



FABEC Implementation Phase

NSA arrangements

EC Information

Annex E



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

DOCUMENT SUMMARY

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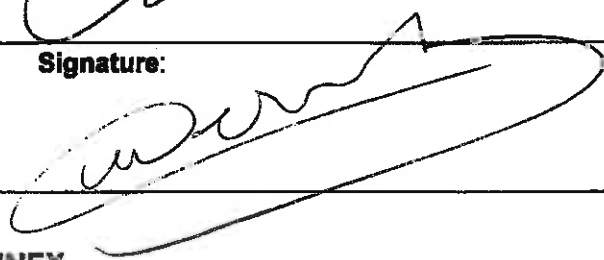
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ATTACHMENTS CONTAINED IN THIS ANNEX

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E.1	NSA Committee	Final	1.0	15.02.2011	NSA MoC
E.2	NSA Committee	Draft	1.0	26.03.2012	States NSAC - Manual

1. BACKGROUND

SES regulations require that NSAs make appropriate arrangements to cooperate, including mutual recognition with regard to the cross-border provision of air navigation services (Articles 2.4 and 2.5 of the Service Provision Regulation (EC) No. 550/2004 – and Article 3.2 of Commission Regulation 1315/2007).

Articles 2.4 and 6 of the Service Provision Regulation (EC) No. 550/2004 stipulate that FABEC NSAs establish the necessary arrangements for close cooperation.

In addition, the Article 19.1 (Supervision of ANSPs) of the FABEC Treaty expresses the need of the Contracting States to “ensure that the national supervisory authorities closely cooperate on the supervision of the air navigation service providers within the airspace concerned and that their practices are hamonised”.

2. PURPOSE AND CONTENT OF THE DELIVERABLE

In accordance with the Regulation and the Article 19 of the FABEC Treaty on supervision, the 6 State NSAs concluded a Memorandum of Cooperation (MoC). This document describes the cooperation principles of the 6 State NSAs. The document has been signed by the FABEC States in January 2011.

In addition to Article 19 of the FABEC Treaty and the NSAs MoC, a manual for common NSA activities is being defined more detailed arrangements for the supervision of ANSPs and the handling of non-compliances.

The manual for common activities is considered as a living document with the joint procedures that need to be applied at FABEC level. At the submission of the file to the European Commission the document is considered as a mature draft and covers three procedures: the procedure for Supervision of ANSPs providing cross-border services, the procedure for notification and review of FABEC Safety related changes and the procedure for safety performance. A second version will be delivered by December 2012 which will contain the procedure for the management of the manual, the supervision of Multistate ANSP, the procedure for supervision of training, the monitoring of ANSPs' SMS harmonisation and cooperation, a common interpretation of implementing rules. Two extra procedures will be developed later on: the supervision with regard to interoperability and a process for licensing and medical certification of ATCOs.

3. ATTACHMENTS

Att. 1: NSA MoC

Att. 2: States NSAC - Manual

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FABEC Implementation Phase

NSA MoC

EC Information

Attachment E.1



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Vereinbarung über die Zusammenarbeit der nationalen Aufsichtsbehörden im FABEC

Das Bundesaufsichtsamt für Flugsicherung
der Bundesrepublik Deutschland,

das Directoraat-generaal Luchtvaart/Direction générale
Transport aérien des Königreichs Belgien,

die Direction de la Sécurité de l'Aviation Civile und die
Direction du Transport Aérien der Direction Générale
de l'Aviation Civile in Vertretung der Französischen
Republik,

die Direction de l'Aviation Civile
des Großherzogtums Luxemburg,

die National Supervisory Authority for ANS
der Niederlande, und

das Bundesamt für Zivilluftfahrt - BAZL / Office fédéral
de l'aviation civile - OFAC
der Schweizerischen Eidgenossenschaft –

im Folgenden einzeln als „nationale Aufsichtsbehörde“
und gemeinsam als „nationale Aufsichtsbehörden“ be-
zeichnet,

in der Erwägung, dass die Bundesrepublik Deutsch-
land, das Königreich Belgien, die Französische Repu-
blik, das Großherzogtum Luxemburg, das Königreich
der Niederlande und die Schweizerische Eidgenossen-
schaft am 2. Dezember 2010 den Vertrag über die Er-
richtung des funktionalen Luftraumblocks „Europe
Central“ unterzeichnet haben,

Accord de coopération entre les autorités de surveillance nationales du FABEC

Le Bundesaufsichtsamt für Flugsicherung
de la République fédérale d'Allemagne,

La Directoraat-generaal Luchtvaart / la Direction
générale Transport aérien du Royaume de Belgique,

La Direction de la sécurité de l'aviation civile et la
Direction du transport aérien de la Direction généra-
le de l'aviation civile représentant la République
française,

La Direction de l'Aviation Civile
du Grand-duché de Luxembourg,

Le National Supervisory Authority for ANS
des Pays-Bas et

Le Bundesamt für Zivilluftfahrt - BAZL / Office fédéral
de l'aviation civile - OFAC
de la Confédération suisse,

ci-après dénommé(e)s, individuellement, « l'autorité
nationale de surveillance, la NSA » et, collective-
ment, « les autorités nationales de surveillance, les
NSA »,

Considérant que la République fédérale d'Allemagne,
le Royaume de Belgique, la République française, le
Grand-duché de Luxembourg, le Royaume des Pays-
Bas et la Confédération suisse ont signé, le 2 décem-
bre 2010, le Traité relatif à l'établissement du bloc d'es-
pace aérien fonctionnel « Europe Central » ;

Overeenkomst betreffende de samenwerking van de nationale toezichthoudende instanties van het FABEC

De Bundesaufsichtsamt für Flugsicherung
van de Bondsrepubliek Duitsland,

Het Directoraat-generaal Luchtvaart / Direction gé-
nérale Transport aérien van het Koninkrijk België,

De Direction de la Sécurité de l'Aviation Civile en de
Direction Générale de l'Aviation Civile/Direction du
Transport Aérien van de Direction Générale de
l'Aviation Civile namens de Republiek Frankrijk,

De Direction de l'Aviation Civile
van het Groothertogdom Luxemburg,

De National Supervisory Authority for ANS
van Nederland, en

Het Bundesamt für Zivilluftfahrt - BAZL / Office
fédéral de l'aviation civile - OFAC
van de Zwitserse Bondsstaat,

hieronder apart "NSA" en collectief "NSA's" ge-
noemd,

OVERWEGENDE dat de Bondsrepubliek Duitsland,
het Koninkrijk België, de Republiek Frankrijk, het
Groothertogdom Luxemburg, het Koninkrijk der Neder-
landen en de Zwitserse Bondsstaat op 2 december
2010 het Verdrag betreffende de oprichting van het
Functioneel Luchtruimblok Europe Central hebben
ondertekend;

unter Bezug auf Artikel 19 Absatz 3 des Vertrags, der die Vertragsstaaten verpflichtet sicherzustellen, dass ihre nationalen Aufsichtsbehörden Vereinbarungen über die enge Zusammenarbeit bei der Aufsicht über die Flugsicherungsorganisationen innerhalb des FABEC schließen,

ferner unter Bezug auf Artikel 28 des Vertrags, der den Ausschuss „Nationale Aufsichtsbehörden“ als das zuständige Gremium für die Zusammenarbeit der nationalen Aufsichtsbehörden der Vertragsstaaten errichtet,

unter Berücksichtigung der Tatsache, dass die Schweizerische Eidgenossenschaft, auch wenn sie kein Mitgliedstaat der Europäischen Union (EU) ist, den Rechtsrahmen für den einheitlichen europäischen Luftraum auf der Grundlage des Abkommens zwischen der Europäischen Gemeinschaft und der Schweizerischen Eidgenossenschaft über den Luftverkehr anwendet –

sind wie folgt übereingekommen:

Artikel 1 Begriffsbestimmungen

Sofern nichts anderes festgelegt ist, haben die in dieser Vereinbarung verwendeten Begriffe die Bedeutung der anwendbaren Begriffsbestimmungen der in den Vertragsstaaten des funktionalen Luftraumblocks „Europe Central“ geltenden Verordnungen über den einheitlichen europäischen Luftraum. Im Sinne dieser Vereinbarung gelten die folgenden Begriffsbestimmungen:

- a. „Vereinbarung“ bedeutet die vorliegende Vereinbarung und ihre Änderungen, soweit nichts anderes festgelegt ist,
- b. „FABEC-Vertrag“ bedeutet der Vertrag über die Errichtung des funktionalen Luftraumblocks „Europe Central“ zwischen der Bundesrepublik

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Vu l'article 19 paragraphe 3 du Traité, aux termes duquel les États signataires doivent veiller à ce que leurs autorités de surveillance nationales respectives concluent des accords en vue de coopérer étroitement en matière de surveillance des prestataires de services de navigation aérienne au sein du FABEC ;

Vu, en outre, l'article 28 du Traité, qui établit le Comité des autorités de surveillance nationales en tant qu'organe approprié chargé de la coopération entre les autorités de surveillance nationales des États signataires ;

Compte tenu du fait que la Confédération suisse, bien qu'elle ne soit pas membre de l'Union européenne (UE), applique le cadre réglementaire du Ciel unique européen sur la base de l'Accord entre la Confédération suisse et la Communauté européenne sur le transport aérien ;

sont convenus de ce qui suit :

Article 1^{er} Définitions

À moins qu'il n'en soit disposé autrement, les termes utilisés dans le présent Accord ont la signification qui leur est attribuée par les définitions applicables issues des règlements relatifs au Ciel unique européen en vigueur dans les États signataires du Traité relatif à l'établissement du bloc d'espace aérien fonctionnel « Europe Central ». Aux fins du présent Accord :

- a. « Accord » désigne le présent Accord et tout amendement qui pourrait y être apporté, sauf indication contraire ;
- b. « Traité FABEC » désigne le Traité relatif à l'établissement du bloc d'espace aérien fonctionnel « Europe Central » entre la République

- 2 -

Gelet op artikel 19 lid 3 van het Verdrag dat de Verdragsluitende Staten verplicht om ervoor te zorgen dat hun nationale toezichthoudende instanties samenwerkingsovereenkomsten sluiten voor het toezicht op de verleners van luchtvaartnavigatiediensten binnen het FABEC;

Verder gelet op artikel 28 van het Verdrag dat het Comité van de Nationale Toezichthoudende Instanties opricht als het aangewezen orgaan voor de samenwerking tussen de nationale toezichthoudende instanties van de Verdragsluitende Staten;

Rekening houdend met het feit dat de Zwitserse Bondsstaat, die weliswaar geen lidstaat van de Europese Unie (EU) is, het regelgevend kader voor het Gemeenschappelijk Europese Luchtruim (Single European Sky) toepast op basis van de Overeenkomst tussen de Europese Gemeenschap en de Zwitserse Bondsstaat inzake luchtvervoer;

zijn het volgende overeengekomen:

Artikel 1 Definities

Tenzij anders bepaald, hebben de in deze overeenkomst gebruikte termen de betekenis die eraan wordt toegekend in de toepasselijke definities uit de Verordeningen betreffende het Gemeenschappelijk Europese Luchtruim die van kracht zijn in de staten die het Verdrag betreffende de oprichting van het Functioneel Luchtruimblok Europe Central hebben gesloten. Voor de toepassing van deze overeenkomst gelden de volgende definities:

- a. onder "overeenkomst" wordt verstaan de onderhavige overeenkomst en elke wijziging hierop, tenzij anders aangegeven,
- b. onder het "FABEC-Verdrag" wordt verstaan het Verdrag betreffende de oprichting van het Functioneel Luchtruimblok Europe Central

Deutschland, dem Königreich Belgien, der Französischen Republik, dem Großherzogtum Luxemburg, dem Königreich der Niederlande und der Schweizerischen Eidgenossenschaft,

- c. „Aufsichtsaufgaben“ bedeutet alle Inspektionen, Audits, Datensammlungen, Überwachungs- und ähnliche Aufgaben in Übereinstimmung mit den EU-Vorschriften über die Aufgaben nationaler Aufsichtsbehörden in Bezug auf Flugverkehrsmanagement und Flugsicherungsdienste,
- d. „Ergebnisse der Wahrnehmung der Aufsichtsaufgaben“ bedeutet jegliche Ergebnisse solcher Aufgaben, einschließlich Feststellungen von nichtkonformen Sachverhalten,
- e. „Umsetzung“ bedeutet jegliche Umsetzungsmaßnahme, zu der eine nationale Aufsichtsbehörde auf dem Staatsgebiet, auf welchem sie befugt ist, diese Maßnahme durchzuführen, ermächtigt ist.

Artikel 2 Gegenstand dieser Vereinbarung

Diese Vereinbarung legt die Ausführungsbestimmungen für die enge Zusammenarbeit der nationalen Aufsichtsbehörden nach Artikel 19 des FABEC-Vertrags fest.

Diese Vereinbarung begründet keine völkerrechtlichen Rechte und Verpflichtungen der Vertragsstaaten des genannten Vertrages. Ihre Anwendung durch die nationalen Aufsichtsbehörden erfolgt im Einklang mit ihren innerstaatlichen Zuständigkeiten und ihren geltenden innerstaatlichen Bestimmungen.

Artikel 3 Gebiete der Zusammenarbeit

Die Zusammenarbeit der nationalen Aufsichtsbehörden nach Artikel 19 des FABEC-Vertrags umfasst insbesondere und soweit angemessen

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que fédérale d'Allemagne, le Royaume de Belgique, la République française, le Grand-duché de Luxembourg, le Royaume des Pays-Bas et la Confédération suisse ;

- c. « tâches de contrôle » désigne l'ensemble des tâches d'inspection, d'audit, de collecte de données, de surveillance et autres tâches similaires menées conformément aux règlements de l'UE sur les tâches des NSA ayant trait à la gestion du trafic aérien et aux services de navigation aérienne ;
- d. « résultats des tâches de contrôle », tous les résultats de telles tâches, y compris les constatements de non conformité ;
- e. « exécution », toute mesure d'exécution qu'une NSA est habilitée à imposer sur le territoire relevant de sa compétence.

Article 2 Objet du présent Accord

Le présent Accord fixe les modalités de mise en œuvre de la coopération étroite qu'il y a lieu d'instituer entre les NSA en vertu de l'article 19 du Traité FABEC.

Cet Accord ne crée aucun droit ni obligation de droit international pour les États parties au traité. Le respect de cet accord par les NSA se fera en conformité avec leur compétence nationale et les réglementations nationales en vigueur.

Article 3 Domaines de coopération

Aux termes de l'article 19 du Traité FABEC, la coopération entre les NSA couvre en particulier et s'il y a lieu :

tussen de Bondsrepubliek Duitsland, het Koninkrijk België, de Republiek Frankrijk, het Groothertogdom Luxemburg, het Koninkrijk der Nederlanden en de Zwitserse Bondsstaat,

- c. onder "toezichtstaken" wordt verstaan alle inspecties en audits en elke datavergaring, monitoring en gelijkaardige taken in overeenstemming met de EU-voorschriften voor de NSA-taken in verband met luchtverkeersleiding en luchtvaarnavigatiediensten,
- d. onder "resultaten van toezichtstaken" wordt verstaan alle resultaten van dergelijke taken, inclusief vaststellingen van niet-naleving,
- e. onder "tenuitvoerbrenging" wordt verstaan het opleggen van uitvoeringsmaatregelen waartoe een NSA gemachtigd is en op het grondgebied waarop het gemachtigd is om deze maatregel op te leggen.

Artikel 2 Onderwerp van deze overeenkomst

Deze overeenkomst bevat de uitvoeringsbepalingen voor de nauwe samenwerking tussen de NSA's krachtens Artikel 19 van het FABEC-Verdrag.

Deze overeenkomst creëert geen rechten en verplichtingen onder internationaal recht voor de Verdragsluitende Staten. Naleving van deze overeenkomst door NSA's zal in overeenstemming zijn met hun nationale bevoegdheden en de geldende nationale regelgeving.

