the Council on strategic issues to be addressed by the FABEC Council;
8. To propose adaptations of the Rules of procedure of the FABEC Council, Committees and working groups and the Air Navigation Services Consultative Board;
9. To ensure the maintenance of the FABEC Governance Manual;
10. To support the set up of committees other than those established by the Treaty and working groups to assist the Council in specific matters and prepare the attached rules of procedure for approval;
11. To support the FABEC Council in coordinating the legal and institutional positions of the Contracting States with regard to the application of international agreements regarding in particular the work of ICAO, EUROCONTROL, the European Commission, the European Aviation Safety Agency and joint undertakings in the field of air traffic management;
12. To support the FABEC Council in coordinating common responses in the ESSIP/LSSIP process in order to ensure consistency between the FABEC States;
13. To support the settlement of disputes arising between Contracting States;
14. To propose to the FABEC Council measures to be taken by the accession of a State to the Treaty;
15. To propose to the FABEC Council measures required by the denunciation of the Treaty by a Contracting State;
16. To assess, on behalf of the FABEC Council, the consistency between the Treaty and any changes to Regulations on the Single European Sky;
17. To propose amendments to the Treaty to the FABEC Council;
18. To provide general and legal advice and support to the FABEC Council, the other Committees and the Contracting States;
19. To ensure the coordination of specific issues assigned by the FABEC Council, which are not within the remit of the other Committees;
20. To take decisions on items on which the decision making power is delegated by the Council to the Harmonisation and Advisory Committee.

Inputs & Deliverables

Refer to Annex B

Membership

Members shall possess competences and experience with regard to the tasks and competences of the HAC.

The two tasks of the Committee (Harmonisation and Advisory) are different in content and require different expertise in the group, on the one hand specific legal knowledge and on the other hand more general knowledge and experience in ATM. More specifically the group needs legal expertise on ATM (national regulations, EU and international regulations), general expertise on ATM and knowledge and expertise on policy and policy-making from the States.

External Relations & Consultation

Relation & Consultation subject	With whom
1. Proposals for new regulation. Discussion with international organisations on new regulation and bring forward the common FABEC positions. Representation of FABEC.	EC, Eurocontrol, EASA and ICAO
2. Notification of joint designation of ATSPs.	EC, EU Member States
3. Proposals for harmonisation of rules.	ANSPs
4. Coordination with other FABs on legal issues	Other FABs

5.4 Financial and Performance Committee

Committee tasks and competencies

The Financial & Performance Committee has two main responsibilities: the first one is related to the charging policy, the second one to the Performance Scheme. None of these two domains has priority over the other.

With regard to charging (Article 18), the Financial and Performance Committee is tasked to:

- a. develop and apply common principles governing charging policy, i.e. the harmonisation of charging practices, the definition of the scope of the charging policy (en-route or en-route and terminal), the stepwise development of policy elements. In that context, the Committee shall make appropriate arrangements to ensure consistency and uniformity in the application of the rules and regulations on charging;
- b. support the FABEC Council to decide on the introduction of, the conditions for and the application of a SUR for en-route traffic in the airspace concerned and the establishment of a common charging zone in the airspace concerned. Where appropriated, and after decision of the FABEC Council, the scope of the work can be extended to the terminal charges;
- c. support the FABEC Council to coordinate the national unit rates for en-route traffic in the airspace concerned at the FABEC Council level, prior to the introduction and the application of a single unit rate for en-route traffic in the airspace concerned;
- d. jointly execute the necessary obligations associated with a common charging zone (when created) for en-route traffic in the airspace concerned i.e. the joint preparation of cost base and traffic forecast, the joint monitoring and application of rules, to realise the users consultation. In that context, the Committee make appropriate arrangements to ensure consistency and uniformity in the application of the rules and regulations on charging;
- e. ensure, as appropriated, the joint coordination with EUROCONTROL (e.g. the Enlarged Committee, the PRU, the CRCO);
- f. manage specific financial issues related to the FABEC State organisation such as those with regard to the FABEC support, the specific financial tasks assigned by the FABEC Council, and act as point of contact for ANSPs on financial issues.

With regard to Performance (Article 20), the Financial and Performance Committee is tasked to:

- a. propose to the FABEC Council the implementation and the elements of the FABEC performance plan. In that context, Financial & Performance Committee will i.a.:
 - propose and coordinate the indicators to be used either as PI or KPI;
 - propose and coordinate the incentive scheme to be applied;
- b. submit to the FABEC Council proposals for the performance targets at the FABEC level and coordinate the national performance plans;
- c. ensure consultation on the proposed performance plan with the stakeholders concerned, and on its execution;
- d. ensure the implementation, the monitoring of the FABEC performance plan and that corrective measures are taken if necessary (content) i.e.
 - organise and carry out performance monitoring;
 - monitor the alert thresholds;
 - decide on corrective action plans as necessary (decision delegated to the F&PC by the FABEC Council);

- e. perform periodical assessments of the design and functioning of the FABEC performance scheme and take corrective measures if necessary (process);
- f. ensure the coordination with the EC and PRB on behalf of the FABEC Council on charging and performance.

Inputs & Deliverables

Refer to Annex C.

Process & Method of working

The Financial & Performance Committee shall work in line with the Rules of Procedure for Committees of the FABEC Council. Additional answers can be found in the table in Annex C.

Financial and Performance Committee will work in accordance with the described processes on Performance and Charging. Processes descriptions are related to the scope of action that needs to be covered on both Performance and Charging.

At the beginning of the process it is foreseen that the Financial and Performance Committee will continue the work of the TF State Performance. The work of the TF Charging shall continue and will be reported to the Financial and Performance Committee.

Issues related to legal nature will require the support of the Harmonisation and Advisory Committee.

The two domains of the Committee (Charging and Performance) are specific in content but also interrelated in the economic area. More specific expertise may be required in Safety, ATM and MME. That is the reason why the Financial & Performance Committee may call for expertise from the NSA Committee, Airspace Committee as well as FABEC military experts to support its work. Issues related to legal nature will require the support of the Harmonisation and Advisory Committee.

If deemed necessary, the Financial & Performance Committee can set up task forces to deal with specific items in its domain of responsibilities (e.g. development of FABEC Performance Plan, Monitoring of the FABEC performance, impact analysis of introducing a single unit rate, etc). The TF Charging will be considered as a TF dealing with a specific issue and reporting to the Financial and Performance Committee.

The F&P Committee is entitled to call, as appropriate, on ANSPs expertise or on other expertise.

Membership

Since the Financial & Performance Committee addresses issues predominantly related to civil aviation, the composition of the Committee on civil and military might reflect this predominance but it is up to each State to appoint its members of the Committee.

Members shall possess competences and experience with regard to the tasks and competences of the Financial & Performance Committee.

External Relations & Consultation

<i>Relation & Consultation subject</i>	<i>With whom:</i>
<i>Introduction of a SUR</i>	<i>EC – ANSPs – Users - Eurocontrol (CRCO)</i>
<i>FABEC Performance Plan</i>	<i>EC/PRB – Stakeholders</i>
<i>Corrective action plans with regard to the FABEC Performance Plan</i>	<i>EC/PRB – ANSPS – FABEC Council</i>

5.5 NSA Committee

Committee Tasks and Competencies

In the context of the FABEC Treaty, the Committee has two main responsibilities: the first one is related to the supervision of the air navigation service providers, the second one to the Performance Scheme. The first domain has privilege to the other, since the second one has to be considered as an advisory and assistance role exclusively on safety to the Finance and Performance Committee.

