



European Aviation Safety Agency — Rulemaking Directorate
Notice of Proposed Amendment 2013-08(D)

Requirements for ATM/ANS providers and the safety oversight thereof

(Regulatory Impact Assessment)

RMT.0148 (ATM.001 (A))/ RMT.0149 (ATM.001(B)) AND
RMT.0157 (ATM.004(A))/ RMT.0158 (ATM.004(B)) — 10/05/2013

EXECUTIVE SUMMARY

This Notice of Proposed Amendment (NPA) addresses safety, proportionality and regulatory coordination issues related to provision of ATM/ANS by providers and to the safety oversight by competent authorities thereof.

It consists of 5 parts. This is Part D and deals with the Regulatory Impact Assessment.

The main objectives are to maintain a high level of safety, provide for a smooth transition, and ensure regulatory efficiency in the field of ATM/ANS. The specific objective is to mitigate the risks linked to the increase of air traffic and also the increase of the complexity in the ATM/ANS system.

This NPA proposes an amendment and replacement of the Commission Implementing Regulations (EU) No 1034/2011 and No 1035/2011.

The proposals aim at:

- implementing Regulation (EC) No 216/2008 (hereinafter referred to as the 'Basic Regulation') and at transposing certain ICAO SARPs provisions contained in Annex 3 in relation to the meteorological services providers requirements;
- aligning Safety Management Systems (SMS) requirements in Commission Implementing Regulation (EU) No 1035/2011 with SMS requirements within the ICAO SMS framework and Management Systems requirements in Commission Implementing Regulation (EU) No 1034/2011 with SSP requirements required by ICAO;
- aligning the scope of the requirements for competent authorities with the requirements for ATM/ANS providers;
- introducing management systems requirements and streamlining the requirements for quality management systems for all ATM/ANS providers;
- implementing the essential requirements on human factors for air traffic controllers; and
- introducing training and competence assessment requirements for ATSEPs.

Applicability		Process map	
Affected regulations and decisions:	Commission Implementing Regulation (EU) No 1034/2011 and Commission Implementing Regulation (EU) No 1035/2011	Concept Paper:	No
		Terms of Reference:	30/08/2010
		Rulemaking group:	Yes
		RIA type:	Full
Affected stakeholders:	Member States, Competent authorities/ National Supervisory Authorities, ATM/ANS providers, Network Manager and the Agency	Technical consultation during NPA drafting:	No
		Duration of NPA consultation:	3 months
Driver/origin:	Legal obligations (Basic Regulation, EASp and ICAO SARPs)	Review group:	Yes
		Focussed consultation:	TBD
Reference:	N/A	Publication date of the Opinion:	2014/Q1
		Publication date of the Decision:	2015/Q1

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REGULATORY IMPACT ASSESSMENT EXECUTIVE SUMMARY

(identical to NPA 2013-xx (A), Section V)

Background

Following the adoption of Commission Implementing Regulations (EU) No 1034/2011 and 1035/2011 representing the so-called 'first phase' of the implementation of the Agency's remit to ATM/ANS, a number of regulatory gaps have been identified that still need to be addressed in the second phase. These 'gaps' include technical, editorial, and legal questions, most of which are not expected to have a major impact on stakeholders (see Explanatory Note). The RIA report only deals with significant issues.

EASA Opinion No 02/2010 already indicated that the relevant Agency's rulemaking tasks will further elaborate on these Commission Implementing Regulations. This NPA is now dealing with the following steps by providing additional provisions to implement the Basic Regulation and to support the standardisation of the ATM/ANS field in EASA countries.

Scope of the draft rule

- Requirements for competent authorities in ATM/ANS;
- Extension of the common requirements to cover all ATM/ANS providers;
- Requirements for the declaration of flight information services providers; and
- Requirements for Air Traffic Safety Electronics Personnel (ATSEP).

Issues

The main issue is that as long as the additional draft provisions (that are included in this NPA and that will be complemented in subsequent NPAs) are not enforced, the Basic Regulation and its Essential Requirements cannot be properly implemented, leaving room for national requirements to continue without the necessary harmonisation foreseen by the EU Member States with the extension of the Basic Regulation. The implementation issues will depend on the current national requirements applicable in each Member State. However, they can be treated on a general basis and, therefore, they can be grouped as following:

- Issues related to Authority Requirements (AR)
 - Chapter 4 — Towards a management system of the Competent Authorities and National Supervisory Authorities (CAs/NSAs) (Authority Requirements (AR));
 - Chapter 5 — Introduction of the findings classification (AR);
 - Chapter 6 — Towards performance-based oversight (AR);
- Issues related to Organisation Requirements (OR)/Requirements for ATM/ANS providers
 - Chapter 7 — Requirements for ATM/ANS providers;
 - Chapter 8 — Declaration of flight information services providers; and
- Issues related to Personnel
 - Chapter 9 — Air Traffic Safety Electronics Personnel (ATSEP).

Authority requirements

For the sake of air transport safety, the Agency already committed to align the SMS and SSP related requirements with ICAO elements in the area of ATM/ANS as part of the EASp. Failure to implement a correct alignment would be prejudicial for this commitment.

Some of the requirements for the implementation of SSP have already been applicable since 2007 with Commission Regulation (EC) No 1315/2007, transposed later to Commission Implementing Regulation (EU) No 1034/2011. The implementation of these requirements,

however, is not homogeneous among the EASA Member States. EASA Standardisation visits identified that the CAs/NSAs do not interpret in the same way the requirements when auditing the ATM/ANS providers. The origin of the different interpretations at national level can be attributed for the major part to the lack of detailed common EU requirements.

Towards a total system approach, the competent authorities in the other aviation domains have already been required to upgrade their systems and procedures to the new authority requirements introduced with the latest Commission Regulations in the field of aviation safety. If this does not apply to the ATM/ANS domain, the goal towards implementation of the SSP and towards a total system approach will be not achieved.

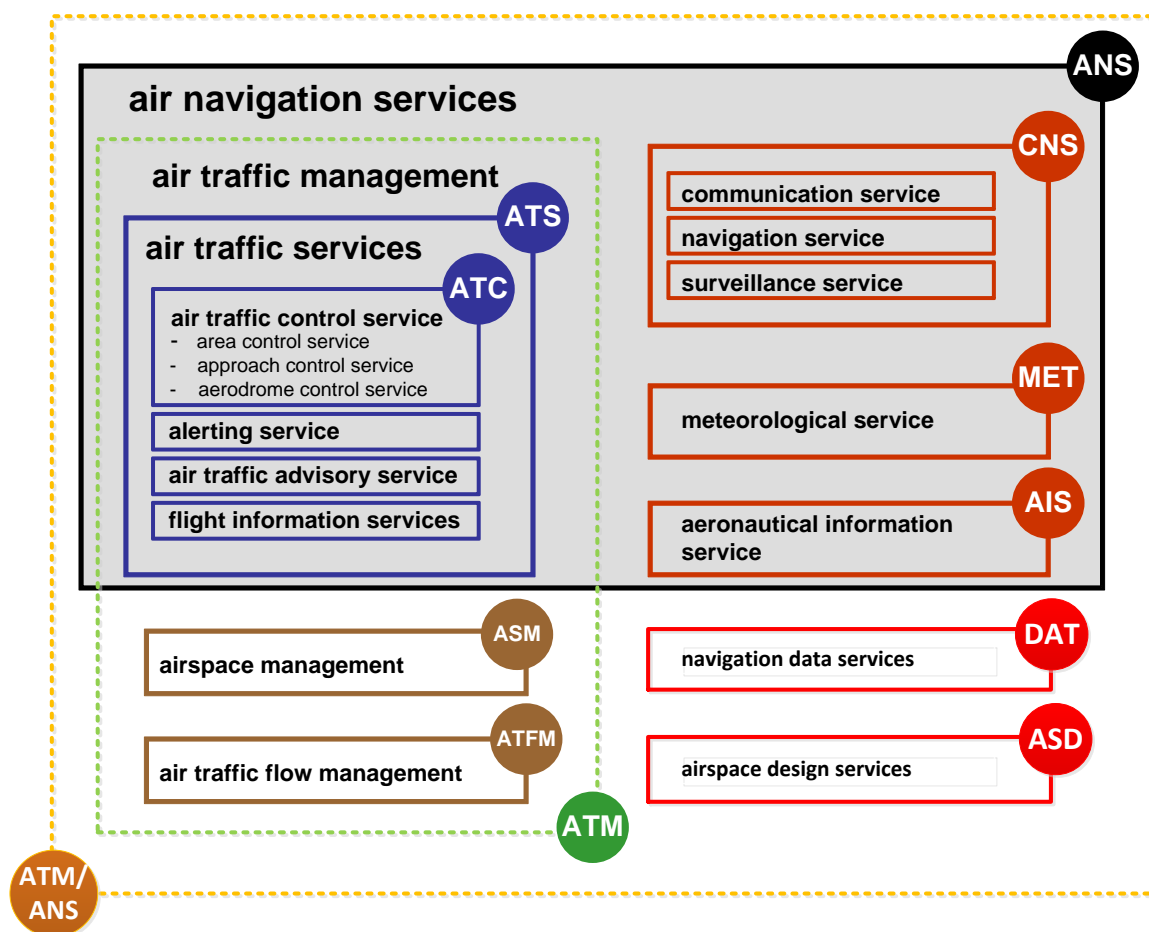
Three main areas requesting clarification on interpretation have been identified that would need to be evaluated in order to assess the impact to the competent authorities. They can be summarised as following:

- establishment of the management system by the competent authorities,
- introduction of classification scheme of the non-compliances/findings raised by the competent authorities, and
- moving towards 'performance-based' and 'risk-based' oversight.

Requirements for ATM/ANS providers

Commission Implementing Regulation (EU) No 1035/2011 applies only to Air Navigation Service Providers (ANSP) (which includes Air Traffic Services providers (ATS providers), meteorological services providers (MET providers), Aeronautical Information Services providers (AIS providers) and Communication, Navigation, Surveillance services providers (CNS providers)). However, it does not apply to:

- Air Traffic Flow Management (ATFM) providers;
- Airspace Management (ASM) providers;
- Airspace Design (ASD) providers;
- data (DAT) providers; and
- the Network Manager.



Currently, there are not harmonised criteria for the provision of ATM/ANS and for the competent authority to certify and further oversee all these ATM/ANS providers as foreseen by the Basic Regulation.

Based on the above, it can be concluded that the scope of the impacts analysed in this RIA relates mainly to these four providers: ATFM, ASM, ASD, and DAT, and to a certain extent to the Network Manager.

Another driver of the issues is the high level of technical complexity that is constantly induced by the implementation of new technologies (e.g. those foreseen by SESAR programme). If there is not a proper regulatory framework for the providers so that they have a strong basis to support implementation, it may induce an increase in safety risks. These programmes are usually implemented to increase capacity and efficiency in the ATM/ANS field.

Requirements for the declaration of flight information services providers

Commission Implementing Regulation (EU) No 1035/2011 already considers that more flexibility is needed for certain ANSP and allows a system in which they will be certified but subject to derogations from some requirements which are already regarded as too burdensome for these providers. The certificates subject to derogation from the requirements are only valid within the airspace falling under the responsibility of the Member State. Part of these providers are FIS providers and even additional derogations are foreseen for FIS providers which operate regularly not more than one working position at any aerodrome.

Article 8b(3) foresees the possibility for Member States to implement a declaration scheme for FIS providers and leaves the criteria and conditions for such scheme to be determined at Implementing Rules level. This NPA aims at achieving this objective and provides conditions for the Member States to have the possibility to implement a declaration scheme for FIS providers in the most appropriate way.

ATSEP (Air Traffic Safety Electronics Personnel)

The Basic Regulation lays down the basis for a mandatory implementation of training and competence assessment for all ATM/ANS personnel, including ATSEP. Service providers are obliged to properly train and assess their ATSEP to ensure current and ongoing competence.

Although it is recognised that the level of competence of ATSEP in Europe is currently acceptable, it is fair to question if this situation can be maintained in the future taking into account the air traffic growth, the consequences of increase of technology complexity, and the impact of the possible need for higher staff mobility in order to adjust to the job offer or demand where there is important growth of traffic.

The following main issues have been identified:

- Issues with the implementation of the current regulatory framework: no precise requirement to ensure that adequate training and efficient competence assessment will be provided;
- Training issues: the ATSEP Common Core Content (CCC) Initial Training (ATSEP CCC) is not uniformly applied throughout the EASA Member States, if at all; and
- Competence assessment issues: There are currently no requirements in the EU regulation framework. As a consequence, the implementation of Annex Vb to the Basic Regulation cannot be fulfilled and the oversight cannot be established on a common basis.

Who is affected ?

- CAs/NSAs, including the Agency.
- The ATM/ANS providers, and more specifically the six types of providers ATFM, ASM, ASD, DAT, NM and FIS providers.
- Staff working as ATSEP.

Baseline scenario

Without addressing properly the issues identified, the requirements in the Basic Regulation for ATM/ANS (mainly article 8b) and the Essential Requirements in Annex Vb (mainly chapter 5) cannot be implemented. Taking into account the increase of technological complexity and the potential traffic increase forecasted by EUROCONTROL¹, this may raise concerns on overall aviation safety level.

Objectives

Although the current situation in the EU Member States does not show significant safety risk, the overall analysis is that the continuous increase in technology complexity and growth of aviation transport request measures to meet the Basic Regulation's general objectives:

- to maintain a high uniform level of civil aviation safety; and
- to provide level playing field with proportionate and cost-efficient rules.

Therefore, these objectives are relevant to all issues. Cost-efficiency includes ensuring a smooth transition from national to common European requirements.

Further detailed specific objectives are generally different for each issue.

¹ The reference to this document can be found in point 2 of Appendix C to this RIA

Options

Option 0 'Do nothing' is assessed for all the issues to indicate the development of the baseline scenario if the regulatory framework would remain as it is today. For each issue, the other options are (**preferred option indicated in bold**):

Chapter 4 — Towards a management system of the CAs/NSAs (Authority Requirements)

Option 1: Establishment of the management system by the competent authority

New processes and tasks for the competent authorities, in particular the implementation of a compliance monitoring system, including an internal audit process and safety risk management process.

In addition to that, the competent authorities shall appoint one or more persons with the overall responsibility for the management of the relevant task(s).

Chapter 5 — Introduction of the findings classification (Authority Requirements)

Option 1: Implementation of the findings classification

It provides for a convenient and straightforward system between findings and corrective actions and has been tailored to the oversight of ATM/ANS providers while ensuring the continuity of service.

Chapter 6 — Towards performance-based oversight (Authority Requirements)

Option 1: Flexible risk-based approach only for a period of two years

The possibility in the draft rule ATM/ANS.AR.C015 (c)(5) to 'sample each organisation (...) in a manner commensurate with the level of risk posed (...)' provides for unambiguous flexibility compared to Option 0. This possibility ensures that NSAs/CAs are able to base their oversight programme on a risk assessment. However, Option 1 limits the flexible risk-based approach only for a period of two years.

Option 2: Option 1 with extended flexibility of performance-based oversight

The flexibility of performance-based oversight in Option 1 is extended with Option 2. In particular, subparagraph (5) of ATM/ANS.AR.C.015 (c) reads: 'a maximum of 4 years oversight planning can be implemented under certain conditions, instead of 2 years with Option 1. The oversight in a performance-based environment (Performance-Based Oversight (PBO)) is a new approach for the competent authorities to discharge their responsibilities as it considers the criteria of the ATM/ANS providers' safety management implementation indicated in paragraphs (i) to (iv) in a controlled process.'

Chapter 7 - Requirements for ATM/ANS providers

Option 1: Extend the scope of Annex I to Commission Implementing Regulation (EU) No 1035/2011 by including all ATM/ANS providers without changing it.

This option does not represent a significant change to the ANSPs already certified, however, further amendments may be needed later on in time. AMC/GM and new annexes to cover the provisions of the four new services would be needed with this option.

The application of some requirements in Annex I to Commission Implementing Regulation (EU) No 1035/2011 may not be proportionate or relevant to the new types of providers (e.g. financial strength).

Option 2: Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers.

Amend Annex I to make it applicable to all ATM/ANS providers and implement the Essential Requirements in Chapter 5 of Annex Vb to the Basic Regulation. With this option, AMC and GM are established when necessary. Specific annexes are set up for each type of ATM/ANS service provision.

Chapter 8 - Requirements for the declaration of flight information services (FIS) providers

Option 1: Apply the same criteria that exist for FIS providers eligible to derogations, and, in addition, define a new set of criteria for FIS providers to be eligible to declare their activities.

Article 6 of the Cover Regulation of the new proposed regulation applies the same requirements with the ones applicable to FIS providers which are eligible for derogations .

Chapter 9 — Air Traffic Safety Electronic Personnel

Option 1: Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules

Option 2: Introduce training and competence assessment and transpose the ATSEP CCC in Acceptable Means of Compliance (AMC)

Option 3: Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules and in AMC.

Conclusions

Summary of the main impacts

The draft rules will have a positive impact on safety and regulatory harmonisation aspects, including social aspects for ATSEP. They will require adaptation from stakeholders, which will create additional activities during a certain period of time. To allow for sufficient time to prepare for the necessary changes and to keep the potential burden induced by these changes to a minimum, an 18 months' adaptation and transition period is envisaged for the CAs/NSAs and a 24 months' adaptation and transition period is envisaged for ATM/ANS providers. Further details on the proposed adaptation and transition period can be found in paragraph 74 of the Explanatory note. Once implemented, the new rules will support cost-efficient ATM/ANS provision requirements, and will contribute to the overall efficiency of air navigation in Europe as well.

By meeting the objectives set in the RIA Chapter 3 and in the detailed Chapters 4 to 9, the overall impact is considered to be beneficial for the provision of ATM/ANS.

Summary of the impact on stakeholders

- CAs/NSAs, including the Agency will benefit from:
 - the easier implementation of the SSP;
 - the harmonised oversight requirements for all providers of ATM/ANS;
 - the common approach for findings classification;
 - reducing the administrative effort and time currently attributed to regulatory coordination and harmonisation with ICAO (EASA ensuring mainly this role); and
 - the synergies of these rules with other aviation domains towards 'total system approach'

Overall, the above will enhance safety, oversight, and cost-efficiency over time.

- ATM/ANS providers, and more specifically these four types of providers (ATFM, ASM, ASD, and DAT) as well as FIS providers will benefit from:
 - the one clear set of requirements with the necessary flexibility via AMC and GM;
 - the clarifications improving also the legal certainty; and
 - the harmonised set of requirements for the providers of ATM/ANS plus synergies with relevant requirements applicable in other aviation domains.

Overall, the above will enhance safety, level playing field, and cost-efficiency.

- ATSEP will benefit from:
 - the common requirements at EU level on training and competence assesment; and
 - the necessary flexibility given to ATM/ANS providers to adapt their initial training to their needs.

Overall, the above will ensure safety, mobility, and cost-efficiency.

- The Agency will benefit from a single set of common rules:
 - that facilitates the task of assisting Member States to fulfil their obligations under the Chicago Convention, and that provides a basis for a common interpretation and uniform implementation of the requirments; and
 - that promotes cost-efficiency in the regulatory processes and aims at avoiding duplication at national and EU level.
- Across stakeholders

The 18 months' period of transitional arrangements for CAs/NSAs and the 24 months'' period for the transitional arrangements for the ATM/ANS providers to allow them to take the necessary actions, including the certification actions, etc., are deemed to be sufficient to ensure a smooth transition for the stakeholders to comply with the new elements.

Open issues

The remaining open issues from the Explanatory Note will be dealt with following the receipt of the stakeholders' input during the public consultation period.

Additionnally, stakeholders are kindly invited to provide data on administrative cost impacts introduced by these draft rules and any other quantitative information they may find necessary to bring to the attention of the Agency.

As a result, the relevant parts of the RIA might be adjusted on a case-by-case basis.

1 Process and consultation

The draft rules on the ATM/ANS service provision and the requirements for competent authorities were developed by the Agency with the support of rulemaking groups comprising experts from national supervisory authorities (NSAs), air navigation service providers, industry and different air traffic controller professional organisations. Further details on the rulemaking groups, their Terms of Reference, composition, and applicable procedures are to be found in the Explanatory Note.

In addition, the Agency also involved ad hoc expertise for subjects that have not been covered by the subject matter expertise of the rulemaking group members which has been the case, for example, for the subject related to meteorological services, ATCO human factors, and ATSEPs.

Furthermore, cooperation with EUROCONTROL has been established for various subjects as part of the EUROCONTROL-EASA working arrangement, via which EUROCONTROL experts assisted the Agency.

The analysis of the potential impact of the proposed changes has been running in parallel with the elaboration of the new draft provisions. The analysis of the subjects has been completed by EASA experts based on the input received from the rulemaking group experts.

To collect data and support the assessment methodology, the Agency requested Member States as well as the experts of the rulemaking group to respond to a questionnaire, detailed in Section 2.2 below.

2 METHODOLOGY AND DATA REQUIREMENTS

2.1 Report structure

Impact assessment is a process to provide justifications supporting a proposal according to 5 logical steps:

Issue analysis	What is the problem?
Objective	What do I want to achieve?
Definition of options	What are the different solutions?
Analysis of options	Which consequences of these solutions?
Conclusion	What do I decide?

These logical steps are also the core headings of the EASA regulatory impact assessment report.

Due to the fact that the content of this NPA is composed of several issues which have very different technical contents (see Chapter 3), the global approach was to develop the following structure for the RIA report:

- Chapter 1 gives a general introduction;
- Chapter 2 outlines the impact assessment methodology used;
- Chapter 3 summarises the issues to be analysed, the objectives to be achieved, and the options to solve the issues (see Section 3.1 for more details);

- Chapters 4 to 10 (one chapter per issue): each of these chapters has sections following the 5 logical steps described above; and
- Chapter 11 presents the conclusion of the impact analysis for all these issues.

2.2 Data requirements

To collect data and support the assessment methodology, the Agency requested stakeholders through AGNA and SSCC as well as the experts of the rulemaking group to respond to a questionnaire sent on 8 June 2012, with the following result:

- 11 Member States answered partially: Denmark, Estonia, Finland, Latvia, Lithuania, Netherlands, Poland, Slovakia, Spain, Sweden, and Switzerland;
- No feedback from the industry was provided.

Further data regarding the total ATM/ANSP staff in the European Union and the number of ATM/ANSP providers have been collected from the publication of 'EUROCONTROL — ATM cost-effectiveness (ACE) 2010 Benchmarking Report with 2011–2015 Outlook' (Final report: May 2012). The detailed data can be found in the Appendices B and C.

2.3 Methodology to assess the options

2.3.1 General

As indicated in Section 2.1, once the issues have been analysed, the objectives can be defined and options can be proposed to achieve these objectives and solve the issues. The analysis of the impacts of these options can be performed with different methodologies depending on the availability and types of data. In addition, one of the main principles of impact assessment is to provide an in-depth analysis in proportion to the scale of the issue.

Considering the limited availability of data, which in addition are a mixture of qualitative and quantitative types, it was decided to use the multi-criteria analysis (MCA) to assess the options proposed to solve the issues. The following section explains the principles of the MCA and how it was applied in a way proportionate to the issues.

2.3.2 Criteria for the impact analysis

The options are assessed against a wide range of criteria derived from the objectives of Regulation (EC) No 216/2008² (hereinafter referred to as the 'Basic Regulation') as described in the following table:

Table 1 — Assessment criteria for the options

² Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as amended by Regulation (EC) No 1108/2009 (OJ L 309, 24.11.2009, p. 51).

Overall objectives	Specific objectives and assessment criteria
	Description
Safety	Maintain or improve the level of safety.
Economic	Ensure cost-effectiveness. Ensure 'level playing field'.
Environmental	Avoid negative effects on the environment.
Social	Avoid negative effects on employment in Air Traffic Control. Promote high-quality jobs in the private sector for Air Traffic Control. Facilitate mobility.
Proportionality	Ensure proportionate rules for Small and Medium-sized Enterprises (SMEs), General Aviation, Business Aviation.
Regulatory harmonisation	Ensure full consistency with EU laws and regulations. Ensure compliance with ICAO Standards (if appropriate). Achieve the maximum appropriate degree of harmonisation within Europe.