Artikel 3 Samenwerkingsdomeinen

Krachtens Artikel 19 van het FABEC-Verdrag omvat de samenwerking tussen de NSA's in het bijzonder en in zoverre nodig het volgende:

a.	die Aufsicht über Flugsicherungsorganisationen, die grenzüberschreitende Dienste erbringen,	a.	la surveillance des prestataires de services de navigation aérienne fournissant des services transfrontaliers ;	a.	het toezicht op verleners van luchtvaartnavigatiediensten die grensoverschrijdende diensten verlenen,
b.	die Aufsicht über Flugsicherungsorganisationen, die im Besitz eines gültigen Zeugnisses eines betroffenen Staates sind und auch Dienste in Bezug auf den Luftraum erbringen, für den ein anderer betroffener Staat zuständig ist,	b.	la surveillance des prestataires de services de navigation aérienne titulaires d'un certificat en cours de validité délivré par l'un des États concernés et qui fournissent également des services dans l'espace aérien relevant de la responsabilité d'un autre État concerné ;	b.	het toezicht op verleners van luchtvaartnavigatiediensten die een geldig certificaat van één betrokken staat hebben en die ook diensten verlenen met betrekking tot het luchtruim dat onder de verantwoordelijkheid van een andere betrokken staat valt,
c.	die Begutachtung und Beratung in Bezug auf die Genehmigung sicherheitsrelevanter Veränderungen durch Flugsicherungsorganisationen in Fällen, in denen zwei oder mehr der nationalen Aufsichtsbehörden betroffen sind,	c.	les analyses et avis portant sur l'autorisation des changements touchant à la sécurité établis par les prestataires de services de navigation aérienne lorsque deux NSA ou plus sont concernées ;	c.	de toetsing van en het geven van adviezen met betrekking tot de aanvaarding van veiligheidsgerelateerde wijzigingen van verleners van luchtvaartnavigatiediensten wanneer twee of meer NSA's erbij betrokken zijn,
d.	die Aufsicht in Bezug auf die Interoperabilität von Systemen,	d.	le contrôle en matière d'interopérabilité des systèmes ;	d.	het toezicht met betrekking tot de interoperabiliteit van systemen,
e.	das Verfahren der Lizenzierung von Fluglotsen und der Erteilung medizinischer Tauglichkeitszeugnisse für diese,	e.	le processus de délivrance des licences et des certificats d'aptitude médicale aux contrôleurs de la circulation aérienne ;	e.	het proces om vergunningen en medische attesten van luchtverkeersleiders uit te reiken,
f.	die Anerkennung von und die Aufsicht über Ausbildungsorganisationen und Ausbildungskurse, insbesondere für Fluglotsen,	f.	la reconnaissance et la surveillance des établissements et des programmes de formation, en particulier pour les contrôleurs de la circulation aérienne ;	f.	de erkenning van en het toezicht op opleidingsorganisaties en cursussen, in het bijzonder voor luchtverkeersleiders,
g.	das Leistungssystem in Übereinstimmung mit der Lenkungsstruktur nach Maßgabe des FABEC-Vertrags,	g.	le système de performance, conformément aux modalités de gouvernance mise en place au titre du Traité FABEC ;	g.	de prestatieregeling, overeenkomstig de bestuursstructuur krachtens het FABEC-Verdrag,
h.	die Harmonisierung der Aufsichtsverfahren und Aufsichtsmethoden.	h.	l'harmonisation des procédures et méthodes de surveillance.	h.	de harmonisatie van toezichtsprocedures en -methodologieën.

Artikel 4

Ausführungs- und Verfahrensbestimmungen

- 4.1 Für die Ausführung und Durchführung dieser Vereinbarung erarbeiten alle nationalen Aufsichtsbehörden zusammen detaillierte Verfahren, die in jedem Fall den Bestimmungen der folgenden Artikel 5 bis 8 unterliegen und dabei berücksichtigen, dass für be-

Article 4

Règles de mise en œuvre et de procédure

- 4.1 Pour les besoins de mise en œuvre et d'application du présent accord, toutes les NSA élaborent entre elles des procédures détaillées, soumises sans exception aux dispositions des articles 5 à 8 ci-après et qui prennent en compte le fait que pour

Artikel 4

Implementatie- en procedureregels

- 4.1 Voor de implementatie en uitvoering van de onderhavige overeenkomst stellen de NSA's onderling gedetailleerde procedures op die in elk geval onderworpen zijn aan de onderstaande artikels 5 tot en met 8, rekening houdend met het feit dat voor

stimmte Aufgaben ein differenzierter Ansatz für besondere institutionelle Vorkehrungen und Absicherungen erforderlich ist. Diese Verfahren werden, soweit jeweils angemessen, in einem „Handbuch der gemeinsamen Tätigkeiten der nationalen Aufsichtsbehörden im FABEC“ oder in Einzelvereinbarungen für ein bestimmtes Gebiet der Zusammenarbeit zusammengefasst.

4.2 In Anwendung von Artikel 28 des FABEC-Vertrags wird die Ausarbeitung der detaillierten Verfahren durch den Ausschuss „Nationale Aufsichtsbehörden“ koordiniert.

Artikel 5 Grundsätze der Zusammenarbeit

Die Zusammenarbeit der nationalen Aufsichtsbehörden wird durch die folgenden Grundsätze geleitet:

- Die Zusammenarbeit berührt nicht die Souveränität der beteiligten Staaten.
- Wirksamer Informationsaustausch sowie umfassende Konsultationen und Koordination werden sichergestellt.
- Alle nationalen Aufsichtsbehörden stellen wechselseitig, soweit sie betroffen sind, die Gelegenheit zur Teilnahme bei allen einschlägigen Aufsichtsaufgaben sicher.
- Ausreichende Mitarbeit und Tatsachenbeiträge aller teilnehmenden nationalen Aufsichtsbehörden werden sichergestellt.
- Alle teilnehmenden nationalen Aufsichtsbehörden entwickeln gemeinsam einvernehmliche Standpunkte.
- Eine zügige und rechtzeitige Entscheidungsfindung in Fällen, in denen sofortiges Handeln im Interesse eines oder mehrerer der betroffenen Staaten erforderlich ist, wird sichergestellt.

certaines tâches, une approche différenciée est nécessaire en matière d'arrangements et de garanties institutionnelles spécifiques. Ces procédures sont réunies, dans la mesure où cela est approprié, dans un « Manuel des activités communes des NSA du FABEC » ou dans des règles distinctes consacrées à un domaine de coopération particulier.

4.2 Conformément à l'article 28 du Traité FABEC, l'élaboration des procédures détaillées est coordonnée par le Comité des autorités de surveillance nationales.

Article 5 Principes de coopération

La coopération est régie par les principes suivants entre NSA :

- la coopération s'applique sans préjudice de la souveraineté des États concernés ;
- un échange effectif de l'information de même qu'une consultation et une coordination pleines et entières sont garanties ;
- toutes les NSA se garantissent mutuellement la possibilité de participer, dans la mesure où elles sont concernées, à toutes les tâches de contrôle pertinentes ;
- un niveau suffisant d'engagement et de participation concrète de toutes les NSA impliquées est assuré ;
- toutes les NSA participantes développent conjointement des positions unanimes ;
- lorsque survient une situation qui nécessite une action immédiate dans l'intérêt d'un ou de plusieurs des États concernés, il est fait en sorte qu'une prise de décision rapide inter-

specifieke taken een gedifferentieerde aanpak met betrekking tot specifieke institutionele regelingen en voorzorgsmaatregelen noodzakelijk is. Deze procedures zullen worden samengebracht in een "Handleiding voor de gemeenschappelijke activiteiten van de FABEC NSA's" of in afzonderlijke regelingen voor een specifiek samenwerkingsdomein, afhankelijk van welke aanpak de meest geschikte is.

4.2 Overeenkomstig artikel 28 van het FABEC-Verdrag zal de uitwerking van de gedetailleerde procedures door het NSA-comité worden gecoördineerd.

Artikel 5 Samenwerkingsprincipes

De volgende principes zijn van toepassing op de samenwerking tussen de NSA's:

- de samenwerking doet geen afbreuk aan de soevereiniteit van de betrokken staten.
- doeltreffende informatie-uitwisseling, evenals overleg en coördinatie zijn gegarandeerd.
- alle NSA's zorgen wederzijds voor de mogelijkheid om, wanneer zij betrokken zijn, aan alle relevante toezichtstaken deel te nemen.
- voldoende betrokkenheid en feitelijke bijdragen van alle deelnemende NSA's zijn gegarandeerd.
- gemeenschappelijk overeengekomen standpunten tussen alle deelnemende NSA's worden ontwikkeld.
- snelle en tijdige besluitvorming is gegarandeerd in situaties die een onmiddellijk optreden vereisen in het belang van één of meer betrokken staten.

vienne en temps utile ;

- g. Entscheidungen in Bezug auf Aufsichtsaufgaben werden, soweit erforderlich, wirksam umgesetzt.
- h. In Anwendung von Artikel 28 des FABEC-Vertrags fungiert der Ausschuss „Nationale Aufsichtsbehörden“ als Hauptansprechgremium für die Zusammenarbeit.

Artikel 6 **Aufsicht nach Artikel 19 Absatz 5 des FABEC-Vertrags**

Im Falle der Anwendung von Artikel 19 Absatz 5 des FABEC-Vertrags unterliegt die Wahrnehmung der Aufsicht den folgenden Bestimmungen:

- a. Die nationale Aufsichtsbehörde, welche die Übernahme der Aufsicht verlangt, richtet dieses Ersuchen schriftlich an die andere nationale Aufsichtsbehörde, wobei sie die Aufsichtsbereiche und die beabsichtigte betroffene Aufsichtsaufgabe bezeichnet. Jedoch wird in Bezug auf Artikel 12 Absatz 2 des FABEC-Vertrags die Aufsicht über Flugsicherungsdienste unter militärischer Aufsicht nur durch die jeweiligen nationalen Aufsichtsbehörden oder militärischen Behörden der betroffenen Staaten wahrgenommen.
- b. Nach Empfang eines solchen Ersuchens setzen beide nationalen Aufsichtsbehörden Konsultationen an, bevor die Aufsicht übertragen wird.

Artikel 7 **Zweiseitige, mehrseitige und gemeinsame Aufsichtsaufgaben**

- 7.1 Ist mehr als eine nationale Aufsichtsbehörde betroffen, können Aufsichtsaufgaben gemeinsam oder unter Federführung einer nationalen Aufsichtsbehörde

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- g. les décisions relatives aux tâches de contrôle font, s'il y a lieu, l'objet d'une exécution effective ;
- h. en application de l'article 28 du Traité FABEC, le Comité des autorités de surveillance nationales agit en qualité de point focal en matière de coopération.

Article 6 **Contrôle exercé en vertu de l'article 19 paragraphe 5 du Traité FABEC**

En cas d'application de l'article 19 paragraphe 5 du Traité FABEC, l'exercice du contrôle est subordonné au respect des dispositions suivantes :

- a. la NSA qui demande à exercer son droit de contrôle en fait la demande par écrit à l'autre NSA, en précisant les domaines et la tâche de contrôle concernés. Toutefois, et par référence à l'article 12 paragraphe 2 du Traité FABEC, le contrôle des services de la circulation aérienne relevant de la compétence militaire est effectué exclusivement par les NSA ou les autorités militaires respectives des États concernés ;
- b. après réception d'une telle demande, les deux NSA engagent des consultations préalablement au transfert de l'exercice du contrôle.

Article 7 **Tâches de contrôle bilatérales, multilatérales et conjointes**

- 7.1 Lorsque plus d'une NSA est concernée, les tâches de contrôle peuvent être exécutées conjointement ou sous la direction d'une NSA, avec la participa-

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- g. beslissingen in verband met toezichtstaken worden, indien nodig, doeltreffend ten uitvoeren gebracht gehandhaafd.
- h. overeenkomstig artikel 28 van het FABEC-Verdrag zal het NSA-comité als middelpunt voor de samenwerking fungeren.

Artikel 6 **Toezicht krachtens Artikel 19 lid 5 van het FABEC-Verdrag**

Wanneer Artikel 19 lid 5 van het FABEC-Verdrag van toepassing is, is de uitoefening van het toezicht onderworpen aan de volgende bepalingen:

- a. De NSA die het toezicht verlangt over te nemen, richt het verzoek hiertoe schriftelijk tot de andere NSA en vermeldt daarbij de toezichtsdomeinen en de beoogde toezichtstaak. In verband met artikel 12 lid 2 van het FABEC-Verdrag, wordt het toezicht over de luchtverkeersdiensten die onder militair toezicht worden verleend echter alleen uitgevoerd door de respectieve NSA's of militaire autoriteit van de betrokken staten.
- b. Na het ontvangen van een dergelijk verzoek organiseren beide NSA's overleg vóór het toezicht wordt overgeheveld.

Artikel 7 **Bilaterale, multilaterale en gezamenlijke toezichtstaken**

- 7.1 Als er meer dan één NSA bij betrokken is, kunnen de toezichtstaken gezamenlijk of onder leiding van één NSA worden uitgeoefend, met deelname van de

und Teilnahme der anderen betroffenen nationalen Aufsichtsbehörde oder Aufsichtsbehörden wahrgenommen werden, wobei zumindest die folgenden Bestimmungen gelten:

- a. Alle Aufsichtsaufgaben beruhen auf dem vorherigen Austausch aller maßgeblichen Informationen, insbesondere Auszüge aus den maßgeblichen jährlichen Inspektions- und Überprüfungsplänen.
- b. Jede nationale Aufsichtsbehörde stellt auf begründetes Ersuchen einer anderen betroffenen Aufsichtsbehörde sicher, dass je nach den jeweiligen Umständen jegliche Aufsichtsaufgabe einschließlich anlassbezogener Aufsichtsaufgaben unter Beteiligung der ersuchenden nationalen Aufsichtsbehörde wahrgenommen wird.
- c. Die Ergebnisse der Wahrnehmung der Aufsichtsaufgaben werden nach Konsultation aller betroffenen nationalen Aufsichtsbehörden festgestellt.

7.2 Ist die für die Umsetzung nach Artikel 19 Absatz 7 des FABEC-Vertrags zuständige nationale Aufsichtsbehörde nicht diejenige, welche die umzusetzende Entscheidung getroffen hat, trifft die für die Umsetzung zuständige nationale Aufsichtsbehörde nach Empfang eines seitens der nationalen Aufsichtsbehörde, welche die umzusetzende Entscheidung getroffen hat, übermittelten schriftlichen Ersuchens um Umsetzung unverzüglich die notwendigen Maßnahmen.

Artikel 8 Informationsaustausch

8.1 Alle nationalen Aufsichtsbehörden stellen sich gegenseitig auf dem geeignetsten und schnellsten Weg alle maßgeblichen Informationen in Bezug auf die Gegenstände dieser Vereinbarung zur Verfügung, einschließlich ihrer jeweiligen Kontaktstellen oder Kontaktpersonen sowie deren Änderungen. Die Verarbeitung personenbezogener Daten darf nur in dem zur Erfüllung

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tion de l'autre ou des autres NSA concernées, sous réserve du respect, à tout le moins, des dispositions suivantes :

- a. Toutes les tâches de contrôle se fondent sur l'échange préalable de l'ensemble des informations utiles, en particulier des extraits des plans annuels d'inspection et d'examen pertinents ;
- b. Chaque NSA fait en sorte que, sur demande motivée de toute autre NSA concernée, compte tenu des circonstances spécifiques, toute tâche de contrôle – y compris des tâches de contrôle ponctuelles – soit effectuée avec la participation de la NSA ayant introduit la demande ;
- c. Les résultats des tâches de contrôle sont établis après concertation avec l'ensemble des NSA concernées.

7.2 Lorsque, conformément à l'article 19 paragraphe 7 du Traité FABEC, la NSA responsable de l'exécution d'une décision n'est pas la NSA qui a pris la décision, la NSA chargée de son exécution prend les mesures nécessaires immédiatement après en avoir reçu la demande écrite de la part de la NSA qui a pris la décision.

Article 8 Échange d'informations

8.1 Toutes les NSA se communiquent mutuellement, par les moyens les plus rapides et les plus appropriés, l'ensemble des informations pertinentes relatives aux questions relevant du présent Accord, y compris leurs points de contact ou personnes respectifs ainsi que des modifications les concernant. Les données à caractère personnel ne font l'objet d'une utilisation

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andere betrokkenen NSA of NSA's, waarbij minstens de volgende bepalingen gelden:

- a. Alle toezichtstaken steunen op de voorafgaande uitwisseling van alle relevante informatie, bijvoorbeeld in het bijzonder uittreksels uit de relevante jaarlijkse inspectie- en onderzoeksplannen.
- b. Na een gemotiveerd verzoek van om het even welke andere betrokkenen NSA, zal elke NSA ervoor zorgen dat alle toezichtstaken, inclusief ad-hoc toezichtstaken, overeenkomstig de specifieke omstandigheden worden uitgevoerd met deelname van de NSA die het verzoek heeft ingediend.
- c. De resultaten van de toezichtstaken worden opgesteld na overleg tussen alle betrokkenen NSA's.