In order to fulfil the FABEC Treaty obligations, FABEC NSAs concluded a Memorandum of Cooperation (NSA MoC), which defines the rules of their cooperation within the FABEC. With regard to this NSA MoC, the NSA Committee is the focal point with regard to the FABEC NSAs' common tasks in relation to:

- a. the supervision of ANSPs providing cross-borders services and/or providing services related to the airspace falling under the responsibility of another State concerned, including, when necessary, the coordination with adjacent FABs.
- b. the supervision of air navigation service providers holding a valid certificate from one State concerned that also provide services relating to the airspace falling under the responsibility of another State concerned, including (the certification and the supervision activities and), when necessary, the coordination with adjacent FABs.
- c. the review and advisory on the acceptance of safety related changes in case two or more NSAs are concerned, i.e.
 - Organise the review with an adequate review team
 - Coordinate the information through the 'administrator'
 - Coordinate safety case acceptance by NSAs based on common review
 - When necessary, ensure the coordination with adjacent FABs
- d. the interoperability of systems within FABEC and, when necessary, the coordination with adjacent FABs.
- e. the process for licensing and medical certification of air traffic controllers, including:
 - Training Courses/Training Providers Certification
 - On-going follow-up
- f. the recognition and supervision of training organisation and courses.
- g. the assistance of the Fin&Perf C in the elaboration of the Performance scheme, including contribution to:
 - Safety indicators to be used either as KPI or PI in accordance with EU-wide indicators
 - Safety Target setting on selected KPIs in accordance with EU-wide safety targets
 - Safety incentive
 - Safety Performance Monitoring
 - Safety corrective actions
- h. the harmonisation of oversight procedures and methodologies through:
 - the definition of a common interpretation of implementing rules having impact on the FABEC NSAs.
 - the efficient interfaces with adjacent FABs

- i. the elaboration of detailed implementation and procedural rules including also those that encourage and facilitate the development of a common overall Safety Management System.
- j. the organisation of bilateral, multilateral and joint supervisory tasks where applicable and required.
- k. the provision to each other of all information relevant to the subject of the NSA MoC.
- l. the evaluation of the NSA MoC two years after entry into force.
- m. the conduct of regular meetings concerning:
 - Safety Performance
 - SMS (software and changes)
 - Auditing
 - Interoperability
 - ANSPs certification and supervision
 - Training providers and training courses
 - Licensing of air traffic controllers

The NSA Committee will support the FABEC Council on the following tasks:

- encourage the development and the implementation of a common overall Safety Management System (h.),
- ensure the coordination of the FABEC with adjacent functional airspace blocks, including efficient interfaces (m.)

Delegation

For reasons of independency the Committee is entrusted of the coordination of the joint decisions to be taken by the Heads of the NSAs related to certification, oversight activities and the review of safety related changes.

Inputs & Deliverables

Refer to Annex D.

Process & Method of working

The NSA Committee shall work in line with the Rules of Procedure for Committees of the FABEC Council.

The process of working of the NSA Committee is described into the documents “Manual for common activities” and “FABEC State Performance Process description” which are living documents. The latest versions of these documents will be held on the FABEC IT-platform (OneSky).

For specific tasks, for example the review and acceptance of safety related changes, additional structures may be required. Therefore, the NSA Committee may decide to set up task forces in order to realise the work.

Issues related to legal nature will require the support of the Harmonisation and Advisory Committee.

The NSA Committee is entitled to call, as appropriate, on ANSPs expertise or on other expertise.

Membership

Members shall possess competences and experience with regard to the tasks and competences of the NSAC.

External Relations & Consultation

<i>Relation & Consultation subject</i>	<i>With whom:</i>
<i>Coordination on inter FAB related activities</i>	<i>Adjacent FABs</i>
<i>Coordination on NSA issues in the EU</i>	<i>NSA Coordination platform</i>

Administrative Support

Additional administrative support for activities as for example review and acceptance of safety related changes may require additional administrative support. This support is delivered by the States NSAs or by the FABEC States Bureau.

Others

The NSA Committee requires, as it is the case at national level, sufficient independence in accordance with the SES-regulation, even though its work needs to comply with national and international regulation.

5.6 Air Navigation Services Consultative Board (ANSCB)

The Air Navigation Services Consultative Board is the high level Board where the States consult the organisations providing air navigation services in FABEC. The ANSCB shall discuss all matters relating to the provision of air navigation services within the FABEC, in accordance with Article 29 of the Treaty.

In the context of the specific responsibilities of the ANSPs for the achievement of the FABEC performance, and in order to ensure the effectiveness and the efficiency of the ANSCB, the ANSPs shall timely inform the ANSCB on their plans and on any issue endangering the achievement of the FABEC performance.

The Consultative Board shall work in a transparent manner and according to the timeline in the RoP of the Consultative Board. Clarity shall exist on the subjects which are open for consultation and all parties can propose items for consultation.

Without prejudice to the responsibility of the FABEC Council to determine the items for consultation, the following non-exhaustive list of subjects could be used as a guide to determine the items open for consultation and define the future agendas of the Consultative Board:

1. Strategic objectives of the FABEC
2. ANSP governance
3. Civil and military cooperation
4. Performance
5. Airspace Design and Airspace Policy
6. FUA
7. ATFCM and ASM
8. Unit Rate and Charging Policy
9. Licensing of staff
10. Common SMS
11. Harmonisation of Rules and Procedures
12. FABEC joint designation
13. CNS services, AIS and MET services
14. Compliance with SES regulations
15. Deployment of SESAR deliverables
16. FABEC ATM technical systems

Information is exchanged between the members in the ANSCB on matters which are related to stakeholders and the external representation of the FABEC.

6 COSTS AND RESOURCES

As the FABEC has no legal personality, the FABEC in itself has no budget. Human resources necessary for the implementation of the FABEC are provided by the Contracting States to the FABEC Treaty. Each Contracting State contributes to the development of the FABEC in a balanced manner as much as legally possible.

Regarding the costs induced by the work deployed by members and experts of the FABEC Bodies (FABEC Council, ANS Consultative Board, Committees and any other groups later created), all members and experts are bearing their own costs.

The budget for FABEC States Bureau, as described in the chapter 7 of this Governance manual is ruled by different rules mentioned in the above-mentioned chapter

7 FABEC STATES BUREAU

1. Context and boundaries of creating a FABEC States Bureau

- 1.1. The 6 FABEC DGCA's decided, at their meeting in Zermatt on 24th of May 2011, to create, simultaneously to the establishment of the provisional FABEC Council (PFC) after the summer of 2011, the FABEC States Bureau in direct support of the PFC.
- 1.2. In accordance with the FABEC Treaty, the FABEC Council will be a decision making body and the Committees will have the character of decision preparing bodies for the FABEC Council unless specific delegations are received by the Committees. For both bodies, the need is recognized for a supporting infrastructure in order to enable, prepare and facilitate their work.
- 1.3. Starting up FABEC operations and exercising the FABEC States Governance imply a large volume of work which is expected to last well into the first decade of FABEC operations.
- 1.4. A professional working structure, the FABEC States Bureau, which is appropriately staffed and led by a Secretary General (SG) is deemed necessary to support the FABEC States Governance bodies.
- 1.5. The FABEC States Bureau is established and resourced by the six FABEC States. Until FABEC is formally established, the State Bureau shall continue to be supported by AFG, which in turn is funded by the ANSPs.

2. Roles and responsibilities of the FABEC States Bureau

The key mission of the FABEC States Bureau is to support the work and the decision-making of the FABEC Council and the Committees. It means that the FABEC States Bureau has:

- 2.1. To advise and support the FABEC Council and its Committees on all subjects related to the implementation of the governance – from a States perspective – of the performance based Functional Airspace Block Europe Central.
- 2.2. To monitor the follow-up of actions decided by the FABEC Council and to propose corrective action if need arises.
- 2.3. To directly support the chairperson (CP) of the FABEC Council in the preparation, and the efficient conduct of the meetings of the Council and of the ANS Consultative Board and to provide all necessary administrative support.
- 2.4. Upon request of the CP of the FABEC Council, to carry out a preliminary scrutiny of documents and files which are proposed to be put at the agenda of the FABEC Council and the ANS Consultative Board.
- 2.5. To support the FABEC Council and Committees and to provide secretarial support in close cooperation with the chairpersons of the FABEC Council and Committees by:
 - Drafting and finalizing agendas for approval by the CP, unless provided for by staff at disposal of the CP of the FABEC Council;
 - Drafting papers upon specific request;
 - Preparing and ensuring timely distribution of documentation for meetings, unless done by staff at disposal of the CP of the FABEC Council;
 - Assisting the CP of the meeting and keeping an accurate summary record of the discussions and decisions at meetings;
 - Drafting and finalizing minutes for review by the CP and ensuring the timely distribution, unless done by staff at disposal of the CP of the FABEC Council;
 - Coordinating and following actions between meetings;
 - Ensure orderly upkeep of documentation and archives.