—
These impacts are detailed only when they are relevant in the analysis.

2.3.3 Applied methodology: multi-criteria analysis (MCA)

Multi-criteria analysis (MCA) covers a wide range of techniques that aim at combining a range of positive and negative impacts into a single framework to allow easier comparison of scenarios. Essentially, it applies cost-benefit thinking to cases where there is a need to present impacts that are a mixture of qualitative, quantitative, and monetary data, and where there are varying degrees of certainty. The MCA key steps generally include:

- establishing the criteria to be used to compare the options (these criteria must be measurable, at least in qualitative terms);
- scoring how well each option meets the criteria; the scoring needs to be relative to the baseline scenario;
- ranking the options by combining their respective scores; and
- performing sensitivity analysis on the scoring to test the robustness of the ranking.

The criteria used to compare the options were derived from the Basic Regulation and the guidelines for Regulatory Impact Assessment developed by the European Commission. The principal objective of the Agency is to 'establish and maintain a high uniform level of safety' (Article 2(1) of the Basic Regulation). As additional objectives, the Basic Regulation identifies environmental, economic, proportionality, and harmonisation aspects which are reflected below.

These principles were fully applied for the analysis of the changes proposed in Chapter 9 – Air Traffic Safety Electronics Personnel. This is explained in the following Section 2.3.4. A lighter implementation of the MCA principles was applied for the other issues, based on the proportionality principle: this is explained in Section 2.3.5.

2.3.4 Multi-criteria analysis for Chapter 9 'Air Traffic Safety Electronics Personnel'

Further to the explanation in Section 2.3.2, the impacts on assessment areas are attributed an equal weight (i.e. 1) since all these areas are to be duly considered when developing the Implementing Rules. Each option developed below will be assessed based on the above criteria. Scores are used to show the degree to which each of the options achieves the

assessment criteria. The scoring is performed on a scale between –5 and +5. Table 2 below gives an overview of the scores and their interpretation.

Table 2 – Scores for the multi-criteria analysis

Score	Descriptions	Example for scoring options
+5	Highly positive impact	Highly positive safety, social or environmental protection impact. Savings of more than 5 % of annual turnover for any single firm; total annual savings of more than EUR 100 million.
+3	Medium positive impact	Medium positive social, safety or environmental protection impact. Savings of 1–5 % of annual turnover for any single firm; total annual savings of EUR 10–100 million.
+1	Low positive impact	Low positive safety, social or environmental protection impact. Savings of less than 1 % of annual turnover for any single firm; total annual savings of less than EUR 10 million.
0	No impact	
–1	Low negative impact	Low negative safety, social or environmental protection impact. Costs of less than 1 % of annual turnover for any single firm; total annual costs of less than EUR 10 million.
–3	Medium negative impact	Medium negative safety, social or environmental protection impact. Costs of 1–5 % of annual turnover for any single firm; total annual costs of EUR 10–100 million.
–5	Highly negative impact	Highly negative safety, social or environmental protection impact. Costs of more than 5 % of annual turnover for any single firm; total annual costs of more than EUR 100 million.

2.3.5 Multi-criteria analysis for the other issues

The other issues (Chapters 4 to 8) have options which require less effort to select the preferred ones. In this case, the scoring of the impacts uses a simple scale with '+' and '-' to indicate the positive and negative impacts.

3 OVERVIEW OF THE ISSUES, OBJECTIVES, AND OPTIONS

3.1 General

Following the adoption of Commission Implementing Regulations (EU) No 1034/2011 and 1035/2011 and the so-called 'first phase' of the extension of the Agency's remit to ATM/ANS, a number of regulatory gaps has been identified that still need to be addressed in the second phase. These 'gaps' include technical, editorial, and legal questions, most of which are not expected to have a major impact on stakeholders (see Explanatory Note).

For the changes introduced by this NPA there are two types of issues, as presented below.

- Issues which are presented in this RIA report are the ones which have been fully assessed with the selection of a preferred option. They were identified by the Agency with the support of the ATM.001 and ATM.004 rulemaking groups and comprise the following:

Issues related to Authority Requirements (AR)

- Chapter 4 — Towards a management system of the CAs/NSAs (AR);
- Chapter 5 — Introduction of the findings classification (AR);
- Chapter 6 — Towards performance-based oversight (AR);

Issues related to Organisation Requirements (OR)/ Requirements for ATM/ANS providers

- Chapter 7 — Requirements for ATM/ANS providers;
- Chapter 8 — Declaration of flight information services providers; and

Issues related to Personnel

- Chapter 9 — Air Traffic Safety Electronics Personnel (ATSEP).

- Open issues which have not been fully resolved during the preparation of this NPA are addressed via the stakeholders' consultation in the Explanatory Note with specific questions.

For information, the open issues in Chapter IV of the Explanatory Note are the following:

- the eligibility criteria for the declaration of Flight Information Services (FIS) providers proposed in Article 6 of the draft regulation in the proposed NPA;
- the approach for implementing ICAO SMS requirements in the proposed regulation;
- the proposed transition provisions of one year for the competent authority and 2 years in general for ATM/ANS providers to ensure compliance with the requirements of this regulation; and
- the option to be chosen for performance-based oversight or risk-based oversight. Several options are presented in the Explanatory Note to the NPA, also in this RIA. While the RIA shows that one option is more beneficial than others, the Agency has decided to consult on the possible options before taking the decision.

The following Annexes and subparts are subject to several detailed RIA issues:

<i>Annexes and subparts of the proposed regulation</i>	<i>RIA chapters</i>
Annex I — Requirements for competent authorities Subpart B – Management Subpart C – Oversight, certification and enforcement	4 — Towards a management system of the CAs/NSAs (Authority Requirements) 5 — Introduction of the findings classification (Authority Requirements) 6 — Towards performance-based oversight (Authority Requirements)
Annex II to Annex XI on requirements for ATM/ANS providers	7 — Requirements for ATM/ANS providers
Annex I — common requirements on the provision of ATM/ANS Subpart A – General common requirements	8 — Requirements for the declaration of flight information services providers
Annex XII — Specific requirements for ATM/ANS providers regarding personnel training and competence assessment requirements	9 — Air Traffic Safety Electronic Personnel

3.2 Issue analysis

The European Union Member States decided to ensure that all safety related requirements for ATM/ANS in civil aviation are handled by a single organisation, i.e. EASA, with the second extension of the EASA Basic Regulation. Following this extension, the first regulations implementing the Basic Regulation are Commission Implementing Regulations (EU) No 1034/2011 (on safety oversight in air traffic management and air navigation services) and (EU) No 1035/2011 (common requirements for the provision of air navigation services). These regulations were drafted on the basis of Commission Regulation (EC) No 1315/2008 and Commission Regulation (EC) No 2096/2005 and were adopted with minimum updates (during the so called 'fast track' approach) in order to implement the Basic Regulation.

EASA Opinion No 02/2010³ already indicated that the relevant EASA rulemaking tasks will further elaborate these Commission Implementing Regulations. This NPA is now dealing with the following steps by providing additional provisions to implement the Basic Regulation and to support the standardisation of the ATM/ANS field in EASA countries.

The main issue is that as long as these additional draft provisions (that are included in this NPA and that will be complemented in subsequent NPAs) are not enforced, the Basic Regulation and its Essential Requirements cannot be properly implemented, leaving the room for national requirements to continue without the necessary harmonisation foreseen by the EU Member States with the extension of the Basic Regulation. The implementation issues will depend on the current national requirements applicable in each Member State.

³ <http://easa.europa.eu/agency-measures/opinions.php#2010>

However, they can be treated on a general basis and therefore, they can be grouped as following:

- Requirements for competent authorities in ATM/ANS:
 - establishment of the management system by the competent authorities;
 - introduction of classification scheme of the findings raised by the competent authorities; and
 - moving towards 'performance-based' and 'risk-based' oversight;
- Extension of the common requirements to cover all ATM/ANS providers;
- Requirements for the declaration of flight information services providers; and
- Requirements for Air Traffic Safety Electronics Personnel (ATSEP).

Authority requirements

For the sake of air transport safety, the Agency already committed to align the SMS and SSP related requirements with ICAO elements in the area of ATM/ANS as part of the EASp. Failure to implement a correct alignment would be prejudicial for this commitment.

Some of the requirements for the implementation of SSP have already been applicable since 2007 with Commission Regulation (EC) No 1315/2007, transposed later to Commission Implementing Regulation (EU) No 1034/2011. The implementation of these requirements, however, is not homogeneous among the EASA Member States. EASA Standardisation visits identified that the CAs/NSAs do not work with a common approach to, at least, maintain the EU air safety level in a cost-efficient manner. They do not understand and interpret in the same way the requirements when auditing the ATM/ANS providers. The origin of the different interpretations at national level can be attributed for the major part to the lack of detailed common EU requirements.

Towards a total system approach, the competent authorities in the other aviation domains have already been required to upgrade their systems and procedures to the new authority requirements introduced with Commission Regulation (EU) No 290/2012, Commission Regulation (EU) No 965/2012, and the aerodromes forthcoming rules. In addition to that, the NPA on air traffic controller licensing also proposes this holistic approach. If this does not apply to the ATM/ANS domain, the goal towards implementation of the SSP and towards a total system approach will be not achieved.

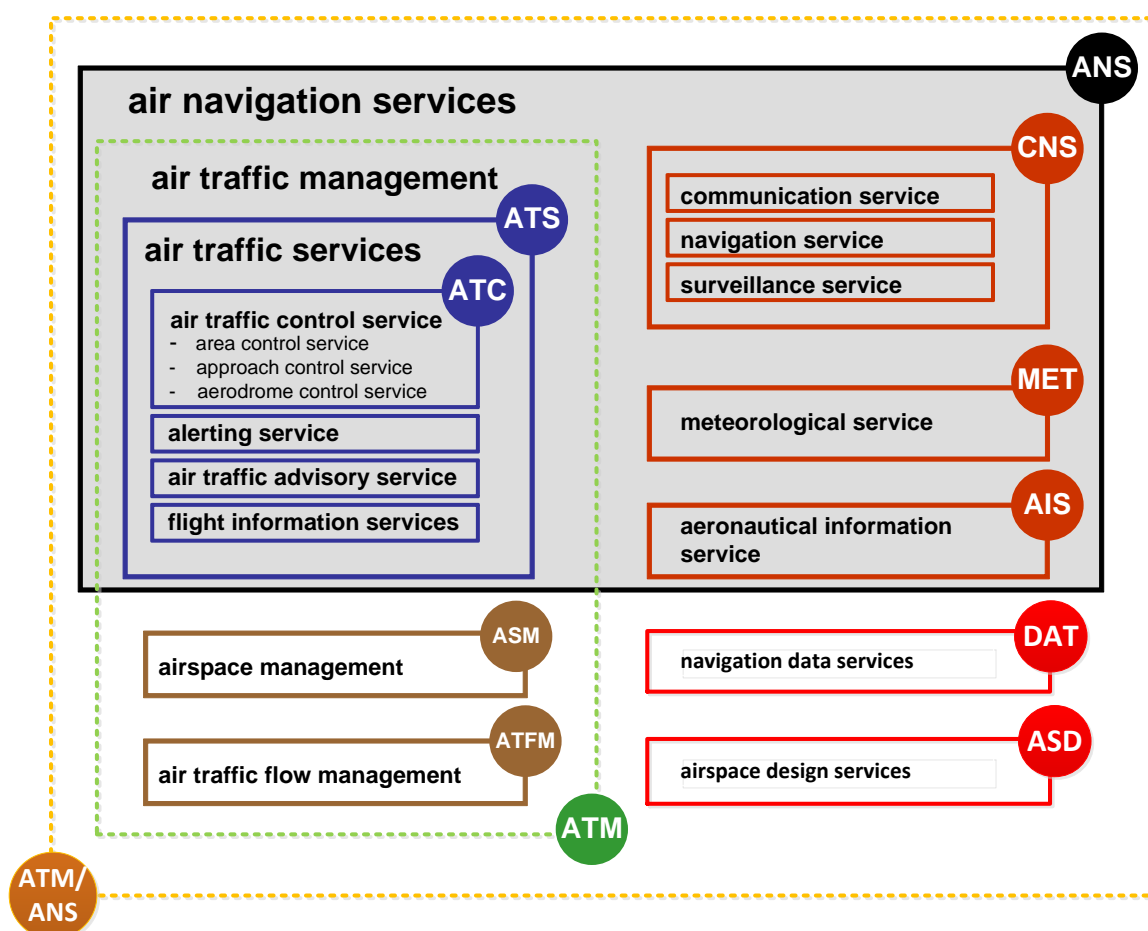
To summarise, three main areas requesting clarification on interpretation have been identified that would need to be evaluated in order to assess the impact to the competent authorities. They can be summarised as following:

- establishment of the management system by the competent authorities,
- introduction of classification scheme of the findings raised by the competent authorities.
- moving towards 'performance-based' and 'risk-based' oversight,

Requirements for ATM/ANS providers

Commission Implementing Regulation (EU) No 1035/2011 applies only to Air Navigation Service Providers (ANSP) (which includes Air Traffic Services providers (ATS providers), meteorological services providers (MET providers), Aeronautical Information Services providers (AIS providers) and Communication, Navigation, Surveillance services providers (CNS providers)). However, it does not apply to:

- Air Traffic Flow Management (ATFM) providers;
- Airspace Management (ASM) providers;
- Airspace Design (ASD) providers;
- data (DAT) providers; and
- the Network Manager.



The main consequences of not implementing the proposed requirements are that there are not harmonised criteria for the competent authority to certify and further oversee all these ATM/ANS providers as foreseen by the Basic Regulation and as foreseen by Commission Implementing Regulation (EU) No 1034/2011⁴. Based on the above, it can be concluded that the scope of the impacts analysed in this RIA relates mainly to these four providers: ATFM, ASM, ASD and DAT and to a certain extent to the Network Manager.

Another driver of the issues is the high level of technical complexity that is constantly induced by the implementation of new technologies (e.g. those foreseen by SESAR programme). If there is not a proper regulatory framework for the providers so that they have a strong basis to support implementation, it may induce an increase in safety risks. These programmes are usually implemented to increase capacity and efficiency in the ATM/ANS field.

Therefore, it can be concluded that safety risks may also rise if there is an increase of traffic and no technical solution is implemented in order to safely improve capacity and efficiency.

It is also important to highlight that one safety risk which has been a contributing factor in some accidents and serious incidents and it is, therefore, part of the recommendations of some accidents and incidents investigation reports is the co-ordination and collaboration on safety management between aviation domains (e.g. aircraft operations, aerodrome operations and ATM/ANS). It could be argued that one of the possible reasons for this lack of co-ordination and collaboration between the aviation domains for safety management is the historical divergence in the rule development for each domains (e.g. JAA, EUROCONTROL, National rulemaking). Aviation system should be treated as a whole and not as a collection of aviation domains. Therefore, one of the objectives of the Agency is to harmonise as much as it is

⁴ Commission Implementing Regulation (EU) No 1034/2011 includes the oversight of ATFM and ASM.

feasible the regulations applicable to all aviation domains so as to ensure co-ordinated safety management and avoid safety gaps and overlaps.

Requirements for the declaration of flight information services providers

Commission Implementing Regulation (EU) No 1035/2011 already considers that more flexibility is needed for certain ANSP and allows a system in which they will be certified but they will be subject to derogations from some requirements which are already considered to be too burdensome for these providers. The certificates subject to derogation from the requirements are only valid within the airspace falling under the responsibility of the Member State. Part of these providers are FIS providers and even additional derogations are foreseen for FIS providers which operate regularly not more than one working position at any aerodrome.

Article 8b(3) foresees the possibility for Member States to implement a declaration scheme for FIS providers and leaves the criteria and conditions for such scheme to the Implementing Rules to determine. This NPA aims at achieving this objective and provides conditions for the Member States to have the possibility to implement a declaration scheme for FIS providers in the most appropriate way.

ATSEP (Air Traffic Safety Electronics Personnel)

The Basic Regulation lays down the basis for a mandatory implementation of training and competence assessment for all ATM/ANS personnel⁵, including ATSEP. Service providers are obliged to properly train and assess their ATSEP to ensure current and ongoing competence.

Although it is recognised that the level of competence of ATSEP in Europe is currently at an acceptable level, it is fair to question if this situation can be maintained in the future taking into account the air traffic growth, the consequences of increase of technology complexity and the impact of the possible need for higher staff mobility in order to adjust to the job offer or demand where there is important growth of traffic.

The following main issues have been identified:

- Issues with the implementation of the current regulatory framework: no precise requirement to ensure that adequate training and efficient competence assessment will be provided;
- Training issues: the ATSEP Common Core Content (CCC) Initial Training (ATSEP CCC) is not uniformly applied throughout the EASA Member States, if at all;
- Competence assessment issues: There are currently no requirements in the EU regulation framework. As a consequence, the implementation of Annex Vb to the Basic Regulation cannot be fulfilled and the oversight cannot be established on a common basis.

Who is affected ?

- Competent authorities including the NSAs and the Agency.
- The ATM/ANS providers, and more specifically the four types of providers ATFM, ASM, ASD, DAT and FIS providers.
- Staff working as ATSEP.

Baseline scenario

Without addressing properly the issues identified, the requirements in the Basic Regulation for ATM/ANS (mainly article 8b) and the Essential Requirements in Annex Vb (mainly chapter 5) cannot be implemented. Taking into account the increase of technological complexity and the

⁵ With regard to ATM/ANS personnel, Point 5(a)(iv) of Annex Vb to the Basic Regulation specifies that service providers 'shall use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the personnel'.

potential traffic increase forecasted by EUROCONTROL⁶, this may raise concerns on overall aviation safety level.

3.3 Objectives

Although the current situation in the EU Member States does not show significant safety risk, the overall analysis is that the continuous increase in technology complexity and growth of aviation transport request the establishment of necessary measures to meet the Basic Regulation's general objectives⁷:

- to maintain a high uniform level of civil aviation safety; and
- to provide level playing field with proportionate and cost-efficient rules.

Therefore, these objectives are relevant for all issues. Cost-efficiency includes ensuring a smooth transition from national to common European requirements.

This proposal will contribute to the overall objectives by addressing the issues outlined in section 3.1.

These general objectives are then detailed with specific objectives relevant for each issue analysed in this report.

3.4 Overview of the issues, objectives, and options

The following table summarises the issues addressed by this report and indicates for each of them the related objectives and options.

Due to limited space in this table, Option 0 'Do nothing' is not described as it is a mere prolongation of the issues over time. Option 0 is detailed in each of the RIA chapter related to one issue.

⁶ Eurocontrol, 4 March 2013:

- 'By 2019, traffic is expected to reach 11.2 million IFR movements (± 1 million) in Europe, 17% more than in 2012.' Source: <http://www.eurocontrol.int/documents/seven-year-flights-forecast-2013-2019>
- Eurocontrol 'Long-Term Forecast IFR Flight Movements 2010-2013' report: 'The range of the forecast scenarios is between 13.1 and 20.9 million flights in 2030, 1.4-2.2 times the traffic in 2009.'

⁷ Article 2 of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

Table 3 — Overview of issues, objectives and options

Issues	Specific Objectives	Options (other than 'do nothing')
Chapter 4 — Towards a management system of the CAs/NSAs (Authority Requirements)		
<ul style="list-style-type: none"> — The current Commission Implementing Regulation (EU) No 1034/2011 has a different and more limited set up from the one required now throughout the implementation of State Safety Programme (SSP). — In practice, the current regulation does not always guarantee a common understanding and uniform implementation of the management system requirements. 	<p>The specific objective is to facilitate the implementation of the SSP duly taking into account the critical elements of the safety oversight systems as required by ICAO.</p>	<p>Option 1: Establishment of the management system by the competent authority</p> <p>New processes and tasks for the competent authorities, in particular the implementation of a compliance monitoring system of the management system with the relevant requirements and adequacy of the procedures, including an internal audit process and safety risk management process.</p> <p>In addition to that, the competent authorities shall appoint one or more persons with the overall responsibility for the management of the relevant task(s).</p>
Chapter 5 — Introduction of the findings classification (Authority Requirements)		
<ul style="list-style-type: none"> — The current provisions of Commission Implementing Regulation (EU) No 1034/2011 do not specify requirements on the conditions for suspending or revoking a certificate of ATM/ANS providers. — The current Regulation on safety oversight in ATM/ANS does not provide for unambiguous requirements regarding the detection of 'non-compliances' and their management. — In practice, the current requirements do not always lead to a common understanding and uniform implementation by the affected parties. 	<p>The specific objective is to ensure the uniform understanding and implementation of findings classification and their management to ensure a common safety approach.</p>	<p>Option 1: Implementation of the findings classification</p> <p>See ATM/ANS.AR.C.025: Dedicated provision on findings, corrective actions and enforcement measures for the ATM/ANS providers</p> <p>This proposed provision provides for a convenient and straightforward system between findings and corrective actions and has been tailored to the oversight of ATM/ANS providers while ensuring the continuity of service.</p>

Issues	Specific Objectives	Options (other than 'do nothing')
Chapter 6 — Towards performance-based oversight (Authority Requirements)		
<p>One of the important principles proposed within this NPA is the move towards an oversight system that is based on the continuous monitoring of the safety performance of organisations and considering specific risks entailed by their activities, leading to a risk based oversight programme for each organisation.</p>	<p>The specific objective towards performance-based oversight is to implement a safety oversight program offering adequate time and resources for the identified safety risks in order to ultimately improve safety with a flexible and cost-efficient approach.</p>	<p>Option 1: Flexible risk-based approach only for a period of two years</p> <p>The possibility in the draft rule ATM/ANS.AR.C015 (c)(5) to 'sample each organisation (...) in a manner commensurate with the level of risk posed (...) provides for unambiguous flexibility compared to Option 0. This possibility ensures that NSAs/CAs are able to base their oversight programme on a risk assessment, instead of automatically having to audit against all requirements each two years. However, option 1 limits the flexible risk-based approach only for a period of two years.</p> <p>Option 2: Option 1 with extended flexibility of performance-based oversight</p> <p>The flexibility of performance-based oversight in option 1 is extended with option 2 towards more performance-based oversight with subparagraph (5) of ATM/ANS.AR.C.015 (c): a maximum of 4 years oversight planning can be implemented under certain conditions, instead of 2 years with Option 1.</p> <p>The Oversight in a performance-based environment (Performance-Based Oversight (PBO)) is a new approach for the competent authorities to discharge their responsibilities as it considers the criteria of the ATM/ANS providers' safety management implementation indicated in paragraphs (i) to (iv) in a controlled process.</p>

Issues	Specific Objectives	Options (other than 'do nothing')
Chapter 7 - Requirements for ATM/ANS providers		
<p>— Commission Implementing Regulation (EU) No 1035/2011 contains requirements for the provisions of ANS only. The EASA Basic Regulation foresees a regulatory scheme for the provision of ATM/ANS and not ANS only. The existing common requirements were found incomplete and insufficient to achieve the objectives of the EASA Basic Regulation.</p>	<p>— To ensure a consistent European framework to enable safe and cost efficient ATM/ANS provision. This requires to:</p> <ul style="list-style-type: none"> • extend the Common Requirements to all organisations providing ATM/ANS (Commission Regulation (EC) No 2096/2005 as replaced by Commission Implementing Regulation (EU) No 1035/2011 laying down Common Requirements for ANS providers only); and • define proportionate and flexible requirements for the provision of ATM/ANS according to the size of the organisation and the nature and complexity of their services; <p>— To establish management system requirements for all ATM/ANS providers and more specific safety management system requirements for providers for ATS (and CNS providers) ensuring alignment with draft ICAO Annex 19; and</p> <p>— To improve the regulatory framework so as to facilitate the implementation of future</p>	<p>Option 1: Extend the scope of Annex I of Commission Implementing Regulation (EU) No 1035/2011 by including all ATM/ANS providers without changing it.</p> <p>This option does not represent a significant change to the ANSPs already certified, however, further amendments may be needed later on in time. AMC/GM and new annexes to cover the provisions of the 4 new services would be needed with this option.</p> <p>The application of some requirements in Annex I to Commission Implementing Regulation (EU) No 1035/2011 may not be proportionate or relevant to the new types of providers (e.g. financial strength).</p> <p>Option 2: Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers.</p> <p>Amend Annex I to make it applicable to all ATM/ANS providers and implement the Essential Requirements in Chapter 5 of Annex Vb to the Basic Regulation. With this option, we also add AMC and GM where it is deemed necessary. Specific annexes are also needed to cover each type of ATM/ANS service provision.</p>

Issues	Specific Objectives	Options (other than 'do nothing')
	programmes within the EU.	
Chapter 8 - Requirements for the declaration of flight information services (FIS) providers		
<ul style="list-style-type: none"> Commission Implementing Regulation (EU) No 1035/2011 requires all ANS providers to be certified but the EASA Basic Regulation in Article 8b(3) offers the possibility to Member States to allow organisations providing FIS only to declare their capabilities to provide FIS within the airspace of the Member State. Commission Implementing Regulation (EU) No 1035/2011 needs to be amended to contemplate this possibility. 	<p>The specific objective is to establish a proportionate scheme for application of declaration of capabilities to provide FIS.</p> <p>This objective aims at achieving two other general objectives which are the establishment of proportionate requirements and a more appropriate regulatory framework for these FIS providers .</p>	<p>Option 1: Apply the same criteria that exist for FIS providers eligible to derogations and, in addition, define a new set of criteria for FIS providers to be eligible to declare their activities.</p> <p>This new set of eligibility criteria is included in Article 6 of the Cover Regulation of the new proposed regulation. Apply the same set of requirements with the minimum set of requirements applicable to FIS providers which are eligible for derogations.</p>
Chapter 9 – Air Traffic Safety Electronic Personnel		
<ul style="list-style-type: none"> The current regulatory framework does not ensure that training and competence assessment requirements for ATSEPs will be properly covered by ATM/ANS providers. Competence assessment issues: currently no requirements in the EU regulation framework. As a consequence, the implementation of Annex Vb to the Basic Regulation cannot be achieved and the oversight cannot be established on a common basis. 	<p>Development of requirements for training and competence assessment for ATSEP as they are considered personnel with safety-related functions. This will be achieved through the adoption of a common set of requirements.</p>	<p>Option 1 - Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules</p> <p>Option 2 - Introduce training and competence assessment and transpose the ATSEP CCC in Acceptable Means of Compliance (AMC)</p> <p>Option 3 - Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules and in AMC.</p>

4 Towards a management system of the CAs/NSAs (AR)

4.1 What is the issue and the current regulatory framework?

Current Commission Implementing Regulation (EU) No 1034/2011 already addresses certain requirements in the context of the management system of competent authorities. However, the Regulation with regard to a number of tasks, procedures or competent authorities' resources has a different and more limited set-up from the one required now throughout the implementation of State Safety Programme (SSP). For this reason, the system of Commission Implementing Regulation (EU) No 1034/2011 ultimately could not qualify as requirements for a complete management system. In addition to that, in practice the current Regulation does not always guarantee a common understanding and uniform implementation of the management requirements.

