

Unofficial consolidated text of the Regulation on conditions and manner of issuing and the validity of the certificate for the provision of air navigation services (“Official Gazette of RS”, No 32/11, 54/12 and 24/13)

NOTE: Provisions of the Article 14 of the Appendix 3 and Article 19 of the Appendix 4 shall be applicable following a transposition of the Regulation (EU) No 691/2010 into national legislation, pursuant to Article 15 of the Regulation amending Regulation on requirements and a manner of issuing and a validity of the certificate for the provision of air navigation services (“Official Gazette of RS”, No 54/12).

On the basis of the Article 66(3), Article 237(3) and Article 265 of the Air Transport Law (“Official Gazette of RS”, No 73/10),

The Management Board of the Directorate of the Civil Aviation of the Republic of Serbia enacts

REGULATION ON REQUIREMENTS AND A MANNER OF ISSUING AND A VALIDITY OF THE CERTIFICATE FOR THE PROVISION OF AIR NAVIGATION SERVICES

I. INTRODUCTORY PROVISIONS

Subject matter and scope

Article 1

This Regulation lays down the conditions that shall be satisfied by an air navigation service provider to be granted a certificate for the provision of air navigation services, conditions to vary, suspend or revoke a certificate for the provision of air navigation services, a format of the certificate, empowers of the Civil Aviation Directorate of the Republic of Serbia referred to issue of the certificate for the provision of air navigation services and ongoing audits to verify that air navigation service providers are continuously compliant with the requirements for the provision of services.

Requirements laid down by this Regulation do not refer to air navigation services provided to military aircraft for the purpose of military aircraft flights and military exercises.

Transposition of the European Union Regulations

Article 2

This Regulation transposes, with adaptations to the legislation of the Republic of Serbia the following:

1. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 in order to improve the performance and sustainability of the European aviation system, given in the Appendix 1 to this Regulation;
2. Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), amended by the Regulation (EC) No 1070/2009 of the European

- Parliament and of the Council of 21 October 2009 in order to improve the performance and sustainability of the European aviation system, given in the Appendix 2 to this Regulation;
3. Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010, given in the Appendix 3 to this Regulation;
 4. Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010, given in the Appendix 4 to this Regulation.

Definitions

Article 3

For the purpose of this Regulation, definitions contained in the Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 and Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 shall be applicable.

Apart from the definitions referred to in paragraph 1 thereto, definitions applied in this Regulation shall have the following meaning:

- 1) *Safety achievement* means the result of processes and methods applied to attain acceptable or tolerable safety;
- 2) *Safety records* mean information about events or series of events that is maintained as a basis for providing safety assurance and demonstrating the effective operation of the safety management system;
- 3) *Safety indicators* represent a measurement of achieved aviation safety levels, and they differ in relation to the aviation area and are connected to main components of the aviation safety strategy;
- 4) *Safety levels* represent a level of how far safety is to be pursued in a given context with reference to an acceptable or tolerable risk;
- 5) *ECAA Agreement* means Multilateral Agreement between the European Community and its Member State, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Island, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area;
- 6) *Safety survey* means a systematic review, to recommend improvements where needed, to provide assurance of the safety of current activities, and to confirm conformance with applicable parts of the Safety Management System;
- 7) *Quantity safety levels* mean a numerical expression to define levels of safety;
- 8) *National supervisory authority* in the Republic of Serbia is the Civil Aviation Directorate of the Republic of Serbia (hereinafter referred to as: Directorate);
- 9) *Severity* means a level of effect/consequences of hazards on the safety of flight operations;
- 10) *Organisation exposition* is a document describing an organisation and operational activities of an air navigation service provider;

- 11) *Safety policy* means a statement of the organisation's fundamental approach to achieve acceptable or tolerable safety;
- 12) *Safety monitoring* means a systematic action conducted to detect changes affecting the air navigation services with the specific objective of identifying that acceptable or tolerable safety can be met;
- 13) *Risk assessment* means an assessment to establish that the achieved or perceived risk is acceptable or tolerable;
- 14) *Certificate for the provision of air navigation services* (hereinafter referred to as: certificate) means a document issued by a national supervisory authority, which confirms that an air navigation service provider meets the requirements for providing one or several air navigation services;
- 15) *Safety Management System* encompasses organisation, procedures and accountability and responsibility system established and maintained with the air navigation service provider in order to achieve acceptable or tolerable safety;
- 16) *SMS documentation* means a set of documents, arising from the organisation's safety policy statements, to develop and document the SMS in order to achieve its safety objectives;
- 17) *Severity class* means a gradation, ranging from 1 (most severe) to 5 (least severe), as an expression of the magnitude of the effects of hazards on flight operations;
- 18) *External services* mean all material and non-material supplies and services, which are delivered by any organisation not covered by the ANSP's Safety Management System;
- 19) *Risk mitigation* means steps taken to control or prevent a hazard from causing harm and reduce risk to a tolerable or acceptable level;
- 20) *Hazard identification* means the process of determining what can happen, why and how;
- 21) *Supporting services* encompass systems, services and arrangements, including Communication, Navigation and Surveillance services, which support the provision of air navigation services.

II. REQUIREMENTS TO BE SATISFIED BY AN AIR NAVIGATION SERVICE PROVIDER

Requirements to grant a certificate

Article 4

To obtain a certificate for the provision of air navigation services, an applicant shall comply with the common requirements set out in Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010, given in the Appendix 3 to this Regulation:

- the general requirements for the provision of air navigation services set out in Annex I of the Commission Implementing Regulation (EU) No 1035/2011, and
 - the additional specific requirements set out in Annexes II to V of the Commission Implementing Regulation (EU) No 1035/2011 according to the type of service they provide.
- Before issuing a certificate, an air navigation service provider shall be fully compliant with all the requirements, depending on the type of service for which a certificate is issued.

Derogations

Article 5

By way of derogation from Article 4 thereto, an applicant that provides or have an intention to provide air navigation services for specific categories of air traffic services exclusively in the Republic of Serbia, specific derogations from general requirements set out in Annex I of the Appendix 3 and/or additional specific requirements set out in Annex II of the Appendix 3 thereto may granted, in accordance with the Article 5 of the Appendix 3 thereto (Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services).