- 2.6. To prepare – in close cooperation with CP of Committees and the FABEC Council – a yearly FABEC States Work Program, including specification of common goals, planning of work to ensure that joint obligations towards the EC are being met, and an estimation of resources needed in the light of the strategic plan adopted by the FABEC Council.
- 2.7. To inform and advise the FABEC Council and Committees on the FABEC ANSP Work Program.
- 2.8. To ensure, in consultation with the CP of the FABEC Council, the Point of Contact function of FABEC related activities on behalf of the FABEC Council towards the European Commission, without prejudice to points of contacts by the Committees.
- 2.9. To report on a monthly basis on progress made regarding the FABEC States Work Program.
- 2.10. To undertake other functions within the sphere of FABEC as the FABEC Council may specify.
- 2.11. To archive FABEC documents of the FABEC Council, the Committees and the ANS Consultative Board.
- 2.12. To organize for the FABEC Council, with the adequate communication experts, the communication of FABEC States with FABEC relevant external stakeholders, as decided by the Council, and liaising with ANSPs as needed;.
- 2.13. The work of the FABEC States Bureau shall not impinge on the work of the Committees, unless requested by the CP of a Committee or by the FABEC Council;.
- 2.14. Tasks other than the support to the Council and the Committees may include, i.a.:
 - Specific studies or actions requested by the Council, subject to the paragraph above;
 - Ensuring, in coordination with AFG and with the CP of Committees, the preparation of adequate and timely delivery of all information legally required by the European Commission;
 - Liaising with AFG and ANSPs in order to timely provide the Council, with an appreciation of the ANSPs works and initiatives.

3. Method of working

- 3.1. The FABEC States Bureau shall act under the directives of the FABEC Council.
- 3.2. The FABEC States Bureau serves all bodies of the FABEC States Governance.
- 3.3. This approach ensures coherence and cohesion between the actions of the different bodies. The work of the FABEC States Bureau is based on a close and continuous cooperation with Committees.
- 3.4. The nature of the support of the FABEC States Bureau to the FABEC Council and the Committees shall be flexible and can be administrative, coordination or expert.
- 3.5. Work of the FABEC States Bureau shall be focused on common interests at FABEC level, and not represent any specific national interest, nonetheless take national interests into account in a balanced manner, such as to support the FABEC interests in the most efficient way.
- 3.6. The FABEC States Bureau will maintain a close working liaison with the CP of the FABEC Council and the ANS Consultative Board as well as with the CP of the Committees.
- 3.7. The FABEC States Bureau shall work with a minimum of bureaucracy and paperwork. Full advantage shall be taken of modern (web-based) working and communication methods to organize the work.

- 3.8. At its own request, or at request of Committees, and upon approval of the FABEC Council, the FABEC States Bureau may call for assistance from external expertise for the benefit of the governance.
- 3.9. The FABEC States Bureau reports containing recommendations to the FABEC Council shall be submitted for decision to the FABEC Council, or through the relevant Committee to the FABEC Council, where appropriate.
- 3.10. The FABEC States Bureau has a responsibility of conducting its work in a fully transparent manner.
- 3.11. Documentation submitted to meetings shall be in the form of Information Papers and Action/Decision Papers.
- 3.12. The SG of the FABEC States Bureau is entitled to regularly liaise with the CP of the FABEC Council to discuss progress and significant items.

4. Membership of the FABEC States Bureau

- 4.1. The FABEC States Bureau is composed of dedicated full time or part-time staff having the appropriated skills and expertise in order to work for the development of the FABEC.
- 4.2. The Bureau staff members, when working for the FABEC States Bureau, are placed under the coordination of the Secretary General.
- 4.3. Members of the FABEC States Bureau work at FABEC-level and are guaranteed to work independent of local/national interests.
- 4.4. Staffing of the FABEC States Bureau will depend on its workload. SG will define the resources required to manage the tasks of the FABEC States Bureau. The FABEC Council, after having approved the staffing will make sure that resources are provided to the FABEC States Bureau.
- 4.5. Its Members (including the Secretary General) are selected based on a defined and agreed process. The SG of the FABEC States Bureau is in charge of defining and running the selection process in consultation with the 6SFG and to report to the FABEC Council. Candidates will be proposed by FABEC member States.
- 4.6. Selection of candidates will be based on professional experience and will not only be based on a 'balancing' of resources between and representation of FABEC States
- 4.7. The Members are appointed by the FABEC Council for a term of office of three years. However, in cases where their administration considers changing their functions, they shall notice the SG of the FABEC States Bureau in advance and propose a replacement.
- 4.8. The members of the FABEC States Bureau are professionals who originate from FABEC States, FABEC ANSPs or external contractors. The professionals can be either civil or military.
- 4.9. For defined issues and when deemed necessary, the FABEC States Bureau can call on professional communication expert support from either FABEC ANSPs or FABEC States or external, subject to agreement of the Council.

5. Organization of meetings

- 5.1. The SG of the FABEC States Bureau organizes periodic coordination meetings with the members of the FABEC States Bureau.
- 5.2. In order to ensure the sufficient and efficient communication flow between the Committees, the SG of the FABEC States Bureau may call for coordination meetings

with the CP of the Committees in order to i.a. prepare joint dossiers or to prepare the FABEC Council meetings.

6. Decision making

- 6.1. FABEC States Bureau has no decision power with regard to FABEC matters.
- 6.2. FABEC States Bureau may only take decision on its own organization and work.
Decision within the FABEC States Bureau will be taken preferably by consensus.

7. Reporting

- 7.1. FABEC States Bureau reports directly to the CP of the FABEC Council.

8. Budget and resources

- 8.1. The SG of the FABEC States Bureau shall submit a yearly budget in accordance with the FABEC States Work Program for approval by the FABEC Council.
- 8.2. This budget shall include staff cost (financial and/or in-kind), mission cost, office cost and estimated cost for contractors and shall stipulate support requirements from AFG.
- 8.3. The FABEC States will provide the budget required for the FABEC States Bureau in accordance with an agreed cost sharing key.
- 8.4. On a semi-annual basis, a settling of financial matters – based on a proposal by SG FABEC States Bureau – will be done between FABEC States.
- 8.5. The FABEC State which hosts the FABEC States Bureau will run the procurement process(es) on behalf of the 6 FABEC States.

9. Location and infrastructure

- 9.1. The FABEC States Bureau will be formally located in the territory of one of the FABEC States.

8 INFORMAL BODIES

States are at the liberty to set informal bodies in order to coordinate positions on specific issues.

States recognize the need for such coordination by:

- the FABEC Military Coordination Group (FMCG) for the military aspects
- the 6 States FABEC Group (6SFG) for the civil-military States aspects

Those informal bodies define their own organization and working arrangements.