With a view to achieving a realistic implementation of safety management procedures through the SSP as required by ICAO, there is a growing support within the ATM/AMS Community about the need to also harmonise the management systems of the competent authorities. Without new rules at EU level that incorporate the SSP requirements, the harmonisation of the management system requirements would be very difficult, if not impossible, to achieve.

The competent authorities in other aviation domains (e.g. aircrew, air operations) have already been required to upgrade their systems and procedures to the new SSP-based authority requirements introduced with Commission Regulation (EU) No 290/2012 and Commission Regulation (EU) No 965/2012. For the aerodrome authorities, these rules are forthcoming. It should be noted also that within the competent authorities of some Member States the oversight on Aerodromes, air traffic controllers and ATM/ANS is combined within one functional unit. Towards a total system approach, these management system-related requirements have been harmonised, and it would, therefore, be logical to fill in the requirements for the ATM/ANS authority along the same lines to achieve further alignment.

4.2 Who is affected?

More than thirty one (31) competent authorities and the Agency in its role as a competent authority for pan-European and non-EU service providers will be affected by the current issues that are described above.

4.3 What are the safety risks?

The risks of not implementing the proposed management system for the competent authority for ATM/ANS could be identified as follows:

- No certainty that there will be a rational and risk-based oversight programme and no certainty that it will be carried out properly;
- No certainty that the personnel is properly qualified for their tasks and remain at the right level; and
- No certainty if resources of the competent authority are sufficient to perform properly its oversight tasks, and

Within the process of mutual recognition, the uncertainty that the certification and oversight processes of all involved States are of an appropriate level.

4.4 Objectives

The specific objective is to facilitate the implementation of the SSP duly taking into account the critical elements of the safety oversight systems as required by ICAO.

4.5 Identification of options

Option 0: the current situation as explained above

If no amendments will be introduced, a common understanding and uniform implementation of the management requirements will be not ensured.

Option 1: Establishment of the management system by the competent authority

Option 1 refers to the draft rules number ATM/ANS.AR.B.005.

The new management system requirements in Section B of Part ATM/ANS.AR define a range of new processes and tasks for competent authorities, in particular:

- the implementation of a compliance monitoring system, including an internal audit process and safety risk management process;
- the implementation of a system for continuous monitoring of safety performance, considering compliance, and risk management capability of organisations;
- the development and implementation of methodologies to assess the safety performance of organisations;
- the implementation of a system to plan the availability of personnel;
- keeping records of the evaluation of alternative means of compliance proposed by persons and organisations, and the assessment of alternative means of compliance used by the competent authority itself; and
- the transmission of information to the Agency of procedures and amendments thereto, and of information regarding changes affecting the management system.

In the medium term, the implementation by competent authorities of management systems, including compliance monitoring and safety risk management, are expected to increase efficiency in certification and oversight processes, primary related to safety, but also related to costs.

Finally, the new processes and tasks arising for competent authorities are intended to support the achievement of the principal objective of the Basic Regulation in terms of safety, standardisation and harmonisation, while also implementing the ICAO SARPs related to the establishment of a SSP.

The transition measures proposed with this NPA, set for 18 months date of applicability after the publication of this new Regulation, will ensure a smooth transition for the competent authorities to amend their national systems to comply with the new elements.

4.6 Analysis of impacts

4.6.1 Safety impact

Option 0 creates the risk that among others, resources, time, and capacity are not being allocated to the proper audit activities in a proper manner, and, hence, divert the competent authorities and ATM/ANS providers from focusing on core safety issues.

Option 1 should diminish the risks that have been identified under option 0. This is desirable as the complexity of the aviation industry is increasing while in a number of cases the NSA/CA faces a lack of resources. The answer to this challenge is in the adoption of a Safety Management methodology at all levels in aviation. This would mean next to the Safety Management System (SMS) at ATM/ANS provider level, through the competent authority's management system (as part of the implementation of SSP, at state level).

The new management system approach will be more coherent and should provide the competent authorities with the capability to focus on identification of risks and their eventual mitigation.

4.6.2 Economic impact

Option 0: Double and unsynchronised requirements for NAAs which perform the duties as competent authorities for other aviation domains such as air operations, aircrew, aerodromes and ATCO licensing on one hand, and as NSA/CAs in the ATM/ANS domain on the other hand. However, the situation will continue like it is today, therefore, there is no impact.

Option 1: Towards the establishment of the CA management system, it is assumed that, at least partially, authorities can rely on existing resources and communication channels. Depending on the situation at national level, it is acknowledged that the implementation of the management system will probably require a rearrangement of the resources available or extra investments in the system in place.

In general, new regulations are expected to increase the costs at the beginning in order to ensure implementation depending on the situation at national level. However, it is considered to be an one-off cost to change the rules the first time. After that, a reduction of the ongoing costs is expected thanks to the harmonisation.

Positive impact:

- Cost-efficient approach, less time spent to adjust the procedures for ATM/ANS purpose compared to option 0 for the competent authorities which have not yet adopted the approach described in Option 1.
 - Common approach for SSP: this will avoid potential findings from ICAO audits, and as a consequence, avoid spending time on correction of findings.
 - These two positive impacts mentioned above are ongoing benefits.
- Negative impact: this could require upgrade of training and updates of the current process to establish the management system. This is a one-off cost.

Overall impact: With a proposed transition period of 18 months, it is expected that the negative impacts will be compensated by the positive impacts in a smooth manner.

4.6.3 Impact on regulatory coordination and harmonisation

Option 0: Diversity of implementation of the current requirements due to lack of common interpretation.

Option 1: This option provides the basis for a common implementation at EU level and across all aviation domains as well as ensuring an implementation of SSP in line with ICAO.

4.7 Conclusion and preferred option

The summary of the impacts by different options can be found below.

Table 4 – Overview of impacts for CA/NSA management system

Type of impacts	Option 0	Option 1
Safety impacts	-	+
Economic impacts	0	-/+
Regulatory coordination and harmonisation	-	+
Overall impact	-	+

Option 1 is the preferred option.

With a view towards a total system approach, the requirements for the management of the competent authority have been developed to ensure consistency and compatibility not only with current and upcoming rules in air traffic controller licensing, but also as far as practicable with the relevant rules in the field of aerodromes, aviation aircrew, air operations, as well as airworthiness. Such a harmonised approach should also facilitate the activities of the competent authorities. The proposed provisions take due account of the critical elements of a safety oversight system defined by ICAO. Implementation of the proposed requirements will ensure compliance with the relevant ICAO Standards on implementation of SSP for all EASA Member States. One of the main objectives of introducing a management system is to ensure that risks are identified, assessed, and satisfactorily mitigated. The importance of this to civil aviation has been widely recognised within the EU.

Within this context, the Agency supports a holistic approach towards management systems, as being a fundamental element of the set-up of an authority.

5 Introduction of the findings classification (AR)

5.1 What is the issue and the current regulatory framework?

Article 8b(6)(c) of the Basic Regulation requires the Implementing Rule to specify the conditions for, among others, suspending or revoking a certificate of ATM/ANS providers. The current provisions of Commission Implementing Regulation (EU) No 1034/2011 do not specify such concrete requirements. Furthermore, the above-mentioned Regulation addresses the interaction between the competent authority and the ANSP in the case of detection of 'non-compliances'. However, it does not provide for unambiguous requirements regarding this subject. This means that, in practice, the requirements do not always lead to a common understanding and uniform implementation by the affected parties.

Towards a total system approach, the competent authorities in the other aviation domains have already been required to classify different levels of findings and act upon it, e.g. existing aviation requirements in the field of maintenance have been applicable since 2003 and Commission Regulation (EU) No 290/2012 (Aircrew) and Commission Regulation (EU) No 965/2012 (air operations) have introduced such a framework recently. The forthcoming rules on aerodromes and the NPA on ATCO licensing also propose this holistic approach.

With a view to achieving a uniform implementation of the 'non-compliances' detection and findings management, there is a growing support within the ATM Community of the need of harmonisation of the measures regarding findings and the corrective actions and enforcement that should or could follow from it. Without these new provisions at EU level, the harmonisation of the findings classification and management requirements would be very difficult and the uniform implementation not guaranteed.

5.2 Who is affected?

More than 31 competent authorities and the Agency in its role as a competent authority for pan-European and non-EU service providers will be affected by the current issues that are described above.

5.3 What are the safety risks?

The risks could be identified as following:

- No certainty that there will be a balanced 'non-compliances' and 'non-conformities' detection and no certainty that it will be carried out properly.
- No certainty that what could be considered as non-compliance in one Member State could be considered as a compliance in another one.

5.4 Objectives

The specific objective is to ensure the uniform understanding and implementation of findings classification and their management to ensure a common safety approach.

5.5 Identification of options

Option 0: The current situation, do nothing

Option 1: Implementation of the findings classification

A dedicated provision on how the competent authority should classify findings raised and handle corrective actions for the ATM/ANS providers is proposed in ATM/ANS.AR.C.025 on Findings, corrective actions, and enforcement measures. This proposed Article provides for a convenient 'flowing' system between findings and corrective actions and has been tailored to the oversight of ATM/ANS providers while ensuring the continuity of service.

The requirement for the competent authorities to establish a system for categorising findings is proposed by introducing:

- Level 1 finding — This is a 'non-regular' finding in case of a serious non-compliance that poses a significant risk to flight safety or otherwise questions the organisation's fitness to continue operations. In case of a level 1 finding, the competent authority shall require immediate corrective action from the ATM/ANS provider. Apart from that, the competent authority shall take immediate appropriate action, which may include limitation, (partial) suspension, or revocation of the certificate and in the case of the Network Manager, inform the Commission as well. However, the continuity of service should be ensured provided that safety is not compromised.
- Level 2 finding — When any other non-compliance is detected with the applicable requirements, with the ATM/ANS provider's procedures and manuals, or with the terms of conditions or the provider's certificate. In the case of a level 2 finding, the competent authority shall require a corrective action and implementation plan (this is actually in line with the current Article 8 of the Safety oversight Implementing Rule), including a proposed implementation period, from the ATM/ANS provider.

This system would provide a balanced and proportional approach to 'regular' (level 2) findings. These should always be corrected but the ATM/ANS provider can be allowed to do this in a manner that is the most suitable within its operational environment.

The transition measures proposed with this NPA set for a date of applicability 18 months after the publication of this new Regulation. This should ensure a smooth transition for the competent authorities to amend their national systems to comply with the new requirements.

5.6 Analysis of impacts

5.6.1 Safety impact

Option 0 creates the risk that the classification of non-compliances and findings and its subsequent follow-up are not processed in a uniform manner which could compromise the safety.

Option 1 is desirable as the mutual recognition of ATM/ANS certificates requires a genuine common standard in the implementation of the common requirements, including the findings classification and its management (including follow-up actions). The new approach will be more streamlined and enable the competent authorities to deal with the 'regular' finding in a balanced manner, while giving them a robust framework in case of 'non-regular' findings.

5.6.2 Economic impact

Option 0 could compromise the trust in the mutual recognition of certificates for the provision of services when the classification of non-compliances and findings and its subsequent follow-up are not processed in a uniform manner. Furthermore, these double and unsynchronised requirements for NAAS which perform the duties as competent authorities for other aviation domains as such as airworthiness, air operations, aircrew, including aerodromes and ATCO licensing on one hand and as NSAs/CAs in ATM/ANS domain on another hand, would not be cost-efficient.

Option 1: The implementation of the categorisation of findings and its subsequent follow-up will in most cases require minor adjustments to the systems in place, including e.g. the upgrade of training and updates of the current process to establish a system to analyse findings for their safety significance. However, this approach will harmonise the treatment of the findings and 'non-compliances', and with the proposed transition period of 18 months, it is expected that the negative impacts will be compensated by the positive ones in a smooth manner.

5.6.3 Impact on regulatory coordination and harmonisation

Option 0: Diversity of implementation of the current requirements due to lack of common interpretation.

Option 1: Requirements are clarified. There is a common understanding and implementation at EU level and across all aviation domains.

5.7 Conclusion and preferred option

The summary of the impacts by different options can be found below.

Table 5 – Overview of impacts for findings classification

<i>Type of impacts</i>	<i>Option 0</i>	<i>Option 1</i>
Safety impacts	-	+
Economic impacts	-	-/+
Regulatory coordination and harmonisation	-	+
Overall impact	-	+

Option 1 is the preferred option.

With a view towards a total system approach, the requirements for the categorising of findings and their subsequent follow-up have been developed to ensure consistency and compatibility not only with current and upcoming rules on air traffic controller licensing, but also as far as practicable with the relevant rules in the field of aerodromes, aviation aircrew, air operations as well as airworthiness. Such a harmonised approach should also facilitate the activities of the competent authorities. The proposed provisions take due account of the critical elements of a safety oversight system defined by ICAO⁸. The importance of this approach to ATM/ANS community has been strongly recognised by the rulemaking group.

Within this context, the Agency supports a holistic approach towards classification of findings and their management, as being an essential element of the oversight system of an authority.

⁸ See paragraph 80 Chapter 4 – Annex I– Requirements for competent authorities, SUBPART B Management of the EN.

6 Towards performance-based oversight (AR)

6.1 What is the issue and the current regulatory framework?

With a view to achieving a realistic implementation of safety management practices through the SSP and the SMS as required by ICAO, there is a growing support within the ATM Community of the need to complement the existing compliance-based oversight measures with a performance-based oversight process. The Agency supports a holistic approach towards management systems by incorporating safety management principles into the regulations for management systems of organisations and authorities. The assessment of the ICAO SSP elements indicated that a number of, but not all, measures are already addressed with the current ATM/ANS legislation framework.

One of the important principles proposed within the NPA, also stemming from the implementation of the SSP, is the move towards an oversight system that is based on the continuous monitoring of the safety performance of organisations and considering specific risks entailed by their activities, leading to a risk-based oversight programme for each organisation.

According to the Rulemaking group, the current text of Commission Implementing Regulation (EU) No 1034/2011 could be interpreted in a way that, within a timeframe of two years, audits would need to be undertaken regarding all articles of the Common requirements, regardless of the ATM/ANSP's safety performance and its adherence to the applicable requirements. As this would be not fully in line with the principles of risk-based oversight, it was found necessary to clarify the related provision of Commission Implementing Regulation (EU) No 1034/2011 within this NPA. Moreover, emphasis should be put on the fact that the intention of oversight based on an assessment of the risks associated with the different operations constituting the ATM/ANS provided would be the logical step under the amended requirements for ATM/ANS provision.

6.2 Who is affected?

Oversight can be defined as a mechanism through which the competent authority ensures that the identification of hazards and the management of safety risks by service providers follows established regulatory controls (requirements, specific operating regulations, and implementation policies) aiming at an adequate level of safety across the regulated organisations and personnel.

The following stakeholders are potentially affected by the principles as proposed within this NPA to solve the current issue described above:

- National competent authorities;
- ATM/ANS providers who are subject to the oversight by the competent authorities; and
- The Agency in its role as a competent authority.

If the proposal is followed, competent authorities' oversight process may require evaluation aiming at improvements of the safety management capability towards a different, more flexible, oversight management in order to benefit from the new approach.

6.3 What are the safety risks?

According to Commission Implementing Regulation (EU) No 1034/2011, within a timeframe of two years, audits need to be undertaken regarding all implementing requirements, including the provisions of the common requirements, regardless of the ATM/ANSP's performance and its adherence to the applicable requirements. The main safety risk could be that too much time and resources would be spent on non-significant safety issues, hence diverting from the real objectives of the oversight.

6.4 Objectives

The specific objective towards performance-based oversight is to implement a safety oversight program offering adequate time and resources for the identified safety risks in order to ultimately improve safety with a flexible and cost-efficient approach.

6.5 Identification of options

Option 0 does not aim at proposing any change to the existing framework. Option 1 presents the proposal developed by the Rulemaking group while Option 1 introduces the Agency's opinion towards performance-based oversight.

Table 6 – Options for performance-based oversight

Option 0: Article 7 of Commission Implementing Regulation (EU) No 1034/201,	Option 1: Flexible risk-based approach only for a period of two years	Option 2: Option 1 with extended flexibility of performance-based oversight
<p>3. Within the inspection programme required by Article 8 of Commission Implementing Regulation (EU) No 1035/2011, competent authorities shall establish and update, at least annually, a programme of safety regulatory audits in order to:</p> <p>(d) ensure that sufficient audits are conducted over a period of 2 years to check the compliance of all these organisations with applicable safety regulatory requirements in all the relevant areas of the functional system;</p>	<p>(c) The competent authority shall, on the basis of the evidence at its disposal, monitor annually the ongoing compliance of the ATM/ANS providers under its supervision. To this end, the competent authority shall establish, and maintain an oversight programme including audits, which shall:</p> <p>(5) ensure that audits are conducted in a sufficient number and depth over a period of two years to sample each organisation under its supervision in a manner commensurate with the level of risk posed by each ATM/ANS provider; and</p>	<p>(c) The competent authority shall, on the basis of the evidence at its disposal, monitor annually the ongoing compliance of the ATM/ANS providers under its supervision. To this end, the competent authority shall establish, and maintain an oversight programme including audits, which shall:</p> <p>(5) ensure that for ATM/ANS providers under its supervision, an oversight planning cycle not exceeding 24 months is applied.</p> <p>The oversight planning cycle may be reduced if there is evidence that the safety performance of the organisation has decreased.</p> <p>For ATM/ANS providers certified by the competent authority, the oversight planning cycle may be extended to a maximum of 36 months if the competent authority has established that during the previous 24 months:</p> <p>(i) the organisation has demonstrated an effective identification of aviation safety hazards and management of associated risks; and</p> <p>(ii) the organisation has continuously demonstrated under ATM/ANS.OR.A.035 that it has full control over all changes; and</p> <p>(iii) no level 1 findings have been issued; and</p> <p>(iv) all corrective actions have been implemented within the time period accepted or extended by the</p>

competent authority as defined in ATM/ANS.AR.C.025.

If, in addition to the above, the ATM/ANS provider has established an effective continuous reporting system to the competent authority on the safety performance and regulatory compliance of the organisation, which has been approved by the competent authority, the oversight planning cycle may be extended to a maximum of 48 months.

Note:

Text strikethrough ~~xxx~~ in Option 0: text deleted and replaced in Option 1 and 2

Text highlighted in grey: draft alternatives.

Option 0 — Article 7(3) of current Commission Implementing Regulation (EU) No 1034/2011

Without changing the Commission Implementing Regulation No 1034/2011, in Article 7(3), the item (d) may lead to different interpretations at NSAs/CAs level of what are 'sufficient audits (...) over a period of 2 years'. This has a potential negative safety impact as the oversight requirements will not be applied in a uniform manner. Furthermore, too much time and resources could be spent on non-significant safety issues, which would divert capacity from the significant ones.

Option 1 — Flexible risk-based approach only for a period of two years

The possibility in the draft rule ATM/ANS.AR.C015 (c)(5) to 'sample each organisation (...) in a manner commensurate with the level of risk posed (...) ' provides for unambiguous flexibility compared to Option 0. This possibility ensures that NSAs/CAs are able to base their oversight programme on a risk assessment, instead of automatically having to audit against all requirements each two years. This risk-based oversight of ATM/ANS providers is being promoted within Europe and the dedicated provision has been developed by the rulemaking group. However, Option 1 limits the flexible risk-based approach only for a period of two years.

Option 2 — Option 1 with extended flexibility of performance-based oversight

The flexibility of performance-based oversight in Option 1 is extended with Option 2 towards more performance-based oversight as presented in the table above. Option 2, subparagraph (5) of ATM/ANS.AR.C.015 (c): a maximum of 4 years oversight planning can be implemented under certain conditions, instead of 2 years with Option 1. The Oversight in a performance-based environment (Performance-Based Oversight (PBO)) is a new approach for the competent authorities to discharge their responsibilities, as it considers the criteria of the ATM/ANS providers' safety management implementation indicated in paragraphs (i) to (iv) in a controlled process.

This controlled process is also linked to the introduction of a finding classification scheme, analysed in RIA Chapter 5. The level and frequency of these findings over an oversight planning cycle will provide the control to adjust the planning in a next phase. However, it should be emphasised that for NSAs/CAs for which the performance-based oversight is a new manner of working, before taking any decision on extension of the oversight cycle, a full 24-month oversight cycle of the certified ATM/ANS providers shall apply.

As this performance-based oversight approach has already been implemented in the Aircrew and Air Operations Regulations and recently proposed in the draft Implementing Rule on the licensing and medical certification of air traffic controllers, the Agency is of the opinion that this

oversight approach is a proven concept and a significant element of the 'total system approach' to be implemented according to the Basic regulation.

Criteria for extension are included at Implementing Rule level, and are as follows:

- An extension up to 36 months may only be applied when the ATM/ANS provider has demonstrated during the previous 24 months that an effective identification of aviation safety hazards and management of associated risks has taken place, and has continuously demonstrated that it has full control over all changes, no level 1 findings are issued, and that all corrective actions had been implemented within the time period as accepted by the competent authority.
- An additional extension to 48 months would be possible if the ATM/ANS provider complies with all of the above-mentioned conditions, and in addition has established a system for continuous reporting of its safety performance and regulatory compliance. Such a reporting system must be approved by the competent authority.

From a practical point of view, a smooth implementation should be guaranteed with the transition period of 18 months towards performance-based oversight. Performance monitoring as initially established through Commission Regulation (EU) 691/2010 (the SES performance scheme regulation) could be helpful for this. However, it needs to be emphasised that the methodology for performance monitoring that could be considered as element of the performance-based oversight would probably require further alignment and harmonisation at a later stage.