III. AIR NAVIGATION SERVICE PROVIDER CERTIFICATION

Certification

Article 6

Certification is a procedure to verify the compliance of an applicant with the set out requirements to be granted a certificate.

Certification procedure starts by an application for a certificate and is completed by a decision of the Directorate on an application.

An applicant for a certificate that has its principal place of operation in the Republic of Serbia shall submit an application on an application form given in Appendix 5 to this Regulation.

An application shall be accompanied by relevant documentation laid down by this Regulation which is to demonstrate a manner of compliance with the common requirements.

Documentation to be provided with an application for a certificate

Article 7

An applicant shall provide together with an application for a certificate the following documentation:

1. a list of and a scope of air navigation services to be provided;
2. organisation exposition which involves:
 - 1) a statement of an accountable manager which confirms that an applicant is compliant with the common requirements, expresses an intention to be continuously compliant with the common requirements and an agreement to provide all the additional information at the request of the Directorate necessary to verify the compliance;
 - 2) a safety policy document;
 - 3) positions and names of the senior management with their duties and responsibilities, and specifically:
 - description of the safety management and responsibilities for establishment and maintenance of the safety management system;
 - duties and responsibilities and organisation established to provide for an active participation of the senior management in managing safety;
 - 4) an organigram and lines of accountabilities and responsibilities in the areas covered by common requirements;
 - 5) a general description of human resources;
 - 6) a general description of facilities, offices, equipment and devices;
 - 7) a manner of compliance with the common requirements and the way of ensuring continuous compliance with the common requirements.
3. completed compliance questionnaires with the common requirements.

Directorate actions upon receiving an application for a certificate

Article 8

The Directorate shall, within seven days from the date of receiving an application, nominate a person responsible for the communication with an applicant, notify an applicant in writing that an application was received and determine an audit team leader.

The Directorate shall, within 21 day form the date of receiving an application, notify an applicant that an application and documentation are complete or that they are incomplete and that an additional documentation is requested.

Initial oversight audit for granting a certificate

(Initial audit)

Article 9

When verifying that an application and documentation are complete, the Directorate shall make an audit plan and audit visit schedule to verify the compliance for granting a certificate (hereinafter referred to as: initial audit) and shall provide them to an applicant at the latest within 45 days from the date of receiving a complete documentation.

Prior to starting an initial audit the Directorate and an applicant shall make an agreement in respect of the terms and audit schedule.

Content of the initial audit

Article 10

Auditors of the Directorate shall determine whether an applicant is compliant with the common requirements by review of the submitted documentation as well as its implementation on site.

Auditors shall communicate the preliminary results of the initial audit to the applicant's representatives.

Auditors' report

Article 11

Auditors shall, within 30 days from the preliminary report, draw up an audit report identifying the factual findings, including details of the possible non-compliances with the common requirements.

The report shall be submitted to the Directorate and an applicant.

By submitting a report the initial audit shall be considered completed.

Initial audit corrective actions

Article 12

The Directorate shall, within 30 days from the date of forwarding a report, request an applicant to propose corrective actions for the purpose of eliminating the possible non-compliances with the common requirements and the time frame for their implementation.

The Directorate shall assess the corrective actions proposed by an applicant and accept them if they are sufficient to address the non-compliances, and an applicant shall initiate the corrective actions accepted by the Directorate.

An applicant and the Directorate shall mutually determine the time frame for the corrective actions implementation.

Certification time schedule

Article 13

Certification shall last no longer than 120 days from the date of starting an initial audit.

The certification process does not involve the time frame required for the completion of the corrective actions.

IV. CERTIFICATE

Certificate and its validity

Article 14

A certificate is a public document which confirms that its holder meets the requirements for the providing services set out in the certificate.

The certificate shall be granted by the Directorate for an unlimited period and shall be valid until revoked.

By way of derogations from paragraph 2 thereto, the certificate shall be granted for 24 months where the Directorate decides to apply derogations (Article 5 thereto).

Air navigation services which may be applied for shall be given in the Appendix 6 to this Regulation.

The Directorate may issue a certificate for each service provided by an air navigation service provider or for a bundle of services.

Certificate specification

Article 15

A certificate shall specify the name of the Directorate that issues a certificate, name and address of an applicant, general requirements for granting a certificate and its validity, services for which the certificate is issued, date of issuing a certificate, validity of a certificate and a statement of an accountable manager on applicant's compliance with the common requirements.

Where the Directorate decides to apply derogations (Article 5 thereto), a certificate shall be accompanied by an Annex to the certificate which sets out the nature, scope and legal basis and obligations of the Directorate to monitor that the certificate holder is continuously compliant with the requirements under which derogations are applied.

A certificate shall specify the additional specific requirements only if the Directorate grants them at the proposal of an applicant.

A certificate shall be issued on the certificate format given in the Appendix 7 thereto.

Recognition of certificates

Article 16

In accordance with the provisions which govern the air transport and the provisions of this Regulation, the Directorate shall recognize any certificate issued to an organisation in another State issued by the National Supervisory Authority of that EU State that is issued or recognized by the relevant EU Authority.

V. CERTIFICATE VALIDITY

Ongoing audit

Article 17

The Directorate shall at least on an annual basis establish and update the ongoing audit programme which is to assess that a certificate holder is continuously compliant with the common requirements and additional specific requirements when they are attached to the certificate and shall inform a certificate holder of such a programme.

Prior to starting the ongoing audit the Directorate and a certificate holder shall make an agreement in respect of the terms and the time frame of an audit.

The provisions that refer to written reports of the auditors in respect of the initial audit (Article 11 thereto) shall be applicable to development of the written reports of the auditors in respect of the ongoing audit.

Corrective actions following ongoing audit

Article 18

The Directorate shall, within 30 days from the date of forwarding an ongoing audit report, request the certificate holder to propose corrective actions for the purpose of eliminating the possible non-compliances with the common requirements or additional specific requirements (when attached to the certificate) and the time frame for their implementation.

The Directorate shall assess the corrective actions proposed by the certificate holder and accept them if they are sufficient to address the non-compliances, and the certificate holder shall initiate the corrective actions accepted by the Directorate.