ANNEXES: DETAILED ACTIVITIES, INPUTS AND DELIVERABLES

ANNEX A: AIRSPACE COMMITTEE

Remark: FT means FABEC Treaty

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
1	FT Art 8.2 a.	- States points of contact - ANSP experts	- ICAO, Eurocontrol existing policies - SES regulations, SERA, EC IRs, national inputs	Ensure the development of a common airspace policy, in close cooperation between civil and military authorities;	FABEC Airspace Policy	- ANSPs - FABEC Council
2	FT Art 8.2 b.			Ensure the design of the structure of the airspace concerned to facilitate defragmentation and dynamic sectorisation: - development of a FABEC airspace policy containing principles and/or guidelines wrt airspace design, airspace management and airspace classification - Review the airspace policy		
3	FT Art 8.2 c.	- Airspace PM - EC - Airspace Committee	- Airspace projects - Assessment report - EU Regulation 691/2010 - Specific project indicators	Ensure the examination of modifications concerning the airspace concerned affecting the performance at the FABEC level: - Propose Airspace design initiatives that support the setting of targets at FABEC level for the Fin & Perf Committee - Assess airspace modifications proposed in terms of performance - Assess the performance results related to the Airspace design of the FABEC - Propose Airspace design (K)PIs at FABEC level	- Decision paper - Adapted project - Proposed indicators - Proposed targets	- ANSPs - Airspace Committee - NSA Committee - Fin& Perf Committee - Airspace PM
4	FT Art 8.2 d.	- CFMU/RNDG - FABEC Member States - Other FAB policies - NMF	- Airspace data - FABEC airspace policy - Other FAB policies - Network manager policies	Ensure coordination with EUROCONTROL: - Organise the common FABEC view in the framework of Network Management Function (NMF) on the coordination of airspace policies. - Organise the common FABEC position on EC Regulation related to the Airspace policies.	- FABEC joint airspace policies positions/proposals - FABEC airspace policies consistent with the NMF policies	- NMF - FABEC ANSPs
5	FT Art 8.2 e.	- FABEC ANSPs - FABEC Com cell	- Airspace Design changes, FABEC Airspace Policy - User consultation plan, report, users comments and FABEC answers	Ensure consultation of the airspace users, jointly if necessary: - Ensure that the consultation has been properly done by the FABEC Airspace Design Function or Airspace Project Managers. - Approve the answers/decisions to be provided to the users during the consultation.	- User consultation report - FABEC answers to users	- Stakeholder - Airspace Committee - FABEC Council
6	FT Art 8.2 f.	- Member States - FABEC Mil - FABEC ANSPs	- LoAs (States, Mil, ANSPs) - CBA - Level 2 and 3	Ensure the coordinated establishment of cross-border areas: - Ensure that the process is coordinated within the concerned States - Register the existing LoAs in a Airspace Committee data base	- FUA Agreement - Coordinated publications - Data base	- ANSPs - FABEC Council - Airspace Committee - Harm&Adv Committee

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
7	FT Art 9.1	Airspace Committee	<ul style="list-style-type: none"> - Agreements between MoD/MoT - AMC agreements - Inputs Network Manager /Function - LoA for the usage of CBA - Negotiation FABEC AMC - Negotiation national AMC - ICAO - Eurocontrol - SES/2150 	Ensure the cooperation at legal, operational and technical level for the efficient and consistent application of the concept of flexible use of airspace taking into account both civil and military requirements.	Common FABEC rules for FUA	ANSPs, FABEC AMC
8	FT Art 9.2	Airspace Committee	<ul style="list-style-type: none"> - SES/2150 - Existing LoA (e.g. F-CH) - Identify existing procedures/national AMC or AFMU units - pilot ATFCM 	Ensure that common agreements and procedures are set up between civil and military air traffic service providers.	- FABEC common agreement between civ - mil providers/nat AMC/AFMU	Civ & mil ANSPs
9	FT Art 9.3	Airspace Committee	<ul style="list-style-type: none"> - Inputs from the Regulators / ANSP - Network Manager - Airspace users - SES/2150 	Ensure that civil and military authorities coordinate at the strategic level of airspace management.	<ul style="list-style-type: none"> - Validation of change proposal - Coordinated airspace strategy 	Civ & mil ANSPs
10	FT Art 9.4	Airspace Committee	<ul style="list-style-type: none"> - CFMU - Network Manager / Function - Level 1 function at FABEC - National AMC/AFMU - SES/2150 	Ensure that a common airspace management function is established between civil and military air traffic service providers at pre-tactical level.	<ul style="list-style-type: none"> - Rules for FABEC AMC - Implementation Plan 	CMFU AMC Network Manager
11	FT Art 9.5	Airspace Committee	<ul style="list-style-type: none"> - PANS ATM - LoA require direct COM - MIL/CIV Units 	The Contracting States shall ensure that coordination is made between air traffic services units and controlling military units at tactical level.	<ul style="list-style-type: none"> - Common LoA framework - FUA rules 	<ul style="list-style-type: none"> - civ & mil ANSPs - Tactical air control units
12	FT Art 22.2.m	<ul style="list-style-type: none"> - FABEC Committees - FABEC Council - ANSPs 	<ul style="list-style-type: none"> - Requests for cooperation from other Committees or FABEC Council - Requests for cooperation from other FABs - Information from other FABs - Information from the EC (FFPG) 	Ensure the coordination of the FABEC with adjacent functional airspace blocks, including efficient interfaces.	<ul style="list-style-type: none"> - Interfaces, meetings and dialogue, consultation procedures - Information documents - Representation of FABEC at FAB Focal Point Group meetings 	<ul style="list-style-type: none"> - FABEC Council - FABEC Committees - ANSPs
13	FT Art 10.4 and 22.2c	<ul style="list-style-type: none"> - Airspace Committee - Contracting States - ANSPs 	<ul style="list-style-type: none"> - National rules and procedures related to the airspace policy - FABEC airspace policy - Content of the rules to be changed - International and European law/regulations 	<p>Organize the coordination of classification of the various parts of airspace in order to reduce existing differences in practices.</p> <p>This task should be in the remit of the Airspace Committee</p> <ul style="list-style-type: none"> - Harmonize national rules related to the airspace policy. 	<ul style="list-style-type: none"> - Proposals for harmonisation of rules and procedures related to the common airspace policy 	<ul style="list-style-type: none"> - FABEC Council - Contracting States <p>Information to:</p> <ul style="list-style-type: none"> - Airspace Committee - ANSPs - Other

ANNEX B: HARMONISATION & ADVISORY COMMITTEE

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
1	FT Art 10.1 and 22.2e	<ul style="list-style-type: none"> - Contracting States - Other Committees - ANSPs - Other interested parties 	<ul style="list-style-type: none"> - National rules and procedures - International and European law 	<p>To organize the harmonization of Contracting States rules and procedures i.e. (FT Art 10.2)</p> <ul style="list-style-type: none"> - Collect the substantive rules and procedures of the States - Organize regular Contracting States consultations - Identify differences between regulations - Make proposals for harmonisation - Follow-up of the implementation by the States of the harmonised rules 	<ul style="list-style-type: none"> - Proposals for harmonisation of rules and procedures to the Council 	<ul style="list-style-type: none"> - FABEC Council - Contracting States <p>Information to:</p> <ul style="list-style-type: none"> - Other Committees - ANSPs - Other interested parties
2	FT Art 10.3 and 22.2h	<ul style="list-style-type: none"> - NSA Committee (check if the ANSPs apply the common SMS) - SC Safety (ANSPs) - Contracting States 	<ul style="list-style-type: none"> - SMS development work plan - National rules and procedures related to the national SMS - Harmonized FABEC SMS proposal - FABEC SMS approval - International and European law/regulations 	<p>To ensure that a common overall SMS is developed and implemented by the ATSPs.</p> <ul style="list-style-type: none"> - Harmonize national rules related to the use of the SMS in accordance with the process under activity number 1. 	<ul style="list-style-type: none"> - Proposals for harmonisation of rules and procedures related to the common SMS to the Council 	<ul style="list-style-type: none"> - Council - Contracting States - NSA Committee - ANSPs - ANS Consultative Board <p>Information to:</p> <ul style="list-style-type: none"> - Other interested parties
3	FT Art 12.1 and 22.2f FT Art 12.5	<ul style="list-style-type: none"> - Contracting States - Airspace Committee - NSA Committee - EC 	<ul style="list-style-type: none"> - Existing national rules - FABEC Joint designation instrument - National designation acts - The designated ANSPs - The rights and obligations of the designated ANSPs - EU Regulations 	<p>To ensure the joint designation by a common instrument of the ATSP for the airspace concerned i.e.</p> <ul style="list-style-type: none"> - Define the joint instrument for designation - Harmonize the rights and obligations of the individual designated ANSPs - Develop or adapt national laws accordingly (according to activity number 1) - Develop the joint designation instrument - Review the joint designation instrument when necessary <p>Ensure the information by the Contracting States of the decision concerning the designation of ATSP to the EC and other Member States.</p>	<ul style="list-style-type: none"> - Joint ATSP designation instrument - Proposals for adaptation of the joint designation instrument 	<ul style="list-style-type: none"> - FABEC Council - Contracting States - FABEC ANSPs - EC - EU Members States - Other Committees