7.2 Wanneer, krachtens Artikel 19 lid 7 van het FABEC-Verdrag, de NSA die verantwoordelijk is voor het ten uitvoer brengen van de beslissing niet de NSA is die de ten uitvoer te brengen beslissing heeft genomen, dan zal de NSA die verantwoordelijk is voor het ten uitvoer brengen van de beslissing, na ontvangst van het schriftelijk verzoek om de beslissing ten uitvoer te brengen van de NSA die de ten uitvoer te brengen beslissing heeft genomen, onverwijld de nodige maatregelen treffen.

Artikel 8 Informatie-uitwisseling

8.1 Alle NSA's bezorgen elkaar op de meest geschikte en snelste manier alle relevante informatie over de onderwerpen van deze overeenkomst, inclusief hun respectieve contactgegevens of contactpersonen en elke wijziging daarvan. Persoonlijke gegevens mogen alleen worden verwerkt in de mate dat dit nodig is voor de taken die krachtens deze overeenkomst moeten

lung der Aufgaben nach dieser Vereinbarung erforderlichen Umfang erfolgen. Die Weitergabe personenbezogener Daten durch Übermittlung, Verbreitung oder jede andere Form der Bereitstellung bedarf der vorherigen Zustimmung der die Daten übermittelnden nationalen Aufsichtsbehörde.

8.2 Für den Fall der grenzüberschreitenden Erbringung von Flugsicherungsdiensten werden alle nationalen Aufsichtsbehörden auf dem geeignetsten und schnellsten Weg

- a. jede andere betroffene nationale Aufsichtsbehörde über Fälle von nichtkonformen Sachverhalten unterrichten,
- b. im Falle von Buchstabe a und begründet auf ein im Einzelnen beschriebenes Ersuchen jeder anderen betroffenen nationalen Aufsichtsbehörde der Zugang zu den maßgeblichen Unterlagen der jeweiligen Flugsicherungsorganisation gewähren,
- c. im Falle von Buchstabe a und begründet auf ein im Einzelnen beschriebenes Ersuchen jede Aufsichtsaufgabe mit der oder den anderen betroffenen Aufsichtsbehörden koordinieren,
- d. im Falle von Buchstabe a jede förmliche Entscheidung allen betroffenen nationalen Aufsichtsbehörden übermitteln,
- e. die betroffenen Flugsicherungsdaten regelmäßig zur Verfügung stellen.

8.3 Alle nationalen Aufsichtsbehörden unterrichten sich gegenseitig unverzüglich schriftlich über Änderungen innerstaatlicher Vorschriften, die eine Auswirkung auf die Gegenstände dieser Vereinbarung haben.

8.4 Jahresberichte für die Öffentlichkeit sowie jegliche förmliche Berichte an europäische oder internationale Organisationen über die grenzüberschreitende Erbringung von Flugsicherungsdiensten innerhalb des FABEC sollen einer vorherigen Konsultation zwischen

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tion que dans la mesure où elles servent à l'exécution des tâches répondant aux dispositions du présent Accord. Le transfert de données personnelles par transmission, diffusion ou toute autre forme de publication requiert l'accord préalable de la NSA qui a fourni lesdites données.

8.2 Pour la prestation transfrontalière de services de navigation aérienne, toutes les NSA s'engagent à accomplir les actions suivantes, en utilisant les moyens les plus appropriés et les plus rapides :

- a. informer toute autre NSA concernée des cas de non conformité ;
- b. dans les cas visés au point a. et sur la base d'une demande motivée détaillée, donner à toute autre NSA concernée accès aux éléments d'information pertinents sur le prestataire de services de navigation aérienne en cause ;
- c. dans les cas visés au point a. et sur la base d'une demande motivée détaillée, coordonner toute tâche de contrôle avec l'autre ou les autres NSA concernées ;
- d. dans les cas visés au point a., transmettre toute décision officielle à l'ensemble des NSA concernées ;
- e. tenir à disposition, à intervalles réguliers, les données pertinentes relatives aux services de navigation aérienne.

8.3 Toutes les NSA s'informent mutuellement par écrit et sans délai des modifications apportées aux législations nationales ayant un impact sur les questions faisant l'objet du présent Accord.

8.4 Les rapports annuels destinés au public, de même que tout rapport officiel adressé à des organisations européennes ou internationales portant sur la prestation transfrontalière de services de navigation aérienne au sein du FABEC, doivent faire l'objet d'une

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worden vervuld. De overdracht van persoonlijke gegevens door verzending, verspreiding of elke andere vorm van publicatie vereist de voorafgaande toestemming van de verzendende NSA.

8.2 Bij de grensoverschrijdende verlening van luchtvaartnavigatiediensten zullen alle NSA's op de meest geschikte en snelste manier:

- a. alle andere betrokken NSA's informeren over gevallen van niet-naleving,
- b. wanneer onderdeel a. van toepassing is en gebaseerd op een specifiek verzoek, alle andere betrokken NSA's toegang geven tot de relevante materialen van de respectieve verlener van luchtvaartnavigatiediensten,
- c. wanneer onderdeel a. van toepassing is en gebaseerd op een specifiek verzoek, alle toezichtstaken met de andere betrokken NSA of NSA's coördineren,
- d. wanneer onderdeel a. van toepassing is, elke formele beslissing aan alle betrokken NSA's meedelen,
- e. periodiek de relevante gegevens van de luchtvaartnavigatiedienst beschikbaar maken.

8.3 Alle NSA's zullen elkaar onverwijld schriftelijk op de hoogte houden van wijzigingen in de nationale regels en voorschriften die een weerslag hebben op de onderwerpen van deze overeenkomst.

8.4 Over jaarlijkse verslagen aan het publiek en alle formele rapporten aan Europese of internationale organisaties in verband met het grensoverschrijdend verlenen van luchtvaartnavigatiediensten binnen het FABEC dient vooraf overleg te worden gepleegd met de be-

den betroffenen nationalen Aufsichtsbehörden unterliegen.

Artikel 9 Verstärkte Zusammenarbeit

9.1 Soweit angemessen und unter Beachtung der Auffassung des Ausschusses „Nationale Aufsichtsbehörden“ nach Artikel 28 des FABEC-Vertrags können zwei oder mehr nationale Aufsichtsbehörden Absprachen über eine verstärkte Zusammenarbeit schließen, insbesondere, wenn nur ein Teil des FABEC betroffen ist. Diese können Übereinkünfte über die Aufteilung von Zuständigkeiten für bestimmte Aufsichtsvorgänge zwischen den betroffenen nationalen Aufsichtsbehörden enthalten.

9.2 Bestehende Absprachen zur Zusammenarbeit zwischen zwei oder mehr nationalen Aufsichtsbehörden behalten ihre Gültigkeit. Im Falle von Widersprüchen zwischen solchen Absprachen und den Bestimmungen dieser Vereinbarung hat diese Vereinbarung Vorrang.

9.3 Absprachen nach Absatz 1 oder 2 werden dem FABEC-Rat durch die betroffenen nationalen Aufsichtsbehörden notifiziert und zu Informationszwecken an alle nationalen Aufsichtsbehörden übermittelt.

Artikel 10 Eilmaßnahmen

Die Bestimmungen dieser Vereinbarung hindern eine nationale Aufsichtsbehörde nicht daran, bei einem Sicherheitsproblem innerhalb des sie betreffenden Luftraumes, das von dieser Vereinbarung erfasste Erzeugnisse, Personen oder Organisationen betrifft, unverzüglich tätig zu werden.

Artikel 11 Überprüfung

Diese Vereinbarung wird zwei Jahre nach Inkrafttreten sowie zu jedem anderen Zeitpunkt auf Beschluss des

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consultation préalable entre les NSA concernées.

Article 9 Coopération renforcée

9.1 S'il y a lieu, et compte tenu de l'avis rendu par le Comité des autorités de surveillance nationales en application de l'article 28 du Traité FABEC, deux ou plusieurs NSA peuvent conclure des accords visant à une coopération renforcée, en particulier lorsque seule une partie du FABEC est concernée. De tels accords peuvent comporter des arrangements en matière de répartition des responsabilités entre les NSA concernées pour des tâches spécifiques de contrôle.

9.2 Les accords de coopération en vigueur entre deux ou plusieurs NSA restent valables. En cas de différences entre ces accords et le présent accord, ce dernier prévaut.

9.3 Les accords passés au titre du paragraphe 1 ou 2 sont notifiés par les NSA concernées au Conseil du FABEC et transmis à l'ensemble des NSA à titre d'information.

Article 10 Mesures d'urgence

Les dispositions du présent Accord n'empêchent pas une NSA de réagir immédiatement à un problème de sécurité ou de sûreté survenant dans l'espace aérien relevant de sa compétence et impliquant un produit, une personne ou une organisation soumis aux dispositions du présent Accord.

Article 11 Évaluation

Le présent Accord fera l'objet d'une évaluation deux ans après son entrée en vigueur ainsi qu'à tout mo-

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trokken NSA's.

Artikel 9 Versterkte samenwerking

9.1 Waar nodig en rekening houdend met de mening van het Comité van de Nationale Toezichhoudende Instanties overeenkomstig Artikel 28 van het FABEC-Verdrag, kunnen twee of meer NSA's overeenkomsten voor een versterkte samenwerking sluiten, in het bijzonder wanneer het slechts om een gedeelte van het FABEC gaat. Dergelijke overeenkomsten mogen regelingen bevatten over de verdeling van de verantwoordelijkheden voor specifieke toezichtactiviteiten tussen de betrokken NSA's.

9.2 Bestaande samenwerkingsovereenkomsten tussen twee of meer NSA's blijven gelden. In geval van verschillen tussen dergelijke samenwerkingsovereenkomsten en de bepalingen in deze overeenkomst, zal deze overeenkomst voorrang hebben.

9.3 Overeenkomsten zoals bedoeld in leden 1 of 2 worden door de betrokken NSA's aan de FABEC-Raad betekend en ter informatie aan alle NSA's meegedeeld.

Artikel 10 Noodmaatregelen

De bepalingen van deze overeenkomst weerhouden een NSA er niet van om onmiddellijk te reageren op een veiligheids- of beveiligingsprobleem in zijn lucht-ruim waarbij een product, persoon of organisatie waarop de bepalingen van deze Overeenkomst van toepassing zijn, betrokken is.

Artikel 11 Evaluatie

Deze overeenkomst zal twee jaar nadat ze in werking is getreden, worden geëvalueerd, alsook op elk

Ausschusses „Nationale Aufsichtsbehörden“ nach Artikel 28 des FABEC-Vertrags oder auf Ersuchen des FABEC-Rates überprüft.

Artikel 12 **Inkrafttreten, Vorläufige Anwendbarkeit**

12.1 Diese Vereinbarung tritt an dem Tag in Kraft, an dem der Vertrag über die Errichtung des funktionalen Luftraumblocks „Europe Central“ in Kraft tritt.

12.2 Diese Vereinbarung ist in Übereinstimmung mit den anwendbaren innerstaatlichen Bestimmungen unter Berücksichtigung und entsprechender Anwendung der die Zusammenarbeit der nationalen Aufsichtsbehörden betreffenden Bestimmungen des unterzeichneten FABEC-Vertrags, insbesondere der Artikel 19, 20, 28 des genannten Vertrags, ab dem Tag nach ihrer Unterzeichnung vorläufig anwendbar. Zu diesem Zweck halten die nationalen Aufsichtsbehörden regelmäßige Sitzungen als vorläufiger Ausschuss „Nationale Aufsichtsbehörden“ (vorläufiger FABEC-Ausschuss „Nationale Aufsichtsbehörden“) ab.

12.3 Jede nationale Aufsichtsbehörde erhält eine unterzeichnete Ausfertigung dieser Vereinbarung. Eine unterzeichnete Ausfertigung dieser Vereinbarung wird bei der in Artikel 39 des FABEC-Vertrages benannten Stelle hinterlegt.

Geschehen in acht Urschriften, jede in niederländischer, französischer und deutscher Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

ment, sur décision du Comité des autorités de surveillance nationales agissant en vertu de l'article 28 du Traité FABEC ou sur demande du Conseil du FABEC.

Article 12 **Date de prise d'effet, application provisoire**

12.1 Le présent Accord prend effet le jour de l'entrée en vigueur du Traité relatif à l'établissement du bloc d'espace aérien fonctionnel « Europe Central ».

12.2 Le présent Accord s'applique provisoirement, à compter de la date de sa signature, conformément aux règles nationales en vigueur, en tenant compte et en appliquant autant que faire se peut les dispositions du Traité FABEC signé qui sont relatives à la coopération des NSA, en particulier les articles 19, 20 et 28 dudit Traité. À cet effet, les NSA tiennent régulièrement des réunions auxquelles elles donnent la forme d'un Comité provisoire des autorités de surveillance nationales (comité provisoire des NSA du FABEC).

12.3 Chaque NSA reçoit une copie signée du présent Accord. Une copie signée du présent Accord est déposée auprès de l'organe désigné à l'article 39 du Traité FABEC.

Fait en huit exemplaires originaux rédigés en trois langues - néerlandais, français et allemand -, chaque version faisant également foi.

ogenblik na een beslissing daartoe van het Comité van de Nationale Toezichthoudende Instanties overeenkomstig Artikel 28 van het FABEC-Verdrag of op verzoek van de FABEC-Raad.

Artikel 12 **Inwerkingtreding, voorlopige toepassing**

12.1 De onderhavige overeenkomst treedt in werking op de dag dat het Verdrag betreffende de oprichting van het Functioneel Luchtruimblok Europe Central in werking treedt.

12.2 De onderhavige overeenkomst is voorlopig van toepassing in overeenstemming met de geldende nationale regelingen vanaf de dag van de ondertekening ervan, rekening houdende met en uitvoering gevende aan de bepalingen van het ondertekend FABEC-Verdrag betreffende de samenwerking tussen de NSA's en meer bepaald Artikel 19, 20 en 28 van het FABEC-Verdrag. De NSA's zullen hiertoe regelmatig vergaderen in het kader van een voorlopig Comité van de Nationale Toezichthoudende Instanties (Voorlopige FABEC NSAC).

12.3 Elke NSA ontvangt een ondertekend exemplaar van de overeenkomst. Een ondertekend exemplaar van deze overeenkomst zal worden neergelegd bij het in het artikel 39 van het FABEC Verdrag aangewezen orgaan.

Gedaan in acht originelen, elk in het Nederlands, Frans en Duits, waarbij al deze talen gelijkkelijk authentiek zijn.

**BUNDESAUFSICHTSAMT FÜR FLUGSICHERUNG
(BUNDESREPUBLIK DEUTSCHLAND)**

Direktor des Bundesaufsichtsamts für Flugsicherung

Prof. Dr. Nikolaus Hermann

15. 02. 2011

Prof. Dr. Nikolaus Hermann

**DIRECTORAAT-GENERAAL LUCHTVAART / DIRECTION GÉNÉRALE TRANSPORT AÉRIEN
(KONINKRIJK BELGIË / ROYAUME DE BELGIQUE)**

Directeur-generaal van het Directoraat-generaal Luchtvaart / Directeur général de la Direction générale Transport aérien

[Signature]

Frank Durinckx

27. 01. 2011

DIRECTION GÉNÉRALE DE L'AVIATION CIVILE
(REPUBLIQUE FRANÇAISE)

La Directrice de la Direction de la sécurité de l'Aviation Civile



Florence Rousse

27. 01. 2011

Le Directeur de la direction du transport aérien



Paul Schwach

20. 01. 2011

DIRECTION DE L'AVIATION CIVILE
(GRAND DUCHÉ DE LUXEMBURG)

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Claude Waltzing

20. 01. 2011

**NATIONAL SUPERVISORY AUTHORITY FOR ANS
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Head of National Supervisory Authority for ANS



27. 01. 2011

Jos Wilbrink

**BUNDESAMT FÜR ZIVILLUFTFAHRT BAZL / OFFICE FÉDÉRAL DE L'AVIATION CIVILE - OFAC
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Vice-Directeur - Chef de la Division Sécurité des infrastructures / Vizedirektor - Leiter Abteilung Sicherheit Infrastruktur



27. 01. 2011

Daniel Hügli

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FABEC Implementation Phase

States NSAC - Manual

EC Information

Attachment E.2



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

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INTRODUCTION TO THE MANUAL

This is the first version of the manual for the common activities of the FABEC NSAs as introduced in and based on Article 4.1 of the FABEC NSA Memorandum of Cooperation (MoC).