The certificate holder and the Directorate shall mutually determine the time frame for the corrective actions implementation.

The air navigation service provider shall notify the Directorate on the completed corrective actions.

Certificate suspension or revocation

Article 19

Where the Directorate considers that corrective actions are not sufficient or that they have not been properly implemented within the time frame accepted, it shall take the appropriate enforcement measures which may include suspension or revocation of the certificate.

When making a decision on the enforcement measures to be taken, the Directorate shall consider that the measures shall be effective and proportionate while taking into account the need to ensure the continuity of air navigation services to the users.

The Directorate shall notify its decision to suspend or revoke the certificate together with the reasons therefore to the air navigation service provider, ministry in charge of transport, National Aviation Committee and the European Commission.

Audit facilitation

Article 20

An applicant for a certificate that is a certificate holder shall facilitate auditors to conduct an audit, including site visits and shall ensure all the necessary technical assistance, including visits on the spot and nominate a person authorized to support the auditors.

Monitoring achieved safety

Article 21

The Directorate shall provide regular monitoring and assessment of the levels of the achieved safety of the certificate holders (safety level) by ensuring achievement of the safety levels in accordance with safety indicators in order to determine whether the safety levels comply with the safety regulatory requirements.

The Directorate shall use the results obtained by assessment of the achieved safety with reference to the safety levels defined in accordance with the safety indicators to determine areas in which the verification of the compliance with the safety regulatory requirements is necessary as a matter of priority.

Other provisions referred to Directorate actions

Article 22

The Directorate shall establish procedures to assess the compliance of the certificate holder with the safety regulatory requirements and classify the noncompliances and shall support it by an appropriate documentation with the guidelines for assessment.

Possible noncompliances identified by auditors shall be described and documented in details in their written reports.

Functional system changes of a certificate holder

Article 23

A certificate holder shall notify the Directorate of planned changes to the functional system which may affect safety and shall always provide the Directorate with the safety arguments, when determined, in the assessment of the severity of the effect of an identified hazard conducted in accordance with item 3.2.4 (Section 4) of the Annex II of the Appendix 3 to this Regulation, severity class 1 or class 2 or when implementation of planned changes requires development of new aviation standards.

When deciding whether to introduce a safety related change to the functional system, a certificate holder shall only use procedures approved by the Directorate.

Notification on planned changes and safety arguments

Article 23a

A certificate holder shall provide the Directorate together with the notification of planned changes, the initial safety arguments and an exposition of a planned change.

The initial safety arguments and the exposition of a planned change shall cover description of a change, reasons for its planning (increment of the effectiveness and capacity, decrement of operational costs, compliance with external requirements, upgrading the service provision systems etc.), classification of a change in accordance with the item 3.2.4 (Section 4) of the Annex II of the Appendix 3 to this Regulation and an exposition of the proposed classification of a change.

The content of the safety argumentation depending on the type of a change shall involve:

- 1) Initial safety arguments and an exposition of a planned change and safety assessment for changes classified with the severity class 1 and 2;
- 2) Initial safety arguments and an exposition of a planned change and safety assessment for changes classified with the severity class 3, 4 or 5.

Providing notification, exposition and safety arguments

Article 23b

A certificate holder shall provide the Directorate with a notification of planned changes with an exposition and an appropriate safety arguments in accordance with the following schedule:

- 1) at the latest 30 days prior to planned implementation of a change classified with the severity class 1 and 2;
- 2) at the latest 15 days prior to planned implementation of a change classified with severity class 3, 4 or 5;

Apart from the aforementioned schedule:

- 1) cases requiring urgent implementation of a change for the purpose of increasing the safety in providing services;
- 2) changes originating out of the air navigation service provision;

In the cases referred to in paragraph 2(1) and (2) thereto a certificate holder shall provide the Directorate the complete safety documentation within 30 days from the date of introducing a change to the functional system.

When referring to a change of a larger scope, which requires preparation of a more comprehensive safety documentation, a certificate holder may submit an application to the Directorate to extend the time schedule referred to in paragraph 3 thereto.

Safety arguments review

Article 24

The Directorate shall review the safety arguments provided by a certificate holder.

When planned changes of a functional system have not been classified as severity class 1 or 2, the Directorate may request the certificate holder to provide safety arguments or may immediately notify a certificate holder that a planned change is approved.

Review procedure of safety arguments

Article 25

Review of the safety arguments involves validity of safety objectives, requirements and other safety elements (which must be compliant with the safety regulatory requirements), compliance with the requirements for safe use of technical equipment and systems and identification of additional specific safety elements related to implementation of such a change.

When reviewing safety arguments, documented procedures of the Directorate shall be used which are, as a manual, specifically intended for auditors.

Review of the safety arguments of a certificate holder involves assessment of identified hazards, consistency of the allocation of severity classes of identified hazards, validity of safety objectives and evidences that the safety objectives meet the applicable safety regulatory requirements.

The Directorate shall immediately, upon completed review of the safety arguments, notify the certificate holder that it has approved a planned change, with additional specific requirements when necessary or that it has not approved a planned change supporting reasons of the change under consideration.

Introduction of a planned change into service

Article 26

A certificate holder may implement a planned change classified with the severity class 1 and 2, or a change which requires introduction of new aviation standards into service when approved by the Directorate.

A certificate holder may implement a planned change classified with the severity class 3, 4 or 5, and a change which does not affect safety in accordance with the procedures approved by the Directorate.

When the Directorate disagrees with the classification of a planned change, it may request additional safety arguments for a planned change, supporting reasons of such a disagreement.

The assessment of the procedure effectiveness, classification of a change and its effect to safety and appropriate procedures shall be subject of a continuous oversight by the Directorate.

For large projects of a system improvement in the provision of air navigation services, the Directorate may approve changes in phases in accordance with the project phases.

The Directorate shall give an approval for introducing a change to the functional system upon completion of all the preparation phases for implementing a change to the functional system.

Harmonization of procedures

Article 26a

The Directorate and a certificate holder shall, within 30 days from the date of enacting this Regulation, harmonize procedures which define the relationships and mutual actions in respect of changes in the functional system.