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
4	FT Art 12.2 FT Art 12.5	- Contracting States - Airspace Committee - NSA Committee	- Joint ATSP designation instrument under FT Art. 12.2 - Information (notifications) from Contracting States	To ensure the joint designation of ATSP providing (a) aerodrome flight information services, (b) ATS limited to a control zone of aerodrome, or (c) ATS under military supervision. - Assess the notifications in cooperation with the Airspace Committee - Develop or adapt national laws accordingly - Develop the joint designation instrument under article 12.2 - Review the designation instrument when necessary - Keep a list of the designated ATSPs Ensure the information by the Contracting States of the decision concerning the designation of ATSP to the EC and other Member States.	- Results of the assessments - Proposed Joint Designation instrument - List of notified/designated ATSPs under Art 12.2	- FABEC Council - Contracting States - FABEC ANSPs - EC - EU Members States - Other Committees
5	FT Art 12.4	- Contracting States - Airspace Committee	Information on rights and obligations of the designated ATSPs and eventual changes	To ensure the collection of information on the rights and obligations of the designated ATSP and of any change in their terms of certification or their legal status. - Collect and exchange of information - Keep record of the information	List of rights and obligations of all designated FABEC ATSPs	- FABEC Council - Contracting States - Other Committees
6	FT Art 12.6	- ATSPs - Contracting States - NSA Committee	- Information on the working organisation of the ANSPs - ATSPs Cooperation Agreement - Letters of Agreement	To encourage the close cooperation between the ATSPs. - Support the development of LoAs (provide assistance) - Keep a record of the LoAs	- Joint FABEC LoAs - List of LoAs	- FABEC Council - Contracting States
7	FT Art 22.2.a	- All committees - FABEC ANSPs - Contracting States	- Committees reports - Audit reports - Legal question (Legal issue)	To assist and advise the Council on legal issues concerning the implementation of the Treaty.	draft decisions and/or recommendations - assessment of the question	- FABEC Council - Other Committees
8	FT Art 22.2.i	- Fin&Perf Committee - FABEC Council - Stakeholders - Contracting States - All committees - NSAs	- FABEC Performance Plan - FABEC Performance Report - Performance corrective measures - Committees consultations - Stakeholder consultations - Workplans, annual plans - Progress reports - European developments	To assist and advise the Council on strategic issues to be addressed by the FABEC Council. - make Proposals for appropriate measures if necessary - Develop the General FABEC State policy.	- FABEC Strategic objective proposal - Advisory paper on Strategy - FABEC States vision document - States Strategic FABEC Plan (5 years) - Policy documents	- FABEC Council - Other Committees - Contracting States
9	FT Art 22.2.k	- Harm&Adv Committee - Other Committees - FABEC Council	Rules of procedure for the Committees - Rules of Procedure FABEC Council - Rules of Procedure ANS Consultative Board - FABEC Governance Manual - Requests for change of RoP or the Governance Manual	To propose adaptations of the Rules of procedure of the FABEC Council, Committees and working groups and the Air Navigation Services Consultative Board. - To ensure the maintenance of the FABEC Governance Manual.	Proposals for new Rules and amendments of Rules of Procedure (decision by FABEC Council) - Proposals for adaptations States Governance Manual	FABEC Council - All Committees and working groups - ANS Consultative Board
10	FT Art 22.2.l	- All committees - Contracting States - FABEC Council	Requests for new Committees or working groups - Draft ToR or draft Tasks & Competencies	To support the set up of committees other than those established by the Treaty and working groups to assist the Council in specific matters and support the approval of the proposals of the committees and working groups. - support the drafting of the ToR/Tasks & Competencies - check consistency of the ToR/Tasks & Competencies with other Committees/WG.	- Proposals for new Committees and working groups (decision by FABEC Council) - Description of tasks and competencies	- FABEC Council - Contracting States - Other Committees
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#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
11	FT Art 22.2.n	<ul style="list-style-type: none"> - ICAO, ECTRL, EC, EASA, etc - Contracting States - All committees 	<ul style="list-style-type: none"> - International agreements - National positions - Proposals for new international and European regulation - Poposed decisions from international organisations like EC, Eurocontrol, EASA and ICAO. - FABEC Policy (strategic objectives) - Harmonised rules agreed within FABEC 	<p>To support the FABEC Council in coordinating the legal and institutional positions of the Contracting States with regard to the application of international agreements regarding in particular the work of ICAO, EUROCONTROL, the European Commission, the European Aviation Safety Agency and joint undertakings in the field of air traffic management.</p> <ul style="list-style-type: none"> - Assess proposals - Draft common FABEC position - Represent FABEC (and the Contracting States) in international/EU fora on legal issues 	<ul style="list-style-type: none"> - FABEC position proposal 	<ul style="list-style-type: none"> - FABEC Council - Contracting States - Other Committees
12	FT Art 22.2.o	<ul style="list-style-type: none"> - FABEC Council - Contracting States 	<p>The dispute and The different views</p> <ul style="list-style-type: none"> - FABEC Treaty and explanatory material - EU (SES) Regulations - Permanent Court of Arbitration optional rules for arbitrating disputes between two States. 	<p>To support the settlement of disputes arising between Contracting States i.e.</p> <ul style="list-style-type: none"> - Facilitate the negotiations between concerned parties - Advise FABEC Council how to settle the dispute - Ensure that time limits are respected - Assess the decisions of the Arbitral Tribunal 	<p>(legal) Explanation of the FABEC Treaty</p> <ul style="list-style-type: none"> - Legal assessment of disputes - Proposals to solve the disputes (process and/or content) - Assessment of the decisions of the Tribunal - Proposal for measures to be taken wrt to the decision of Tribunal 	<ul style="list-style-type: none"> - FABEC Council - Contracting States
13	FT Art 22.2.p	<ul style="list-style-type: none"> - FABEC Council - All committees - New comer 	<ul style="list-style-type: none"> - "newcomer" assessment reports and documentation - FABEC Treaty 	<p>To propose to the FABEC Council measures to be taken by the accession of a State to the FABEC Treaty.</p> <ul style="list-style-type: none"> - assess the impact of the 'new comer' on FABEC and the FABEC Treaty - draft an 'assessment' report - draft proposals for amendment of the Treaty - propose measures 	<ul style="list-style-type: none"> - Proposal for amendment of the FABEC Treaty - Proposals for other meassures (e.g. harmonization of rules, joint designation instrument changes, etc.) 	<ul style="list-style-type: none"> - FABEC Council - Contracting States - New comer
14	FT Art 22.2.q	<ul style="list-style-type: none"> - FABEC Council - Contracting State concerned - Fin&Perf Committee 	<p>Notification by Contracting State concerned of its decision on its denunciation</p> <ul style="list-style-type: none"> - assessment of the costs of the denunciation - FABEC Treaty 	<p>To propose to the FABEC Council measures required by the denunciation of this Agreement by a Contracting State.</p> <ul style="list-style-type: none"> - assess the impact of the denunciation on FABEC and the FABEC Treaty - draft an 'assessment' report - draft proposals for amendment of the Treaty 	<ul style="list-style-type: none"> - Proposal for amendment of the FABEC Treaty - Proposals for other meassures - Proposal for Financial Agreement concerning the denunciation 	<ul style="list-style-type: none"> - FABEC Council - Contracting States - Depository
15	FT Art 22.2.r	<ul style="list-style-type: none"> - FABEC Council - EC - All Committees 	<ul style="list-style-type: none"> - FABEC Treaty - EU Regulation and new regulations - Specific assessment 	<p>To assess, on behalf of the FABEC Council, the consistency between the Treaty and any changes to Regulations on the Single European Sky.</p> <ul style="list-style-type: none"> - Assessment - Draft a proposal for amendment of the Treaty 	<ul style="list-style-type: none"> - Assessment report with proposals - Proposal for amendment of the Treaty 	<ul style="list-style-type: none"> - FABEC Council - Other Committees - Contracting States