This first version is compiled of the following procedures that have been adopted by the Provisional FABEC NSA Committee (NSAC):

- **Supervision of ANSPs providing cross-border services (V1.0)** on 05.04.2012; and
- **Notification and review of FABEC safety related changes (V2.0)** on 22.02.2012; and
- **Safety Performance (V1.0)** on 05.04.2012.

Based on Article 12.2 of FABEC NSA MoC the procedures are effective from their respective dates of signature by the chairperson of the NSAC.

DOCUMENT APPROVAL

Organisation and State	Name and function	Signature
Bundesaufsichtsamt für Flugsicherung (Federal Republic of Germany)	Prof. Dr. NIKOLAUS HERRMANN Direktor des Bundesaufsichtsamts für Flugsicherung	 28.3.2012
Belgian Supervising Authority for Air Navigation Services (Kingdom of Belgium)	Patrick VANHEYSTE Director Belgian Supervising Authority for Air Navigation Services	 05/04/12.
Direction Générale de l'Aviation Civile (French Republic)	Alain PRINTEMPS Directeur Aéroports et Navigation Aérienne de la Direction de la sécurité de l'Aviation Civile	 5/4/2012
Direction de l' Aviation Civile (Grand Duchy of Luxembourg)	Claude LUJA Responsable Autorité Nationale de Surveillance	27/3/12 
National Supervisory Authority for ANS (The Netherlands)	Ties VAN ZANTEN Head of National Supervisory Authority for ANS The Netherlands	 05/04/12
Federal Office of Civil Aviation FOCA (Swiss Confederation)	Daniel HÜGLI Director Head of Safety Division – Infrastructure	05/04/12 o.b. 



**FABEC Implementation Phase
NSAC – Manual**

Procedure for

**Supervision of ANSPs providing
cross-border services**

DOCUMENT SUMMARY

Objective: The objective of this procedure is to establish joint oversight activities to ensure supervision of ANSPs providing cross-border services. This document contains the required common NSA procedure.			
Origin: PFNSAC Manual WG		Audience: FABEC NSAs	
Title : Supervision of ANSPs providing cross-border services			
Reference: FABEC NSAC Manual Procedure Cross Border Services V1.0.doc			
Version: 1.0	Date: 21.03.2012	Status: <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Released	Classification: <input checked="" type="checkbox"/> Public <input type="checkbox"/> FABEC limited <input type="checkbox"/> Addressees limited
<p>Explanation version numbers:</p> <p>V 0.0: working draft</p> <p>V 0.1: draft issue</p> <p>V.0.9: proposed issue</p> <p>V 1.0: released issue</p> <p>V 1.1: amended issue</p> <p>V 2.0: reviewed issue</p>			

DOCUMENT CHANGE RECORD

Version	Date	Reason for changes	Author of changes
0.0	12.05.2011	Working draft – creation of procedure description	Katharina Koppe
0.1	22.06.2011	Adoptions related to discussions at the Paris meeting in May	Katharina Koppe
0.2	20.07.2011	Changes and amendments according discussions in WG meeting	Meeting members
0.3	30.08.2011	Inclusion of references	Katharina Koppe
0.4	01.09.2011	Changes and amendments according discussions in WG meeting	Meeting members
0.9	17.11.2011	Final updates and amendments according WG members updates	Meeting members
0.91	07.12.11	Alternative common NSA procedure version	Chairman
0.92	25.01.2012	Re-edited version after inputs of the PFNSAC and inputs from meeting members	Meeting members
0.93	07.02.2012	Update §6.1 for adoption of the Annex 1	Chairman/Secretary
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	Name and function	Signature	Date
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Approved by chairperson NSAC	Patrick VANHEYSTE Belgian NSA		05.04.2012

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1 PURPOSE

In Europe, including in the FABEC area, airspace exists of which the borders are not congruent with national borders. So, there are already ANSPs providing cross-border services. Based on article 2 of the Service Provision Regulation (Regulation (EC) n° 550/2004 as modified by Regulation (EC) n° 1070/2009, hereinafter SPR) the NSAs of the states concerned need to cooperate closely in order to ensure adequate supervision. This cooperation shall be formalised in an agreement. Again based on article 2 of the SPR, such an agreement shall contain arrangements concerning the following subjects: Common Requirements-related oversight, review and acceptance of safety related changes to functional systems, safety directives.

Articles 3a, 5 and 7.1 of the FABEC NSA Memorandum of Cooperation (MoC) –which is the SES-required ‘agreement’- provide for the basic principles regarding cross-border oversight between the FABEC NSAs.

This present procedure between the FABEC NSAs elaborates on the abovementioned articles of the FABEC NSA MoC on the subjects that are mandatory on the basis of the SPR (see above).

Through the combination of the articles of the FABEC NSA MoC and this procedure, the FABEC NSAs’ cross-border oversight arrangements are in conformance with article 2 of the Service Provision regulation as far as it concerns intra-FABEC cross-border services. The high level aim of this procedure is to facilitate FABEC-wide harmonised co-operation between NSAs and to make supervision of ANSPs transparent.

2 SCOPE

This procedure is based on the following regulations and agreements:

- Regulation (EC) No 550/2004 of the European Parliament and of the council of 10 March 2004 on the provision of air navigation services in the single European sky , as modified by Regulation (EC) n° 1070/2009..
- Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services.
- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services.
- Agreement on the cooperation of the FABEC national supervisory authorities (FABEC NSA MoC), in particular Article 3a, 5, 7.1, (6, 7.2, 8 and 10 are already directly applicable based on the FABEC NSA MoC) signed in Brussels the 27 January 2011.

This procedure between all FABEC-NSAs, in conjunction with articles 3a, 5 and 7.1 of the FABEC NSA MoC, provides for a common ‘article 2 550/2004’ arrangement for the oversight on all cross border situations inside the FABEC-area. Detailed descriptions of the above mentioned aspects of supervision as guidance material for the NSAs might be included later in this procedure (e.g. for creating an audit programme) or in the respective procedure of the manual (e.g. notification of change).

The oversight of cross-border services concerning ANSPs and/or NSAs other than those involved in FABEC is outside the scope of this procedure.

3 RESPONSIBILITIES

NSAs are required to work in line with this procedure concerning the oversight of ANSPs providing cross-border services within FABEC.

4 DOCUMENT TEMPLATES

For this procedure no document templates are required.

5 RECORDS & ARCHIVES

In regard to oversight activities records are kept at the premises of the accountable NSAs according national procedures and regulations.

6 PROCEDURE FLOW CHART(S)

Not applicable for this procedure.

7 COMMON FABEC NSA CROSS BORDER PROCEDURE

7.1 Applicability

The applicability of this procedure is defined by the information in the table in Annex 1 to this procedure. It provides formal reference to the relevant agreements between ANSPs and accepted by the States involved. It can be adapted subject to unanimous approval by the FABEC NSA Committee.

7.2 Definitions

For the purpose of this procedure, the definitions established in the relevant European regulations shall apply. In addition, the following definitions shall apply:

1. **Accountable NSA:** The NSA which issued the SES-certificate.
2. **Participating NSA(s):** The NSA of the State in which airspace the foreign ANSP provides cross-border services.

7.3 Exchange of information

Reference: NSA MoC Article 5, Article 7.1a.

- a) Without prejudice to laws and regulations dealing with data protection applicable in one of the States concerned, the parties agree to exchange on a case-by-case basis any appropriate information necessary for the application of this procedure.
- b) The accountable NSA makes available to the participating NSAs copies of the certificates of the ANSPs providing cross-border services.
- c) Information to be exchanged shall be addressed to the corresponding members of the NSAC.
- d) Unless indicated otherwise information shall be exchanged by electronic means.

7.4 Audits and inspections

Reference: NSA MoC Article 5, Article 7.1

- a) Each NSA is primarily responsible for the oversight of all ANSPs it has certified. The accountable NSA informs the participating NSA(s) about planned audits and inspections with relation to service provision in a cross-border area. The participating NSA(s) shall indicate if it has/they have an interest in one or more audits and subsequently requests to be involved.
- b) In case that the participating NSA(s) request(s) to be involved, the accountable NSA and the participating NSA(s) define together this involvement taking into account Article 5 and Article 7.1 of the FABEC NSAs MoC.
- c) The participating NSA(s) may request that some specific point is audited by the accountable NSA. Such a request is accompanied by a rationale. The accountable NSA communicates its decision within a reasonable timeframe. If the request is not granted, this decision is accompanied by a rationale. If the request is granted, the paragraphs a and b are applicable.
- d) Personnel of the participating NSA works under the functional authority of the accountable NSA during the conduct of the specific inspections and/or audits.

7.5 Oversight of changes

Reference: NSA MoC Article 3c, Article 5 and Article 7.1.

- a) **FABEC changes** are handled as described in the procedure 'Notification and Review of FABEC Safety Related Changes'.
- b) **For other safety related changes requiring review** and affecting cross-border services the accountable NSA informs the participating NSA(s) without delay each time it is notified by an ANSP it has certified. The participating NSA(s) indicate(s) if it has/they have an interest in the review and acceptance process. In case that the participating NSA(s) request(s) to be involved, the accountable NSA and the participating NSA(s) define together this involvement taking into account Article 5 and Article 7.1 of the FABEC NSAs MoC.
- c) Personnel of the participating NSA works under the functional authority of the accountable NSA during the conduct of the specific review.

7.6 Safety directives

Reference: NSA MoC Article 5, Article 7.1 and Article 8.2

If an accountable NSA decides to issue a safety directive as defined in Regulation (EU) No 1034/2011, affecting air traffic service provision in the cross-border area, the participating NSA(s) is/are consulted if time permits before issuing the safety directive.

7.7 Working language

If in a certain case the language of the State is not the same for all NSAs concerned or if one of the NSAs involved requests so, the communication between the NSAs is in English. If requested by one NSA a summary of the relevant documents is provided in English.

EXPLANATORY NOTE

Paragraph 2 § (Scope)

Article 2 of Regulation (EC) No 550/2004 requires NSAs (inter alia) to have arrangements between them in place in case of cross-border services. According to its paragraph 1, Article 2 of Regulation (EC) No 550/2004 gives requirements regarding 'the appropriate application of this Regulation' (where 'this Regulation' means Regulation (EC) No 550/2004).

This means in fact that the 'cross-border NSA' requirement of article of Regulation (EC) No 550/2004 is limited to subjects having their basis in Regulation (EC) No 550/2004 and/or its implementing rules (IRs).

Based on this, a common FABEC NSAs cross-border oversight procedure, elaborating on the FABEC NSA MoC, for the implementation of article 2 Regulation (EC) No 550/2004 can be limited to these subjects. More subjects could of course be added between NSAs in separate arrangements if they wish to do so, but this is not compulsory.

Seen the above, this procedure that elaborates on the FABEC NSA MoC is indeed limited to the subjects that are compulsory under article 2 of Regulation (EC) No 550/2004. By adopting this procedure the FABEC NSAs can be certain to live up to the requirements of article 2 of Regulation (EC) No 550/2004 concerning cross-border services internal to the FABEC-area. It is then up to them if they would wish to add more subjects (e.g. incident investigation, interoperability, ...) in separate agreements.

Besides from this some 'cross border subjects' have already been dealt with directly within the FABEC NSA MoC of 27 January 2011 and are directly applicable to all FABEC NSAs. From a legal and logical point of view, it makes no sense to once more make arrangements for these subjects in a 'lower level' agreement.

Therefore, these subjects –see article 6, 7.2, 8 and 10 of the FABEC NSA MoC- have not been taken on board in this procedure. They apply directly to the FABEC NSAs.

Last but not least requirements that are already directly applicable through articles in Regulation (EU) No 1034/2011 are not included.

Paragraph 6.3 (Exchange of information)

Please note that article 8 FABEC NSA MoC and article 16 of Regulation (EU) No 1034/2011 are already directly applicable for the exchange of information and that subsequently this paragraph applies next to these articles.

Paragraph 6.4 (Audits and Inspections)

General:

Please note that article 19.5 FABEC Treaty and article 6 FABEC NSA MoC are already directly applicable for the cross-border supervision of ANSPs and that this paragraph applies next to these articles.

b: this paragraph on the one hand offers the NSAs flexibility, on the other hand makes sure that the requirements of articles 5 and 7.1 of the FABEC NSA MoC are complied with.

Paragraph 6.5 (Oversight of Changes)

General:

Please note that this article does not apply to the so called 'FABEC Changes'. See sub-paragraph a., which states that FABEC changes shall be dealt with in line with FABEC Manual PRO 04.

Paragraph 6.6 (Safety Directives)

Please note that article 13 Regulation (EU) No 1034/2011 – which gives the requirements for forwarding a copy of the safety directive to other NSAs concerned- is already directly applicable for safety directives. Paragraph 7.6 applies next to that article.

Seen the short timeframe usually available in case a safety directive needs to be issued, issuing a Safety Directive together with the participating NSA(s) seems to be somewhat unrealistic. As an alternative the '*consultation if time permits*' clause is introduced.

ANNEX 1

TABLE OF LOAs CONCERNING CROSS-BORDER SERVICES BASED ON 2011 LSSIP REPORTING

The table is covering areas within national airspace (corresponding to the State boundaries) in which an ANSP certified by another FABEC State is providing ATS.

Area where ATS is provided X-border	Airspace under the responsibility of State...	ATS Provider	ATS Provider certified by State ...	Legal framework (A, B or C)	Title of agreement	Agreement date
France						
L607, KONAN-KOK	France	Belgocontrol	Belgium	C	LoA between Lille APP and Brussels ACC	16/02/2006
L607, KONAN-KOK	France	Belgocontrol	Belgium	C	LoA between PARIS ACC and Brussels ACC	16/02/2006
Oostende TMA	France	Belgocontrol	Belgium	C	LoA between Lille APP and Oostende APP	16/02/2006
Region of Geneva: ARR/DEP to/from Geneva airport	France	Skyguide	Switzerland	A	Agreement between France and Switzerland	22/06/2011
Region of Geneva: ARR/DEP to/from Geneva airport	France	Skyguide	Switzerland	A	LoA between Paris ACC/UAC and Geneva ACC	17/12/2009
Region of Geneva: ARR/DEP to/from Geneva airport	France	Skyguide	Switzerland	A	LoA between Reims ACC/UAC and Geneva ACC	20/10/2011
Region of Geneva: ARR/DEP to/from Geneva airport	France	Skyguide	Switzerland	A	LoA between Marseille ACC/UAC and Geneva ACC/APP	17/12/2009
Region of Geneva - TMA 8 of Lyon APP	France	Skyguide	Switzerland	C	LoA between Lyon APP and Geneva ATC	22/10/2009
Arrival to Zurich TMA	France	Skyguide	Switzerland	C	LoA between Reims ACC and Zurich ACC	17/11/2011
Arrival to Zurich TMA	France	Skyguide	Switzerland	C	LoA between Basle APP and Zurich ACC&APP	4/06/2009
French portion of Karlsruhe Baden Baden CTR	France	GmbH – EDSB TWR	Germany	C	LoA between Strasbourg APP and Karlsruhe – Baden Baden TWR	3/06/2010
French portion of Sarre TMA	France	DFS	Germany	C	LoA between Strasbourg APP and Langen ACC	18/10/2010