Safety directives

Article 27

When the existence of an unsafe condition in a functional system of an air navigation service provider is determined which requires immediate action, the Directorate shall issue a safety directive.

More specific requirements referred to issue of a safety directive, procedure and a manner of notifying thereof, as well as requirements referred to obligation of a Directorate to verify the compliance with the applicable safety directives shall be given in Article 13 of the Appendix 4 thereto.

VI. OTHER SAFETY OVERSIGHT PROVISIONS

Recognised organisations

Article 28

The Directorate may delegate specific audit activities to a natural or a legal person empowered to conduct specific safety oversight activities (hereinafter referred to as: recognized organisations), when a recognized organization meets the requirements set out by this Regulation and which holds an authorization for conducting specific safety oversight activities, issued by the Directorate.

The recognized organization shall be subject to oversight of the Directorate or a body acting on its behalf.

The Directorate shall maintain the records of the recognized organisations.

Auditors

Article 29

A person qualified in accordance with the requirements, with an appropriate technical and operational experience relevant to the safety oversight duties, with the knowledge and understanding of the safety regulatory requirements and knowledge of auditing techniques and skills may become an auditor.

The Directorate shall make an assessment of the auditors needed to perform their safety oversight function in all air navigation areas.

The Directorate may, apart from the auditors, involve on-the-job training staff or experts due to their specific expertise.

The team leader shall, apart from the requirements for auditors, undergo the audit techniques training and audit preparation and management training, and shall have an appropriate number of conducted audits in air navigation area.

The audit techniques training and audit preparation and management training shall be organized in the Directorate or in national or foreign training organisations the training of which is recognized by the Directorate.

Annual safety oversight reporting

Article 30

The Directorate shall report annually on safety oversight actions which shall also include information laid down by this Regulation.

The Directorate shall submit an annual safety oversight report to the ministry in charge of transport and to the European Commission.

An annual safety oversight report shall be made available to the international programmes or activities conducted under the ratified international agreements to monitor the implementation of the safety oversight of air navigation service providers, to States concerned in creating functional airspace blocks with the Republic of Serbia and to States with which the Republic of Serbia uses services of the common air navigation service provider.

Confidentiality of information and documentation

Article 31

All the documentation provided with an application for a certificate or additionally provided, as well as information collected in the course of audits shall be considered as business secret that is an official secret unless otherwise prescribed by a national or international act.

The Directorate shall not disclose information or documentation of confidential nature, and specifically:

- a) confidential information on air navigation service providers, their business relations or their cost components;
- b) safety and security related information and all other information which may be used to make damages to an air navigation service provider.

TRANSITIONAL AND FINAL PROVISIONS

Transitional provisions

Article 32

A certificate issued to an air navigation service provider in accordance with the Regulations in force on the date of entering into force of this Regulation shall be valid until the expiry period stated thereto.

The Directorate shall issue a new certificate in accordance with the provisions of this Regulations 30 days prior to the expiry of the certificate issued in accordance with the Regulations in force prior to entry into force of this Regulation, with no additional audits, when no noncompliances of a certificate holder with the common requirements and additional specific requirements (when set out in the certificate) have been revealed in ongoing audits.

Final provisions

Article 33

Entry into force of this Regulation repeals: Regulation on certification and safety oversight of air navigation service providers (“Official Gazette of RS“, No 16/09 and 20/09-Corrigendum), Regulation on establishment and use of safety management system by air navigation service providers (“Official Gazette of RS“, No 16/09, 20/09-Corrigendum) and Regulation on risk assessment and mitigation in air navigation services (“Official Gazette of RS“, No 16/09, 20/09-Corrigendum).

Entry into force

Article 34

This Regulation shall enter into force on the eighth day following its publication in the "Official Gazette of the Republic of Serbia".

No 1/0-01-0003/2011-0008
In Belgrade, 14 April 2011

Management Board

President
Milutin Mrkonjic

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 in order to improve the performance and sustainability of the European aviation system

Article 1

Objective and scope

1. The objective of the single European sky initiative is to enhance current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. This single European sky shall comprise a coherent pan-European network of routes, network management and air traffic management systems based only on safety, efficiency and technical considerations, for the benefit of all airspace users. In pursuit of this objective, this Regulation establishes a harmonised regulatory framework for the creation of the single European sky.
2. The application of this Regulation and of the measures referred to in Article 3 shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 13. This Regulation and the measures referred to in Article 3 do not cover military operations and training.
3. The application of this Regulation and of the measures referred to in Article 3 shall be without prejudice to the rights and duties of Member States under the 1944 Chicago Convention on International Civil Aviation (the Chicago Convention). In this context, an additional objective of this Regulation is, in the fields it covers, to assist Member States in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of its provisions, and by ensuring that these provisions are duly taken into account in this Regulation and in the rules drawn up for its implementation.
4. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland with regard to the dispute over sovereignty over the territory in which the airport is situated.

Article 2

Definitions

For the purpose of this Regulation and of the measures referred to in Article 3, the following definitions apply:

1. "ATM Master Plan" means the plan endorsed by Council Decision 2009/320/EC, in accordance with Article 1(2) of Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR);
2. 'airspace block' means an airspace of defined dimensions, in space and time, within which air navigation services are provided;
3. 'European air traffic management network' (EATMN) means the collection of systems listed in Annex I to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European air traffic management

network (the interoperability Regulation) enabling air navigation services in the Community to be provided, including the interfaces at boundaries with third countries;