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
16	FT Art 22.2.s	<ul style="list-style-type: none"> - FABEC Council - Contracting States - Other Committees 	<ul style="list-style-type: none"> - FABEC Treaty - Requests for amendments 	<ul style="list-style-type: none"> To propose amendments to the Treaty to the FABEC Council. - Assessment of the request for amendment - Proposal for amendment of the Treaty - Draft the new text of the Treaty (including the translations) 	<ul style="list-style-type: none"> - Proposals for amendment of the FABEC Treaty - Text for the Treaty (including translations) 	<ul style="list-style-type: none"> FABEC Council - Contracting States - Depository
17	No reference to Treaty	<ul style="list-style-type: none"> - FABEC Council - All Committees - Contracting States - International bodies 	<ul style="list-style-type: none"> General information on FABEC - legal issues - FABEC Treaty - International regulation - National regulation 	<ul style="list-style-type: none"> To provide general and legal advice and support to the FABEC Council, the other Committees and the Contracting States. - assess the issue - develop proposals / solutions 	<ul style="list-style-type: none"> Discussion papers - Advices (legal and general) - Proposals for decision - Proposed solutions - Mediation activities 	<ul style="list-style-type: none"> - FABEC Council - Contracting States - Other Committees
18	No reference to Treaty	<ul style="list-style-type: none"> - FABEC Council - Other Committees - Contracting States 	<ul style="list-style-type: none"> - Specific issues - General information on FABEC - States positions 	<ul style="list-style-type: none"> To ensure the coordination of specific issues assigned by the FABEC Council, which are not within the remit of the other Committees, between the Contracting States on the level below the FABEC Council. 	<ul style="list-style-type: none"> - Coordination mechanisms - Proposals for the FABEC Council 	<ul style="list-style-type: none"> - FABEC Council

ANNEX C: FINANCIAL & PERFORMANCE COMMITTEE

	#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
Charging	1	FT Art 18.1	Member States Eurocontrol EC	National charging policy Eurocontrol principles EU Regulations	Develop and apply common principles governing charging policy i.e. - Harmonisation of charging practices - Definition of the scope (en-route or en-route and terminal) - Develop stepwise policy elements	FABEC charging policy documents Proposals for harmonisation FABEC Charging policy	FABEC Member States Harm&Adv Committee FABEC Council FABEC ANSPs
	2	FT Art 18.3	FABEC Council Fin experts from States and ANSPs	Directives Condition on costs Adjustment mechanisms	Help the FABEC Council to decide on the introduction of, the conditions for and the application of a SUR for en-route traffic in the airspace concerned and the establishment of a common charging zone in the airspace concerned. Where appropriated, and after decision of the FABEC Council, the scope of the work can be extended to the terminal charges.	Implementation plan	FABEC Council
	3	FT Art 18.5	FABEC Council Member States	Directives National unit rates National measures	Help the FABEC Council to coordinate the national unit rates for en-route traffic in the airspace concerned at the FABEC Council level, prior to the introduction and the application of a single unit rate for en-route traffic in the airspace concerned,	Coordination actions and plans of national unit rates National measures	FABEC Council Member States FABEC ANSPs
	4	FT Art 18.6	EC Member States Eurocontrol	Regulations and requirements	Jointly execute the necessary obligations associated with a common charging zone (when created) for en-route traffic in the airspace concerned i.e. - joint preparation of cost base and traffic forecast - joint monitoring and application of rules - realise the users consultation	Joint obligations Rules to be harmonized Monitoring report	FABEC Council Member States Harm&Adv Committee Stakeholders
	5	FT Art 18.6			Make appropriate arrangements to ensure consistency and uniformity in the application of the rules and regulations on charging. Remark : activity is described in activities 1 and 4.		
	6	FT Art 18.6	Member States ANSPs	National positions Preparatory documents	Ensure, as appropriated, the joint coordination with EUROCONTROL. - Enlarged Committee - PRU - CRCO	FABEC position on Charging	Eurocontrol
	7		FABEC Council ANSPs	FABEC Council mandate Specific financial issue	Manage specific financial issues related to the FABEC State organisation: - with regard to the FABEC Bureau - Specific financial tasks assigned by the FABEC Council - point of contact for ANSPs on financial issues	Report Answer Contracts	FABEC Council ANSPs

	#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
Performance	8	FT Art 20.1 and 20.5	Perf Plan drafting team NSA Committee	Draft FABEC Performance Plan	Propose to the FABEC Council the implementation and the elements of the FABEC performance plan. In that context, Financial & Performance Committee will i.a.:	FABEC Performance Plan FABEC State Performance Process description	FABEC Council Member States FABEC ANSPs
	9	FT Art 20.3	Member States EC Mil CG NSA Committee Airspace Committee FABEC ANSPs	National indicators EU Regulation on Performance Proposed FABEC (K)Pis	- Propose and coordinate the indicators to be used either as PI or KPI.	FABEC Selected KPA/(K)Pis for RP	FABEC Council Member States
	10	FT Art 20.4	Member States EC Mil CG NSA Committee FABEC ANSPs	National incentive schemes EU regulation on incentives Proposed FABEC incentives	- Propose and coordinate the incentive scheme to be applied.	FABEC incentive scheme	FABEC Council Member States FABEC ANSPs
	11	FT Art 20.6	EC ANSPs Member States NSA Committee Mil CG	EU wide targets Bottom-up information from ANSPs National targets	Submit to the FABEC Council proposals for the performance targets at the FABEC level and coordinate the national performance plans.	FABEC Performance targets	FABEC Council Member States FABEC ANSPs
	12	FT Art 20.7	Perf Plan drafting team FABEC Com Cell	Draft FABEC Performance Plan Proposed FABEC performance targets	Ensure consultation on the proposed performance plan with the stakeholders concerned, and on its execution.	Stakeholders consultation Comments and remarks	Stakeholders Perf Plan drafting team
	13	FT Art 20.8 EU691/2010 - Art 21 to 24	Fin&Perf Committee FABEC ANSPs NSA Committee	FABEC Performance Plan Proposed corrective measures Alert thresholds ANSPs initiatives and cascading plan ANSPs corrective actions Monitoring/audit report	Ensure the implementation, the monitoring of the FABEC performance plan and that corrective measures are taken if necessary (content) i.e. - organise and performance monitoring - monitor the alert thresholds - decide on corrective action plans (as it can be delegated to the F&PC by the FABEC Council)	FABEC Performance Monitoring Report Approved corrective action plans	FABEC Council FABEC ANSPs EC Member States NSA Committee
	14	FT Art 20.9	Fin&Perf Committee NSA Committee Member States Mil CG FABEC ANSPs	FABEC States Performance process description	Perform periodical assessments of the design and functioning of the FABEC performance scheme and take corrective measures if necessary (process).	Updated States Performance Process description	FABEC Council Fin&Perf Committee Harm&Adv Committee NSA Committee Member States Mil CG FABEC ANSPs
	15	FABEC States Perfo. Process description EU691/2010 Art 14	FABEC Council Fin&Perf Committee NSA Committee Member States Mil CG FABEC ANSPs EC/PRB	Monitoring/audit report Proposed corrective action plans EU wide performance targets EU proposal on charging and performance EU questions	Ensure the coordination with the EC on behalf of the FABEC Council on charging and performance.	FABEC Performance Plan Corrective action plans FABEC Performance Monitoring Report Alert mechanisms Joint FABEC Position on Charging and Performance FABEC answers	FABEC Council EC/PRB