French portion of Saarbrücken CTR	France	DFS	Germany	C	LoA between Strasbourg APP and Langen ACC	18/10/2010
French portion of Zweibrücken CTR	France	DFS	Germany	C	LoA between Strasbourg APP and Langen ACC	18/10/2010
TMA4 and TMA3: from 2500ft MSL to FL75 included	France	ANA Luxembourg	Luxembourg	C	LoA between Reims ACC and LUX APP	27/11/2003
TMA4 and TMA3: from 2500ft MSL to FL75 included	France	ANA Luxembourg	Luxembourg	C	LoA between Paris ACC and LUX APP	8/06/2006
TMA4 and TMA3: from 2500ft MSL to FL75 included	France	ANA Luxembourg	Luxembourg	C	LoA between Strasbourg APP and LUX APP	1/10/2010
Cross Border Working Volumes CBWV1a and CBWV1b	France	MUAC	The Netherlands	C	LoA between Reims ACC and MUAC	7/05/2009
Cross Border Working Volumes CBWV1a and CBWV1b	France	MUAC	The Netherlands	C	LoA between Paris ACC and MUAC	7/05/2009
PINOT and SORAL areas	France	MUAC	The Netherlands	C	LoA between Reims UAC and MUAC	25/08/2011
PINOT and SORAL areas	France	MUAC	The Netherlands	C	LoA between Paris ACC and MUAC	25/08/2011
Belgium						
Lille TMA 2 & 9	Belgium	DSNA	France	C	LoA SNA Nord (Lille APP) / Brussels ACC	16.02.2006
ELLX TMA 7 & CTA South	Belgium	ANA Luxembourg	Luxembourg	A	A letter of agreement exists....'	?
Brussels UIR above FL 245	Belgium	MUAC	The Netherlands	B	Agreement relating to the provision and operation of ATS and facilities by EUROCONTROL at MUAC	25.11.1986
MAASKIRCHEN & VAALS areas	Germany	Belgocontrol	Belgium	C	LoA Langen ACC (Sectors DLDN, DKAU) / Brussels ACC	11.03.2010
R7 / UN853	Germany	Belgocontrol	Belgium	C	LoA Langen ACC (Sectors RUD, KIR, EIF & PFA) / Brussels ACC	10.03.2010
L607 / KONAN-KOK	France	Belgocontrol	Belgium	C	LoA SNA Nord (Lille APP) / Brussels ACC	16.02.2006
L607 / KONAN-KOK	France	Belgocontrol	Belgium	C	LoA Paris ACC / Brussels ACC	16.02.2006
Luxembourg national airspace >FL135 and <FL245	Luxembourg	Belgocontrol	Belgium	C	LoA	?
Amsterdam UTA South-	Netherlands	Belgocontrol	Belgium	C	Loa between LVNL Amsterdam ACC and Belgocontrol -	28.08.2008

ern part					Brussels ACC	
Maastricht TMA-1 and TMA-2 excluding ROMIN area, Worms North and Worms South between FL095 and FL195	Netherlands	Belgocontrol	Belgium	C	LoA Brussels ACC / Beek ATC	15.05.2005
SASKI A (FL55 - FL245)	Netherlands	Belgocontrol	Belgium	C	LoA Amsterdam ACC / Brussels ACC	28.08.2008
L179 Area between FL095 and FL195	Netherlands	Belgocontrol	Belgium	C	LoA between Mil ATCC Nieuw Milligen to Brussels ACC and approach	08.05.2008
Zeeland Area (3500ft AMSL - FL555) class E	Netherlands	Belgocontrol	Belgium	C	LoA Mil ATCC Nieuw Milligen / Brussels ACC	08.05.2008
4 AB concerned: AB 1 Amsterdam UTA Southern part; AB 2 Nieuw-MilligenTMA-D in Amsterdam UTA; AB 3 Kleine-Broegel Coordination Area; AB 4 Kleine-Broegel CTR	Netherlands	Belgian Defense	\	C	LVNL /Amsterdam ACC has no LoAs with military units apart from AOCs NM (MILATCC NM). All 4 cases of cross border ATS are based on LoAs between AOCs NM and Belgian Defense, Air Traffic Control Centre/RP Semmerzake	10.04.2008
The Netherlands						
Amsterdam UTA southern part	The Netherlands	Belgocontrol	Belgium	C	LoA between LVNL (Amsterdam ACC) and Belgocontrol - Brussels ACC	28/08/2008
Maastricht TMA-1 and TMA-2 excluding ROMIN area, Worms North and Worms South Area between FL 095 and FL 195	The Netherlands	Belgocontrol	Belgium	C	LoA between LVNL – ATS Beek and Belgocontrol – Brussels ACC	12/05/2005
SASKI A (FL55 – FL245)	The Netherlands	Belgocontrol	Belgium	C	LoA between LVNL (Amsterdam ACC) and Belgocontrol – Brussels ACC	28/08/2008
L179 Area between FL 095 and FL 195	The Netherlands	Belgocontrol	Belgium	C	LoA between Mil ATCC Nieuw Milligen to Brussels ACC and Approach	8/05/2008
Zeeland area (3500ft AMSL - FL555)	The Netherlands	Belgocontrol	Belgium	C	LOA MilATCC Nieuw Milligen / Brussels ACC	8/05/2008
Amsterdam UTA Southern part	The Netherlands	Belgian Defence	Belgium	C	LoA between AOCs Nieuw-Milligen and Belgian Defence, ATC RP Semmerzake	10/04/2008

Nieuw–Milligen TMA–D in Amsterdam UTA	The Netherlands	Belgian Defence	Belgium	C	LoA between AOCs Nieuw-Milligen and Belgian Defence, ATC RP Semmerzake	10/04/2008
Kleine Brogel Coordination Area	The Netherlands	Belgian Defence	Belgium	C	LoA between AOCs Nieuw-Milligen and Belgian Defence, ATC RP Semmerzake	10/04/2008
Kleine Brogel CTR	The Netherlands	Belgian Defence	Belgium	C	LoA between AOCs Nieuw-Milligen and Belgian Defence, ATC RP Semmerzake	10/04/2008
Niederrhein CTR	The Netherlands	DFS	Germany	C	LoA between LVNL –Beek ATS and DFS – Langen ACC	14/02/2008
ROMIN Area	The Netherlands	DFS	Germany	C	LoA between LVNL –Beek ATS and DFS – Langen ACC	14/02/2008
WORMS North Area	The Netherlands	DFS	Germany	C	LoA between LVNL –Beek ATS and DFS – Langen ACC	14/02/2008
WORMS South Area	The Netherlands	DFS	Germany	C	LoA between LVNL –Beek ATS and DFS – Langen ACC	14/02/2008
L179 airway area between DIBIR and ROMIN	The Netherlands	DFS	Germany	C	LoA between LVNL (Beek ATS) and DFS (Langen ACC)	14/02/2008
Germany						
Sectors DLDN and DKAU, Maskirchen and Vaals areas FL 095-195	Germany	Belgocontrol	Belgium	C	LoA between Belgocontrol/Brussel ACC and DFS/Langen ACC	11/03/2010
Sectors RUD, KIR, EIF and PFA)	Germany	Belgocontrol	Belgium	C	Loa between Belgocontrol and Langen	21/12/2006
Area south of Rhein-Zurich-line (Bodensee area), FL 245-660	Germany	Skyguide	Switzerland	C	LoA between DFS/UAC Karlsruhe and Skyguide/ACC Zürich	8/05/2008
SEGMA area north of Rhein-Zurich-line, FL 245-660	Germany	Skyguide	Switzerland	C	LoA between DFS/UAC Karlsruhe and Skyguide/ACC Zürich	8/05/2008
Southern part of Langen FIR	Germany	Skyguide	Switzerland	C	LoA between DFS/ACC Langen and Skyguide/ACC Zurich	18/12/2008
Airspace west of Munich-Zurich-line	Germany	Skyguide	Switzerland	C	LoA between DFS/ACC Munich and Skyguide/ACC Zurich	8/05/2008
Rhine Valley	Germany	DSNA	France	C	LoAs between DFS/ACC Langen and Strasbourg APP (18.11.2010) and Lahr TWR and Strasbourg APP (08.06.2006)	18.11.2010; 08.06.2006
German part of Basel TMA	Germany	DSNA	France	C	LoA between Basel APP and DFS/Langen ACC	21/12/2006
TMA3 from 1000 ft AGL to FL 095 included; TMA4 and TMA2 from 100 ft AGL to FL 135 included	Germany	ANA Luxembourg	Luxembourg	C	LoA between DFS and LUX APP	10/03/2011

Maskirchen A area and Vaals A area between 100 ft GND and FL 095	Germany	LVNL	The Netherlands	C	LoA between DFS/ACC Langen and LVNL/Beek ATS	16/12/2010
German part of Maastricht CTR	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL/Beek ATS	16/12/2010
SONEB	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL/Amsterdam ACC	18/11/2010
Hannover UIR above FL 245	Germany	MUAC	The Netherlands	B	4-states MUAC agreement	25/11/1986
KOSIT area	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
BITBU area	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
WARBURG area	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
KEMAD low area, FL 245 - 255	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
KEMAD high area, FL 255 - 295	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
NOMKA area	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
RISOK area	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	15/12/2011
Schwerin South high, FL 285 - 660	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
Schwerin South low, FL 245 - 255	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
RISOK low, FL 245 - 285	Germany	MUAC	The Netherlands	C	LoA between EUROCONTROL/Maastricht UAC and DFS/Karlsruhe UAC	19/11/2009
RKN B area	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL Amsterdam ACC	18/11/2010
AMOSU area	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL Amsterdam ACC	18/11/2010
Kleve low, FL 095 - 145	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL Amsterdam ACC	18/11/2010
Kleve high, FL 145-245	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL Amsterdam ACC	18/11/2010

Kleve low, 2500 ft - FL 095	Germany	LVNL	The Netherlands	C	LoA between DFS/Langen ACC and LVNL Amsterdam ACC	1/12/2010
Twente	Germany	RNLAF	The Netherlands	C	LoA between DFS/MUAC and RNLAF/MilATCC Nieuw Milligan	11/03/2010
Luxembourg						
Luxembourg national airspace >FL135 and <FL245	Luxembourg	Belgocontrol	Belgium	A	Historic arrangement	?
Brussels UIR above FL245	Luxembourg	MUAC	The Netherlands	A	State Agreement (NL, BE, DE, LU)	25/11/1986
Switzerland						
Swiss Portion of Basel TMA	Switzerland	DSNA	France	C	LoA between ATC Reims and Zurich	19/05/2009



FABEC Implementation Phase NSAC – Manual

Procedure for

Notification and Review of FABEC Safety Related Changes

DOCUMENT SUMMARY

Objective: This document explains how a FABEC change has to be notified to the FABEC NSA TF/NSAC and how this body will review it to provide coordinated answers to the ANSPs concerned			
Origin: Provisional FABEC NSAC		Audience: FABEC	
Title: Notification and Review of FABEC safety related changes			
Reference: FABEC NSAC Manual Review of FABEC changes V2.0.doc			
Version: 2.0	Date: 22.02.2012	Status: <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Released	Classification: <input checked="" type="checkbox"/> Public <input type="checkbox"/> FABEC limited <input type="checkbox"/> Addressees limited
<p>Explanation version numbers:</p> <p>V 0.0: working draft</p> <p>V 0.1: draft issue</p> <p>V 1.0: released issue</p> <p>V 1.1: amended issue</p> <p>V 2.0: reviewed issue</p>			

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1 PURPOSE

The aim of this document is to describe the procedure used by the NSAs (National Supervisory Authorities) of the FABEC (Functional Airspace Block – European Centre) area in order to review the safety assessments linked with FABEC changes planned by the FABEC ANSPs¹ (Air Navigation Service Providers).

2 SCOPE

- What is a “FABEC change”?

Taking into account Commission Implementing Regulation (EU) No 1034/2011, the term “change”, as considered in this procedure, is any safety-related modification impacting ANS, ATFM or ASM.

In complement to this broad definition, FABEC changes are defined in this procedure as:
*Safety-related changes impacting the functional system in the FABEC area and **impacting more than one ANSP in two or more FABEC states.***

- Definitions
 - **Involved NSA:**
National Supervisory Authority responsible for the oversight of at least one of the ANSPs that are impacted by the FABEC change².
 - **Administrator:**
The administrator is in charge of the tasks defined in Annex 1 of this procedure.

3 GENERAL NOTICE

The present procedure will enter into force as soon as the agreement on the cooperation of the FABEC NSAs becomes effective. At that time, the FABEC NSA Committee (NSAC) will be implemented.

Nevertheless, the procedure is provisionally applicable in the meantime as soon as a change has been planned and concerns the FABEC, as arranged through Article 12.2 of the agreement on the cooperation of the FABEC NSAs.

The term “NSAC”, used in the present document, has to be seen as the “FABEC NSA Committee (NSAC)”. Until the agreement on the cooperation becomes effective the FABEC NSAC is denominated officially the ‘Provisional FABEC NSA Committee (PFNSAC)’, but further in this procedure the terminology NSAC is used only.

Throughout this procedure, decision-making can be done through e-mails or any appropriate communication means.

Within the review teams, the 4-States NSA Committee can be represented by a single representative from one of the 4-States NSAs. In this case, this person represents both the 4-States NSA Committee and his NSA.

Revision of the procedure:

A new version of the procedure can be elaborated by the “FABEC-NSA Sub-Task Force on the oversight of FABEC changes”, when deemed necessary, or on request from the chairperson of the NSAC. The candidate version is submitted to the NSAC, and after formal approval by the NSAC Manual Working Group/Task Force and the NSAC, it will be signed by the NSAC chairperson.

¹ Note: ANSPs considered in this procedure are the ones under the oversight of the FABEC NSAs represented in the FABEC NSAC.

² Note: In this context, the “4-States NSA committee” is seen as the NSA of the MUAC ATC Centre.

4 DOCUMENT TEMPLATES

The following templates and forms accompany this procedure:

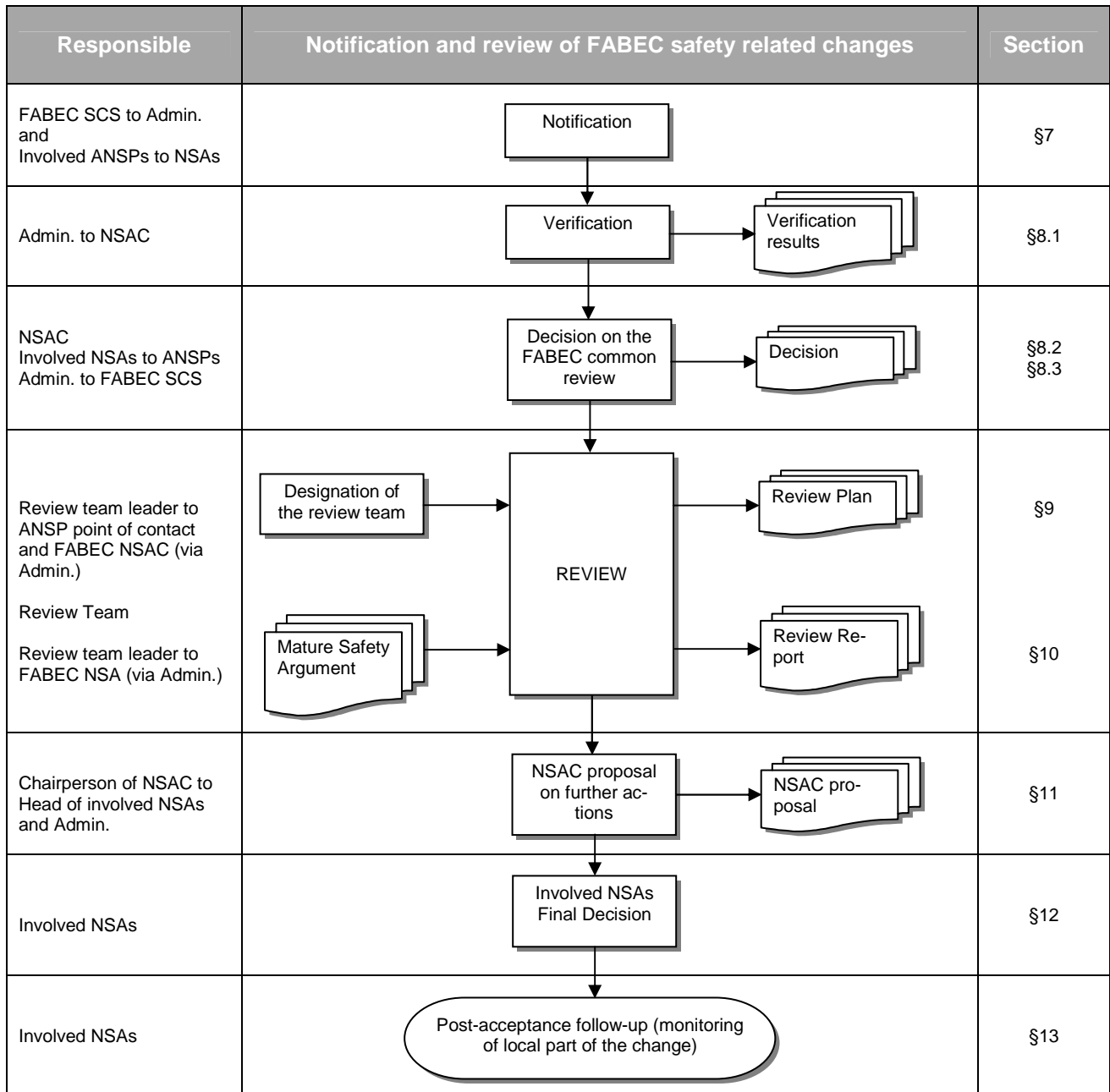
- Review report form
- Comment sheet
- Review plan form
- Result of the verification template
- Template for the NSAC proposal
- Template for the regular reports from the administrator
- Form on the information provided by the NSA to the ANSP after a decision has been taken on a notified change

They can be found on the OneSky Website.