6.6 Analysis of impacts

6.6.1 Safety impact

The current challenge faced by aviation worldwide is to maintain and improve the level of safety reached in the last years.

Option 0 — Article 7(3) of current Commission Implementing Regulation (EU) No 1034/2011

Option 0 creates the risk of undue time and resources spent on non-significant audits, and, hence, diverting the competent authorities and ATM/ANS providers from focusing on core safety issues.

Option 1 — Flexible risk-based approach only for a period of two years

Option 1 enables the adaptation of the oversight planning to the complexity of the aviation industry by focusing on the key safety risks. Option 1 does not define more precisely what it means 'to sample each organisation under its supervision in a manner commensurate with the level of risk posed by each ATM/ANS provider', therefore, it could lead again to a different implementation at NSAs/CAs level, with consequences on the soundness of the extension of the oversight cycle. As such, this may raise potential doubts on the high level of safety to be maintained.

Option 2 — Option 1 with extended flexibility of performance-based oversight

Option 2 allows the achievement of substantial safety improvements by addressing safety concern, specific to a given aviation system or to a certain service provider. In implementing performance-based oversight, requirements and compliance to them are not replaced by safety management, they are complemented by it.

The SSP provides a structure for meeting State responsibilities for safety management using a systematic, performance-based approach. Option 2, which is in line with SSP-principles, provides for an approach to system safety that stresses performance of safety critical processes in service provider activities and in State oversight functions (through the

NSAs/CAs). As such, it supplies a controlled and unambiguous framework for safety decision making. An important aspect, in line with the SSP-principles, is defining the relationship between the State's NSAs/CAs and the system of service providers through their safety management systems.

6.6.2 Economic impact

Option 0

No economic impact.

Option 1

Option 1 enables the adaptation to the complexity of the aviation industry by focusing on the key safety risks. It will support a more efficient use of the NSAs/CAs resources, which are currently quite often in a phase of reduction. The ATM/ANS providers will benefit from such gains as well based on the more efficient use of the resources.

For the NSAs/CAs who have not yet implemented such an approach, there is a certain economic benefit with the flexibility introduced from the depth of oversight planning over 2 years.

Option 2

Positive impact: This approach provides for a controlled and unambiguous framework for safety decision making, making certain that the principles of the SSP are taken on board within the oversight process. This is a cost-efficient approach with an adequate time spent on audit. NSAs/CAs and ATM/ANS providers will most likely benefit from such gains.

Negative impact: Option 2 will require on a continuous basis more training for the NSAs/CAs personnel to ensure the effective application of the risk- and performance-based oversight approach. There will most likely be one-time extra costs for the definition of the first oversight planning. Therefore, a transition period of 18 months is foreseen to ensure a smooth transition.

6.6.3 Impact on regulatory coordination and harmonisation

Option 0

Diversity of implementation of the current requirements due to ambiguity making common interpretation difficult.

Option 1

The objectives of the Basic Regulation are in appearance implemented, but still there are ambiguities and a room for different interpretations.

Option 2

The requirements are clarified. Option 2 clarifies the necessary oversight requirements and ensures a common implementation at EU level.

6.7 Conclusion and preferred option

The summary of the impacts by different options can be found below.

Table 7 – Overview of impacts for findings classification

Type of impacts	Option 0	Option 1	Option 2
Safety impacts	-	-/+	+
Economic impacts	0	0/+	-/+
Regulatory coordination and harmonisation	-	-	+
Overall impact	-	-/+	+

Option 2 provides the highest benefits by ensuring a controlled process for the adaptation of the oversight cycle through the implementation of a finding classification scheme. A tailor-made oversight process will most likely reduce the use of resources from NSAs/CAs and ATM/ANS providers by focusing on the key safety issues.

7 Requirements for ATM/ANS providers

7.1 What is the issue and the current regulatory framework?

Commission Implementing Regulation (EU) No 1035/2011 contains requirements for the provisions of ANS only. The EASA Basic Regulation foresees a regulatory scheme for the provision of ATM/ANS and not ANS only. The existing common requirements were found insufficient to fulfil the obligations and scope of the Basic Regulation.

The definition for ATM/ANS in the Basic Regulation '*ATM/ANS shall mean the air traffic management functions as defined in Article 2(10) of Regulation (EC) No 549/2004, air navigation services defined in Article 2(4) of that Regulation, and services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation*'.

In addition, the Essential Requirements in Chapter 2 of Annex Vb to the Basic Regulation specify the following services: air traffic services, aeronautical information and data services, meteorological services, communication, navigation and surveillance services, air traffic flow management, airspace management and airspace design services. Therefore, the scope of the Basic Regulation is wider than the scope of the existing regulation and there is a need to either amend or complement the regulation which is today in force.

It is important to highlight that this was already foreseen during the development and adoption process of Commission Implementing Regulation (EU) No 1035/2011. In addition, one of the objectives⁹ under the Basic Regulation is that the Agency needs to prepare implementing measures to amend and complement this Regulation to extend the scope to the provision of ATM/ANS.

As already mentioned in section 3.2, this RIA is dealing mainly with the impacts of the new proposed regulation on the providers not covered by the common requirements: providers of navigation data, providers of airspace design, ATFM and ASM.

Moreover, providers of air traffic flow management and airspace management are regulated in general terms by regulations: Commission Regulation (EU) No 255/2010 and Commission Regulation (EU) No 2030/2010 and Commission Regulation (EC) No 2150/2005. Although these regulations do not contain the requirements for the certification and the oversight requirements for them are covered by the same regulation applicable to the competent authorities when overseeing ANSPs (Commission Implementing Regulation (EU) No 1034/2011).

It can be, therefore, concluded that where there is an impact expected, this impact is less significant as the Agency has taken all these provisions as a basis.

Some of providers of services consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-critical air navigation can apply to EASA for a letter of acceptance (LOA) (either type 1¹⁰ or type 2¹¹ LOA)

⁹ For the purpose of the subject of this NPA, the objective of the Basic Regulation is to establish and maintain and high level of civil aviation safety through the development and promotion of safety rules in all fields of aviation and, therefore, also in the field of ATM/ANS

¹⁰ Letter of acceptance granted where a Navigation Database supplier complies with ED-76/DO-200A with no identified compatibility with an aircraft system. A Type 1 LOA confirms that the processes for producing navigation data comply with these Conditions and the documented Data Quality Requirements. A Type 1 LOA may not release navigation databases directly to end users,

¹¹ Letter of acceptance granted where a Navigation Database supplier complies with ED-76/DO-200A and provides data compatible with specified avionics system(s). A Type 2 LOA confirms that the processes for producing navigation data comply with these Conditions and the documented Data Quality Requirements for the avionics

and show compliance with the conditions attached to EASA's Opinion No 01/2005¹². However, this Opinion is not a regulation and it does not achieve the objectives of the Basic Regulation which requires a certificate for these providers. In addition, the conditions in the above-mentioned Opinion cover only some of the data providers while there may be other data providers that may also need to be covered by the new requirements. Therefore, the Agency needs to review and amend the content of this Opinion No 01/2005 and transfer it into an more appropriate regulatory framework taking into account the nature of the services.

Regarding airspace design, today it is regulated at national level and the approach varies from Member State to Member State. Some Member States regulate these organisations and foresee the need to have an approval while in other Member States the activity is either carried out as State activity or by the main ATS provider in the Member State but it is not regulated separately. Basic Regulation foresees that airspace design is regulated as a service and it also foresees that the provider (when the activity is carried out by a provider) is certified to conduct such activity. Moreover, the activity is already regulated by Commission Regulation (EC) No 73/2010. Indeed, Article 2(c)(ii) includes procedure design services as part of the scope of that regulation. Moreover, Article 10 of the same Regulation requires them to implement a quality management systems and to have in place processes for managing their changes.

Based on the above, it can, therefore, be concluded that while there is an impact expected on these new providers with the proposed regulation implementing the Basic Regulation, this impact is less significant as the Agency has taken all these provisions as a basis for developing the proposals made with this NPA.

Today, the Network Manager is subject to Commission Regulation (EU) No 677/2011, however, in this Regulation, no certification scheme or certification requirements are foreseen. Annex VI to the said Regulation contains, however, very similar requirements with the requirements applicable to all ANSP which are contained in Annex I to Commission Implementing Regulation (EU) No 1035/2011. One of the activities carried out by the Network Manager is air traffic flow management, and taking into account the Basic Regulation, the provision on this activity/function or service is subject to certification and oversight by a competent authority. Therefore, in order to ensure level playing field and equal competition, the Agency has been requested by the European Commission to transfer the requirements in Annex VI to Regulation (EU) No 677/2011 from this regulation to the same regulation applicable to all ATM/ANS providers.

Regulatory coordination

Regarding the coordination and harmonisation with the Single European Sky Regulations, it is important to highlight that the coordination and harmonisation issues stem from the differences between the SES and EASA Basic Regulations. One of the main differences is the differences between the definitions of ATM and ANS in SES and the definition of the term ATM/ANS in the Basic Regulation. This issue has been explained in Chapter 3 of the Explanatory Note. The term ATM/ANS contains one additional service not included in the term ATM neither in the term ANS which is the service consisting in the origination and processing of data and formatting and delivering data to general air traffic for the purpose of safety-

systems specified. The Data Quality Requirements must be provided by or agreed with the specified equipment design organisation in accordance with a formal arrangement. A Type 2 LOA may release navigation databases directly to end users. Such releases may also include data packing tools, where the use of such tools has been demonstrated to be ED-76/DO-200A compliant. A Type 2 LOA holder may interface directly with data originators (such as State AIP providers and operators), or may use data supplied by a Type 1 LOA in which case interfaces with data originators may not be necessary.

¹² <http://easa.europa.eu/agency-measures/opinions.php#2005>

critical air navigation. In addition, point 2 of Annex Vb 'ATM/ANS' to the Basic Regulation defines one additional service within ATM/ANS, airspace design, which is not included neither in ATM nor in ANS. In addition, it is important to highlight that tactical air traffic flow management and airspace management are considered as services within the Basic Regulation and subject to certification whether they are considered as function and not subject to certification within the SES regulatory framework.

These aspects were already identified during the regulatory process and that is the reason why the Basic Regulation contains Article 65a requiring the European Commission to propose amendments to Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to take into account the requirements of the Basic Regulation. To this end, it is worth mentioning that the European Commission is working on a legislative proposal to amend SES II into SES II+ and, therefore, it is expected that some of these coordination and harmonisation issues which stem directly from the differences between SES and EASA are resolved.

7.2 Who is affected?

Air navigation services providers (providers of ATS, MET, CNS and AIS), entities providing (tactical) ATFM, ASM and ASD, and data providers (DAT) as specified in Chapter 2 of the Essential Requirements in Annex Vb to the Basic Regulation and the Network Manager. Appendix B to this RIA contains the list of ANSPs in Europe and the services they provide either bundled or unbundled. Here is a summary of the number of ANS per country in 2011:

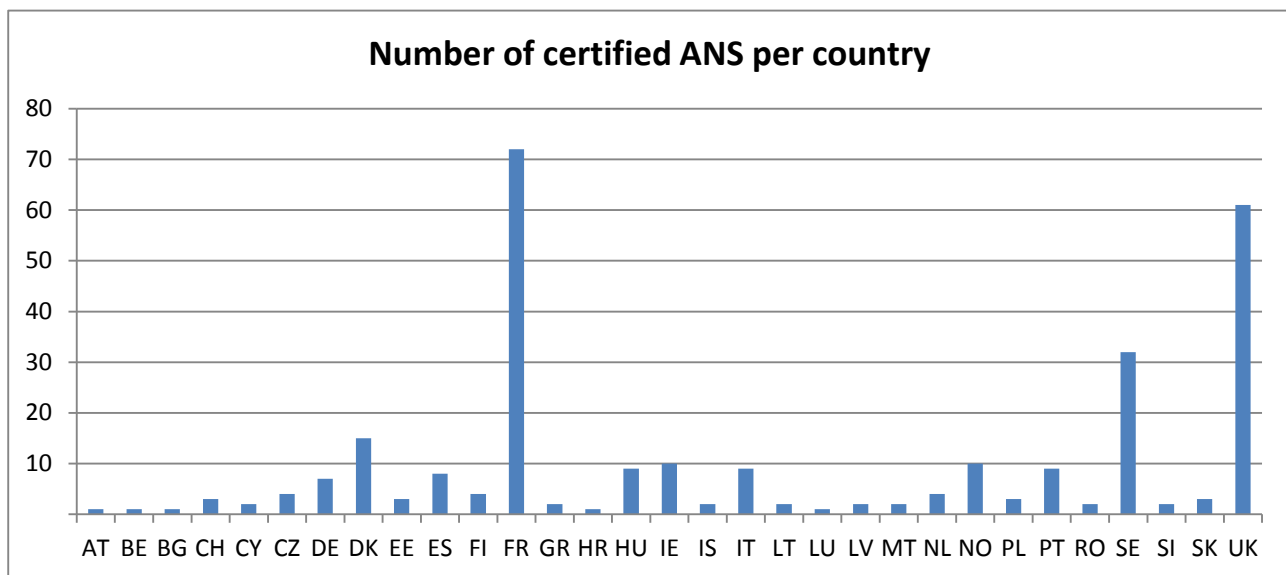


Table 8 – Number of certified ANS per country and per type of activity

Country	Total number of ANS	Number of ANS performing:																											
		All ANS activities	Only 1 activity					Only 2 activities								Only 3 activities										Only 4 activities			
			ATS	AFIS	AIS	CNS	MET	ATS AFIS	ATS AIS	ATS CNS	ATS MET	AFIS CNS	AFIS MET	CNS MET	AFIS AIS	ATS AFIS AIS	ATS AFIS CNS	ATS AFIS MET	ATS AIS CNS	ATS AIS MET	ATS CNS MET	AFIS AIS CNS	AFIS AIS MET	AFIS CNS MET	AIS CNS MET	All without AFIS	ATS AFIS AIS CNS	ATS AFIS AIS MET	ATS AFIS CNS MET
AT	1	1																											
BE	1																								1				
BG	1																								1				
CH	3			1			1																				1		
CY	2						1																				1		
CZ	4		1				1										1										1		
DE	7					1	1	3									1										1		
DK	15			7	1	5	1										1												
EE	3						1												1									1	
ES	8						1	6											1										
FI	4	1					1																2						
FR	72		4	62	1	2	1					1															1		
GR	2						1																				1		
HR	1																								1				
HU	9	1				2	1					5																	
IE	10					1	1										1										1	6	
IS	2	1					1																						
IT	9	1								1											7								
LT	2						1																				1		
LU	1																								1				
LV	2	1					1																						
MT	2						1												1										

Country	Total number of ANS	Number of ANS performing:																											
		All ANS activities	Only 1 activity					Only 2 activities								Only 3 activities										Only 4 activities			
			ATS	AFIS	AIS	CNS	MET	ATS AFIS	ATS AIS	ATS CNS	ATS MET	AFIS CNS	AFIS MET	CNS MET	AFIS AIS	ATS AFIS AIS	ATS AFIS CNS	ATS AFIS MET	ATS AIS CNS	ATS AIS MET	ATS CNS MET	AFIS AIS CNS	AFIS AIS MET	AFIS CNS MET	AIS CNS MET	All without AFIS	ATS AFIS CNS	ATS AFIS MET	ATS AFIS CNS MET
NL	4		1			2																					1		
NO	10	1			1	1						5											2						
PL	3					2												1											
PT	9			5		1	1					1						1											
RO	2				1																				1				
SE	32	1				13	1				1												16						
SI	2						1												1										
SK	3						1				1																1		
UK	61	1				9	1				6		16	1	1						25							1	
Total	287	9	6	75	3	35	26	9		8	1	23	6	1			4		6		32			20		5	10		8

As already mentioned, this RIA is dealing mainly with the impacts of the new proposed regulation on the providers not covered by the common requirements: providers of navigation data, providers of airspace design, ATFM and ASM.

The answers received from AGNA and SSCC did not allow to provide a reliable picture of the number of these 'new' providers. Nevertheless, it seems that there are very few countries which have started to certify these types of providers. Nevertheless, in many countries these services are carried out by the national ANSP itself.

Competent authorities including the NSAs, the national authorities responsible for the establishment of the conditions for operate in a given airspace, and the Agency are also affected by the proposal under this NPA as they would exercise oversight over the ATM/ANS providers.

7.3 What are the safety risks?

Safety risks may rise over time with the high level of technical complexity that is constantly induced by the implementation of new technologies (e.g. those foreseen by SESAR programme) if not correctly implemented and if there is not a proper regulatory framework for the providers so that they have a strong basis to support implementation. These programmes are usually implemented to increase capacity and efficiency in the ATM/ANS field.

Therefore, it can be concluded that safety risks may also rise if there is an increase of traffic and no technical solution is implemented in order to improve capacity and efficiency.

As it has also been explained above, some potential sources of safety risk are the increase of traffic and the increase of technical complexity.

It is also important to highlight that one safety risk which has been a contributing factor in some accidents and serious incidents and it is, therefore, part of the recommendations of some accidents and incidents investigation reports is the coordination and collaboration on safety management between aviation domains (e.g. aircraft operations, aerodrome operations and ATM/ANS). It could be argued that one of the possible reasons of lack of coordination and collaboration between the aviation domains for safety management is the historical divergence in the rule development for each domains (e.g. JAA, EUROCONTROL, National rulemaking). Aviation should be treated as a whole and not as a collection of aviation domains. Therefore, one of the objectives of the Agency is to harmonise as much as it is feasible the regulations applicable to all aviation domains in order to ensure coordinated safety management and avoid safety gaps and overlaps.

7.4 Objectives

The specific objectives with the proposed NPA are the following:

- to ensure a consistent European framework to enable safe and cost-efficient ATM/ANS provision. This requires to:
 - extend the Common Requirements to all organisations providing ATM/ANS (Commission Regulation (EC) No 2096/2005 as replaced by omission Implementing Regulation (EU) No 1035/2011 laying down Common Requirements for ANS providers only); and
 - define proportionate and flexible requirements for the provision of ATM/ANS according to the size of the organisations and the nature and complexity of their services.
- to establish management system requirements for all ATM/ANS providers and more specific safety management system requirements for providers for ATS (and CNS

providers) ensuring alignment with draft ICAO Annex 19 in order to ensure consistency between the European regulatory framework and ICAO framework; and

- to improve the regulatory framework so as to facilitate the implementation of future programmes within the European Union

7.5 Identification of options

Option 0: Do nothing

This option will leave the existing Commission Implementing Regulation (EU) No 1035/2011 un-touched. This option will not represent any change but it will not implement the Basic Regulation and, therefore, the Agency will still need to act in order to implement the Basic Regulation in the future as the current national differences will remain together with the corresponding lack of efficiency and potential safety risks.

Option 1: Extend the scope of Annex I to Commission Implementing Regulation (EU) No 1035/2011 by including all ATM/ANS providers without changing it.

This option may not represent a change to the existing ANSPs in the first place, except that they would need to include other services that they may have been performing previously but not yet included under the certificate. This option may necessitate AMC and GM applicable to the new types of providers within the scope. This option does not fully implement the Essential Requirements in the Basic Regulation and, therefore, further amendment in the future will be required(e.g. to align with ICAO SMS framework).

It is important to highlight that this option also needs also the addition of new Annexes to cover the new services within the scope.

Option 2: Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers.

Amend Annex I to make it applicable to all ATM/ANS providers and implement the Essential Requirements in Chapter 5 of Annex Vb to the Basic Regulation. With this option, we also add AMC and GM where it is found necessary. Specific Annexes are also needed to cover each type of ATM/ANS service provision.

7.6 Analysis of impacts

7.6.1 Safety impact

Option 0 will not contribute in mitigating the potential risks identified in the issue analysis (section 7.3) since nothing will change with regard to the existing situation.

Option 1 may slightly contribute positively in mitigating some risks but the contribution is considered to be minor because of the lack of harmonisation with other aviation domains.

Option 2 contributes more positively in mitigating the potential identified risk as it provides more harmonisation of the requirements not only between the ATM/ANS providers themselves but also with other fields of aviation (to a certain extent and as far as it is feasible) and with ICAO SMS framework.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>
Safety impact	-/0	0/+	+

7.6.2 Economic impact

Option 0 – Do nothing

Option 0 may not be seen as requiring additional cost in the first place because the Regulation will not change and, therefore, the existing providers will continue their operations as today. However, it might be important to highlight that there is always an accumulative and permanent cost of national rulemaking for the new types of providers subject to requirements as proposed in this NPA (see section 7.1) and risk of increased cost in order to ensure harmonisation solutions for the FABs.

General consideration for Option 1 and 2

In general, new regulations are expected to increase the costs at the beginning in order to ensure implementation depending on the situation at national level. This cost usually includes extra cost needed for certification of the 4 new potential types of providers (providers of navigation data, providers of airspace design, ATFM and ASM), assessment of the new services within the scope, dissemination of information, training and familiarisation of ATM/ANS providers and competent authority staff with the new rules.

However, it is considered to be an one-off cost to change the rules the first time. After that, a reduction of the ongoing costs is expected thanks to the harmonisation. Moreover, it should also be highlighted that due to the lack of available data, the evaluation of the economic impact assessment is only qualitative.

To ensure a smooth transition and keeping low as far as possible the potential additional cost impact, a transition of period of two years for the draft rules implementation is foreseen. This is applicable for Options 1 and 2.

Option 1 – Extend the scope of Annex I to Commission Implementing Regulation (EU) No 1035/2011 by including all ATM/ANS providers without changing the requirements in that Annex

In Option 1, the cost increase is mainly related to the new types of providers as they would need to undergo through a certification process if they are not yet certified at national level. This will depend on the applicable requirements in each Member State and the similarities between them and the ones foreseen by this Option. However, as already explained, this should be an one-off cost. The initial cost should be reduced with the time. The initial certification cost may be higher than in Option 2 because the whole set of requirements in Annex I to Commission Implementing Regulation (EU) No 1035/2011 would then apply to them without the possibility to ensure a proportionate implementation. This, however, again depends on the requirements applicable today in the Member states. In addition, the rulemaking cost should be reduced because of the centralised rulemaking at European level.

Option 2 – Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers

Option 2, as in the case of Option 1, may require initial costs for the certification of new types of providers if they are not yet certified at national level. However, as in the case of Option 1, this cost should be reduced with time. Because of the amendments foreseen to the requirements and because of the different AMC/GM proposed, the requirements applicable to the new types of providers should be more proportionate than in Option 1 and, therefore, the cost impact is expected to be less significant than in Option 1. As in the case of Option 1, the cost will depend on the similarities or differences between the proposed requirements and the requirements applicable in the Member States. As in the case of Option 1, the centralised rulemaking activity at European level would provide benefits.

Also in the case of Option 1 and in order to reduce the cost impact, a transition period of 2 years is foreseen.

In conclusion, for Options 1 and 2, the new providers to be certified do not represent a significant cost of the ATM/ANS sector.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>
Economic impacts	-/0	-	-/+

7.6.3 Proportionality issues

The inclusion of the new ATM/ANS providers within the Commission Implementing Regulation (EU) No 1035/2011 could affect proportionality if not properly assessed. The Basic Regulation requires these providers to be subject to certification but they should be required to establish and maintain a risk-based management system and, therefore, already contains the notion that proportionality should be applied.

Option 0 could be interpreted as not having impact on proportionality issues since no new requirements are made. However, it is important to highlight that since this Option requires that each Member State develops or maintains their own national regulatory systems, the end result may affect proportionality issues for the different providers among the EU Member States. A certain degree of differences in regulating these new providers among the EU Member States could be anticipated.

Option 1 could affect proportionality issues because the application of Annex I to all ATM/ANS providers could create burden for the new providers. Level playing field may improve because the high level requirements are expected to be harmonised through Europe.

Option 2 foresees that requirements are amended so as to make it applicable to all ATM/ANS providers and also foresees a proportionate application by the creation of different types of AMC and GM. It is expected that this option has a positive impact in proportionality issues because of the application of proportionate requirements but also because of the facilitation of the level playing field due to harmonised implementation of requirements for these providers among the EU Member States.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>
Proportionality issues	-/0	-/+	+

7.6.4 Impact on regulatory coordination and harmonisation

The analysis of regulatory coordination and harmonisation considers, at least, the following aspects:

- Coordination and harmonisation with the Single European Sky Regulations;
- Coordination and harmonisation with ICAO regulatory framework; and
- Coordination and harmonisation with the regulations applicable to other fields of aviation.