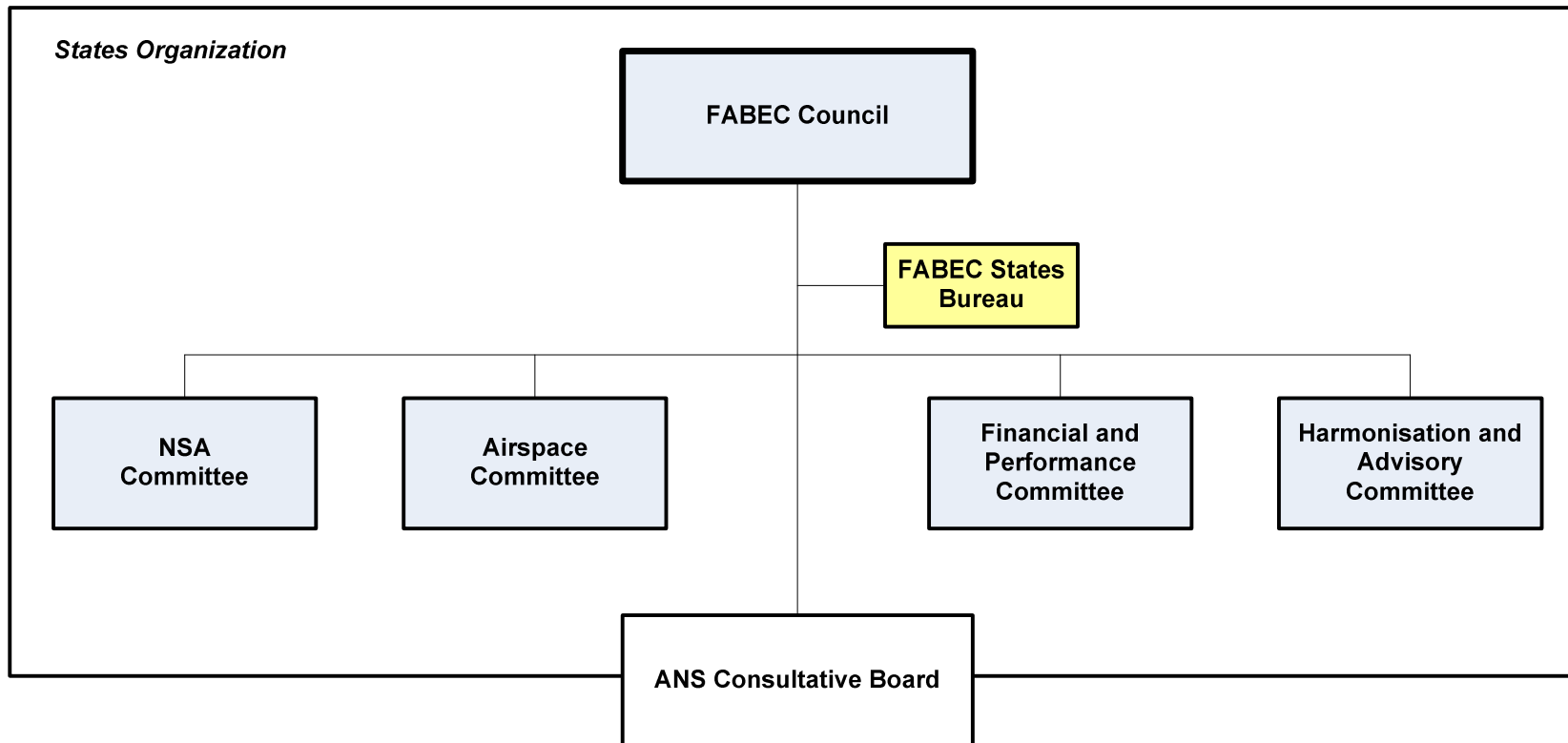
ANNEX D: NSA COMMITTEE

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
1	MoC Art 3.a FT Art 22.2.m	- EC - NSAC - ANSPs - Adjacent FABs	- EU Regulations 550/2004 (Art 2), 1315/2007 - Manual for the common activities of the FABEC NSAs - Common NSAC focal point activities for practical carrying-out - ANSPs documents and evidences - Adjacent FABs coordination	Supervise ANSPs providing cross-borders services and/or providing services related to the airspace falling under the responsibility of another State concerned, including, when necessary, the coordination with adjacent FABs.	- Common format for NSA-to-NSA arrangements - Outputs as defined in the manual for the common activities of the FABEC NSAs - Adjacent FABs coordination	- NSAs - ANSPs - Harm&Adv Committee - Adjacent FABs
2	MoC Art 3.b FT Art 22.2.m	- EC - NSA Committee - ANSPs - Adjacent FABs	- EU Regulations 550/2004 (Art 2), 1315/2007 - Manual for the common activities of the FABEC NSAs - Common NSAC focal point activities for practical carrying-out - ANSPs documents and evidences - Adjacent FABs coordination	Supervise air navigation service providers holding a valid certificate from one State concerned that also provide services relating to the airspace falling under the responsibility of another State concerned including the certification and the supervision activities and, when necessary, the coordination with adjacent FABs.	- Outputs as defined in the manual for the common activities of the FABEC NSAs - Adjacent FABs coordination	- NSAs - ANSPs - Adjacent FABs
3	MoC Art 3.c FT Art 22.2.m	- EC - NSA Committee - ANSPs - Airspace Committee - Adjacent FABs	- EU Regulation 1315 - Manual for the common activities of the FABEC NSAs - Common procedure for the review and acceptance of safety related changes - Instruction to notify safety related changes - Notification safety related change (Change notification form) - Safety case - Assessment report of AD changes from Airspace C - Adjacent FABs relevant documents	Review and advice on the acceptance of safety related changes in case two or more NSAs are concerned, i.e. - Organise the review with an adequate review team - Coordinate the information through the 'administrator' - Coordinate safety case acceptance by NSAs based on common review - When necessary, ensure the coordination with adjacent FABs	- Safety acceptance document - Review report	- ANSPs - Airspace Committee (for AD changes) - Adjacent FABs
4	MoC Art 3.d FT Art 22.2.m	- NSA Committee - ANSPs - Manufacturers - Adjacent FABs	- Instruction to ANSPs - Declaration of verification to ANSPs - Technical file - Declaration of conformity - Declaration of suitability for use - Review report from adjacent FABs	Ensure, when necessary, the supervision with regard to the interoperability of systems within FABEC and, when necessary, the coordination with adjacent FABs.	- "Approval to put in operation" documents - Review report	- ANSPs - Adjacent FABs

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
5	MoC Art 3.e	<ul style="list-style-type: none"> - CAA/EASA - NSA Committee - ANSPs - TC/TP 	<ul style="list-style-type: none"> - Regulation (Nat'l/future EASA) - Licensing and medical certification of air traffic controllers processes (in the Manual for the common activities of the FABEC NSAs) - Procedures of exams - Planning of exams - Notification of course changes - Notification of licence of controller - Request for licence and/or certification - Approval of examiners/assessors/courses/facilities/Simulators/organisations 	Develop and apply, when necessary, a FABEC process for licensing and medical certification of air traffic controllers, including: <ul style="list-style-type: none"> - TC/TP Certification - On-going follow-up 	<ul style="list-style-type: none"> - Harmonized processes, procedures - Harmonized rules requirements/requests - (Student) Air traffic controller licence - Air traffic controller medical certification - TC/TP certificate 	<ul style="list-style-type: none"> - NSAs - Harm&Adv Committee - ANSPs
6	MoC Art 3.f	<ul style="list-style-type: none"> - WG Trg Certification - FABEC TC/TP - NSAs 	<ul style="list-style-type: none"> - Harmonised procedure for training organisation certificate - Harmonised course certifications - Harmonised audit reports. - Joint procedures for initial training - Request for certification - Documentation/Evidences - TC/TP Certificate 	Recognise and supervise training organisation and courses.	<ul style="list-style-type: none"> - Training organisation certificate - Course certifications - Audit reports 	FABEC TC/TP
7	MoC Art 3.g	<ul style="list-style-type: none"> - EC - Fin&Perf Committee - ANSPs 	<ul style="list-style-type: none"> - EC Regulation 691/2010 - EU-wide targets - States Performance process description - FABEC Performance Plan - ANSPs initiatives - ANSPs performance management dashboard - ANSPs corrective actions 	Assist Fin&Perf C in Performance scheme, including contribution to: <ul style="list-style-type: none"> - Safety indicators to be used either as KPI or PI in accordance with EU-wide indicators - Safety Target setting on selected KPIs in accordance with EU-wide safety targets - Safety incentive - Safety Performance Monitoring - Safety corrective action plans 	<ul style="list-style-type: none"> - Safety KPIs/PIs - Safety targets - Incentives - Performance audit report - Proposed safety corrective action plans 	Fin&Perf Committee
8	MoC Art 3.h FT Art 28.m	<ul style="list-style-type: none"> - NSAs - Adjacent FABs 	<ul style="list-style-type: none"> - Existing national procedures - Existing national methodologies - EC Regulation 1315/2007 	Harmonise oversight procedures and methodologies through: <ul style="list-style-type: none"> - the definition of a common interpretation of implementing rules having impact on the FBAEC NSAs. - efficient interfaces with adjacent FABs 	<ul style="list-style-type: none"> - Harmonised procedures - Harmonised methodologies - Harmonised rules requirements/requests 	<ul style="list-style-type: none"> - NSA Committee - Harm&Adv Committee - Adjacent FABs
9	MoC Art 4 FT Art 22.2.h	<ul style="list-style-type: none"> - NSAs 	<ul style="list-style-type: none"> - Existing national rules 	Elaborate detailed implementation and procedural rules including also those that encourage and facilitate the development of a common overall Safety Management System.	<ul style="list-style-type: none"> - Manual for the common activities of the FABEC NSAs - Specific arrangements for particular area of cooperation 	<ul style="list-style-type: none"> - NSA Committee - Harm&Adv Committee
10	MoC Art 7	<ul style="list-style-type: none"> - NSAs 	<ul style="list-style-type: none"> - Manual for the common activities of the FABEC NSAs - Procedures of working - Existing common tasks 	Organise bilateral, multilateral joint supervisory tasks.	<ul style="list-style-type: none"> - Enforcement process/procedures - Supervision reports as defined in the Manual for common activities of the FABEC NSAs 	NSA Committee