5 RECORDS & ARCHIVES

Document	Owner	Medium	Archives storage	Retention Time	Ending
Initial notification (part A and part B if available)	Administrator	Soft copy	OneSky Team Website	10 years	Delete
Last version of the verification results	Administrator	Soft copy	OneSky Team Website	10 years	Delete
Decision taken by the involved members of the NSAC as an answer to the notification	Administrator	Soft copy	OneSky Team Website	10 years	Delete
Last version of review plans of FABEC common reviews	Administrator	Soft copy	OneSky Team Website	10 years	Delete
Last version of the review reports of FABEC common reviews	Administrator	Soft copy	OneSky Team Website	10 years	Delete
Validated proposals from the NSAC	Administrator	Soft copy	OneSky Team Website	Unlimited	N/A
Final decisions from the involved NSAs	Administrator	Soft copy	OneSky Team Website	Unlimited	N/A
Mature versions of the safety arguments	Review team leader	Hard/Soft copy	Records procedure of the team leader NSA	Unlimited	N/A

6 PROCEDURE FLOW CHART



SCS: Standing Committee on Safety
 NSAC: NSA Committee
 Admin.: Administrator

7 NOTIFICATION OF FABEC CHANGES

7.1 Entry point for the notification of FABEC changes

The FABEC changes are notified both:

- to the administrator of the FABEC NSAC by the FABEC Standing Committee on Safety, and at the same time
- to each concerned NSA by each ANSP.

7.2 Content of a notification of a FABEC change

The following items shall be in the content of the notification of a FABEC change:

Part A:

- a statement indicating that the notified change is a FABEC change as per definition in §2 of this procedure,
- a description of the change,
- the ANSPs impacted and all other stakeholders impacted,
- the identification of a ANSP point of contact (who is the “change project leader” and designated as such by the Standing Committee Safety, as defined in the ANSPs procedures),
- a first evaluation of the severity of the change (if any),
- any risk assessment and mitigation methodology to be used by the ANSPs and any option chosen by the ANSPs amongst the three defined in the Safety Risk Assessment Process (SRAP) and referred to in Annex 2 of this procedure,
- the initial timescale for intended entry into service.

After the notification, the following elements should be sent by the ANSP point of contact to the administrator when they are available. It is anticipated that these elements will be contained within supporting documentation that will be generated by the project according to the selected Safety Risk Assessment Process (SRAP) option referred to in Annex 2 of this procedure:

Part B:

- a first brief assessment of the hazards linked with the change, describing the boundaries with the rest of the functional system and the interfaces with other stakeholders, other elements and/or systems,
- level of severity of the common part (if any) and the levels of severity of local parts (if any),
- a statement in the case where the entry into service introduces the need for new aviation standards (i.e. any effect on the airborne ATM functional system),
- the breakdown between the common part and the individual/local parts of the safety assessment, as well as the relevant interdependencies between the various common and local parts of the safety assessment.

Note: In the case where the considered change is already under review by a FABEC review team (see hereafter), the information in part B is forwarded by the administrator to the Review Team Leader.

7.3 Minimum time between the notification and the entry into service

The items identified in part A (see §7.2) shall be sent to the administrator of the NSAC as soon as possible and, as a deadline, **4 months** before the planned entry into service of the considered change.

7.4 Reference system of FABEC changes

Upon reception of the part A of the notification of a FABEC change, the administrator gives a reference to this change.

Then, this is the reference of the FABEC change for the rest of the process.

7.5 Link with national notification procedures

The notification procedures defined by each NSA, in conformity with Article 9, paragraph 2 of Commission Implementing Regulation (EU) No 1034/2011, should take into account the notification of FABEC changes, in particular on the following aspects:

- necessity for the FABEC changes to be notified both to the NSAC via the FABEC administrator and to the involved NSAs (see §7.1),
- content of the notification of FABEC changes (see §7.2),
- minimum time between the notification and the entry into service (see §7.3).

8 SELECTION OF THE CHANGES TO BE SUBJECT TO A FABEC COMMON REVIEW

8.1 Verification of the notified change

As soon as the administrator has received a notification for a FABEC change, the administrator verifies, based on the information provided:

- whether the notified change meets the definition of a FABEC change, as given in paragraph §2, and
- whether a review and acceptance of the notified change is mandatory to be reviewed on the basis of Commission Implementing Regulation (EU) No 1034/2011. The conditions set for mandatory review and acceptance in CIR (EU) No 1034/2011 are as follows:
 - a. when the severity assessment conducted in accordance with Annex II, part 3.2.4 of Commission Implementing Regulation (EU) No 1035/2011 (Common Requirements), determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified, or
 - b. when the entry into service introduces the need for new aviation standards (i.e. any effect on the airborne ATM functional system).

In order to conclude the verification, the administrator may exchange information directly with the ANSP point of contact.

As soon as possible and **no later than 3 weeks** after receiving the part A notification, the administrator forwards the notification of the change together with the result of the above verification to the members of the FABEC NSAC.

The administrator updates this verification as soon as complementary information is provided by the involved ANSPs and sends the updated verification to the FABEC NSAC.

As part of the verification, the administrator may also address recommendations to the members of the FABEC NSAC in order to facilitate their decision. For example, in case where the notified change is not mandatory to be reviewed, the administrator may provide some indications and rationale on whether this FABEC change should be commonly reviewed or not. He may also recommend the method for the FABEC review (see §8.2.b).

8.2 Decision on the FABEC review of the notified change

Taking into account the result of the verification made by the administrator (see §8.1), the involved members of the NSAC shall decide by consensus one of the following:

- to perform a FABEC common review of the change,
- not to perform a FABEC common review of the change, or
- to wait for more information on the change.

The chairperson of the NSAC coordinates these discussions. If consensus cannot be reached, the notified change will not be subject to a FABEC common review.

In case a FABEC common review has been decided, the involved members of the FABEC NSAC shall agree on the method to be followed (see §8.3) and their respective NSA shall participate to the FABEC common review (it shouldn't be necessary to have exactly the same persons for both tasks).

In case the involved members of the NSAC decide to wait for more information on the change, the chairman of the NSAC shall ask the administrator to contact the ANSP point of contact to obtain the needed information and update the verification result (see §8.1).

In all cases, the involved NSAs inform "their" ANSPs on the decision taken and on the rationale for this decision.

In all cases, the administrator on behalf of the FABEC NSAC informs the FABEC Standing Committee Safety on the decision taken and on the rationale for this decision.

8.3 Method for the FABEC common review

In case where the involved members of the NSAC have decided to perform a FABEC common review, they have to decide by consensus and under the coordination of the chairperson of the NSAC between the two following methods:

Method A: FABEC common review of the common part of the safety assessment

The FABEC review team will be tasked with the review of the common part of the safety assessment proposed by the ANSPs. The review of the local parts will be carried out by individual review teams assigned by the individual NSAs.

This method is particularly appropriate when the FABEC ANSPs choose option 2 of their procedure (see Annex 2 of this procedure).

Method B: FABEC common review of the total safety assessment

The review of the common part and of the local implementations will be carried out by the FABEC review team.

This method is particularly appropriate when the FABEC ANSPs choose option 1 or 3 of their procedure (see Annex 2 of this procedure).

9 DESIGNATION OF THE REVIEW TEAM

9.1 List of reviewers

A list shall exist, giving:

- possible reviewers, preferably with areas of expertise,
- possible review team leaders, preferably with areas of expertise,
- contact points within the FABEC NSAs, responsible for allocating review resources, as requested by the administrator.

This list is regularly updated by the administrator, based on the information given by each of the FABEC NSAs.

9.2 Composition of the review team

In case a FABEC common review has been decided, a review team is created, composed of:

- a review team leader,
- reviewers.

All involved NSAs shall participate in this review team.

9.3 Global process description

The administrator is in charge of the coordination of the designation of the review team, in relation with each contact point of the involved NSAs.

The contact points are in charge of proposing possible reviewers and/or review team leaders.

a. Designation of the review team leader

For each notified change subject to a FABEC common review, the administrator asks the contact points of the involved FABEC NSAs to propose possible candidates for the review team leader **within one week**.

After receiving such candidates for the review team leader, the administrator makes a proposal for the appointment of the review team leader and sends this proposal to the involved NSAC members.

The review team leader is designated and mandated by the involved members of the FABEC NSAC, based on the proposal made by the administrator.

b. Constitution of the review team

The review team leader coordinates with the contact points of the involved NSAs to constitute the review team, with the help from the administrator if needed.

Each contact point of the involved NSAs shall ensure that a reviewer from his NSA is included within this proposed review team.

The contact points of the non-involved NSAs have the possibility, in coordination with the administrator, to provide an observer.

c. Review plan

The review team produces a review plan including, as a minimum:

- a brief description of the change,
- the method for the review (see §8.3),
- the members of the review team and the observers if any,

- the ANSP point of contact, and
- the different timeframes for the change, as provided by the ANSPs.

In case of the modification of at least one of the items listed above, an updated review plan is produced by the review team.

The initial review plan and all updates of this review plan are issued by the review team leader to the ANSPs point of contact and to the administrator.

The administrator forwards the review plan to the FABEC NSAC for information.

10 REVIEW OF A SAFETY ASSESSMENT

10.1 General principles for the FABEC review

The FABEC common review is conducted by the review team in a manner commensurate with the level of risk posed by the new functional system or change to existing functional systems.

The review will:

- a. use documented procedures,
- b. be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions,
- c. consider the safety objectives, safety requirements and other safety-related conditions that are related to the change under consideration which have been identified in:
 - EC declarations of verification of systems;
 - EC declarations of conformity or suitability for use of constituents of systems; or
 - risk assessment and mitigation documentation established in accordance with applicable safety regulatory requirements,
- d. wherever needed, identify additional safety-related conditions associated to the implementation of the change,
- e. assess the acceptability of safety arguments presented, taking account of:
 - the identification of hazards,
 - the consistency of the allocation of severity classes,
 - the validity of the safety objectives,
 - the validity, effectiveness and feasibility of safety requirements and any other safety related conditions identified,
 - the demonstration that the safety objectives, safety requirements and other safety-related conditions are continuously met, and
 - the demonstration that the process used to produce the safety arguments meets the applicable safety regulatory requirements,
- f. verify the processes used by the ANSPs to produce the safety arguments in relation to the new functional system or changes to existing functional systems under consideration,
- g. identify the need for the verification of on-going compliance,
- h. include any necessary co-ordination activities with the authorities responsible for the safety oversight of airworthiness and flight operations, and
- i. provide for a review report and an advice on the acceptance, with conditions where applicable, or the non-acceptance, with supporting rationale, of the change under consideration.

During the review, new versions of safety argument concerning the change under consideration may become available. Relevant versions are forwarded by the ANSP point of contact to the review team leader preferably by email as soon as they are available.

As part of the review, the review team may require additional documentation concerning the change under consideration. If so, the review team leader requests the required information from the ANSP point of contact for the considered change. Upon such a request, the ANSP point of contact makes available the required information, preferably by email.

10.2 Reception of the mature safety argument

The mature safety argument, including all requested pieces of evidence, is to be sent **one month** prior to the introduction into service. It should be a conclusive and signed version of the safety argument, as some outstanding pieces of evidence may need to be collected less than one month prior to the introduction into service for safety reasons.

This mature version has a complete safety argument structure and clearly identifies the issues that are still to be addressed and when it is expected to be “closed”. The mature safety argument should contain sufficient information for the NSAC to take its decision.

10.3 Issuance of the review report

As soon as the review team has finished its review report, it is issued to the administrator by the review team leader. Upon receipt, the administrator forwards the review report to the involved members of the NSAC.

a. **Method A – FABEC common review of the common part of the safety assessment**

If the method A has been chosen and when the conduct of the review has been completed, the review report contains, as a minimum:

- a description of the change, including the description of the interdependencies between the AN-SPs, airspaces and NSAs concerned,
- the review plan in its latest version,
- a list of documents received and reviewed,
- a summary of the conduct of the review, and
- advice on the conduct of the review of the local parts, including:
 - required conditions for introductions into service,
 - possible impact on local introductions into service.

The review report can also include an opinion on the potential acceptability of the local changes, given the results of the review of the common part.

b. **Method B – FABEC common review of the total safety assessment**

If the method B has been chosen and when the conduct of the review has been completed, the review report contains, as a minimum:

- a description of the change, including the description of the interdependencies between the AN-SPs, airspaces and NSAs concerned,
- the review plan in its latest version,
- a list of documents received and reviewed,
- a summary of the conduct of the review, and
- advice on the acceptances on the introduction into service of the FABEC change under consideration, with a set of conditions where applicable.

c. **Disagreement between the Review Team members**

In case of a disagreement within the review team concerning the review report, the review team leader should inform the administrator and the involved members of the NSAC of this situation.

The involved members of the NSAC should then decide on the process to be followed to resolve the issue.

11 NSAC PROPOSAL

Upon reception of the review report, the involved members of the NSAC have to decide on the conclusion of the review. The chairperson of the NSAC coordinates these discussions, via NSAC meeting or email.

11.1 All involved members agree on the conclusions of the review report

When all involved members of the NSAC agree on the conclusions of the review report, the administrator documents this decision and prepares a proposal on the further actions to be taken by the involved NSAs:

- in case where method A had been chosen, this proposal is a piece of advice on the conduct of the review of the local parts, including:
 - required conditions for introductions into service,
 - possible impact on local introductions into service,
- in case where method B had been chosen, this proposal is a piece of advice on the acceptances on the introduction into service of the FABEC change under consideration, with a set of conditions where applicable.

The draft proposal is then issued by the administrator to the chairperson of the NSAC for validation.

Once validated, the proposal is then communicated by the chairperson of the NSAC to the Heads of the involved NSAs for their consideration and by copy to this administrator.

11.2 Some involved members do not agree on the conclusions of the review report

The involved members of the NSAC ask the review team leader to go back to the ANSPs point of contact in order to address the remaining issues.

In case this resolves the issues, a proposal is issued according to §11.1.

Otherwise, the involved members of the NSAC define further actions to be taken.

12 INVOLVED NSAs FINAL DECISIONS

General notice: The review report is for internal use by the FABEC NSAs only and shall not be submitted to the ANSPs.

12.1 Method A

The involved NSAs take into account the proposal communicated by the chairperson of the NSAC during the review and acceptance process of the local parts of the change.

12.2 Method B

Each involved NSA issues a letter to the involved local ANSP stating the acceptance, with conditions were applicable, or the non-acceptance of the local part of the change under consideration. A copy of the letter is sent to:

- all involved members of the FABEC NSAC,
- the chairperson of the FABEC NSAC,
- the chairperson of the FABEC Standing Committee Safety,
- the FABEC ANSP point of contact,
- the administrator, and
- the review leader.

This decision letter is accompanied with a translation in English.

13 POST-ACCEPTANCE FOLLOW UP

It is the responsibility of the involved NSAs to monitor the meeting of the conditions set to the introduction into service by the ANSP(s) under its supervision of the local part of the change.

In case that a condition associated with the acceptance is not met and may affect others ANSPs, the respective member of the FABEC NSAC informs the FABEC NSAC through the administrator on this situation and on the actions taken.

14 ANNEXE(S)

Annex 1 – Administrative Support

Annex 2 – Three options for the FABEC Safety Cases

ANNEX 1 – TASKS OF THE ADMINISTRATOR

This annex describes the tasks devoted to the “administrator” as defined in the procedure for the notification and review of FABEC changes. The chapters in this annex refer to the corresponding chapters in the procedure.

Notification of FABEC changes

The tasks of the administrator corresponding to §7 – “Notification of FABEC changes” of the procedure are as follows:

- Receiving the notification on behalf of the FABEC NSA Committee;
- Giving a reference to the notified FABEC change.

Selection of the changes to be subject to a FABEC common review

The tasks of the administrator corresponding to §8 – “Selection of changes to be subject to a FABEC common review” are as follows:

- Making a first verification of the notified FABEC change and updating it as soon as complementary information is provided by the involved ANSPs;
- Forwarding the notification together with the result of the above verification to the members of the FABEC NSA Committee;
- Informing the FABEC Standing Committee Safety on the decision concerning the FABEC review of the notified change.