Taking the current regulatory framework as basis for the assessment of the regulatory coordination and harmonisation with the Single European Sky Regulations, only Option 0 would not have any impact while Options 1 and 2 would have the same negative impact since in these two Options, ATFM and ASM would be considered as services subject to certification

which would not be consistent with the SES regulatory framework which considers them as functions.

Regarding the coordination and harmonisation with ICAO framework, since only Option 2 will actually take the ICAO SMS framework of draft Annex 19 and Annex 11 and part of Annex 3 as basis of the requirements proposed, only this Option would have a positive effect while Options 0 and 1 have no effect as coordination and harmonisation with ICAO is not systematically ensured.

Regarding the coordination and harmonisation with the regulations applicable to other fields of aviation, only Option 2 would have a positive effect while Options 0 or 1 would have a negative effect on this coordination since there would not be harmonised requirements.

<i>Regulatory coordination aspects</i>	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>
Regulatory coordination and harmonisation with SES	0	-	-
Regulatory coordination and harmonisation with ICAO	0	0	+
Regulatory coordination and harmonisation with other fields of aviation	-	-	+
Total regulatory coordination and harmonisation	-/0	-/0	-/+

7.7 Conclusion and preferred option

The summary of the different impacts by the different options can be found below.

Table 9 – Overview of impacts for ATM/ANS providers' requirements

<i>Type of impacts</i>	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>
Safety impact	-/0	0/+	+
Economic impact	-/0	-	-/+
Proportionality issues	-/0	-/+	+
Regulatory coordination and harmonisation	-/0	-/0	-/+
Overall impact	-/0	-/+	+

Preferred option is Option 2 because it better implements the Essential Requirements in Chapter 5 of Annex Vb to the Basic Regulation, and it proposes the first step to harmonise the requirements for ATM/ANS providers with the requirements applicable in other fields of aviation (e.g. aircraft operations, aerodrome operators, FCL, initial and continuing airworthiness). Last but not the least, the overall result is clearly positive compared to the other options. This is, therefore, the option proposed in the draft Opinion and draft Decision included in this NPA.

8 Requirements for the declaration of flight information services providers

8.1 What is the issue and the current regulatory framework?

Commission Implementing Regulation (EU) No 1035/2011 requires all ANS providers to be certified but the EASA Basic Regulation in Article 8b(c) offers the possibility to Member States to allow organisations providing FIS to declare their capabilities to provide FIS within the airspace of the Member State. Commission Implementing Regulation (EU) No 1035/2011 needs to be amended to contemplate this possibility.

In addition, Article 5 'Derogations' of Commission Implementing Regulation (EU) No 1035/2011 already offers the possibility to Member States to derogate for certain FIS providers and more specifically for Aerodrome FIS providers (AFIS) who operate regularly not more than one working position at any aerodrome. The reason why this scheme has been necessary is because some of the requirements in Commission Implementing Regulation (EU) No 1035/2011 were found too heavy for the risk associated with the operation by these small providers. As it can be found in Appendix C to this RIA, it can be concluded that there is a total of 124 FIS (indeed AFIS) which are certified with a derogation.

As explained in the Explanatory Note to this NPA (subpart IV, Chapter 1), the Agency would have preferred to replace this derogation scheme by a more appropriate scheme based on proportionate requirements, AMC and GM. One of drivers for this preference was that Basic Regulation already provides for flexibility provisions to the Member States in general (Article 14) and, in addition, it includes the possibility for the Member States to implement a declaration scheme for certain providers (FIS providers). This has, however, not been accepted by the stakeholders participating in the rulemaking groups ATM.001 and ATM.004.

Finally, the application of this Regulation to FIS providers has not been consistently nor uniformly applied among the EU Member States.

8.2 Who is affected?

There are in total 124 AFIS certified with a derogation in accordance with Commission Implementing Regulation (EU) No 1035/2011. The total number of AFIS at small airfields for General Aviation is currently unknown.

Competent authorities for FIS and AFIS, including the NSAs for the AFIS providers at small airfields for General Aviation (they are not expected to provide services at Pan-European level).

Member States and they would need to decide whether or not a declaration scheme would be available in their countries.

8.3 What are the safety risks?

One of the main safety aspects is the need to ensure that the requirements are proportionate to the risks associated to the activities being regulated. Disproportionate requirements can have the consequences of increasing the authority and providers' workload with unnecessary demonstration of compliance and certification and oversight activities. This could jeopardise the best use of resources.

Disproportionate requirements can also have an opposite effect as providers and competent authorities can multiply the application of derogations or what could be even worse, consider the requirements not applicable.

While currently no urgent safety risks have been identified, these issues could have a negative impact on safety in the long term.

8.4 Objectives

The specific objective is to establish a proportionate scheme for the application of declaration of capabilities to provide FIS.

This objective is aiming at achieving two other general objectives which are the establishment of proportionate requirements and a more appropriate regulatory framework for these providers of flight information services.

8.5 Identification of options

Option 0: Do nothing

This option will not implement Article 8b(3) of the Basic Regulation and will leave the requirements for FIS providers as they are today in Commission Implementing Regulation (EU) No 1035/2011.

Option 1: Apply the same criteria that exist for FIS providers eligible to derogations and, in addition, define a new set of criteria for FIS providers to be eligible to declare their activities.

Apply the same criteria that exist for FIS providers eligible to derogations and, in addition, define a new set of criteria for FIS providers to be eligible to declare their activities. This new set of eligibility criteria is included in Article 6 of the Cover Regulation of the new proposed regulation. Apply the same set of requirements with the minimum set of requirements applicable to FIS providers which are eligible for derogations.

Option discarded

Propose a new set of criteria for FIS providers to be eligible to declare their activities. Moreover, propose that FIS providers subject to declaration to comply with the same rules with FIS providers subject to certification.

This Option is not further analysed because the application of the same requirements for certification and declaration of FIS providers would not bring any safety or economic benefit. Moreover, this Option could increase the authority and providers' workload with unnecessary demonstration of compliance and could, therefore, jeopardise the best use of resources. If the requirements would be found disproportionate, the effect could also be the application of more derogations and the consideration that the requirements are not applicable.

8.6 Analysis of impacts

8.6.1 Safety impact

Option 0 – Do nothing

As already explained in section 8.3, non-proportionate requirements could have an impact on safety as it could affect the best use of resources during oversight and could also affect the compliance with the requirements by providers.

While currently no urgent safety risks have been identified, these issues could have a negative impact on safety in the long term.

Option 1 would be expected to have a positive effect on safety as the establishment of a declaration scheme including proportionate requirements for the providers would facilitate the best use of resources in the areas necessary for safety and would promote the regulatory compliance at the right level.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>
Safety impacts	-	+

8.6.2 Economic impact

It should also be highlighted that due to the lack of available data from each and every EU Member State, the evaluation of the economic impact assessment is only qualitative.

Option 0 would have neutral economic impact compared to what is done today. Nothing would change and, therefore, FIS providers would need to continue to be certified and if applicable subject to derogations. In the long term, this will have a negative economic impact compared with Option 1 because of the re-certification cost.

Option 1

New regulations are usually expected to increase the costs at the beginning of their applicability in order to ensure implementation. However, in the issue being analysed, the establishment of declaration scheme for FIS providers that are eligible to do so may, if the scheme is sufficiently proportionate, decrease the existing certification cost of FIS providers.

For the time being, it is difficult to evaluate how many FIS providers will be affected because the proposal for a declaration scheme for FIS providers will be totally voluntary for the Member State to choose. In addition, the answers to the EASA questionnaire sent in June 2012 were too few to provide some estimated data.

Option 1 is expected to have more positive economic impact because the reduction of certification costs by providers and competent authorities can be significantly lower compared to today's certification and re-certification cost from both sides: authorities and providers. This is a positive impact.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>
Economic impacts	-	+

8.6.3 Proportionality issues

It is important to highlight that the Basic Regulation includes the possibility for the Member States to establish a declaration scheme for certain FIS providers mainly to provide for more proportionality needed for these type of activities.

Option 0 would not have any positive or negative impact since there would not be any change with regard to today's situation.

Option 1 would have positive impact on proportionality issues since in addition to the declaration scheme, the requirements are also proportionate to the services being provided.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>
Proportionality issues	0	+

8.6.4 Impact on regulatory coordination and harmonisation

The item to be analysed in relation to regulatory coordination and harmonisation is the regulatory coordination and harmonisation with SES regulatory framework while implementing the EASA Basic Regulation.

Option 0

FIS providers will still be subject to certification and derogations and therefore Article 8b(3) of the Basic Regulation will not be implemented. Therefore, this Option will have a negative impact on the implementation of the EASA Basic Regulation.

Option 1

Option 1 could be seen as having a negative impact on the regulatory coordination and harmonisation with SES regulatory framework since today's SES regulatory framework requires that FIS providers are certified while the Implementing Rule, implementing both EASA and SES regulatory frameworks, would offer the possibility to certain FIS providers to self-declare their activities if the Member State where they provide services have implemented such declaration scheme.

However, it is important to highlight that these impacts have not been introduced with the Implementing Rule but they appear because of the different approaches in the SES and EASA Basic Regulations. Indeed, these aspects were already identified during the regulatory process and that is the reason why the Basic Regulation contains Article 65(a) requiring the European Commission to propose amendments to Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004, and (EC) No 552/2004 in order to take into account the requirements of the Basic Regulation and its Implementing Rule. To this end, the European Commission is working on a legislative proposal to amend SES II into SES II+ and, therefore, it is expected that some of these coordination and harmonisation issues which stem directly from the differences between SES and EASA are resolved. Therefore, by the time this Implementing Rule is adopted and enforced, both Basic Regulations will have been aligned and, therefore, the impact on regulatory coordination and harmonisation would be positive.

Type of impacts	<i>Option 0</i>	<i>Option 1</i>
Regulatory coordination and harmonisation	-	+

8.7 Conclusion and preferred option

The following table presents the comparison of all impacts associated to the different options.

Table 10 – Overview of impacts for requirements on declaration of FIS providers Type of impacts	Option 0	Option 1
Safety impacts	-	+
Economic impacts	-	+
Proportionality issues	0	+
Regulatory coordination and harmonisation	-	+
Overall impact	-	+

Preferred option is Option 2 because it implements the Basic Regulation with a more proportionate system for regulating these type of activities. Last but not the least, the overall result is clearly positive compared to the other options. This is, therefore, the Option proposed in the draft Opinion and draft Decision included in this NPA.

9 ATSEP

9.1 What is the issue and the current regulatory framework?

Air Traffic Safety Electronics Personnel (ATSEP) are a category of ATM/ANS technical and engineering personnel. They operate and maintain ATM/CNS systems and equipment that are necessary for the smooth operation of aircraft.

The Basic Regulation lays down the basis for a mandatory implementation of training and competence assessment for all ATM/ANS technical and engineering personnel, including ATSEP. In accordance with Annex Vb to the Basic Regulation, ATM/ANS providers are obliged to properly train and assess their ATSEP to ensure current and ongoing competence.

Today, ANSPs employing ATSEP ensure that training is provided to ensure ATSEP competency. However, the current regulatory framework for the ATSEP training is not properly defined nor is the implementation of this legal framework as it is explained in the three different issues identified below.

A. Issues with the implementation of the current regulatory framework

Within the framework of the Single European Sky, the European Commission adopted Commission Regulation (EC) No 2096/2005 that contained some very general provisions on technical and engineering personnel and required ANSPs to ensure that they 'have and maintain sufficient knowledge and understanding of the services they are supporting ...'. This regulation was repealed by Commission Implementing Regulation (EU) No 1035/2011. However, no changes were made to the provisions related to technical and engineering personnel. Indeed, the relevant texts only provide generic provisions with regard to the implementation of the Basic Regulation but do not ensure that adequate training and efficient competence assessment will be offered. Additionally, Commission Implementing Regulation (EU) No 1035/2011 does not mandate a common method by which ANSPs should implement training and competence assessment for ATSEP.

B. Issues with the Initial Training — the lack of proper implementation of the ATSEP Common Core Content (CCC)

The introduction, by EUROCONTROL, of the ATSEP CCC Initial Training provides useful support and guidance for service providers. Although initially meant to support the EUROCONTROL safety regulatory requirement No 5 (ESARR5), the ATSEP CCC is also meant to be used as support within the EU legal framework. The Agency, therefore, decided to take the ATSEP CCC as a basis for proposing adequate initial training requirements. The issue is that the ATSEP CCC which contains the minimum training requirement for ATSEP Basic and Qualification training, is currently not properly applied throughout the EU Member States, if at all. The main reason is that the ATSEP CCC is not legally binding. Member States are not obliged to implement it at national level. Although the legal transposition has been done in most of the EU countries, the ATSEP CCC is often subject to a simple reference in national legislation and not directly transposed into national law. ATM/ANS providers in Europe provide ATSEP training at different level of implementation which, at the end, results in a lack of proper implementation of the training syllabi.

C. Issues with the ATSEP training and competence assessment: the lack of requirements

The current European regulatory framework does not contain any specific requirements to oblige ATM/ANS providers to establish ATSEP training after the Initial training. No regulatory

requirements exist on which ATM/ANS providers could take as a basis to develop their system and equipment (S/E) training courses which allows ATSEP to become operational. The same regulatory situation exists with regard to the continuation training for which no European text ensures that ATSEP will maintain their competence throughout their operational career. Finally, competence assessment requirements have not been proposed at European level yet although this assessment is the only way to verify if ATSEP still have the sufficient knowledge and practical experience to continue operating on systems and equipment.

9.2 Who is affected?

ATM/ANS providers, training organisations and authorities.

Any ATM/ANS provider ensuring training and competence assessment of ATSEP in Europe is affected by the proposed rules. Today, there are approximately 280 certified ANSPs and 120 training organisations. The new rules will also affect the relevant competent authorities which will need to foresee resources, both financial and human. The rules will create administrative burden for them as they will have to assess training programmes, ensure oversight in a specific technical field, and foresee human capacity to ensure fulfilment of their obligations.

It is difficult to quantify the number of ATSEP affected by the proposed rules because there is, still today, no common view to determine exactly who should be considered as an ATSEP or not. Depending on the ATM/ANS provider, a technical and engineering person may or not be considered as an ATSEP. The table below contains some figures on the available number of ATSEP for 9 of the 27 of EU Member States. If taking the average of the ATSEP share at around 20% of the total number ANSP staff for all the EU/EASA Member States (around 50 000)¹³, it can be estimated that a minimum number of ATSEP could reach around 10 000.

Table 11 — Number of ATSEP in some European countries.

Country	ANSP staff	Total ATSEP staff	ATSEP share
Denmark	692	169	37 %
Finland	1 750	65	4 %
Latvia	370	45	12 %
Lithuania	302	74	25 %
Poland	1 063	410	39 %
The Netherlands	894	133	15 %
Slovakia	568	188	33 %
Spain	4 171	454	11 %
Sweden	1 133	150	13 %

¹³ Source: EUROCONTROL Final Report on "ATM Cost-Effectiveness 2010 Benchmarking Report with 2011-2015 outlook", May 2012

Switzerland	590	231	39 %
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Source : EASA questionnaire (see section 2.2)

9.3 What are the safety risks?

Although it is recognised that the competence of ATSEP in Europe is currently at an acceptable level of safety, it is fair to question if this situation can be maintained in the future taking into account the air traffic growth, the consequences of increase of technology complexity, and the impact on the possible need for higher staff mobility in order to adjust to the job offer or demand where there are important growth of traffic.

The current safety risks can be identified as low. However, the number of events where ATSEP have been involved in accident or incident is difficult to estimate. Indeed, it is often difficult to clearly identify ATSEP's contribution in the occurrence or not. It is true, however, that the safety risks may increase in an environment where technology becomes more and more challenging.

9.4 Objectives

The specific objective is to ensure an adequate integration of training and competence assessment requirements to properly ensure compliance with the Basic Regulation and at the same time maintain the level of safety currently in place.

9.5 Identification of options

Table 12 – Selected policy options

Option No	Description
0	Baseline option – No change to the current situation.
1	Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules.
2	Introduce training and competence assessment and transpose the ATSEP CCC in AMC.
3	Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules and in AMC.

Note: This impact assessment analysis covers the 3 types of training foreseen in the proposed rules, meaning the initial training (Basic and Qualification), the S/E rating training, and the continuation training. An overall assessment for every option is made for the training and competence assessment in general. With regard to the initial training, contained in the ATSEP CCC, the assessment is analysed separately. The reason is that it contains an important number of elements (subjects, topics, sub-topics and objectives) that need to be transposed. In order to correctly reflect the different options, the assessment must also be made according to the kind of transposition (of the ATSEP CCC) proposed.

9.5.1 Option 0 – The baseline, i.e. 'No change option'

The baseline describes what would happen if there were no change in the current situation regarding the training and competence assessment of ATSEP. This baseline option is always part of the analysis in order to have a benchmark to compare the options.

9.5.2 Option 1 – Training and competence assessment are introduced and the initial training is entirely transposed in IRs

Under this option, training and competence assessment are introduced in the rules and, for the initial training, the entire ATSEP CCC is contained in the Implementing Rules meaning that all the objectives, topics, sub-topics, and objectives need to be included in the training syllabi. However, for the Qualification training, ATSEP shall only receive the training pertaining to the relevant streams he/she will work on.

9.5.3 Option 2 – Training and competence assessment are introduced and the initial training is contained in Acceptable Means of Compliance.

This Option introduces general requirements for training and competence assessment for ATSEP. However, for the initial training, all the subjects, topics, sub-topics, and objectives of the ATSEP CCC are transposed in AMC. ATM/ANS providers may follow the proposed AMC but have the possibility to propose another way to comply with the general training and competence assessment requirements.

9.5.4 Option 3 – Training and competence assessment are introduced and the initial training is divided between IRs and Guidance Material.

In this Option, training and competence assessment are introduced. However, the initial training, the subjects, topics and sub-topics of the ATSEP CCC are contained in the IRs and the objectives (corpus, content, and taxonomy) are contained in AMC. This option also includes a 'flexibility' system for the basic training: the syllabi of the ATM/ANS provider shall contain the subjects, topics, and sub-topics but only the two first subjects ('Induction' and 'Air Traffic Familiarisation') are mandatory for all ATM/ANS providers while the 9 other subjects are optional where relevant to the domain on which ATSEP will work on. There is no change of situation for the qualification training where the 'shared' is mandatory for all and the 'streams' are only compulsory if relevant to the work to be performed by ATSEP.

Table 13 – The proposed transposition of the ATSEP CCC - Example of Basic training

(Subject) 1 : INDUCTION				Implementing Rule
(Topic) 1. INDUCTION				
(Sub-Topic) 1.1 Training and Assessment Overview				
1.1.1	Describe the training scheme and progression towards ATSEP competence	2	Initial (Basic and Qualification), S/E Rating, Continuation and Development training. Course aims, objectives and topics	AMC
1.1.2	State the assessment requirements, procedures and methods	1		

The subject (Subject 1. Induction), the topic (1. Induction) and the sub-topic (1.1. Training and Assessment Overview) are mandatory. These elements need to be taught by ATM/ANS providers. All the objectives (point 1.1.1 and point 1.1.2, the taxonomy and the content) are contained in GM.

Table 14 — Basic training: the mandatory/optional subjects applicable to all ATM/ANS providers

SUBJECT 1: INDUCTION	Mandatory for all ATM/ANS providers Mandatory ONLY if they are relevant to the work to be performed by the ATSEP.
SUBJECT 2: AIR TRAFFIC FAMILIARISATION	
SUBJECT 3: AERONAUTICAL INFORMATION SERVICES	
SUBJECT 4: METEOROLOGY	
SUBJECT 5: COMMUNICATION	
SUBJECT 6: NAVIGATION	
SUBJECT 7: SURVEILLANCE	
SUBJECT 8: DATA PROCESSING.	
SUBJECT 9: SYSTEM MONITORING & CONTROL	
SUBJECT 10: MAINTENANCE PROCEDURES	
SUBJECT 11: FACILITIES	

Table 15 — Qualification training: the mandatory/optional subjects applicable to all ATM/ANS providers.

SHARED	Mandatory for all ATM/ANS providers
Subject 1: SAFETY	
Subject 2: HEALTH AND SAFETY	
Subject 3: HUMAN FACTORS	
Stream COM-VOICE	
Stream COM-DATA	
Stream NAV-NDB	
Stream NAV-DF	
Stream NAV-VOR	
Stream NAV-DME	
Stream NAV-ILS	
Stream NAV-MLS	
Stream SUR-PSR	
Stream SUR-SSR	
Stream SUR-ADS	
Stream DAT-DP	
Stream SMC-COM	
Stream SMC-NAV	
Stream SMC-SUR	

Stream SMC-DAT	
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9.6 Analysis of impacts

All identified impacts are qualitatively assessed and expressed in terms of a score with an equal weight (a numerical single digit from '-3' (highly negative) to '+3' (highly positive)).

9.6.1 Safety impact

Options	Safety impacts	Scores
Baseline (Option 0)	As the current environment is considered safe, no immediate safety impact is expected. However, in an evolving environment where new technologies will be put into operation, the existing situation will no longer be suitable to respond to new challenges. Since the operational environment will differ from one ATM/ANS provider to another, it can be expected that the focus on training requirements and competence assessment will be different as well. ATSEP will be trained according to the local needs which will result in a wide range of competencies, even differing within a same ATM/ANS provider. With regard to the implementation of the ATSEP CCC, it is sometimes not even taken as a basis to ensure the training of ATSEP, and the competence assessment is not always ensured by the ATM/ANS providers. It has to be expected that this may have a negative impact on safety. However, ATSEP will still be fully competent to provide the required services within their area of responsibility. The impact on safety is considered minor.	-1
Introduction of training and competence assessment / transposition of the initial training in Implementing Rules (Option 1)	<p>1. Training and competence assessment</p> <p>The introduction of ATSEP training and competence assessment requirements will ensure that ATM/ANS providers have and maintain high qualified and competent ATSEP. Taking into consideration that national rules in the field of training and competence assessment can vary from one Member State to another, where also sometimes no such obligations exist, the introduction of the training and competence assessment of ATSEP will have a positive impact on safety. For ATM/ANS providers who already provide training and competence assessment schemes, the proposed rules will provide the legal framework for developing their training syllabi. For ATM/ANS providers who do not have in place such training and/or competence assessment programmes yet, the proposed rules will have a positive impact on safety because a certain level of mandatory measures will have to be complied with by these ATM/ANS providers.</p> <p>2. ATSEP CCC transposition</p> <p>Under this option, the entire ATSEP CCC is compulsory. All the subjects, topics, sub-topics, and objectives of the ATSEP CCC have to be covered in the training syllabi. This option has a positive impact on safety because ATSEP will acquire the</p>	+2

Options	Safety impacts	Scores
<p>Introduction of training and competence assessment and transposition of the initial training in AMC (Option 2)</p>	<p>knowledge in all the elements of the ATSEP CCC. However, this positive impact is limited. By including the entire ATSEP CCC in Implementing Rules, ATSEP may have to acquire knowledge in domains where very often they will not have to work on in the future. This could have an impact on their availability to focus on specific systems or equipment on which they indeed will work on, and, thus, be counter-productive in a long-term perspective. The impact on safety is nevertheless considered as positive.</p> <p>1. Training and competence assessment The same as for option 1 above.</p> <p>2. ATSEP CCC transposition: Under this option, ATM/ANS providers have the possibility to implement the proposed AMC or propose different ones. In the case a provider implements the proposed AMC, the impact on safety is positive because the content of the ATSEP CCC is, thus, contained in the training syllabi and the ATM/ANS provider has decided to comply with the entire elements of the ATSEP CCC. An ATM/ANS provider that does not have training syllabi in place yet or that wishes to replace its existing one will benefit from the proposed AMC. If the ATM/ANS provider decides not to implement the proposed AMCs, it may develop its own training syllabi and submit it for approval to the competent authority. In this case, training courses may vary from one provider to another, depending on their country, their location, and the type of services they provide. This option, therefore, ensures a low positive impact on safety.</p>	<p>+1</p>
<p>Introduction of training and competence assessment and transposition of the initial training in IRs and AMC (Option 3)</p>	<p>1. Training and competence assessment The same as for Option 1 above.</p> <p>2. ATSEP CCC Transposition This Option is the middle way between Options 1 and 2 above. Under this Option, the subjects, topics, and sub-topics of the ATSEP CCC are transposed in the IRs and the objectives are transposed in AMC. This option has a positive impact on safety because it ensures that minimum mandatory elements (up to the sub-topics) need to be taught and at the same time allows ATM/ANS providers to adapt their syllabi to their safety needs. The fact that, under this option, ATM/ANS providers can choose those subjects that are relevant to the kind of duties ATSEP will have to perform (except for the two first subjects of the Basic training and the possibility to select the streams relevant to their activities for the Qualification training), ensures a high positive safety impact of this Option as it obliges ATM/ANS providers to cover most of the elements contained in the ATSEP CCC and at the same time allow ATM/ANS providers to adapt their training syllabi to the type of work ATSEP will perform. These tailor-made</p>	<p>+3</p>

<i>Options</i>	<i>Safety impacts</i>	<i>Scores</i>
	requirements allow the providers to only focus on the relevant subjects domains which pertain to their field of activity. This Option, therefore, scores the maximum.	