4. 'Eurocontrol' is the European Organisation for the Safety of Air Navigation set up by the International Convention of 13 December 1960 relating to Cooperation for the Safety of Air Navigation
5. "flexible use of airspace" means an airspace management concept applied in the European Civil Aviation Conference area on the basis of the "Airspace management handbook for the application of the concept of the flexible use of airspace" issued by Eurocontrol;
6. "functional airspace block" means an airspace block based on operational requirements and established regardless of State boundaries, where the provision of air navigation services and related functions are performance-driven and optimised with a view to introducing, in each functional airspace block, enhanced cooperation among air navigation service providers or, where appropriate, an integrated provider;
7. 'interoperability' means a set of functional, technical and operational properties required of the systems and constituents of the EATMN and of the procedures for its operation, in order to enable its safe, seamless and efficient operation. Interoperability is achieved by making the systems and constituents compliant with the essential requirements;
8. 'ICAO' means the International Civil Aviation Organisation, as established by the 1944 Chicago Convention on International Civil Aviation;
9. 'airspace users' means operators of aircraft operated as general air traffic;
10. 'meteorological services' means those facilities and services that provide aircraft with meteorological forecasts, briefs and observations as well as any other meteorological information and data provided by States for aeronautical use;
11. 'route network' means a network of specified routes for channeling the flow of general air traffic as necessary for the provision of ATC services;
12. 'navigation services' means those facilities and services that provide aircraft with positioning and timing information;
13. 'upgrade' means any modification that changes the operational characteristics of a system;
14. 'flight level' means a surface of constant atmospheric pressure which is related to the specific pressure datum of 1013,2 hectopascals and is separated from other such surfaces by specific pressure intervals;
15. 'seamless operation' means the operation of the EATMN in such a manner that from the user's perspective it functions as if it were a single entity;
16. 'concept of operation' means the criteria for the operational use of the EATMN or of part thereof;
17. 'flight information region' means an airspace of defined dimensions within which flight information services and alerting services are provided;
18. 'operational data' means information concerning all phases of flight that are required to take operational decisions by air navigation service providers, airspace users, airport operators and other actors involved;
19. 'general air traffic' means all movements of civil aircraft, as well as all movements of State aircraft (including military, customs and police aircraft) when these movements are carried out in conformity with the procedures of the ICAO;
20. 'bundle of services' means two or more air navigation services;
21. 'procedure', as used in the context of the interoperability Regulation, means a standard method for either the technical or the operational use of systems, in the context of agreed and validated concepts of operation requiring uniform implementation throughout the EATMN;
22. 'cross-border services' means any situation where air navigation services are provided in one Member State by a service provider certified in another Member State;

23. 'air navigation service providers' means any public or private entity providing air navigation services for general air traffic;
24. 'putting into service' means the first operational use after the initial installation or an upgrade of a system;
25. 'routing' means the chosen itinerary to be followed by an aircraft during its operation;
26. 'constituents' means tangible objects such as hardware and intangible objects such as software upon which the interoperability of the EATMN depends;
27. 'system' means the aggregation of airborne and ground-based constituents, as well as space-based equipment, that provides support for air navigation services for all phases of flight;
28. 'certificate' means a document issued by a national supervisory authority in any form complying with national law, which confirms that an air navigation service provider meets the requirements for providing a specific service;
29. 'airspace management' means a planning function with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs; 'air navigation services' means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services;
30. 'air traffic management (ATM)' means the aggregation of the airborne and ground-based functions (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations; 'air traffic flow management' means a function established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;
31. 'air traffic flow management' means a function established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;
32. 'air navigation services' means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services;
33. 'air traffic services' means the various flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);
34. 'flight information service' means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;
35. 'alerting service' means a service provided to notify relevant organisations regarding aircraft in need of search and rescue aid, and to assist such organisations as required;
36. 'surveillance services' means those facilities and services used to determine the respective positions of aircraft to allow safe separation;
37. 'air traffic control (ATC) service' means a service provided for the purpose of:
 - (a) preventing collisions:
 - between aircraft, and
 - in the manoeuvring area between aircraft and obstructions; and
 - (b) expediting and maintaining an orderly flow of air traffic;
38. 'aerodrome control service' means an ATC service for aerodrome traffic;
39. 'approach control service' means an ATC service for arriving or departing controlled flights;
40. 'area control service' means an ATC service for controlled flights in a block of airspace;

41. 'aeronautical information service' means a service established within the defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation;
42. 'communication services' means aeronautical fixed and mobile services to enable ground-to-ground, air-to-ground and air-to-air communications for ATC purposes;

Article 3

Fields for action by the Community

1. This Regulation establishes a harmonised regulatory framework for the creation of the single European sky in conjunction with:

- (a) Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (the airspace Regulation);
- (b) Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the service provision Regulation);
- (c) Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)

and with the implementing rules adopted by the Commission on the basis of this Regulation and the regulations referred to above.

2. The measures referred to in paragraph 1 shall apply subject to the provisions of this Regulation.

Article 4

National supervisory authority

1. Member States shall, jointly or individually, either nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority under this Regulation and under the measures referred to in Article 3.

2. The national supervisory authorities shall be independent of air navigation service providers. This independence shall be achieved through adequate separation, at the functional level at least, between the national supervisory authorities and such providers.

3. National supervisory authorities shall exercise their powers impartially, independently and transparently. This shall be achieved by applying appropriate management and control mechanisms, including within the administration of a Member State. However, this shall not prevent the national supervisory authorities from exercising their tasks within the rules of organisation of national civil aviation authorities or any other public bodies.

4. Member States shall ensure that national supervisory authorities have the necessary resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner.

5. Member States shall notify the Commission of the names and addresses of the national supervisory authorities, as well as changes thereto, and of the measures taken to ensure compliance with paragraphs 2, 3 and 4.

Article 5

Committee procedure

1. The Commission shall be assisted by the Single Sky Committee, hereinafter referred to as ‘the Committee’, composed of two representatives of each Member State and chaired by a representative of the Commission. The Committee shall ensure an appropriate consideration of the interests of all categories of users.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at one month.
4. Where reference is made to this paragraph, Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
5. Where reference is made to this paragraph, Article 5a (1), (2), (4), (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 6

Industry consultation body

Without prejudice to the role of the Committee and of Eurocontrol, the Commission shall establish an ‘industry consultation body’, to which air navigation service providers, associations of airspace users, airport operators, the manufacturing industry and professional staff representative bodies shall belong. The role of this body shall solely be to advise the Commission on the implementation of the single European sky.

Article 7

Relations with European third countries

The Community and its Member States shall aim at and support the extension of the single European sky to countries which are not members of the European Union. To that end, they shall endeavour, either in the framework of agreements concluded with neighbouring third countries or in the context of agreements on functional airspace blocks, to extend the application of this Regulation, and of the measures referred to in Article 3, to those countries.