Designation of the review team

The tasks of the administrator corresponding to §9 – “Designation of the review team” of the procedure are as follows:

- Asking the contact points of the involved NSAs of the FABEC NSAC to propose possible candidates for the review team leader;
- Making a proposal for the appointment of the review team leader and sending this proposal to the involved NSAC members;
- If needed, helping the review team leader to constitute the review team;
- Forwarding the review plan issued by the review team leader to the FABEC NSAC for information.

Review of a safety assessment

The tasks of the administrator corresponding to §10 – “Review of a safety assessment” are as follows:

- Receiving the FABEC review team report from the FABEC review team leader;
- Forwarding the review report to the involved members of the NSAC.

NSAC proposal

The tasks of the administrator corresponding to §11 – “NSAC proposal” of the procedure are as follows:

- When all involved member’s of the NSAC agree on the conclusions of the review report :
 - Documenting the decision, and preparing a draft proposal on the further actions to be taken by the involved NSAs ;
 - Issuing this draft proposal to the chairperson of the NSAC for validation;
 - Receiving (by copy) the validated proposal from the chairperson of the NSAC.
- When some involved members of the NSAC do not agree: no task is awaited from the administrator.

Involved NSAs final decision

The task of the administrator corresponding to §12 – “Involved NSAs final decision” is as follows:

- Receiving copies of the letters issued by the involved NSAs to their ANSPs, in case of a “method B” FABEC common review.

Post-acceptance follow-up

The task of the administrator corresponding to §13 – “Post-acceptance follow-up” of the procedure is as follows:

- Informing the FABEC NSAC when he is informed by a member of the FABEC NSAC that a condition associated with the acceptance is not met and may affect others ANSPs.

Record keeping

The administrator shall upload all relevant decision making documentation (see §5 – “Records & archives” of the procedure) to a dedicated folder on the FABEC NSAs One Sky Teams website.

General Tasks

- Regular reports
The administrator should, on a regular base defined by the NSAC, send reports to all members of the FABEC NSAC and to the FABEC Standing Committee Safety. These reports should contain, as a minimum:
 - The list of the currently notified FABEC changes;
 - The list of the FABEC changes currently under a FABEC common review;
 - The list of the FABEC changes which were subject to a FABEC common review and on which a decision has been made by the FABEC NSAC
- Lists
The administrator shall keep the following lists updated, based on the information provided by the contact points of each FABEC NSAs:
 - Head of the NSAs and their deputies if any
 - Members of the FABEC NSAC, with the Chairperson identified
 - Possible FABEC reviewers, with areas of expertise, if known
 - Possible FABEC Review Team leaders, with areas of expertise, if known
 - Contact points of each NSA

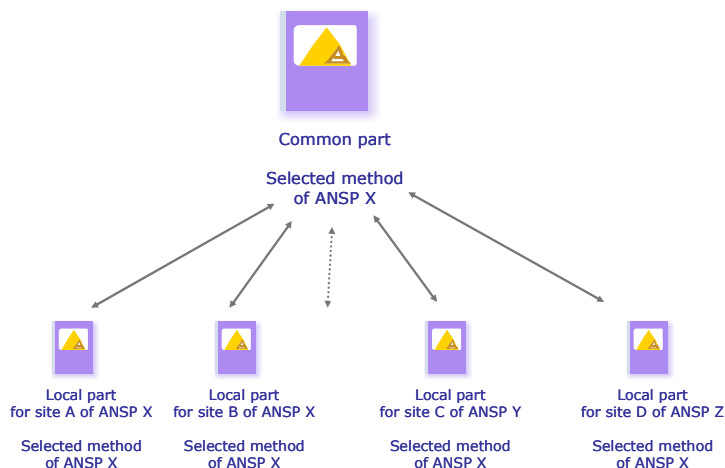
ANNEX 2 – THREE OPTIONS FOR THE FABEC SAFETY CASES

(From the “Safety risk assessment and mitigation for FABEC changes (SRAP)” procedure, version 2.7)

Safety case option 1: One selected existing method

Key for safety case option 1 is that all ANSPs that are planning to implement the change use the same method for safety risk assessment and mitigation. The selected method is one of the existing methods of the affected ANSPs (most likely the method of the ANSP that is leading the change).

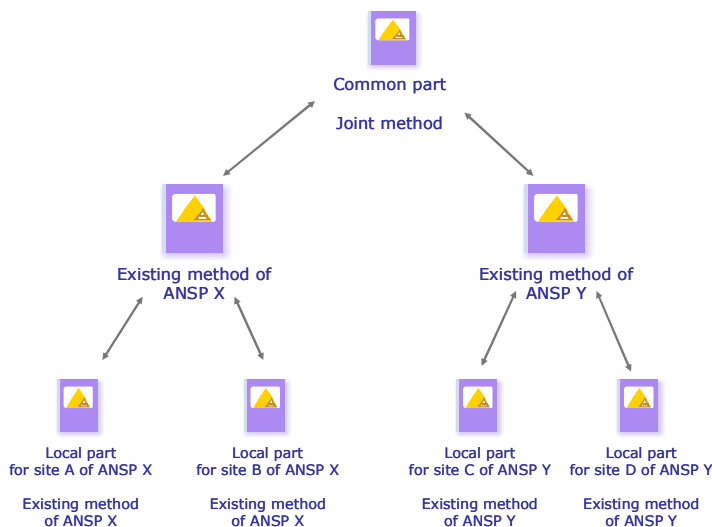
In the following figure, safety case option 1 is illustrated.



In addition to direct applicability, a main foreseen advantage of this option is that FABEC ANSPs get familiar with, and learn from other existing methods that are used by colleague FABEC ANSPs.

Safety case option 2: Mix of joint method and individual existing methods

Key for option 2 is that, to a large extent, ANSPs stay with their own existing methods. The only exception is the usage of a joint method for the common part. At this moment, this can for example be the way how hazards are identified. For all other steps, the FABEC ANSPs stay with their own existing methods for safety risk assessment and mitigation. This option is illustrated in the following figure.



In addition to direct applicability, main foreseen advantages of this option are that FABEC ANSPs stay close to internal (decision making) processes and NSA familiarity.

Safety case option 3: One FABEC method for all

Key for option 3 is that all FABEC ANSPs use a joint FABEC wide method for safety risk assessment and mitigation. This will apply to the common and local parts.



This option is planned to become the solution for FABEC in the future. Currently it cannot be applied as the joint method needs to be developed.



FABEC Implementation Phase States NSAC - Manual

Procedure for Safety Performance

DOCUMENT SUMMARY

Objective: This procedure describes the role of the FABEC NSA Committee (NSAC), the data and processes necessary to comply with the method of working of the NSAC/SAFP Task Force (SAFP TF), and the coordination with the Financial and Performance Committee (FPC) and the NSAs, for the elaboration and monitoring of Safety Aspects of the FABEC Performance Plan.	
Origin: NSAC/SAFP TF & NSAC Manual WG	Audience: NSAC and SAFP TF, FABEC FPC, AFG/PMG

Title : Safety Performance
Reference: FABEC NSAC Manual Safety Performance V1.0.doc

Version: 1.0	Date: 21.03.2012	Status: <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Released	Classification: <input checked="" type="checkbox"/> Public <input type="checkbox"/> FABEC limited <input type="checkbox"/> Addressees limited
<p>Explanation version numbers:</p> <p>V 0.0: working draft</p> <p>V 0.1: draft issue</p> <p>V.0.9: proposed issue</p> <p>V 1.0: released issue</p> <p>V 1.1: amended issue</p> <p>V 2.0: reviewed issue</p>			

DOCUMENT CHANGE RECORD

Version	Date	Reason for changes	Author of changes
0.0	16.08.2011	Working draft	Pierre Outrey
0.1	17.08.2011	Comments after coordination meeting	Pierre Outrey
0.2	26.08.2011	Comments after WG meeting #5	Pierre Outrey
0.3	16.11.2011	Comments before WG meeting #6	Pierre Outrey
0.4	17.11.2011	Inputs and discussions during meeting #6	Meeting members
0.4.1	17.11.2011	Inputs after meeting #6	Pierre Outrey
0.4.2	14.12.1011	Update deadlines in line with EU 1216/2011	Jos Nollet
0.5	17.01.2012	Update in line with FPC Process Description 2.1., NSAC decision on SAFP-TF, and NSAC-SAFP TF ToRs 0.4.1	Eric De Causemacker
0.5.1	18.01.2012	Preparatory document for meeting #7	Jos Nollet
0.5.2	19.01.2012	Comments on V0.5.1	Eric De Causemacker
0.5.3	24.01.2012	Inputs and discussions during meeting #7	Eric De Causemacker
0.5.4	25.01.2012	Inputs and discussions during FPC#3 – Removal of performance onsite inspections responsibilities to NSAC	Eric De Causemacker

0.5.5	28.01.2012	Revised chapters 7.1 / 7.2 / 7.3 / 7.4	Eric De Causemacker
0.5.6	01.02.2012	Revised chapters 7.4	Eric De Causemacker
0.5.7	07.02.2012	Revised chapters 7.5, 7.6	Eric De Causemacker
0.5.7.3	13.02.2012	Revised ANNEX 1 PO and JN comments	Pierre Outrey – Jos Nollet
0.5.8	14.02.2012	Draft for Manual WG and SO comments	Eric De Causemacker
0.5.9.1	22.02.2012	Revised due to NSAC Manual WG	Jos Nollet & Eric de Causemacker
0.6	22.02.2012	Further revision by the Manual WG & SAFP TF	WG members
0.9	23.02.2012	Proposed issue after editorial update	Jan Van Cauwenbergh
0.9.1	25.02.2012	Comments from CH, NL aggregated	Stefano Oberti – Jos Nollet
0.9.2	01.03.2012	Comments from CH, FR, NL addressed	Eric De Causemacker – Stefano Oberti – Jos Nollet
1.0	21.03.2012	Editorial refining for the released version	Manual WG meeting

DOCUMENT APPROVAL




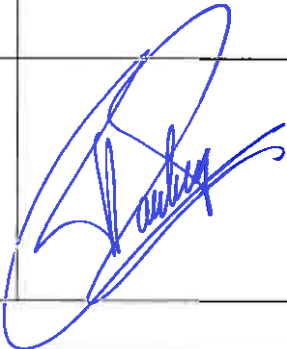
	Name	Signature	Date
Approved by chairperson NSAC Manual Working Group	Niels HEIJKOOP NSA The Netherlands		26.03.2012
Approved by chairperson NSAC SAFP TF	Eric DE CAUSEMACKER Belgian NSA		29.03.2012
Approved by chairperson FPC	Bernhard MAYR German MoT		29.03.2012
Approved by chairperson NSAC	Patrick VANHEYSTE Belgian NSA		05.04.2012

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1 PURPOSE

This procedure describes the role of the FABEC NSA Committee (NSAC), the data and processes necessary to comply with the method of working of the NSAC/SAFP Task Force (SAFP TF), the coordination with the Financial and Performance Committee [FPC] and with the different NSAs, for the elaboration and monitoring of the safety aspects of the FABEC Performance Plan.

2 SCOPE

This procedure is based on the following regulations and agreements:

- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky, in particular Article 11 thereof.
- Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions, as amended by Commission Regulation (EU) 1216/2011 of 24 of November 2011, in particular Article 4.
- Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services.
- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services.
- ED Decision No 2011/017/R of the 16 December 2011, on acceptable means of compliance and guidance material for the implementation and measurement of safety KPIs.
- FABEC Treaty, in particular Article 20.
- Agreement on the cooperation of the FABEC National Supervisory Authorities (FABEC NSA MoC), in particular Article 3g.

3 RESPONSIBILITIES

Referring to the Article 28 of the FABEC States Agreement, the National Supervisory Authorities Committee assists the FABEC Council on the implementation of Article 19 (Supervision) and, where applicable, Article 20 (Performance) and execute other tasks entrusted to it by the FABEC Council.

In that context, the NSAC will be responsible with regard to performance for the following activities:

- setting of targets on Safety;
- supervising the safety targets achievement;
- reviewing, when required, the safety related corrective action plans.

In more detail, the FABEC NSAC is responsible for the elaboration, implementation, monitoring and reporting of the safety performance, this includes:

- a. to elaborate and propose to the FABEC Council the safety aspects of the FABEC Performance Plan. In that context the NSAC will in any case be responsible to:
 - develop the safety indicators to be used either as PI or KPI;
 - develop the safety incentive scheme to be applied (if any);
 - evaluate the impact of the FABEC Performance Plan on safety aspects in order to validate the FABEC Performance Plan;
- b. to submit to the FABEC Council proposals for the safety performance targets (if any) at the FABEC level and pursue the harmonisation of the safety aspects in national performance plans;
- c. to take part in the consultation on the proposed Performance Plan with the stakeholders concerned.

To fulfil its tasks, the NSAC has established a Safety Performance dedicated task force (NSAC/SAFP TF) with the following responsibilities:

- a. to establish and maintain a safety performance data reporting chain;
- b. to monitor safety related data throughout the complete cycle;
- c. to report to the NSAC;
- d. to report to the FPC;
- e. to develop safety (key) performance indicators and associated targets (if any) for following reference periods;
- f. to list relevant external initiatives, safety groups or meetings (including national, FABEC, European and international) and to propose participation to the NSAC and/or FPC if a representation in one of those meetings is advised.

Those responsibilities are elaborated in the NSAC/SAFP TF Terms of Reference.

The different time frames for safety data processing are detailed in the NSAC/SAFP TF Work Programme for the concerned reference period.

The responsibilities of the FPC are elaborated in the States Performance Process Description.

4 DOCUMENT TEMPLATES

The safety monitoring will be reported by the NSAC/SAFP TF to the NSAC and FPC by means of regular reports.

To be developed, as required.

5 RECORDS & ARCHIVES

Document	Owner	Medium	Archives storage	Retention Time	Ending
SPI #1 ANSP Aggregated data	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete
SPI #1 STATE Aggregated data	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete
SPI#2 ANSP Aggregated data	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete
SPI #3 ANSP Aggregated data	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete
SPI #3 STATE Aggregated data	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete
SAFP-TF Reports	Chairperson SAPF TF	Soft copy	OneSky	10 years	Delete

6 PROCEDURE FLOW CHARTS

No flow charts are developed for this procedure.

7 PROCEDURE DESCRIPTION

7.1 Introduction

In accordance with the Commission Regulation (EU) No 691/2010 Article 4, the National Supervisory Authorities are responsible for the elaboration, at national or functional airspace block level, of the performance plans, the performance oversight and the monitoring of performance plans and targets.

In accordance with Article 5.1 of this Regulation, Member States shall encourage close cooperation between their National Supervisory Authorities with a view to establishing a performance plan at functional airspace block level.

The FABEC States have decided to elaborate a common FABEC Performance Plan, including national performance plans containing additional [specific and local] issues next to the FABEC Performance Plan, including the cost-efficiency KPIs. This performance plan is composed of five Key Performance Areas (KPA): Safety, Environment, Capacity, Cost-efficiency and Military Mission Effectiveness.

In application of Article 5.2(b), the European Commission shall be notified of which National Supervisory Authority or body is responsible for the coordination within the functional airspace block and the relations with the Commission for the implementation of the performance plan. The FABEC Financial and Performance Committee (FPC) has been entitled to take on those responsibilities and this has been notified to the Commission.

Whereas the FPC is responsible for the FABEC Performance Plan activities in general, the NSAC is responsible for all safety issues. Therefore the NSAC shares responsibilities in the elaboration, the adoption, the ongoing monitoring and alert mechanism processes of the FABEC Performance Plan.

The dedicated paragraphs of the FABEC Performance Plan dealing with the safety KPA are denominated hereafter as “safety part”. Moreover, due to the interdependencies between KPAs, the “safety related aspects” of the FABEC Performance Plan also include the interactions of these other KPAs and the safety KPA and shall be taken into account.

In the cooperation between the FPC and the NSAC on safety performance and safety related issues, a couple of safeguards are incorporated. These safeguards are inter alia:

- As all safety aspects of performance review will be completely dealt with by the NSAC, in principal the outcomes of the NSAC's process are adopted by the FPC as they are . In case the FPC does not agree with the outcome of the NSAC's work, the NSAC and FPC come together to develop a single point of view. If no single point of view can be found between the two Committees, then the issue has to be tabled at FABEC Council for decision.
- If the FPC deals with non-safety subjects of performance review that may have safety implications (example: capacity measures), the NSAC is consulted through a formal process, as described in paragraph 7.2. Such a process shall prevent the degradation of safety through performance measures.