9.6.2 Social impact

General remark: The main social criterion used here is the mobility of ATSEP.

<i>Options</i>	<i>Social impacts</i>	<i>Scores</i>
Baseline (Option 0)	Under this option, the situation with regard to the mobility of ATSEP does not change. The fact that ATM/ANS providers continue to train ATSEP differently can have a negative impact on the mobility of ATSEP. An ATM/ANS provider may easily decide not to recognise the type of training and competence of ATSEP on the basis of local specificities. This situation can refrain ATSEP from applying for the same position in another ATM/ANS provider. With the expected air traffic movement growth in Europe, ATSEP will need to adapt their level of training to the complexity of new technologies. There could be more pressure on ATSEP mobility to cope with areas where jobs are created. Therefore, the impact of this option is scored low.	-2
Introduction of training and competence assessment and transposition of the initial training in IRs (Option 1)	<p>1. Training and competence assessment</p> <p>The introduction of training and competence assessment requirements at European level will enable ATSEP to demonstrate that they have had a recognised level of training and, therefore, prove that they are competent to perform the duties on the systems or equipment for which they have applied to work on. This situation will certainly be beneficial for ATSEP willing to exercise their competence in another Member State. Furthermore, this Option will bring assurance to ATM/ANS providers that ATSEP coming from another provider have gone through the required training and a proper competence assessment to perform the task for which they will be recruited for. This situation will facilitate ATSEP mobility and, therefore, the impact is highly positive.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the entire ATSEP CCC is compulsory. ATM/ANS providers must include in their training courses all the subjects, topics, sub-topics, and objectives of the ATSEP CCC meaning that a significant number of elements need to be taught. All ATSEP will be undergoing the similar training courses in Europe and will, therefore, be able to justify that they have had the same level of knowledge with any other ATSEP in</p>	+3

<i>Options</i>	<i>Social impacts</i>	<i>Scores</i>
<p>Introduction of training and competence assessment and transposition of ATSEP CCC in AMC</p> <p>(Option 2)</p>	<p>Europe. However, it is considered that this Option will only facilitate the mobility of ATSEP but does not really ensure it. Indeed, the access to work in another Member State will not be ensured according to the number of subjects they have had training for but more on the relevant types of subjects that are requested to obtain to perform the task. Again here, the large number of subjects contained in the ATSEP CCC could make it more difficult for ATSEP to concentrate on the specific subjects for which they need to be competent for. The impact on mobility could then be limited because their profiles would not match exactly the criteria for the post. This option has, however, a positive impact on the mobility of ATSEP.</p> <p>1. Training and competence assessment</p> <p>The same as for Option 1 above.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, ATM/ANS providers have the possibility to implement the proposed AMC or to propose a different one. Here, the impact on mobility depends on the degree of harmonisation of the rules implemented by ATM/ANS providers. In the case the proposed AMCs are implemented by all ATM/ANS providers, the impact on the mobility of ATSEP will be positive and similar to Option 1. The more providers will implement the AMCs, the more effective will the mobility of ATSEP be. This situation is, however, not expected to happen. Many ATM/ANS providers will most likely propose their own alternative means of compliance. The training elements, tailored to the local environment, will then be different from one ATM/ANS provider to another. Therefore, harmonisation of implementation would not be ensured and the current situation as in Option 0 will remain, with every provider providing different types of training according to their own needs. This situation will impair the mutual recognition of training and competence and the mobility of ATSEP will be severely influenced. The impact on mobility is, therefore, low.</p>	<p>-2</p>
<p>Introduction of training and competence assessment and transposition of the Initial training in IRs/AMC</p> <p>(Option 3)</p>	<p>1. Training and competence assessment</p> <p>The same as for option 1 above.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the subjects, topics, and sub-topics of the ATSEP CCC are transposed in the IRs and the objectives are transposed in AMC. ATSEP do not have to take training in all the subjects contained in the IRs but can choose those relevant to their kind of system and equipment they will work on (except for the two first subjects of the Basic training and the Shared for the Qualification training which are considered as being compulsory for all ATM/ANS providers). With this Option, the positive impact</p>	<p>+1</p>

<i>Options</i>	<i>Social impacts</i>	<i>Scores</i>
	on mobility of ATSEP is limited because the objectives are contained in AMC and, therefore, have the same effect with those under Option 2. Overall, the impact on the mobility of ATSEP can, however, be seen as positive because ATM/ANS providers will know that all ATSEP in Europe have had the similar training at the level of sub-topics. This option has, therefore, a low positive impact on mobility.	

9.6.3 Economic impact

<i>Options</i>	<i>Economic impacts</i>	<i>Score</i>
Baseline (Option 0)	Today, the training syllabi in Europe can be very different between two (similar) providers. The ATSEP CCC is sometimes not taken as a basis to ensure the training of ATSEP and the competence assessment is not always ensured by ATM/ANS providers. As nothing changes under this Option, no immediate economic impact is detected. However, the increase of air traffic growth and, as a consequence, the technology complexity linked to it could require more training in comparison with a situation where all ATSEP are assessed and trained according to the same requirements.	-1
Introduction of training and competence assessment and transposition of the initial training in IRs (Option 1)	<p>1. Training and competence assessment</p> <p>New rules that change the current way of working inevitably impose additional administrative and human resources efforts by all entities involved. The introduction of training and competence assessment scheme has an impact on the costs, both for ATM/ANS providers and for competent authorities, which are expected to be negative.</p> <p>With this Option, ATM/ANS providers will be differently impacted depending on their current situation. For ATM/ANS providers who have not established training syllabi and competence assessment programme, the impact on their cost will be significant as they will have to ensure adequate resources to elaborate a new training scheme and competence assessment programme. They will also have to ensure the appropriate training for the persons who will perform the training and competence assessment. Dedicated procedures will have to be put in place which will have an impact on the general organisational system of the ATM/ANS providers. The implementation of this requirement will, therefore, have a significant impact on the costs of such provider. For those ATM/ANS providers who have already established a training</p>	-3

<i>Options</i>	<i>Economic impacts</i>	<i>Score</i>
	<p>and competence assessment scheme, the impact is expected to be less but may also depend on the alignment of their training syllabi and competence assessment scheme with the new rules. For instance, if their training and competence assessment programmes already contain some or most of the required elements of the ATSEP CCC, the providers could be less economically impacted by this change (for instance, by simply amending the relevant parts affected by the rules). It is then also expected that they already have in place the sufficient resources and mature administrative process to ensure the competence of ATSEP. On the contrary, if their training syllabi and competence assessment programmes differ significantly from what is required by the proposed rules, they will need to foresee a great amount of effort to align their syllabi and programmes with the new requirements. In this case, it means that they would need to start developing new procedures to ensure compliance with the rules.</p> <p>The economic impact is expected to be relatively significant for competent authorities because they will need to foresee the appropriate resources and administrative procedures to ensure their oversight functions, in a domain where they did not probably reserve enough resources until today. As all the ATSEP CCC is mandatory, the oversight would need to be done on the entire training syllabus. This will require that they have the relevant expertise to be able to assess the entire ATSEP CCC and will imply the need to recruit or to externalise some of the tasks in order to ensure the appropriate assessment. This implies administrative burden and allocation of human resources and it is time-consuming.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the entire ATSEP CCC is compulsory. ATM/ANS providers must include in their training courses all the subjects, topics, sub-topics, and objectives of the ATSEP CCC, meaning that a significant number of elements need to be taught. It means that ATM/ANS providers will have to cover in their training syllabi some subjects that may not be relevant to their activities. This would, in particular, be the case for small ATM/ANS providers located or not in a remote area. These providers usually provide a limited number of services and have, therefore, no need to cover all of the elements contained in the ATSEP CCC. This situation will obviously not be cost-efficient for them. For ATM/ANS providers that provide a larger set of services, with a larger number of ATSEP, the cost impact depends on the way they train and assess ATSEP today and on if the new requirements deviate a lot from what they have been doing until now. The impact on them is seen as less negative, although not negligible as they will have to adapt their current syllabi and the way they ensure the assessment of these</p>	

<i>Options</i>	<i>Economic impacts</i>	<i>Score</i>
<p>Introduction of training and competence assessment and transposition of CCC in AMC (Option 2)</p>	<p>competencies. The economic impact on competent authorities is the same as described in point 1 above. All in all, this Option is considered to have a high cost impact.</p> <p>1. Training and competence assessment The same as for Option 1 above.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, ATM/ANS providers have the possibility to implement the proposed AMC or to propose different ones. In the case the ATM/ANS provider decides to use the proposed AMC, the economic impact is expected to be significant. It is assumed that it does not have an initial training syllabus in place and decides to use the one proposed by the Agency, or that it has one in place but chooses to adopt the one proposed by the Agency. In both cases, a great effort will have to be done that implies time and costs. The ATM/ANS provider would have to change or develop new procedures and ensure training in areas where probably no initial training existed before. Actually, the impact would depend on how much the AMC are already implemented in the organisation. The more the initial training is aligned with the AMC, the less economic impact it will have. In the case the ATM/ANS provider decides to propose a different means to comply with the requirements, then it is expected that it would use the syllabus it has already in place and the situation would be similar as in Option 0 where no major economic impact is detected. This would be the case for smaller providers who do not need to fully implement all the ATSEP CCC. The economic impact is, therefore, variable from one ATM/ANS providers to another. The way they make use of the AMC proposed by the rules or not can affect their cost. This also affects the impact on competent authorities as they can adapt the organisation of the audits according to the subjects that are transposed in their proposed AMC and save time by limiting dedicated resources.</p>	<p>-1</p>
<p>Introduction of training and competence assessment and transposition of ATSEP CCC in IRs/AMC (Option 3)</p>	<p>1. Training and competence assessment The same as for Option 1 above</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the subjects, topics, and sub-topics of the ATSEP CCC are transposed in the IRs and the objectives are transposed in AMC. ATSEP do not have to be trained on all the subjects contained in the IRs but only on those relevant to the kind of duties they will perform (except for the two first subjects of the Basic training and the Shared for the Qualification training which are considered as being compulsory). This can limit the normal costs impact in terms of human resources and time. Therefore, the impact on the costs</p>	<p>-1</p>

<i>Options</i>	<i>Economic impacts</i>	<i>Score</i>
	are considered to be negative but limited, and the implementation efforts to be done by all ATM/ANS providers will also be reduced, especially for small and medium-size ATM/ANS providers. With regard to the objectives (contained in AMC), they can be followed or be replaced by alternative objectives. Here again, the way the current training syllabus (if any) is aligned with the AMC can have an impact on the amount of effort to be put in place by ATM/ANS providers. Also, the burden for the authorities will be limited because the number of elements to be audited will depend on the size and activities of the ATM/ANS providers.	

9.6.4 Proportionality issues

<i>Options</i>	<i>Proportionality issues</i>	<i>Scores</i>
Baseline (Option 0)	The existing situation continues as it is today. ATM/ANS providers will evolve their environment strictly according to their own requirements. Therefore, there is no additional burden placed on them.	0
Introduction of training and competence assessment / transposition of the initial training (ATSEP CCC) in IRs (Option 1)	<p>1. Training and competence assessment</p> <p>The introduction of ATSEP training and competence assessment requirements will ensure that ATM/ANS providers have and maintain high qualified and competent ATSEP throughout Europe. In this section, the impact on proportionality is only relevant when analysing the issue of the transposition of the ATSEP CCC as the way it is transposed can have a different impact depending on where the ATM/ANS provider is providing services. Also, the impact on proportionality issues only concerns service providers and is not relevant to authorities or ATSEP themselves.</p> <p>2. ATSEP CCC Transposition</p> <p>Under this Option, the entire ATSEP CCC is compulsory. ATM/ANS providers must foresee in their training syllabi all the subjects, topics, sub-topics, and objectives of the ATSEP CCC wherever they are located. There is no distinction between large or small ATM/ANS providers and, therefore, proportionality is not ensured. This option has a very negative impact on proportionality.</p>	-3
Introduction of training and competence assessment and transposition of the Initial	<p>1. Training and competence assessment</p> <p>The same as for Option 1 above.</p> <p>2. ATSEP CCC Transposition</p> <p>Under this Option, the ATSEP CCC is not compulsory. ATM/ANS</p>	+3

<i>Options</i>	<i>Proportionality issues</i>	<i>Scores</i>
<p>training (ATSEP CCC) in AMC</p> <p>(Option 2)</p>	<p>providers have the possibility to adapt their training syllabi in accordance with their needs. Large and small-size ATM/ANS providers will be able to select their training courses to the environment and the type of services they provide. They can implement the AMC or propose others according to their specificities. It is expected that small-size ATM/ANS providers will make use of this possibility to propose their own AMC, whereas larger providers will be capable of aligning more closely to the proposed AMC if they already make use of the ATSEP CCC syllabi. Therefore, this Option provides for a lot of proportionality and the impact is highly positive.</p>	
<p>Introduction of training and competence assessment and transposition of Initial training (ATSEP CCC) in IRs and AMC</p> <p>(Option 3)</p>	<p>1. Training and competence assessment</p> <p>The same as for Option 1 above.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the subjects, topics, and sub-topics of the ATSEP CCC are transposed in the IRs and the objectives are transposed in AMC. ATSEP are not required to be trained on all the subjects contained in the IRs but only on those relevant to the kind of duties they will perform (except for the two first subjects of the Basic training and the Shared for the Qualification training which are considered as being compulsory). This option, therefore, ensures the maximum proportionality of the rules. Although the 'Induction and 'Air Traffic Familiarisation' subjects are mandatory for the basic training as well as the 'Shared' for the qualification training, the ATM/ANS provider can adapt its training according to the ATSEP tasks . For instance, an ATSEP who only works on navigation equipment will not have to be trained on 'meteorology' or 'communication' subjects but only on the subject 'navigation'. Equally, for the qualification training, ATM/ANS providers do not need to ensure that ATSEP are trained on all the 16 streams but only on the one(s) relevant to the ATSEP duties. Thus, enough flexibility is provided to ATM/ANS providers to adapt the training courses to their needs and environment while still ensuring that they comply with the general safety elements. The impact is, therefore, highly positive.</p>	+3

9.6.5 Impact on regulatory coordination and harmonisation

<i>Options</i>	<i>Harmonisation impacts</i>	<i>Score</i>
<p>Baseline</p> <p>(Option 0)</p>	<p>ATM/ANS providers continue to provide training to their ATSEP differently and competence assessment is not always ensured. The training syllabus contains elements applied differently by ATM/ANS providers and, therefore, no harmonisation is ensured. The impact is highly negative.</p>	-3

Options	Harmonisation impacts	Score
<p>Introduction of training and competence assessment and transposition of the initial training (ATSEP CCC) in IRs</p> <p>(Option 1)</p>	<p>1. Training and competence assessment</p> <p>The introduction of ATSEP training and competence assessment requirements will ensure that ATM/ANS providers have and maintain high qualified and competent ATSEP throughout Europe. Taking into consideration that the national approaches in the field of training and competence assessment can vary from one Member State to another, where also sometimes no such obligations exist, the introduction of the training and competence assessment of ATSEP will have a positive impact on regulatory coordination and harmonisation.</p> <p>2. ATSEP CCC transposition:</p> <p>Under this option, ATM/ANS providers must include in their training courses all the subjects, topics, sub-topics, and objectives of the ATSEP CCC and will then have the same training syllabi covering all the elements of the ATSEP CCC. No deviation is permitted. This means that a significant number of elements need to be taught. All ATSEP will be undergoing similar training courses in Europe and all of them will be able to demonstrate that they have the same level of knowledge. This Option, therefore, ensures a full regulatory harmonisation.</p>	+3
<p>Introduction of training and competence assessment + transposition of CCC in AMCs</p> <p>(Option 2)</p>	<p>1. Training and competence assessment</p> <p>The same as for Option 1 above.</p> <p>2. ATSEP CCC Transposition:</p> <p>Under this Option, ATM/ANS providers have the possibility to implement the proposed AMC or to propose a different one. Only in the case all ATM/ANS providers follow the proposed AMC, regulatory harmonisation would be ensured. This means that they all include the same elements of the ATSEP CCC in their training courses and the impact on regulatory harmonisation would be highly positive. However, this situation is most unlikely to happen. As the elements of the ATSEP CCC are only an option for providers to include in their training syllabi, these might vary from one provider to another, depending on their local environment and specificities. Regulatory harmonisation would then not be ensured as every ATM/ANS provider would continue to do the same as today. This Option would, therefore, have a negative impact on regulatory harmonisation.</p>	-2
<p>Introduction of training and competence assessment and transposition of the Initial training (ATSEP CCC) in IRs/AMC</p>	<p>1. Training and competence assessment</p> <p>The same as for option 1 above.</p> <p>2. ATSEP CCC transposition</p> <p>Under this Option, the subjects, topics, and sub-topics of the ATSEP CCC are transposed in the IRs and the objectives are transposed in AMC. ATSEP do not have to be trained on all the subjects contained in the IRs but only on those relevant to the</p>	+1

<i>Options</i>	<i>Harmonisation impacts</i>	<i>Score</i>
(Option 3)	kind of duties they will perform (except for the two first subjects of the Basic training and the Shared for the Qualification training which are considered as being compulsory). Although this Option fully ensures that ATM/ANS providers cover all the subjects of the ATSEP CCC, the fact that all the subjects do not have to be taught, limits the benefit of regulatory harmonisation that will only be ensured when the same selected subjects are covered.	

9.7 Conclusion and preferred option

The following table presents the comparison of all impacts associated to the different options.

Table 16 – Overview of impacts for ATSEPs

<i>Options</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>
Safety	-1	+2	+1	+3
Social	-2	+3	-2	+1
Economic	-1	-3	-1	-1
Proportionality	0	-3	+3	+3
Harmonisation	-3	+3	-2	+1
TOTAL	-7	+2	-1	7

The scores indicated above can be translated in '+/0/-' for an easier comparison with the other RIA issues:

<i>Options</i>	<i>Option 0</i>	<i>Option 1</i>	<i>Option 2</i>	<i>Option 3</i>
Overall impacts	-	-/+	0	+

As a result of the option analysis above, the Agency prefers Option 3.

The impact assessment clearly shows the particularity of the subject: it is variable depending on the level of integration of the ATSEP CCC in European rules.

While it is recognised that the level of safety is acceptable today, the harmonisation of ATSEP training and the introduction of a mandatory competence assessment scheme will bring benefit to the whole ATSEP community in Europe.

Incidents and accidents involving ATSEP can only be properly assessed in the context of the global ATM/ANS activities. The correlation of the whole aviation safety chain between the training and competence of ATSEP and the other actors involved needs to be taken into account to determine the impact of one on the other.

The measures proposed by the Agency intend to reinforce the current level of safety that exists today. This can be achieved by harmonising, at a certain level, the requirements on the training and on the competence assessment of ATSEP. Harmonisation will enable ATM/ANS service providers to have the same understanding of what needs to be achieved. This has definitively a positive impact on safety.

10 Summary conclusions

Overall impacts

The RIA provided justification for the preferred options with the following impacts:

Table 17 — Overview of the impacts of the preferred options per RIA issue

<i>Issues*</i>	<i>Preferred option</i>	<i>Safety impacts</i>	<i>Social impacts</i>	<i>Economic Impacts</i>	<i>Proportionality impacts</i>	<i>Regulatory coordination & harmonisation impacts</i>
4 — Towards a management system of the CAs/NSAs (Authority Requirements)	Option 1: Establishment of the management system by the competent authority	+	n.r	-/+	n.r	+
5. Finding classification (AR)	Option 1: Implementation of the finding classification	+	n.r	-/+	n.r	+
6. Performance-based oversight (AR)	Option 2: Agency's proposal on item (5) of ATM/ANS.AR.C.105 (c)	+	n.r	-/+	n.r	+
7. Requirements for ATM/ANS providers	Option 2: Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers	+	n.r	-/+	+	-/+
8. Requirements for the declaration of FIS providers	Option 1: Apply the same criteria that exist for FIS providers eligible to derogations and, in addition, define a new set of criteria for FIS providers to be eligible to	+	n.r	+	+	+

	declare their activities					
9. ATSEP	Option 3: transpose ATSEP CCC in IR and AMC	+	0	0	+	+
Overall		+	0	-/+	+	+

* The numbering in this table refers to the RIA chapters.

n.r.: not relevant

The complete overview of issues, objectives, options and impacts can be found in Appendix A.

Conclusions

Summary of the main impacts

The draft rules will have a positive impact on safety and regulatory harmonisation aspects, including social aspects for ATSEP. They will require adaptation from stakeholders, which will create additional activities during a certain period of time. To allow for sufficient time to prepare for the necessary changes and to keep the potential burden induced by these changes to a minimum, an 18 months' adaptation and transition period is envisaged for the CAs/NSAs and a 24 months' adaptation and transition period is envisaged for ATM/ANS providers. Further details on the proposed adaptation and transition period can be found in paragraph 75 of the Explanatory note. Once implemented, the new rules will support cost-efficient ATM/ANS provision requirements, and will contribute to the overall efficiency of the air navigation in Europe as well.

By meeting the objectives set in the RIA Chapter 3 and in the detailed Chapters 4 to 9, the overall impact is considered to be beneficial for the provision of ATM/ANS.

Summary of the impact on stakeholders

- CAs/NSAs, including the Agency will benefit from:
 - the easier implementation of the SSP;
 - the harmonised oversight requirements for all providers of ATM/ANS;
 - the common approach for findings classification;
 - reducing the administrative effort and time currently attributed to regulatory coordination and harmonisation with ICAO (EASA ensuring mainly this role);
 - the synergies of these rules with other aviation domains towards 'total system approach'

Overall, the above will enhance safety, oversight, and cost-efficiency over time.

- ATM/ANS providers, and more specifically these four types of providers (ATFM, ASM, ASD, and DAT) as well as FIS providers will benefit from:
 - the one clear set of requirements with the necessary flexibility via AMC and GM;
 - the clarifications improving also the legal certainty; and
 - the harmonised set of requirements for the providers of ATM/ANS plus synergies with relevant requirements applicable to other aviation domains.

Overall, the above will enhance safety, level playing field, and cost-efficiency.

- ATSEP will benefit from:
 - the common requirements at EU level on training and competence assesment; and
 - the necessary flexibility given to ATM/ANS providers to adapt their initial training to their needs.

Overall, the above will ensure safety, mobility, and cost-efficiency.

- The Agency will benefit from a single set of common rules:
 - that facilitates the task of assisting Member States to fulfil their obligations under the Chicago Convention, and that provides a basis for a common interpretation and uniform implementation of the requirements.
 - that promotes cost-efficiency in the regularoty processes and aims at avoiding duplication at national and EU level
- Across stakeholders

The 18-months' period of transitional arrangements for CAs/NSAs and the 24 months' period for the transitional arrangements for the ATM/ANS providers to allow them to take the necessary actions, including the certification actions, etc., are deemed to be sufficient to ensure a smooth transition for the stakeholders to comply with the new elements.