Article 8

Implementing rules

1. For the development of implementing rules the Commission may issue mandates to Eurocontrol or, where appropriate, to another body, setting out the tasks to be performed and the timetable for this and taking into account the relevant deadlines laid down in this Regulation. The Commission shall act in accordance with the advisory procedure referred to in Article 5(2).
2. When the Commission intends to issue a mandate in accordance with paragraph 1 it shall endeavour to make the best use of existing arrangements for the involvement and consultation of all interested parties, where these arrangements correspond to Commission practices on transparency and consultation procedures and do not conflict with its institutional obligations.

Article 9 Penalties

The penalties that Member States shall lay down for infringements of this Regulation and of the measures referred to in Article 3 in particular by airspace users and service providers shall be effective, proportionate and dissuasive.

Article 10 Consultation of stakeholders

1. The Member States, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies, in the implementation of the single European sky.
2. The Commission shall establish a consultation mechanism at Community level. The specific Sectoral Dialogue Committee set up under Decision 98/500/EC shall be involved in the consultation.
3. Consultation of stakeholders shall cover, in particular, the development and introduction of new concepts and technologies in the EATMN.

The stakeholders may include:

- air navigation service providers,
- airport operators,
- relevant airspace users or relevant groups representing airspace users,
- military authorities,
- manufacturing industry, and,
- professional staff representative bodies.

Article 11 Performance scheme

1. To improve the performance of air navigation services and network functions in the single European sky, a performance scheme for air navigation services and network functions shall be set up. It shall include:
 - (a) Community-wide performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;
 - (b) national plans or plans for functional airspace blocks, including performance targets, ensuring consistency with the Communitywide performance targets; and
 - (c) periodic review, monitoring and benchmarking of the performance of air navigation services and network functions.
2. In accordance with the regulatory procedure referred to in Article 5(3), the Commission may designate Eurocontrol or another impartial and competent body to act as a ‘performance review body’. The role of the performance review body shall be to assist the Commission, in coordination with the national supervisory authorities, and to assist the national supervisory authorities on request in the implementation of the performance scheme referred to in paragraph 1. The Commission shall ensure that the performance review body acts independently when carrying out the tasks entrusted to it by the Commission.
3.
 - (a) The Community-wide performance targets for the air traffic management network shall be adopted by the Commission in accordance with the regulatory procedure referred to in Article 5(3), after taking into account the relevant inputs from national supervisory authorities at national level or at the level of functional airspace blocks.
 - (b) The national or functional airspace block plans referred to in point (b) of paragraph 1 shall be drawn up by national supervisory authorities and adopted by the Member

State(s). These plans shall include binding national targets or targets at the level of functional airspace blocks and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

(c) The consistency of the national or functional airspace block targets with the Community-wide performance targets shall be assessed by the Commission using the assessment criteria referred to in point (d) of paragraph 6.

(d) The reference period for the performance scheme shall cover a minimum of three years and a maximum of five years. During this period, in the event that the national or functional airspace block targets are not met, the Member States and/or the national supervisory authorities shall apply the appropriate measures they have defined. The first reference period shall cover the first three years following the adoption of the implementing rules referred to in paragraph 6.

(e) The Commission shall carry out regular assessments of the achievement of the performance targets and present the results to the Single Sky Committee.

4. The following procedures shall apply to the performance scheme referred to in paragraph 1:

(a) collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network functions from all relevant parties, including air navigation service providers, airspace users, airport operators, national supervisory authorities, Member States and Eurocontrol;

(b) selection of appropriate key performance areas on the basis of ICAO Document No 9854 'Global air traffic management operational concept', and consistent with those identified in the Performance Framework of the ATM Master Plan, including safety, the environment, capacity and cost-efficiency areas, adapted where necessary in order to take into account the specific needs of the single European sky and relevant objectives for these areas and definition of a limited set of key performance indicators for measuring performance;

(c) establishment of Community-wide performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

(d) assessment of the national or functional airspace block performance targets on the basis of the national or functional airspace block plan; and

(e) monitoring of the national or functional airspace block performance plans, including appropriate alert mechanisms.

The Commission may add to the list of procedures referred to in this paragraph. These measures designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(4).

5. The establishment of the performance scheme shall take into account that en route services, terminal services and network functions are different and should be treated accordingly, if necessary also for performance-measuring purposes.

6. For the detailed functioning of the performance scheme, the Commission shall by 4 December 2011 and within a suitable timeframe with a view to meeting the relevant deadlines laid down in this Regulation, adopt implementing rules in accordance with the regulatory procedure referred to in Article 5(3). These implementing rules shall cover the following:

(a) the content and timetable of the procedures referred to in paragraph 4;

(b) the reference period and intervals for the assessment of the achievement of performance targets and setting of new targets;

(c) criteria for the setting up by the national supervisory authorities of the national or functional airspace block performance plans, containing the national or functional airspace block performance targets and the incentive scheme. The performance plans shall:

- (i) be based on the business plans of the air navigation service providers;
 - (ii) address all cost components of the national or functional airspace block cost base;
 - (iii) include binding performance targets consistent with the Community-wide performance targets;
- (d) criteria to assess whether the national or functional airspace block targets are consistent with the Community-wide performance targets during the reference period and to support alert mechanisms;
- (e) general principles for the setting up by Member States of the incentive scheme;
- (f) principles for the application of a transitional mechanism necessary for the adaptation to the functioning of the performance scheme not exceeding 12 months following the adoption of the implementing rules.

Article 12

Supervision, monitoring and methods of impact assessment

1. The supervision, monitoring and methods of impact assessment shall be based on the submission of annual reports by the Member States on implementation of the actions taken pursuant to this Regulation and to the measures referred to in Article 3.
2. The Commission shall periodically review the application of this Regulation and of the measures referred to in Article 3, and shall firstly report to the European Parliament and to the Council by 4 June 2011, and at the end of each reference period referred to in Article 11(3)(d) thereafter. When justified for this purpose, the Commission may request from the Member States information additional to the information contained in the reports submitted by them in accordance with paragraph 1 of this Article.
3. For the purposes of drafting the reports referred to in paragraph 2, the Commission shall request the opinion of the Committee.
4. The reports shall contain an evaluation of the results achieved by the actions taken pursuant to this Regulation including appropriate information about developments in the sector, in particular concerning economic, social, environmental, employment and technological aspects, as well as about quality of service, in the light of the original objectives and with a view to future needs.