7.2 The NSAC role within the FABEC Performance process

The overall process for elaboration, adoption and monitoring of the FABEC Performance Plan is described in the “FABEC States Performance Process Description” document. However, the specific responsibilities and tasks of the NSAC, including its interactions with other parties, are given hereafter.

- a. EU-wide Performance Targets:
 1. the NSAC provides relevant input necessary for the development of EU-wide targets to the FPC, EASA and the PRB.
- b. Elaboration of performance plan:
 1. the NSAC delivers the safety part of the FABEC Performance Plan to the FPC;
 2. the NSAC defines safety baselines with elements or criteria provided by the AFG/PMG if applicable;

3. at any stage (i.e. development of indicators, their use as KPI or PI and the target setting), the NSAC provides inputs to the FPC with regards to safety KPA;
 4. the NSAC develops the intended safety targets, appropriate incentives (or corrective measures) and alert thresholds to be used with regards to safety KPA for the consultation with stakeholders;
 5. the NSAC participates to the stakeholders consultation organized by the FPC with regards to safety KPA;
 6. the NSAC provides advice to the FPC on the safety issues in the overall FABEC Performance Plan before submission to the FABEC Council.
- c. Adoption of the FABEC Performance Plan:
1. if deemed necessary, the NSAC provides support to the FPC when additional information is required from the PRB for the assessment of the FABEC Performance Plan;
 2. the NSAC advises the FPC if safety issues have been raised by the PRB or the EC;
 3. if the FABEC Performance Plan is assessed as being not consistent with EU-wide targets, the NSAC cooperates with the FPC for corrective actions if safety is concerned.
- d. On-going monitoring:
- The NSAC cooperates with the FPC for the on-going monitoring of safety performance:
1. to get a permanent and updated view of FABEC safety performances;
 2. to check that safety performance is on the right track with regard to the plan;
 3. to identify the causes of underperformance;
 4. to request appropriate corrective actions / measures in case of underperformance, either at FABEC level or at individual ANSPs' level;
 5. to review and accept corrective actions / measures proposed by ANSPs for safety related issues, either at FABEC level or at individual ANSPs' level;
 6. to support the preparation of the safety target setting and/or the implementation of additional safety (K)PIs for the next reference period; and
 7. to report on the FABEC safety performance monitoring to FPC.
- e. Alert mechanisms:
1. The NSAC will provide support to the FPC for safety related alert mechanisms.

7.3 The NSAC/SAFP TF in the FABEC Performance Plan process description

The tasks of the SAFP TF are mainly related to safety aspects during the elaboration phase of the performance plans and the on-going monitoring of them, but may provide relevant data for the elaboration process of EU-wide targets and the adoption process of the performance plans.

The method of working of the SAFP TF is described hereafter:

- a. collection of safety data;
- b. analysis of the current situation;
- c. monitoring of the FABEC Safety Performance;
- d. target definition for the FABEC Safety Performance;
- e. reporting of the FABEC Safety Performance;
- f. improvement of the cooperation chain for safety data.

7.4 Development of the safety part of the FABEC Performance Plan

7.4.1 EU-wide Performance Targets

In accordance with article 9 of Commission Regulation (EU) No 691/2010, the NSAC will cooperate with the FPC in the provision of relevant input for the definition and adoption of EU-wide performance targets.

7.4.2 Elaboration of the FABEC Performance Plan

The SAFF TF develops the safety part of the FABEC Performance Plan, including:

- a description of the overall status of safety in the FABEC area, including information on any pending safety directives and potential corrective action plan in force,
- 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, or as a FABEC initiative,
- Safety Objectives for the selected reference period and,
- report of the monitoring process as described in 7.5, including propositions for baselines, incentives or corrective action if any.

Once it is developed, SAFF TF presents the safety part of the FABEC Performance Plan to the NSAC for comments. In addition to the comments related to the developed safety part, the NSAC provides advice especially on:

- safety baselines with elements or criteria provided by the AFG/PMG if applicable,
- appropriate safety incentives to be used if any,
- appropriate corrective actions to be taken if any,
- appropriate alert threshold for safety.

The SAFF TF collects comments and advises, finalizes the safety part accordingly and presents it to the NSAC for endorsement.

Once endorsed, the NSAC transmits the safety part of the FABEC Performance Plan to the FPC.

As all safety aspects of performance review will be completely dealt with by the NSAC, in principal the outcomes of the NSAC's process are adopted by the FPC as they are. In case the FPC does not agree with the outcome of the NSAC's work, the NSAC and FPC come together to develop a single point of view. If no single point of view can be found between the two Committees, then the issue has to be tabled at FABEC Council for decision.

After integration of the safety part into the FABEC Performance Plan, FPC transmits the entire Performance Plan to the NSAC.

The SAFF TF performs:

- an evaluation of the impact of the FABEC Performance Plan on safety aspects, focussing on identifying impacts of all KPAs on safety, and
- a proposal for modification of the Performance Plan, if deemed necessary for safety.

Once this is executed, the SAFF TF presents the results to the NSAC for endorsement and updates it with the comments of the NSAC if any.

After the NSAC endorsement of this safety assessment, the SAFF TF sends the FABEC Performance Plan back to FPC with the required modification (if any).

If needed, dedicated meetings are held between NSAC, SAFF TF and FPC to agree on the update of the Performance Plan. If an agreement cannot be reached, the issue will be raised to the FABEC Council. Such a process shall prevent the degradation of safety through performance measures.

The NSAC and/or SAFF TF participate to the stakeholders consultation organized by the FPC with regards to safety KPA. During this stakeholder consultation the safety part is presented by members of the NSAC and/or the SAFF TF.

7.4.3 Adoption of the FABEC Performance Plan

FPC transmits the final draft agreed between FPC and NSAC for adoption to the FABEC Council.

The NSAC and SAFF TF provide support to the FPC when additional information is required by the PRB for the assessment of the Performance Plan.

The NSAC and SAFF TF provide answers to the FPC if safety issues are raised by the PRB or the EC.

If the FABEC Performance Plan is assessed as being not consistent with EU-wide safety targets, the NSAC cooperates with the FPC for corrective actions.

7.5 Safety Monitoring of the FABEC Performance Plan

FABEC safety performance indicators are defined in the FABEC Performance Plan in accordance of Regulation (EU) No 691/2010, amended by Implementing Regulation (EU) No 1216/2011, and are described in the Annex I.

7.5.1 On-going monitoring

The FABEC NSAs harmonize the national safety performance monitoring process as far as possible.

7.5.1.1 ANSP Level

The AFG/PMG has been designated as focal point for ANSP data provision. In collecting and analysing data, AFG/PMG will rely on external bodies as EUROCONTROL's Performance Review Unit (PRU) and Capacity Enhancement Function (CEF), as well as on individual ANSPs. Specifically for the analysis part, Standing Committees will need to be actively involved.

For Safety, the Standing Committee Safety (SC-SAF) and particularly the Safety Performance Management Sub-Group (SPM-SG) will be requested to contribute to the safety data collection, analysis and reporting.

On regular basis, at least twice a year, the NSAC/SAFF TF requests safety data related to the selected safety (K)PIs to the AFG/PMG.

If more detailed data are required for monitoring, the SAFF TF adopts a pragmatic approach by requesting the data directly to the SC-SAF/SPM SG. If necessary, bilateral meetings will be held between the SAFF TF and SPM-SG.

If a corrective action plan is pending, progress information shall be provided by the concerned ANSP.

The process description for the selected safety (K)PIs is detailed in the Annex I.

7.5.1.2 State Level

The SAFF TF has been designated as FABEC focal point for States Safety Performance data collection. In collecting and analysing data, the SAFF TF will rely on the individual NSAs.

On regular basis, at least twice a year, the SAFF TF requests safety data related to the selected safety (K)PIs to the NSAC or directly to the individual NSAs. Each member of the SAFF TF, being the representative of each respective FABEC NSA, will be individually responsible for the collection and the verification of its national safety data. The collected individual data will be aggregated and analysed during SAFF TF meetings.

The SAFF TF provides a high-level overview to the NSAC and FPC containing a sufficient level of detail in order to comply with their monitoring requirements.

If a corrective action plan is pending, progress information is provided by the concerned NSA.

The process description for the selected safety (K)PIs is detailed in the Annex I.

7.5.2 Performance monitoring

The values of all selected safety (K)PIs are assessed against the objectives and/or targets as described in the FABEC Performance Plan. The FABEC Performance Plan being adopted by the European Commission, the objectives and/or targets are considered as compliant with the applicable EU-wide targets.

The SAFTP TF performs an analysis to identify potential gaps between the actual and expected performance levels and identifies the need for corrective action.

At the ANSP level, the SAFTP TF requests the SPM SG to provide additional information to identify the causes of revised performance and a corrective action plan proposal if necessary.

At the State level, the SAFTP TF requests the individual NSAs to provide additional information to identify the causes of revised performance and a corrective action plan proposal if necessary.

Based on this analysis and additional information, it can be decided whether action needs to be taken.

If a corrective action plan is not required, the process of monitoring and reporting continues.

7.5.3 Corrective actions

In case of the need of corrective action(s) is identified the SAFTP TF proposes appropriate corrective actions to the NSAC as soon as practicable. The NSAC reviews the proposal and endorses the corrective actions plan.

Approved corrective action plans are transmitted by the NSAC to the concerned bodies:

- AFG/PMG for ANSP corrective actions;
- NSAs for State corrective actions;
- FPC for Performance Plan corrective actions (other KPAs interactions).

The implementation monitoring of corrective actions plan is integrated in the on-going and performance monitoring. The SAFTP TF will report on implementation progress to the NSAC.

7.5.4 Alert Mechanisms

During the first reference period, there will be no EU-wide safety performance targets as prescribed by the Commission Regulations (EU) No 691/2010 and No 1216/2011. However, the SAFTP TF and the NSAC may set targets corresponding to the selected Safety KPIs. The development of such targets will be based on baselines defined during RP1 if possible.

The SAFTP TF and the NSAC will provide support to the European Commission in the development of EU-wide targets for the next reference period (see chapter 7.6). Alert thresholds and alert mechanisms will be developed accordingly.

7.5.5 Safety performance reporting

The SAFTP TF will submit twice a year a written safety performance report to the NSAC.

The reports are based on the information and data provided by the AFG/PMG and SPM-SG for ANSP Safety Performance and provided by the individual NSAs for State Safety Performance.

The NSAC reviews and endorses the SAFTP TF safety reports.

When approved by the NSAC, the SAFTP TF safety reports are forwarded to the FPC.

7.6 Preparation of the following reference period

In order to develop the current and potential new Safety (K)PIs for the next reference periods, the SAFTP TF participates to ad-hoc meetings and workshops organised by the European Commission, the PRB and other related entities.

When deemed necessary, the SAFTP TF and/or the NSAC provides expertise for the development of Safety Performance indicators.

8 LIST OF ACRONYMS

AFG	ANSP FABEC Group
AMC	Acceptable Mean(s) of Compliance
ANSP	Air Navigation Service Provider
ATM	Air Traffic Management
EASA	European Aviation Safety Agency
EC	European Commission / European Community
ED	EASA decision of the Executive Director
EU	European Union
FAB	Functional Airspace Block
FABEC	Functional Airspace Block Europe Central
FPC	Finance and Performance Committee
GM	Guidance material(s)
IR	Implementing Rule / Implementing Regulation
KPI	Key Performance Indicator
MoC	Memorandum of Cooperation
NSA	National Supervisory Authority
NSAC	National Supervisory Authority Committee
PFNSAC	Provisional National Supervisory Authority Committee
PI	Performance Indicator
PMG	Performance Management Group
PRB	Performance Review Body
PRU	Performance Review Unit
RAT	Risk Analysis Tool
RP	Reference Period
SAFP TF	Safety Performance Task Force
SC SAF	Standing Committee Safety
SES	Single European Sky
SKPI	Safety Key Performance Indicator
SPI	Safety Performance Indicator
SPM SG	Safety Performance Management Sub-Group
TF	Task Force
WG	Working Group

ANNEX 1 – FABEC SAFETY PERFORMANCE INDICATORS

This annex defines the process used by the FABEC NSAs to collect the data in order to determine the FABEC safety performance indicators (SPIs), in regards to the FABEC Performance Plan for the Reference Period 1 (2012 – 2014), the Commission Regulation (EU) No 691/2010, amended by the Implementing Regulation (EU) 1216/2011 and the ED Decision 2011/017/R from EASA defining AMC/GM for the implementation and measurement of SPIs.

However, this annex does not describe the way each NSA reports to EASA in regards to the Commission Regulation (EU) No 691/2010, Annex I, section 2, Article 1 (g).

1 SPI #1: EFFECTIVENESS OF SAFETY MANAGEMENT

The first FABEC SPI is the effectiveness of safety management at ANSP and State level as measured by the questionnaire defined by the ED Decision 2011/017/R.

Safety Maturity scores are monitored for both ANSPs and States within FABEC Member-States.

1.1 Questionnaire on State level

The SAFF TF measures the results of SPI#1 from FABEC states, through the following process:

- a. Each member of the SAFF TF collects the results (answers to the State questionnaire) for its own State and sends these results to the SAFF TF not later than the 1st of March of each year.
- b. These results are aggregated by the SAFF TF and displayed in appropriate diagrams including minimum – average – maximum scores as derived from the methodology for each study area.
- c. The aggregated results are analysed by the SAFF TF following the §7.5.2 (Performance monitoring), before the 1st of May of each year, and, if necessary, corrective actions are proposed to the NSAC, following the §7.5.3 (Corrective actions).

1.2 Questionnaire on ANSP level

The SAFF TF measures the results of SPI#1 from FABEC ANSPs, through the following process:

- a. On a national level, each FABEC NSA verifies the results of its ANSP(s) before the 1st of February of each year.
- b. The SAFF TF chairman ensures the reception of the aggregated and verified results of FABEC ANSPs through AFG/PMG not later than the 1st of March of each year.
- c. The aggregated results are analysed using appropriate diagrams by the SAFF TF following the §7.5.2 (Performance monitoring), before the 1st of May of each year, and, if necessary, corrective actions are proposed to the NSAC, following the §7.5.3 (Corrective actions).

2 SPI #2: APPLICATION OF THE SEVERITY CLASSIFICATION BASED ON THE RAT METHODOLOGY

The second FABEC SPI is the application of the severity classification of the Risk Analysis Tool (RAT) to allow harmonised reporting of severity assessment of Separation Minima Infringements, Runway Incursions and ATM-specific occurrences at all Air Traffic Control Centres and at airports with more than 50 000 commercial air transport movements per year.

This SPI#2 is measured by the scoring methodology defined by the ED Decision 2011/017/R.

The SAEP TF chairman ensures the reception of the aggregated results SPI#2 from FABEC ANSPs through AFG/PMG twice a year through the following process:

- a. not later than the 1st of October of each year (for the period January – June of the same year).
- b. not later than the 1st of April of each year (for the period July – December of the previous year).

3 SPI #3: LEVEL OF JUST CULTURE

The third FABEC SPI is the level of presence and corresponding level of absence of just culture at ANSP and State level as measured by the questionnaire defined by the ED Decision 2011/017/R.

Just Culture scores are monitored for both ANSPs and States within FABEC Member States.

3.1 Questionnaire on State level

The SAFF TF measures the results of SPI#3 from FABEC states, through the following process:

- a. Each member of the SAFF TF collects the results (answers to the State questionnaire) for its own State and sends these results to the SAFF TF not later than the 1st of March of each year.
- b. These results are aggregated by the SAFF TF and displayed in appropriate diagrams including minimum – average – maximum scores as derived from the methodology for each area.
- c. The aggregated results are analysed by the SAFF TF following the §7.5.2 (Performance monitoring), before the 1st of May of each year.

3.2 Questionnaire on ANSP level

The SAFF TF measures the results of SPI#3 from FABEC ANSPs, through the following process:

- a. On a national level, each FABEC NSA verifies the results of its ANSP(s) before the 1st of February of each year.
- b. The SAFF TF chairman ensures the reception of the aggregated and verified results of FABEC ANSPs through AFG/PMG not later than the 1st of March of each year.
- c. The aggregated results are analysed using appropriate diagrams by the SAFF TF following the §7.5.2 (Performance monitoring), before the 1st of May of each year.

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