Open issues

The remaining open issues from the Explanatory Note will be dealt with following the receipt of the stakeholders input during the public consultation period. As a result, the relevant parts of the RIA might be adjusted on a case-by-case basis.

Appendix A: Overview of the impacts per issue and option

Table 18 – Overview of the impacts per issue and option

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts					
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total
Chapter 4 – Towards a management system of the CAs/NSAs (Authority Requirements)								
<ul style="list-style-type: none">– The current Commission Implementing Regulation (EU) No 1034/2011 has a different and more limited set-up from the one required now throughout the implementation of State Safety Programme (SSP).– In practice, the current regulation does not always guarantee a common understanding and uniform implementation of the management system requirements.	The specific objective is to facilitate the implementation of the SSP by duly taking into account the critical elements of the safety oversight systems as required by ICAO.	Option 0 (see issues)	-	n.r	0	n.r	-	-
		Option 1: Establishment of the management system by the competent authority New processes and tasks for the competent authorities, in particular the implementation of a compliance monitoring system of the management system with the relevant requirements and adequacy of the procedures, including an internal audit process and safety risk management process. In addition to that, the competent authorities shall appoint one or more persons with the overall responsibility for the management of the relevant task(s).	+	n.r	-/+	n.r	+	+
Chapter 5 – Introduction of the findings classification (Authority Requirements)								
<ul style="list-style-type: none">– The current provisions of Commission Implementing Regulation (EU) No 1034/2011 do not specify requirements on the conditions for suspending or revoking a certificate of ATM/ANS providers.– The current Regulation on safety oversight in ATM/ANS does not provide for unambiguous requirements regarding the detection of 'non-comliances' and their management.– In practice, the current	The specific objective is to ensure the uniform understanding and implementation of findings classification and their management to ensure a common safety approach.	Option 0 (see issues)	-	n.r	0	n.r	-	-
		Option 1: Implementation of the findings classification See ATM/ANS.AR.C.025: Dedicated provision on findings, corrective actions, and enforcement measures This proposed provision provides for a convenient and straightforward system between findings and corrective actions and has been tailored to the oversight of ATM/ANS providers while ensuring the continuity of service.	+	n.r	-/+	n.r	+	+

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts					
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total
requirements do not always lead to a common understanding and uniform implementation by the affected parties.								

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts						
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total	
Chapter 6 — Towards performance-based oversight (Authority Requirements)									
One of the important principles proposed within this NPA is the move towards an oversight system that is based on the continuous monitoring of the safety performance of organisations and considering specific risks entailed by their activities, leading to a risk-based oversight programme for each organisation.	The specific objective towards performance-based oversight is to implement a safety oversight program offering adequate time and resources for the identified safety risks in order to ultimately improve safety with a flexible and cost-efficient approach.	Option 0 (see issues)	-	n.r	0	n.R	-	-	
		Option 1: Flexible risk-based approach only for a period of two years The possibility in the draft rule ATM/ANS.AR.C015 (c)(5) to 'sample each organisation (...) in a manner commensurate with the level of risk posed (...) ' provides for unambiguous flexibility compared to Option 0. This possibility ensures that NSAs/CAs are able to base their oversight programme on a risk assessment, instead of automatically having to audit against all requirements each two years. However, Option 1 limits the flexible risk-based approach only for a period of two years.	-/+	n.r	0/+	n.r	-	-/+	
		Option 2: Option 1 with extended flexibility of performance base oversight The flexibility of performance-based oversight in Option 1 is extended with Option 2 towards more performance-based oversight with subparagraph (5) of ATM/ANS.AR.C.015 (c): a maximum of 4 years oversight planning can be implemented under certain conditions, instead of 2 years with Option 1. The Oversight in a performance-based environment (Performance-Based Oversight (PBO)) is a new approach for the competent authorities to discharge their responsibilities as it considers the criteria of the ATM/ANS providers' safety management implementation indicated in paragraphs (i) to (iv) in a controlled process.	+	n.r	-/+	n.r	+	+	
Chapter 7 - Requirements for ATM/ANS providers									
— Commission	Implementing	— To ensure a consistent	Option 0 (see issues)	-/0	n.r	-/0	-/0	-/0	-/0

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts					
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total
Regulation (EU) No 1035/2011 contains requirements for the provisions of ANS only. The EASA Basic Regulation foresees a regulatory scheme for the provision of ATM/ANS and not ANS only. The existing common requirements were found incomplete and insufficient to achieve the objectives of the EASA Basic Regulation.	<p>European framework to enable safe and cost-efficient ATM/ANS provision. This requires:</p> <ul style="list-style-type: none"> extension of the Common Requirements to all organisations providing ATM/ANS (Commission Regulation (EC) No 2096/2005 as replaced by Commission Implementing Regulation (EU) No 1035/2011 laying down Common Requirements for ANS providers only); and definition of proportionate and flexible requirements for the provision of ATM/ANS according to the size of the organisation and the nature and complexity of their services; <p>— To establish management system requirements for all ATM/ANS providers and more specific safety management system requirements for providers for ATS (and CNS providers) ensuring alignment with draft</p>	<p>Option 1: Extend the scope of Annex I to Commission Implementing Regulation (EU) No 1035/2011 by including all ATM/ANS providers without changing it.</p> <p>This option does not represent a significant change to the ANSPs already certified, however, further amendments may be needed later on in time. AMC/GM and new annexes to cover the provisions of the 4 new services would be needed with this option.</p> <p>The application of some requirements in Annex I to Commission Implementing Regulation (EU) No 1035/2011 may not be proportionate or relevant to the new types of providers (e.g. financial strength).</p>	0/+	n.r	-	-/+	-/0	-/+
		<p>Option 2: Amend Commission Implementing Regulation (EU) No 1035/2011 and extend it to make it applicable to all ATM/ANS providers.</p> <p>Amend Annex I to make it applicable to all ATM/ANS providers and implement the Essential Requirements in Chapter 5 of Annex Vb to the Basic Regulation. With this option, we also add AMC and GM where it is deemed necessary. Specific annexes are also needed to cover each type of ATM/ANS service provision.</p>	+	n.r	-/+	+	-/+	+

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts					
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total
	ICAO Annex 19; and — To improve the regulatory framework so as to facilitate the implementation of future programmes within the EU.							
Chapter 8 - Requirements for the declaration of flight information services (FIS) providers								
— Commission Implementing Regulation (EU) No 1035/2011 requires all ANS providers to be certified but the EASA Basic Regulation in Article 8b(3) offers the possibility to Member States to allow organisations providing FIS only to declare their capabilities to provide FIS within the airspace of the Member State. Commission Implementing Regulation (EU) No 1035/2011 needs to be amended to contemplate this possibility.	The specific objective is to establish a proportionate scheme for application of declaration of capabilities to provide FIS. This objective aims at achieving two other general objectives which are the establishment of proportionate requirements and a more appropriate regulatory framework for these FIS providers .	Option 0 (see issues)	-	n.r	-	0	-	-
		Option 1: Apply the same criteria that exist for FIS providers eligible to derogations, and, in addition, define a new set of criteria for FIS providers to be eligible to declare their activities. This new set of eligibility criteria is included in Article 6 of the Cover Regulation of the new proposed regulation Apply the same requirements with the ones applicable to FIS providers which are eligible for derogations.	+	n.r	+	+	+	+

Issues	Specific Objectives	Options (other than 'do nothing') (bold: preferred option)	Impacts					
			Safety	Social	Eco- nomic	Propo- rtionality	Regu- latory	Total
Chapter 9 — Air Traffic Safety Electronic Personnel								
<div>— The current regulatory framework does not ensure that training and competence assessment requirements for ATSEPs will be properly covered by ATM/ANS providers.</div> <div>— Competence assessment issues: currently no requirements in the EU regulation framework. As a consequence, the implementation of Annex Vb to the Basic Regulation cannot be achieved and the oversight cannot be established on a common basis.</div>	Development of requirements for training and competence assessment for ATSEP as they are considered personnel with safety-related functions. This will be achieved through the adoption of a common set of requirements.	Option 0 (see issues)	0	-	0	0	-	-
		Option 1 -Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules	+	+	-	-	+	-/+
		Option 2 -Introduce training and competence assessment and transpose the ATSEP CCC in Acceptable Means of Compliance (AMC)	+	-	0	+	-	0
		Option 3 - Introduce training and competence assessment and transpose the ATSEP CCC in the Implementing Rules and in AMC.	+	0	0	+	+	+

Appendix B: List of certified ANS providers

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
AT	Austro Control GmbH	Y	Y	Y	Y	Y	19/11/2010	Unlimited subject to ongoing compliance	N	
BE	Belgocontrol	Y		Y	Y	Y	01/06/2007	31/05/2013	N	
BG	Bulgarian Air Traffic Services Authority (BULATSA)	Y		Y	Y	Y	21/06/2007	21/06/2012	N	
CH	Skyguide	Y	Y	Y	Y		20/12/2006	19/12/2012	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	MET	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
CH	MeteoSchweiz					Y	21/12/2006	20/12/2012	N	
CH	Engadin Airport		Y				01/06/2007	31/05/2013	Y	<p>Derogations from Annex I</p> <ul style="list-style-type: none"> - Part 2: Organisational structure and management - Part 3.2: Quality management system - Part 3.3: Operations manuals - Part 4: Security - Part 6: Financial Strength - Part 7: Liability and insurance cover - Part 8.2: Contingency plans - Part 9: Reporting requirements <p>Derogations from Annex II</p> <ul style="list-style-type: none"> - Part 3.1.2: Safety management responsibility as well as external services and supplies - Part 3.1.3: Safety surveys

State	Name of the ANSP	ATS	AFI S	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
										- Part 3.2: Safety requirements for risk assessment and mitigation with regard to changes
CY	Cyprus ANS (CYANS) of DCA	Y	Y	Y	Y		21/06/2009	21/06/2012	N	
CY	MET Service					Y	18/06/2009	Unlimited	N	
CZ	Air Navigation Services of the Czech Republic (ANS CR)	Y	Y	Y	Y		01/12/2010	01/12/2016	N	
CZ	Czech Hydro-Meteorological Institute (CHMI)					Y	01/05/2011	30/04/2017	N	
CZ	Vodochody Airport	Y					20/12/2010	20/12/2012	N	
CZ	Aircraft Industries	Y		Y		Y	04/10/2011	31/10/2015	N	
DE	DFS Deutsche Flugsicherung GmbH	Y		Y	Y	Y	30/11/2006	Unlimited	N	
DE	The Tower Company GmbH	Y		Y			26/03/2007	Unlimited	N	
DE	Deutscher Wetterdienst DWD					Y	14/03/2007	Unlimited	N	
DE	Airbus Deutschland GmbH	Y		Y			08/04/2011	30/11/2016	N	
DE	Rhein-Neckar-Flugplatz GmbH	Y		Y			08/04/2011	30/06/2016	N	
DE	Black Forest Airport Lahr GmbH	Y		Y		Y	08/04/2011	30/04/2016	Y	— Annex I, Part 2 – Organisation’s structure and management — Annex I, Parts 3.2 and 3.3

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										<ul style="list-style-type: none"> — Annex I, Part 4 – Security — Annex I, Part 6 – Financial Strength — Annex I, Part 7 – Liability and insurance cover — Annex I, Part 8.2 Contingency Plans — Annex I, Part 9 – Reporting Requirements
DE	BAN 2000 GmbH					Y	22/06/2009	22/06/2014	N	
DK	Naviar	Y		Y		Y	15/12/2006	15/12/2012	N	
DK	AFIS Sindal (EKSND)			Y			15/12/2006	15/12/2012	Y	<p>The AFIS providers – except AFIS Tyra have been granted derogations for the following paragraphs in Commission Regulation (EC) No 2096/2005</p> <ul style="list-style-type: none"> — Annex 1: 2.1 Organisational structure 2.2 Organisational management 4. Security (a), (b) - establishing a security management system (a), (b), (c) – defining the establishing of a security management system

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
										7. Liability and insurance cover 9. Reporting requirements — Annex 2: 3.1.2. Requirements for safety achievement – bullet five only 3.1.3. Requirements for safety assurance – bullet one only 3.2 Safety requirements for risk assessment and mitigation with regard to changes
DK	AFIS Stauning (EKVJ)			Y			15/12/2006	15/12/2012	Y	See above.
DK	AFIS Sønderborg (EKSB)			Y			15/12/2006	15/12/2012	Y	See above.
DK	AFIS Esbjerg (EKEB)			Y			15/12/2006	15/12/2012	Y	See above.
DK	AFIS Odense (EKOD)			Y			15/12/2006	15/12/2012	Y	See above.
DK	AFIS Vamdrup			Y			15/02/2007	15/02/2013	Y	See above.
DK	AFIS Tyra (EKGf)			Y			15/12/2006	15/12/2012	N	
DK	Danmarks Meteorologiske Institut (DMI)					Y	15/12/2006	15/12/2012	N	
DK	Luftfartsinformationstjenesten (AIM)				Y		15/12/2006	15/12/2012	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
DK	Aarhus Airport					Y	15/12/ 2006	15/12/2012	N	
DK	Billund Airport					Y	15/12/ 2006	15/12/2012	N	
DK	NAVAID					Y	15/12/ 2006	15/12/2012	N	
DK	Henrik Hansen Elektronik					Y	15/12/ 2006	15/12/2012	N	
DK	Kastrup Airport					Y	15/12/ 2006	15/12/2012	N	
EE	EANS	Y			Y	Y	22/12/ 2008	21/12/2012	N	
EE	Estonian Meteorological and Hydrological Institute (EMHI)					Y	12/12/ 2011	22/12/2014	N	
EE	Tallinn Airport	Y		Y		Y	13/06/ 2011	15/06/2016	N	
ES	Aena	Y			Y	Y	19/12/ 2006	19/12/2012	N	
ES	AEMET					Y	20/12/ 2006	20/12/2012	N	
ES	INECO	Y****		Y			AFIS: 11/06/ 10 ATS: 10/11/ 10	AFIS: 11/06/11 ATS: 10/12/11*****	N	
ES	SAERCO	Y****		Y			08/06/ 2011	08/06/2012	N	
ES	FERRONATS	Y****		Y			17/06/ 2011	17/06/2012	N	
ES	TOWER ATS	Y****		Y			17/06/ 2011	17/06/2012	N	
ES	ZENIT	Y****		Y			16/06/ 2011	16/06/2012	N	
ES	ETRACONTROL	Y****		Y			16/06/ 2011	16/06/2012	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FI	Finavia Corporation		Y	Y	Y	Y	20/12/2006	20/12/2012	N	
FI	City of Mikkeli			Y		Y	31/05/2007	31/05/2013	Y	<p>— Annex I, Part 3.2; Quality Management System</p> <p>— Annex I, Part 8.2; Contingency Plans</p> <p>— Annex II, Part 3.2; Safety requirements for risk assessment and mitigation regarding changes</p>
FI	Rengonharju foundation			Y		Y	31/05/2007	31/05/2013	Y	<p>— Annex I, Part 2.2; Organisational management</p> <p>— Annex I, Part 3.2; Quality Management System</p> <p>— Annex I, Part 8.2; Contingency Plans</p> <p>— Annex II, Part 3.2; Safety requirements for risk assessment and mitigation regarding changes</p>
FI	Finnish Meteorological Institute					Y	20/12/2006	20/12/2012	N	
FR	ESSP					Y	12/07/2010	11/07/2014	N	
FR	DSNA	Y	Y		Y		15/12/2010	14/12/2016	N	
FR	METEO FRANCE					Y	01/12/2010	30/11/2016	N	
FR	CFA	Y					12/12/	12/12/2012	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
							2008			
FR	DIRISI					Y	30/06/2010	29/06/2014	N	
FR	COMALAT	Y					17/06/2011	16/06/2017	N	
FR	ALAVIA	Y					14/06/2011	13/06/2017	N	
FR	CEV	Y					06/12/2011	05/12/2017	N	
FR	DIA				Y		17/06/2011	16/06/2017	N	
FR	Collectivité de Saint Barthélemy (SAINT-BARTHELEMY Apt.)		Y				12/05/2011	30/06/2013	Y	Commission Regulation (EC) No 2096/2005 — Annex 1 - Articles 2.2, 3.2, 4, 6, 8.2 and 9, and — Annex 2, Article 3.2
FR	Société d'exploitation de Saint Martin aéroport (SAINT-MARTIN GRAND-CASE Apt.)		Y				06/06/2011	30/06/2013	Y	See above.
FR	Mairie de saint Bon Courchevel (COURCHEVEL Altiport Apt.)		Y				29/06/2011	30/06/2015	Y	See above.
FR	Communauté d'agglomération du bassin d'Aurillac (AURILLAC Apt.)		Y				23/12/2010	31/12/2014	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
FR	Syndicat Mixte de Gestion Aérodrome Départemental Le Puy en Velay / Loudes (Le Puy en Velay Loudes Apt.)		Y				30/06/2009	30/06/2013	Y	See above.
FR	Aéroports de Lyon (Lyon BRON Apt.)		Y				30/06/2009	30/06/2013	Y	See above.
FR	Chambre de Commerce et d'Industrie de Moulins-Vichy (MOULINS Montbeugny Apt.)		Y				30/06/2008	30/06/2012	Y	See above.
FR	Grand Roanne Agglomération (ROANNE Renaison Apt.)		Y				23/12/2011	31/12/2015	Y	See above.
FR	Syndicat Mixte de Gestion de l'Aérodrome de Saint Flour - Coltines (SAINT-FLOUR Coltines Apt.)		Y				20/06/2011	31/12/2011	Y	See above.
FR	Commune de VICHY (VICHY Charmeil Apt.)		Y				30/06/2010	30/06/2014	Y	See above.
FR	Amiens métropole (AMIENS Glisy Apt.)		Y				22/06/2010	30/06/2012	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
FR	Syndicat Mixte pour l'Aménagement et l'Exploitation de l'Aérodrome de Valenciennes-Denain (VALENCIENNES Denain Apt.)		Y				23/06/2011	30/06/2015	Y	See above.
FR	SEAAP – Société Exploitation Aéroport Albert Picardie (Albert Picardie Apt)		Y				13/12/2011	31/12/2015	Y	See above.
FR	Chambre de Commerce et d'Industrie de l'Yonne (AUXERRE Branches Apt.)		Y				14/06/2011	20/06/2015	Y	See above.
FR	Chambre de Commerce et d'Industrie du Doubs (BESANCON la Veze Apt.)		Y				16/06/2011	31/01/2012	Y	See above.
FR	Société d'Exploitation de Vatry Europort (S.E.V.E.) (CHALONS Vatry Apt.)		Y				15/12/2009	17/12/2013	Y	See above.