Article 13

Safeguards

This Regulation shall not prevent the application of measures by a Member State to the extent to which these are needed to safeguard essential security or defence policy interests. Such measures are in particular those which are imperative:

- for the surveillance of airspace that is under its responsibility in accordance with ICAO Regional Air Navigation agreements, including the capability to detect, identify and evaluate all aircraft using such airspace, with a view to seeking to safeguard safety of flights and to take action to ensure security and defence needs,
- in the event of serious internal disturbances affecting the maintenance of law and order,
- in the event of war or serious international tension constituting a threat of war,
- for the fulfilment of a Member State's international obligations in relation to the maintenance of peace and international security,

- in order to conduct military operations and training, including the necessary possibilities for exercises.

Article 13a
European Aviation Safety Agency

When implementing this Regulation and Regulations (EC) No 550/2004, (EC) No 551/2004, (EC) No 552/2004 and 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, Member States and the Commission, in accordance with their respective roles as provided for by this Regulation, shall coordinate as appropriate with the European Aviation Safety Agency to ensure that all safety aspects are properly addressed.

Article 14
Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), amended by the Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 in order to improve the performance and sustainability of the European aviation system

**CHAPTER I
GENERAL**

Article 1

Scope and objective

1. Within the scope of the framework Regulation, this Regulation concerns the provision of air navigation services in the single European sky. The objective of this Regulation is to establish common requirements for the safe and efficient provision of air navigation services in the Community.
2. This Regulation shall apply to the provision of air navigation services for general air traffic in accordance with and within the scope of the framework Regulation.

Article 2

Tasks of the national supervisory authorities

1. The national supervisory authorities referred to in Article 4 of the framework Regulation shall ensure the appropriate supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority.
2. To this end, each national supervisory authority shall organise proper inspections and surveys to verify compliance with the requirements of this Regulation, including human resources requirements for the provision of air navigation services. The air navigation service provider concerned shall facilitate such work.
3. In respect of functional airspace blocks that extend across the airspace falling under the responsibility of more than one Member State, the Member States concerned shall conclude an agreement on the supervision provided for in this Article with regard to the air navigation service providers providing services relating to those blocks.
4. National supervisory authorities shall cooperate closely to ensure adequate supervision of air navigation service providers holding a valid certificate from one Member State that also provide services relating to the airspace falling under the responsibility of another Member State. Such cooperation shall include arrangements for the handling of cases involving non-compliance with the applicable common requirements set out in Article 6 or with the conditions set out in Annex II.
5. In the case of cross-border provision of air navigation services, such arrangements shall include an agreement on the mutual recognition of the supervisory tasks set out in paragraphs 1 and 2 and of the results of these tasks. This mutual recognition shall apply also where arrangements for recognition between national supervisory authorities are made for the certification process of service providers.
6. If permitted by national law and with a view to regional cooperation, national supervisory authorities may also conclude agreements regarding the division of responsibilities regarding supervisory tasks.

Article 3
Qualified entities

1. National supervisory authorities may decide to delegate in full or in part the inspections and surveys referred to in Article 2(2) to qualified entities that fulfil the requirements set out in Annex I.
2. Such a delegation granted by a national supervisory authority shall be valid within the Community for a renewable period of three years. National supervisory authorities may instruct any of the qualified entities located in the Community to undertake these inspections and surveys.

Article 4
Safety requirements

The Commission shall, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, adopt implementing rules incorporating the relevant provisions of the Eurocontrol safety regulatory requirements (ESARRs) and subsequent amendments to those requirements falling within the scope of this Regulation, where necessary with appropriate adaptations.

Article 5

Deleted.

CHAPTER II
RULES FOR THE PROVISION OF SERVICES

Article 6
Common requirements

Common requirements for the provision of air navigation services shall be established in accordance with the procedure referred to in Article 5(3) of the framework Regulation. The common requirements shall include the following:

- technical and operational competence and suitability,
- systems and processes for safety and quality management,
- reporting systems,
- quality of services,
- financial strength,
- liability and insurance cover,
- ownership and organisational structure, including the prevention of conflicts of interest,
- human resources, including adequate staffing plans,
- security.

Article 7
Certification of air navigation service providers

1. The provision of all air navigation services within the Community shall be subject to certification by Member States.
2. Applications for certification shall be submitted to the national supervisory authority of the Member State where the applicant has its principal place of operation and, if any, its registered office.

3. National supervisory authorities shall issue certificates to air navigation service providers where they comply with the common requirements referred to in Article 6. Certificates may be issued individually for each type of air navigation service as defined in Article 2 of the framework Regulation, or for a bundle of such services, inter alia, where a provider of air traffic services, whatever its legal status, operates and maintains its own communication, navigation and surveillance systems. The certificates shall be checked on a regular basis.

4. Certificates shall specify the rights and obligations of air navigation service providers, including non-discriminatory access to services for airspace users, with particular regard to safety. Certification may be subject only to the conditions set out in Annex II. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent.

5. Notwithstanding paragraph 1, Member States may allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in cases where the provider of such services offers them primarily to aircraft movements other than general air traffic. In those cases, the Member State concerned shall inform the Commission and the other Member States of its decision and of the measures taken to ensure maximum compliance with the common requirements.

6. Without prejudice to Articles 8 and 9, the issue of certificates shall confer on air navigation service providers the possibility of offering their services to Member States, other air navigation service providers, airspace users and airports within the Community.

7. National supervisory authorities shall monitor compliance with the common requirements and with the conditions attached to the certificates. Details of such monitoring shall be included in the annual reports to be submitted by Member States pursuant to Article 12(1) of the framework Regulation. If a national supervisory authority finds that the holder of a certificate no longer satisfies such requirements or conditions, it shall take appropriate measures while ensuring continuity of services on condition that safety is not compromised. Such measures may include the revocation of the certificate.