#	Reference	Suppliers	Inputs	Activities	Outputs	Customers
11	MoC Art 8	- NSAs	- Relevant information - Manual for the common activities of the FABEC NSAs	Provide each other with all information relevant to the subject of the NSA MoC.	- outputs as defined into the Manual for the common activities of the FABEC NSAs, covering: - National documents - National reports - National information - E-mails - In case of transfer of personal data or other: NSA consent - In case of cross border provision of ANSP: * Materials of respective ANSPs * Coordinated supervisory tasks * Formal decisions - Changes of national regulations - Annual reports of cross-border ANSPs - ANSP consultation reports - Specific cooperation agreement (Art 9)	NSA Committee
12	MoC Art 11	NSA Committee	FABEC NSA MoC	Evaluation of the NSA MoC two years after entry into force.	- MoC evaluation report	FABEC Council
13	MoC Art 12	NSA Committee	- Meeting calendar - Meeting frequency - Meeting agenda - Previous meeting minutes - Action Plan	Conduct regular meetings on: - Safety Performance - SMS (software and changes) - Audit - Interoperability - ANSPs certification - ANSPs supervision - Training centers and training courses - Licensing	- Meeting minutes - Action plan	NSA Committee FABEC Council

ANNEX E: FABEC STATE ORGANISATIONAL STRUCTURE



ANNEX F: STATE REPRESENTATIVES TO THE FABEC BODIES

		FABEC Council	Airspace Committee	Harmonisation & Advisory Committee	Financial & Performance Committee	NSA Committee	ANS Consultative Board
Ge	CAA	Gerold Reichle	Marc-Andreas Giermann	Wolfgang Ruths	Bernhard Mayr Holger Kowoll	Nikolaus Herrmann	Gerold Reichle
	MoD	Col Ralf Raddatz	LtCol Andreas Mevenkamp	LtCol Klaus Weinberg			Col Ralf Raddatz
Be	CAA	Frank Durinckx Maurits De Clippel (alt) Patrick Vanheyste (adv)	Roland Moineau	Mireille Van Buynderen Maurits De Clippel (alt)	Theodomir Nsengimana Raoul Verschueren (alt) Eric De Causemaecker (adv)	Patrick Vanheyste	Frank Durinckx Maurits De Clippel (alt) Patrick Vanheyste (adv)
	MoD	Gen Claude Van de Voorde Maj Tom Van Heuverswijn (Alt)	Maj Stephanus Gijsbers Lt Jürgen Hellemans (Alt)	Maj Pascal Naveaux SLt Thomas Bombaert (Alt) Lt Sarah Damiaans (Adv)	Maj Tom Van Heuverswijn Cpn Yannick Ameel (Alt) LtCol Sven De Mey (Adv)	Col Dominique Colas Cdt Alain Demarche (Alt) Cpn Kitty Ooms (Adv)	LtCol Tim Can Langenhove Cpn Nancy Lesire (Alt)
Fr	CAA	Patrick Gandil Paul Schwach (alt) Gilles Mantoux (adv)	Sébastien Travadel	Gilles Mantoux Sébastien Travadel (alt)	Gilles Mantoux J-J Blanchard (alt) Stéphane Lafourcade (adv)	Alain Printemps Pierre Outrey (alt)	Patrick Gandil Paul Schwach (alt) Gilles Mantoux (adv)
	MoD	Gen Philippe Adam Col Serge Lefetz (alt) Lt-col Denis Bouvier (adv)	Col Erik Chatelus Lt-col Fabienne Tavoiso (alt)	Lt-col Denis Bouvier Lt-col Bruno Vallos (alt – adv)	Cdt Olivier Rouchette	Col Michel Perrot Lt-col M.P. Verdier	Gen Philippe Lafond Lt-col Bouvet (adv)

		FABEC Council	Airspace Committee	Harmonisation & Advisory Committee	Financial & Performance Committee	NSA Committee	ANS Consultative Board
NL	CAA	TBD Jacqueline Prins (alt) Eric De Vries (adv)	Jacqueline Prins Maaïke Breukels (alt) Jasper van Beek (adv)	Eric De Vries Victoria Mendez de Leon (alt – adv)	Ad van de Westen Eric De Vries (alt) Jos Nollet (adv)	Frederik Demeyere Jos Nollet (alt & adv)	Mark Dierikx Jacqueline Prins (alt) Eric De Vries (adv)
	MoD	Chris Lorraine Niels Lokman (alt) Jos Laarhoven (adv)	Niels Lokman John van Bommel (alt) Peter Geubbels (adv)	Jos Laarhoven Mark Groen (alt) Peter Geubbels (adv)	John van Bommel Jos Laarhoven (alt) Leon Cremers (adv)	Niels Lokman (agenda member) Marc van Gastel (adv)	Chris Lorraine Niels Lokman (alt) Jos Laarhoven (adv)
CH	CAA	P. Müller M. Zuckschwerdt (alt) G. Poget (adv)	Jonas Weibel	Gaël Poget	Roger Hofmann F. Kaufmann	Stefano Oberti	P. Müller M. Zuckschwerdt (alt) G. Poget (adv)
	MoD	Col EMG Ian Logan	Reto Wullschleger	Martin Ryff	Philippe Petignat	TBD	Col EMG Ian Logan
Lu x	CAA	Claude Waltzing Claude Luja (alt)	Claude Luja Romain Kohl (alt)	Claude Luja Romain Kohl (alt)	Claude Luja Romain Kohl (alt)	Claude Luja Romain Kohl (alt)	Claude Waltzing Claude Luja (alt)
	MoD	-	-	-	-	-	-

ANNEX G: CHAIR AND VICE-CHAIR OF THE FABEC BODIES

	Chair	Vice Chair
FABEC Council	Patrick Gandil (F)	
Airspace Cie	Sebastien Travadel (F)	Andreas Mevenkamp (D)
Harmonisation and Advisory Cie	Gaël Poget (CH)	Eric de Vries (NL)
Performance and Finance Cie	Bernhard Mayr (D)	Ad van der Westen (NL)
NSA Cie	Patrick Vanheyste (B)	Alain Printemps (F)

ANNEX H: POINT OF CONTACT FABEC

The Permanent Secretary of the FABEC States Bureau will be the point of contact of FABEC vis-à-vis the European Commission.

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