State	Name of the ANSP	ATS	AFI S	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
FR	Société de l'Aéroport de Colmar SAS (COLMAR Houssen Apt.)		Y				20/06/ 2008	20/06/2012	Y	See above.
FR	Chambre de Commerce et d'Industrie Côte d'Or (DIJON Longvic Apt.)		Y				14/06/ 2011	20/06/2015	Y	See above.
FR	Société d'exploitation de l'aéroport de Dôle Jura (DOLE Tavaux Apt.)		Y				21/06/ 2010	30/06/2012	Y	See above.
FR	Société d'exploitation de l'aéroport d'EPINAL Mirecourt Apt.		Y				28/05/ 2010	27/05/2012	Y	See above.
FR	Syndicat Mixte de l'aérodrome du Pays de Montbéliard (MONTBELIARD Courcelles Apt.)		Y				17/09/ 2009	21/06/2013	Y	See above.
FR	Syndicat Mixte de Gestion de l'Aéroport de Nancy (NANCY Essey Apt.)		Y				17/06/ 2009	21/06/2013	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogation Granted	Type of Derogation
FR	Chambre de commerce et d'industries de la Nièvre (NEVERS Fourchambault Apt.)		Y				17/06/ 2009	21/06/2013	Y	See above.
FR	Chambre de Commerce et d'Industrie de Reims et d'Epernay (REIMS Prunay Apt.)		Y				17/06/ 2009	21/06/2013	Y	See above.
FR	Société de Gestion de l'Aéroport de Troyes en Champagne (TROYES Barbère Apt.)		Y				01/06/ 2010	20/05/2012	Y	See above.
FR	Société d'exploitation Chalon Champforgeuil aéroport (CHALON Champforgeuil Apt.)		Y				08/11/ 2010	31/12/2012	Y	See above.
FR	Société de Gestion de l'Aéroport d'Angers Marcé (ANGERS Marcé Apt.)		Y				17/06/ 2011	30/06/2015	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Communauté de Communes de Belle-Île-en-Mer (BELLE ÎLE EN MER Apt.)		Y				16/06/2010	21/06/2012	Y	See above.
FR	Conseil général du LOIR et CHER (Blois Le Breuil Apt.)		Y				16/06/2010	30/06/2014	Y	See above.
FR	Chambre de Commerce et de l'Industrie du Cher (BOURGES Apt.)		Y				27/10/2010	30/10/2013	Y	See above.
FR	Aéroport Chateauroux Centre (CHATEAUROUX Déols Apt.)		Y				30/06/2009	30/06/2013	Y	See above.
FR	Ville de Cholet (CHOLET Le Pontreau Apt.)		Y				29/09/2009	30/09/2012	Y	See above.
FR	Chambre de Commerce et de l'Industrie de DIEPPE (DIEPPE Saint Aubin Apt.)		Y				30/06/2009	30/06/2012	Y	See above.
FR	Chambre de Commerce et d'Industrie Centre et Sud Manche (GRANVILLE Apt.)		Y				21/12/2009	31/12/2012	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Syndicat Intercommunal de l'Aéroport de La Baule- Escoublac - Pornichet - Le Pouliguen (LA BAULE Escoublac Apt.)		Y				30/12/ 2011	31/12/2014	Y	See above.
FR	Chambre de Commerce et d'Industrie de la Vendée (La Roche sur Yon les Ajoncs et l'île d'Yeu Le grand Phare Apt.)		Y				30/06/ 2011	30/06/2015	Y	See above.
FR	Syndicat Mixte de l'Aéroport de Laval et de la Mayenne (S.M.A.L.M.) (LAVAL Entrammes Apt.)		Y				30/06/ 2011	30/06/2015	Y	See above.
FR	Chambre de Commerce et d'Industrie de Morlaix (MORLAIX Ploujean Apt.)		Y				21/06/ 2009	30/06/2012	Y	See above.
FR	SMAEDAOL (ORLEANS Saint Denis de l'Hôtel Apt.)		Y				17/06/ 2011	30/06/2015	Y	See above.
FR	Commune de Ouessant (OUESSANT Kerlaouen Apt.)		Y				11/06/ 2010	21/06/2014	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Commune de Quiberon (QUIBERON Apt.)		Y				14/12/ 2011	30/06/2012	Y	See above.
FR	Syndicat Mixte Aéroport Saint-Brieuc Armor (St BRIEUC Armor Apt.)		Y				21/06/ 2009	30/06/2013	Y	See above.
FR	Société d'exploitation Tours – Aéroport SNC- Lavalin (TOURS Val de Loire Apt.)		Y				25/03/ 2011	31/03/2013	Y	See above.
FR	Syndicat Mixte de Pierrefonds (Saint Pierre Pierrefonds Apt.)		Y				31/12/ 2009	31/12/2013	Y	See above.
FR	Syndicat Mixte de l'aérodrome civil d'Albi- Le Séquestre (ALBI Le Séquestre Apt.)		Y				17/06/ 2009	30/06/2012	Y	See above.
FR	Syndicat Mixte de la gestion de l'aérodrome d'Auch Gers (AUCH Lamothe Apt.)		Y				01/07/ 2011	31/12/2011	Y	See above.
FR	Régie personnalisée d'exploitation (BRIVE Souillac Apt.)		Y				15/06/ 2010	30/06/2012	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Syndicat mixte Aérodrome Cahors Lalbenque (CAHORS Lalbenque Apt.)		Y				21/10/ 2011	30/04/2012	Y	See above.
FR	Chambre de Commerce et d'Industrie du Tarn (CASTRES Mazamet Apt.)		Y				28/06/ 2011	30/06/2014	Y	See above.
FR	Chambre de Commerce et d'Industrie de Montlucon-Gannat Portes D'auvergne (MONTLUCON Guéret Apt.)		Y				17/06/ 2011	30/06/2014	Y	See above.
FR	Syndicat Mixte de l'Aérodrome de Pamiers-Les Pujols (PAMIERES les Pujols Apt.)		Y				17/06/ 2009	30/06/2012	Y	See above.
FR	Société d'exploitation de l'aéroport de Toulouse Franczal (TOULOUSE Franczal Apt)		Y				14/09/ 2011	21/12/2012	Y	See above.
FR	Chambre de commerce et d'industrie d'Alès et des Cévennes (ALES Deaux Apt.)		Y				21/06/ 2009	31/12/2011	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Conseil général des Hautes-Alpes (GAP Tallard Apt.)		Y				21/11/2011	31/12/2013	Y	See above.
FR	Aéroport du Golfe de Saint-Tropez (La MOLE Apt.)		Y				07/12/2010	31/12/2012	Y	See above.
FR	Société Aéroport International du Castellet (Le CASTELLET Apt.)		Y			Y	29/09/2011	31/03/2013	Y	See above.
FR	Mairie de Lézignan Corbières (LEZIGNAN Corbières Apt.)		Y				17/01/2011	28/02/2013	Y	See above.
FR	Chambre de commerce et d'industrie de La Lozère (Mende-Brenoux Apt.)		Y				10/06/2011	30/06/2014	Y	See above.
FR	Chambre de Commerce et d'Industrie d'Angoulême (Angoulême Brie-Champniers et Rochefort Saint-Agnant Apt.)		Y				30/06/2009	29/06/2012	Y	See above.
FR	Communauté d'Agglomération du bassin d'Arcachon Sud (ARCACHON La Teste de Buch Apt.)		Y				21/06/2011	30/06/2014	Y	See above.
FR	Commune de Périgueux (Périgueux-Bassillac Apt.)		Y				21/12/2011	31/12/2012	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
FR	Commune de ROYAN (ROYAN-Médis Apt.)		Y				21/06/ 2009	20/06/2012	Y	See above.
FR	Société d'Exploitation de l'Aéroport de Chambéry Aix-les- Bains		Y				16/12/ 2011	30/06/2012	Y	See above.
GR	Hellenic Civil Aviation Authority / Air Navigation Services (HCAA/ANS)	Y		Y	Y	Y	25/06/ 2011	30/04/2012	N	
GR	Hellenic National Meteorological Service (HNMS/MET)					Y	20/05/ 2010	20/05/2013	N	
HR	Croatia Control Ltd.		Y		Y	Y	31/03/ 2009	Unlimited until revocation	N	
HU	HungaroControl Pte. Ltd. Co.		Y	Y	Y	Y	29/10/ 2010	31/10/2014	N	
HU	Budapest airport (CNS)					Y	29/11/ 2010	30/11/2012	N	
HU	National Weather services					Y	23/09/ 2008	30/09/2012	N	
HU	Airport Debrecen Ltd. - Debrecen airport					Y	29/08/ 2011	31/08/2013	Y	— Annex I, Point 2.2.
HU	Pécs-Pogány Airport Operating Ltd. - Pécs-Pogány airport			Y		Y	30/08/ 2011	30/09/2013	Y	Annex I, Points 2., 3.2., and 4.6.
HU	Békés Airport Ltd. - Békéscsaba airport			Y		Y	26/05/ 2011	30/06/2013	Y	Annex I, Articles 2., 3.2., 4., and 6.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
HU	Győr-Pér Airport Ltd. - Győr-Pér airport			Y		Y	31/08/2011	30/09/2013	Y	Annex I, Points 2., 3., 4., and 6.
HU	Tréner Ltd. - Nyíregyháza airport / Debrecen airport			Y		Y	26/08/2011	30/09/2013	Y	Annex I, Points 2.2., 4., and 6.1.
HU	Szegedi Transport Ltd. - Szeged airport			Y		Y	13/05/2011	30/06/2013	Y	Annex I, Points 2., 3.2., 4., and 6.
IE	IAA Operations Directorate		Y	Y	Y	Y	27/11/2010	25/11/2012	N	
IE	IAA Technology Directorate					Y	27/11/2010	22/11/2012	N	
IE	Waterford Airport		Y	Y		Y Y	27/11/2010	26/11/2012	Y	<p>— Annex I, Part 2.2 – Annual plan (a), (b) and (c)</p> <p>— Annex I, Part 4 – Second (a), (b) and (c)</p> <p>— Annex I, Part 6.1 – Financial Strength</p> <p>— Annex I, Part 9 – Reporting Requirements</p>
IE	Kerry Airport PLC		Y	Y		Y Y	06/12/2010	04/12/2012	Y	See above.
IE	Galway Airport		Y	Y		Y Y	27/11/2010	26/11/2012	Y	See above.
IE	Ireland West Airport Knock		Y	Y		Y	27/11/2010	25/11/2012	Y	See above.
IE	Sligo Airport Co LTD		Y	Y		Y Y	27/11/2010	25/11/2012	Y	See above.
IE	Donegal Airport		Y	Y		Y Y	27/11/2010	25/11/2012	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
IE	Weston Airport		Y	Y		Y Y	06/12/ 2010	04/12/2012	Y	See above.
IE	Met Eireann (Aviation Services Division)					Y	06/12/ 2010	04/12/2012	N	
IS	Isavia		Y	Y	Y	Y Y	01/05/ 2010	31/01/2011	N	n/a
IS	Icelandic Meteorological Office					Y	22/12/ 2008	21/12/2014	N	n/a
IT	ENAV S.p.A		Y	Y	Y	Y Y	19/06/ 2011	19/06/2013	N	
IT	AVDA SpA		Y			Y Y	20/06/ 2011	20/06/2013	Y	<p>— Annex I</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p> <p>Part 9 Reporting Requirement</p> <p>— Annex II</p> <p>NIL</p>
IT	Aeroporto Reggio Emilia s.r.l		Y			Y	15/09/ 2011	18/09/2013	Y	<p>— Annex I</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p> <p>Part 9 Reporting Requirement</p>

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										<p>— Annex II</p> <p>Part 3.1.2 Safety Management Responsibility and External Services</p> <p>Part 3.1.3 Safety Surveys</p> <p>Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes</p>
IT	Società Aeroporto Cerrione SpA (Biella)		Y			Y Y	29/04/2011	24/05/2012	Y	<p>— Annex I</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p> <p>Part 9 Reporting Requirement</p> <p>— Annex II</p> <p>Part 3.1.2 Safety Management Responsibility and External Services</p> <p>Part 3.1.3 Safety Surveys</p>

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes
IT	Aeroporto Lucca SpA		Y			Y Y	19/10/2011	14/10/2012	Y	<p>— Annex I</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p> <p>Part 9 Reporting Requirement</p> <p>— Annex II</p> <p>Part 3.1.2 Safety Management Responsibility and External Services</p> <p>Part 3.1.3 Safety Surveys</p> <p>Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes</p>
IT	Alatoscana SpA (Elba Marina di Campo Airport)		Y			Y Y	06/10/2011	19/01/2013	Y	<p>— Annex I</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p>

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										Part 6.2 Financial Audit Part 9 Reporting Requirement — Annex II Part 3.1.2 Safety Management Responsibility and External Services Part 3.1.3 Safety Surveys Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes
IT	Aeroporto di Siena SpA		Y			Y Y	07/12/ 2011	31/01/2013	Y	— Annex I Part 2.2 Organisation's Management Part 3.2 Q.M.S. Part 6.1 Economic & Financial Capacity Part 6.2 Financial Audit Part 9 Reporting Requirement — Annex II Part 3.1.2 Safety Management Responsibility and External Services Part 3.1.3 Safety Surveys

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes
IT	GE.AR.TO SpA (Aeroporto Tortoli)		Y			Y Y	19/06/2011	03/06/2013	Y	<p>— Annex I</p> <p>Part 2.1 Organisational Structure</p> <p>Part 2.2 Organisation's Management</p> <p>Part 3.2 Q.M.S.</p> <p>Part 4 Security</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p> <p>Part 9 Reporting Requirement</p> <p>— Annex II</p> <p>Part 3.1.3 Safety Surveys</p> <p>Part 3.2 Safety Requirement for Risk assessment & Mitigation regarding Changes</p>
IT	Aeroporto G. Caproni Trento SpA		Y			Y Y	21/10/2011	21/09/2013	Y	<p>— Annex I</p> <p>Part 3.2 Q.M.S.</p> <p>Part 6.1 Economic & Financial Capacity</p> <p>Part 6.2 Financial Audit</p>

State	Name of the ANSP	ATS	AFI S	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
										Part 9 Reporting Requirement — Annex II — NIL
LT	ORO NAVIGACIJA, the Air Navigation Service provider in Lithuania		Y	Y	Y	Y	21/12/2006	21/12/2012	N	
LT	Lithuanian Hydro-Meteorological Service Provider					Y	19/06/2008	18/06/2014	N	
LU	Administration de la navigation aérienne (ANA)		Y		Y	Y	07/12/2011	03/11/2012	N	
LV	State Joint-Stock Company Latvijas Gaisa Satiksme (LGS)		Y	Y	Y	Y	20/12/2010	20/12/2016	N	
LV	Latvian Environment, Geology and Meteorology Agency (LEGMA)					Y	20/12/2010	20/12/2016	N	
MT	Malta Air Traffic Services Limited (MATS)		Y		Y	Y	11/06/2007	11/06/2013	N	
MT	Malta International Airport plc (MIA)					Y	11/06/2007	11/06/2013	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
NL	Air Traffic Control The Netherlands (LVNL, 'Luchtverkeersleiding Nederland')		Y	Y	Y	Y	14/03/2007	Unlimited	N	
NL	Maastricht UAC		Y				08/11/2006	Unlimited	N	
NL	KNMI					Y	21/02/2007	Unlimited	N	
NL	Meteo Consult					Y	10/08/2007	Unlimited	N	
NO	Avinor		Y	Y	Y	Y	01/06/2009	01/06/2019	N	
NO	Oslo Airport					Y	01/06/2009	01/06/2012	N	
NO	Statoil			Y		Y	01/11/2009	01/11/2014	Y	— Annex 1 Part 2.2, Part 4, Part 6.1, Part 9. — Annex II Part 3.1.2, Part 3.1.3.
NO	ConocoPhillips			Y		Y	01/11/2009	01/11/2014	Y	— Annex 1; Part 2.2, Part 4, Part 6.1, Part 9. — Annex II; Part 3.1.2, Part 3.1.3, Part 3.2.
NO	Sunnhordland Airport			Y		Y	01/06/2009	01/06/2019	Y	See above.
NO	Skien Airport			Y		Y	01/06/2009	01/06/2019	Y	See above.
NO	Notodden Airport			Y		Y	24/11/2009	01/06/2019	Y	See above.
NO	Kings Bay AS			Y		Y	01/11/2009	01/06/2012	Y	— Annex 1 Part 2.2, Part 4, Part 6.1, Part 9. — Annex II; Part 3.1.2, Part 3.2.
NO	Store Norske Spitsbergen Grubekompani AS			Y		Y	01/03/2011	01/03/2013	Y	— Annex 1 Part 4.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certifi cate	Valid Until	Derogat ion Granted	Type of Derogation
NO	Meteorologisk Institutt (met.no)					Y	01/07/ 2007	01/05/2013	N	
PL	Polish Air Navigation Services Agency		Y		Y	Y	17/06/ 2011	16/06/2014	N	
PL	Institute of Meteorology and Water Management (IMGW)					Y	23/04/ 2011	22/04/2014	N	
PL	IBCOL Polska Spółka z ograniczoną odpowiedzialnością					Y	17/01/ 2011	17/01/2012	N	
PT	Navegação Aérea de Portugal - NAV Portugal, E.P.E.		Y		Y	Y	11/12/ 2011	12/12/2014	N	
PT	Câmara Municipal de Bragança			Y*			28/02/ 2011	28/02/2013	Y	<p>For AFIS providers, derogations have been granted on:</p> <ul style="list-style-type: none"> — Annex I - point 2.2 - point 6 - point 8.2 - point 9 (§1, 2, and 4) — Annex II - External services and supplies (part 3.1.2); - Safety surveys (part 3.1.3);

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
										<p>- Safety requirements for risk assessment and mitigation regarding changes (part 3.2).</p> <p>For CNS providers, derogations have been granted on:</p> <ul style="list-style-type: none"> — Article 4, point 1 — Annex I - point 2.2 - point 6 - point 8.2 - point 9 (§1, 2, and 4)
PT	Câmara Municipal de Chaves			Y*			30/10/2011	30/10/2013	Y	See above.
PT	Câmara Municipal de Portimão			Y*			28/06/2010	28/06/2012	Y	See above.
PT	Vila Real Social, Habitação e Transportes, E.M.			Y*			28/02/2011	28/02/2013	Y	See above.
PT	Academia Aeronáutica de Évora			Y**			28/06/2010	28/06/2012	Y	See above.
PT	Câmara Municipal de Évora					Y * * *	19/03/2011	18/03/2012	Y	See above.
PT	SATA Gestão de Aeródromos, S.A			Y*		Y * * *	AFIS: 15/03/2011	AFIS: 15/06/2011	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
							15/06/2011 CNS: 17/06/2011	15/06/2013 CNS: 17/06/2013		
PT	Instituto de Meteorologia, I.P.					Y	30/12/2011	30/12/2015		
RO	Regia Autonoma Romanian Air Traffic Services Administration – ROMATSA	Y			Y(oly PIB)	Y Y	Amd. 3 05/11/ 2011	15/12/2012	N	
RO	AIS Dept. within RCAA				Y (exce pt PIB)		20/06/ 2011	20/06/2012	N	
SE	ACR	Y				Y	01/03/ 2011	28/02/2012	N	
SE	LFV	Y	Y	Y	Y	Y	20/12/ 2006	19/12/2012	N	
SE	SMHI					Y	02/04/ 2007	02/04/2013	N	
SE	Arvika kommun			Y		Y Y	05/06/ 2009	14/06/2015	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	European Air Cargo AB			Y		Y Y	01/09/ 2010	13/06/2012	Y	See above.
SE	Kinnarps AB			Y		Y Y	14/03/ 2007	13/03/2013	N	
SE	Gällivare kommun					Y	14/03/ 2007	13/03/2013	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME	T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
SE	Gävle kommun			Y		Y	Y	20/06/2007	19/06/2012	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 4 – Security
SE	Hagfors kommun			Y		Y	Y	01/09/2010	02/06/2013	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	Hemavan Tärnaby Airport AB			Y		Y	Y	18/11/2010	28/05/2013	N	
SE	Kramfors/Sollefteå Flygplats AB			Y		Y	Y	14/03/2007	13/03/2013	N	
SE	Lidköping/Hovby Flygplats AB			Y		Y	Y	29/05/2007	28/05/2013	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 4 – Security
SE	Lycksele kommun			Y		Y	Y	01/09/2010	19/12/2012	N	
SE	AB Dalaflyget			Y		Y	Y	01/09/2010	13/03/2013	N	
SE	Oskarshamns Utveckling AB			Y		Y	Y	01/09/2010	28/05/2013	N	
SE	Skövde Flygplats AB			Y		Y	Y	28/03/2007	27/03/2013	N	
SE	Storumans Flygplats AB			Y		Y	Y	18/11/2010	28/05/2013	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
SE	Härjedalens kommun			Y		Y Y	01/09/ 2010	28/05/2013	N	
SE	Torsby Flygplats AB			Y		Y Y	01/09/ 2010	19/12/2012	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	Vilhelmina kommun			Y		Y Y	01/09/ 2010	28/05/2013	N	
SE	Arvidsjaur Flygplats AB					Y	20/06/ 2007	19/06/2012	Y	— Annex I Part 2 – Organisation's structure and management
SE	Cityflygplatsen i Göteborg AB					Y	20/06/ 2007	19/06/2012	Y	See above.
SE	Fyrstads Flygplats AB					Y	20/06/ 2007	19/06/2012	Y	See above.
SE	Halmstad Flygplats AB					Y	21/06/ 2007	20/06/2012	Y	See above.
SE	Kristianstad Airport AB					Y	14/06/ 2007	13/06/2012	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	Småindustri lokaler i Klippan AB					Y	21/06/ 2007	20/06/2012	Y	See above.
SE	Linköping City Airport AB					Y	29/05/ 2007	28/05/2013	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
SE	Stockholm Skavsta Flygplats AB					Y	20/06/ 2007	19/06/2012	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	Söderhamns kommun					Y	14/03/ 2007	13/03/2013	N	
SE	Västerås Flygplats AB					Y	21/06/ 2007	20/06/2012	Y	— Annex I Part 2 – Organisation's structure and management
SE	Växjö Flygplats AB					Y	14/06/ 2007	13/06/2012	Y	— Annex I Part 2 – Organisation's structure and management — Annex I Part 9 – Reporting Requirements
SE	Örebro Läns Flygplats AB					Y	29/05/ 2007	28/05/2013	N	
SI	Slovenia Control Ltd.	Y			Y	Y	01/12/ 2011	01/12/2013	N	
SI	Slovenian Environmental Agency					Y	21/12/ 2010	01/12/2012	N	
SK	Letové prevádzkové služby Slovenskej republiky (LPS SR)	Y	Y	Y	Y	Y	12/12/ 2006	Unlimited	N	
SK	Slovak Hydrometeorological Institute (SHMU)					Y	12/12/ 2006	Unlimited	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
SK	VzS OS SR		Y			Y	15/06/ 2011	15/06/2013	N	
UK	Airways Aero Associations Ltd		Y			Y	01/01/ 2012	31/12/2015	Y	Derogations have been granted against Annex 1, Section 2.2 and 9 only. With regard to these areas only, derogation has been applied as a compliance exemption. Elsewhere, the UK NSA's policy on all other derogable requirements is that each ANSP's control measures (management systems) should be scaled appropriately to the size and complexity of each operation, together with the number of annual aircraft movements.
UK	Air Caernarfon Ltd					Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'.
UK	Albemarle Shoreham Airport Ltd		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Argyll & Bute Council		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
UK	ATC Lasham		Y			Y	01/01/ 2012	31/12/2015	Y	See above.
UK	BAE Systems Marine Ltd (Walney Island)			Y		Y	01/01/ 2012	31/12/2015	Y	See above.
UK	BAE Systems (Aviation Services) Ltd (Bristol Filton)		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	BAE Systems (Operations) Ltd (Warton and Woodford)		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Belfast City Airport		Y			Y Y	01/01/ 2012	31/12/2015	N	
UK	Bickerton's Aerodromes Ltd (Denham)			Y		Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Biggin Hill Airport Ltd		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Blackbushe Airport Ltd			Y		Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Blackpool Airport Ltd		Y			Y Y	01/01/ 2012	31/12/2015	N	
UK	British International Ltd (Penzance)					Y Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	City Airport Manchester Ltd (Barton)			Y		Y	01/01/ 2012	31/12/2015	Y	See above.
UK	CODA (Operations) Ltd		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Cornwall Airport Limited (Newquay)		Y			Y Y	01/01/ 2012	31/12/2015	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
UK	Council of The Isles of Scilly (St Mary's)		Y			Y Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Cormack (Aircraft Services) Ltd (Cumbernauld Airport)					Y	01/01/2012	31/12/2015	Y	See above.
UK	Dundee Airport Ltd		Y			Y Y	01/01/2012	31/12/2015	N	
UK	Enniskillen					Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Exeter & Devon Airport Ltd		Y			Y Y	01/01/2012	31/12/2015	N	
UK	Fairoaks Airport Ltd			Y		Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Gloucestershire Airport Ltd		Y			Y Y	01/01/2012	31/12/2015	Y	See above.
UK	Goodwood Road Racing Company Ltd			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Herefordshire Aero Club Ltd (Shobdon)			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Highlands and Islands Airports Ltd		Y			Y Y	01/01/2012	31/12/2015	N	
UK	Imperial War Museum Duxford			Y		Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Infratil Airport Europe Ltd		Y			Y Y	01/01/2012	31/12/2015	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
UK	Kemble Air Services Ltd			Y		Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Leeds Bradford International Airport		Y			Y Y	01/01/ 2012	31/12/2015	N	
UK	Leicestershire Aero Club Ltd					Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	London Ashford Airport		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	London Southend Airport Company Ltd		Y			Y Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Manchester Airport Group plc		Y			Y Y	01/01/ 2012	31/12/2015	N	
UK	Marshall's of Cambridge Aerospace Ltd		Y			Y Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Met Office					Y	01/01/ 2012	31/12/2015	N	
UK	Mid Wales Airport Ltd (Welshpool)					Y	01/01/ 2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Montclare Shipping Co. Ltd (Elstree)			Y		Y	01/01/ 2012	31/12/2015	Y	See above.
UK	NATS NERL		Y	Y	Y	Y Y	01/01/ 2012	31/12/2015	N	
UK	NATS NSL		Y	Y		Y Y	01/01/ 2012	31/12/2015	N	
UK	Newcastle International Airport Ltd		Y			Y Y	01/01/ 2012	31/12/2015	N	
UK	Norwich Airport Ltd		Y			Y Y	01/01/ 2012	31/12/2015	N	

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
UK	Oxford Aviation Services Ltd		Y			Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Peel Airports Ltd		Y			Y Y	01/01/2012	31/12/2015	N	
UK	Pembrokeshire County Council					Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Radarmoor Limited (Wellesbourne)			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Redhill Aerodrome Ltd		Y			Y	01/01/2012	31/12/2015	Y	See above.
UK	Rochester Airport plc			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Serco Ltd		Y			Y Y	01/01/2012	31/12/2015	N	
UK	Shenley Farms (Aviation) Ltd (Headcorn)					Y	01/01/2012	31/12/2015	Y	See Derogations for 'Airways Aero Associations Ltd'
UK	Sherburn Aero Club Ltd					Y	01/01/2012	31/12/2015	Y	See above.
UK	Shetland Islands Council (Tingwall)			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Shuttleworth Old Warden Aerodrome			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Stobart Air Ltd (Carlisle Airport)		Y			Y Y	01/01/2012	31/12/2015	Y	See above.
UK	Sywell Aviation Ltd			Y		Y	01/01/2012	31/12/2015	Y	See above.
UK	Tatenhill Aviation Ltd					Y	01/01/2012	31/12/2015	Y	See above.
UK	Westland Helicopters Ltd		Y			Y	01/01/2012	31/12/2015	Y	See above.

State	Name of the ANSP	ATS	AFIS	AIS	CNS	ME T	Date of Last Certificate	Valid Until	Derogation Granted	Type of Derogation
UK	West Wales Airport Ltd			Y		Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Westward Airways (Land's End) Ltd		Y			Y	01/01/ 2012	31/12/2015	Y	See above.
UK	Wolverhampton Airport Ltd			Y		Y	01/01/ 2012	31/12/2015	Y	See above.

Source : Report on the SES Legislation Implementation, EUROCONTROL Doc 11/06/-7-24, 27-06-2011

Appendix C: List of (A)FIS subject to derogation

(A)FIS NO ATS		Type of derogation												Comment
Member State	Number OF ANSP	Article 4, point 1	- Part 2: Organizational structure and management	- Part 3.2: Quality management system	- Part 3.3: Operations manuals	- Part 4: Security	- Part 6: Financial Strength	- Part 7: Liability and insurance cover	- Part 8.2: Contingency plans	- Part 9: Reporting requirements	- Part 3.1.2: Safety management responsibility as well as external services and supplies	- Part 3.1.3: Safety surveys	- Part 3.2: Safety requirements for risk assessment and mitigation with regard to changes	
CH	1		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
DK	7		Y			Y		Y		Y	Y	Y	Y	1 ANSP does not have derogations.
FI	2		Y	Y						Y			Y	1 ANSP does not have derogation for part 2.
FR	63		Y		Y	Y			Y	Y			Y	
HU	5		Y	Y		Y								
NO	7		Y			Y	Y			Y	Y	Y	Y	1 ANSP does not have derogation

														for part 3.2.
			Y				Y		Y	Y	Y	Y	Y	Only one of them has deroga tion for Article 4
PT	6	Y												
			Y			Y				Y				6 out of 16 ANSP do not have deroga tions. Two have for Part 2 and 4 and, and four for Part 2 and Part 9.
SE	16													
UK	17		Y							Y				

Source : Report on the SES Legislation Implementation, EUROCONTROL Doc 11/06/-7-24, 27-06-2011