8. A Member State shall recognise any certificate issued in another Member State in accordance with this Article.

9. In exceptional circumstances, Member States may postpone compliance with this Article beyond the date resulting from Article 19(2) by six months. Member States shall notify the Commission of such postponement, giving their reasons therefore.

Article 8

Designation of air traffic service providers

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate in the Community.

2. For the provision of cross-border services, Member States shall ensure that compliance with this Article and Article 10(3) is not prevented by their national legal system requiring that air traffic service providers providing services in the airspace under the responsibility of that Member State:

- (a) be owned directly or through a majority holding by that Member State or its nationals;
- (b) have their principal place of operation or registered office in the territory of that Member State; or
- (c) use only facilities in that Member State.

3. Member States shall define the rights and obligations to be met by the designated air traffic service providers. The obligations may include conditions for the timely supply of relevant information enabling all aircraft movements in the airspace under their responsibility to be identified.

4. Member States shall have discretionary powers in choosing an air traffic service provider, on condition that the latter fulfils the requirements and conditions referred to in Articles 6 and 7.

5. In respect of functional airspace blocks established in accordance with Article 9a that extend across the airspace under the responsibility of more than one Member State, the Member States concerned shall jointly designate, in accordance with paragraph 1 of this Article, one or more air traffic service providers, at least one month before implementation of the airspace block.

6. Member States shall inform the Commission and other Member States immediately of any decision within the framework of this Article regarding the designation of air traffic service providers within specific airspace blocks in respect of the airspace under their responsibility.

Article 9

Designation of providers of meteorological services

1. Member States may designate a provider of meteorological services to supply all or part of meteorological data on an exclusive basis in all or part of the airspace under their responsibility, taking into account safety considerations.

2. Member States shall inform the Commission and other Member States without delay of any decision within the framework of this Article regarding the designation of a provider of meteorological services.

Article 9a

Functional airspace blocks

1. By 4 December 2012, Member States shall take all necessary measures in order to ensure the implementation of functional airspace blocks with a view to achieving the required capacity and efficiency of the air traffic management network within the single European sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and a reduced environmental impact. Member States shall cooperate to the fullest extent possible with each other, in particular Member States establishing neighbouring functional airspace blocks, in order to ensure compliance with this provision. Where relevant, cooperation may also include third countries taking part in functional airspace blocks.

2. Functional airspace blocks shall, in particular:

- (a) be supported by a safety case;
- (b) enable optimum use of airspace, taking into account air traffic flows;
- (c) ensure consistency with the European route network established in accordance with Article 6 of the airspace Regulation;
- (d) be justified by their overall added value, including optimal use of technical and human resources, on the basis of cost-benefit analyses;
- (e) ensure a smooth and flexible transfer of responsibility for air traffic
- (f) ensure compatibility between the different airspace configurations, optimising, inter alia, the current flight information regions;
- (g) comply with conditions stemming from regional agreements concluded within the ICAO; control between air traffic service units;

- (h) respect regional agreements in existence on the date of entry into force of this Regulation, in particular those involving European third countries; and
- (i) facilitate consistency with Community-wide performance targets.

3. A functional airspace block shall only be established by mutual agreement between all the Member States and, where appropriate, third countries who have responsibility for any part of the airspace included in the functional airspace block. Before notifying the Commission of the establishment of a functional airspace block, the Member State(s) concerned shall provide the Commission, the other Member States and other interested parties with adequate information and give them an opportunity to submit their observations.

4. Where a functional airspace block relates to airspace that is wholly or partly under the responsibility of two or more Member States, the agreement by which the functional airspace block is established shall contain the necessary provisions concerning the way in which the block can be modified and the way in which a Member State can withdraw from the block, including transitional arrangements.

5. Where difficulties arise between two or more Member States with regard to a cross-border functional airspace block that concerns airspace under their responsibility, the Member States concerned may jointly bring the matter to the Single Sky Committee for an opinion. The opinion shall be addressed to the Member States concerned. Without prejudice to paragraph 3, the Member States shall take that opinion into account in order to find a solution.

6. After having received the notifications by Member States of the agreements and declarations referred to in paragraphs 3 and 4 the Commission shall assess the fulfilment by each functional airspace block of the requirements set out in paragraph 2 and present the results to the Single Sky Committee for discussion. If the Commission finds that one or more functional airspace blocks do not fulfil the requirements it shall engage in a dialogue with the Member States concerned with the aim of reaching a consensus on the measures necessary to rectify the situation.

7. Without prejudice to paragraph 6, the agreements and declarations referred to in paragraphs 3 and 4 shall be notified to the Commission for publication in the Official Journal of the European Union. Such publication shall specify the date of entry into force of the relevant decision.

8. Guidance material for the establishment and modification of functional airspace blocks shall be developed by 4 December 2010 in accordance with the advisory procedure referred to in Article 5(2) of the framework Regulation.

9. The Commission shall, by 4 December 2011 and in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, adopt implementing rules regarding the information to be provided by the Member State(s) concerned before establishing and modifying a functional airspace block in accordance with paragraph 3 of this Article.

Article 9b **Functional airspace blocks system coordinator**

1. In order to facilitate the establishment of the functional airspace blocks, the Commission may designate a natural person as functional airspace blocks system coordinator (the Coordinator). The Commission shall act in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation.

2. Without prejudice to Article 9a(5) the Coordinator shall facilitate at the request of all Member States concerned and, where appropriate, third countries taking part in the same functional airspace block, overcoming of difficulties in their negotiation process in order to speed up the establishment of functional airspace blocks. The Coordinator shall act on the basis

of a mandate from all Member States concerned and, where appropriate, third countries taking part in the same functional airspace block.

3. The Coordinator shall act impartially in particular with regard to Member States, third countries, the Commission and the stakeholders.
4. The Coordinator shall not disclose any information obtained whilst performing his function except where authorised to do so by the Member State(s) and, where appropriate, third countries concerned.
5. The Coordinator shall report to the Commission, to the Single Sky Committee and to the European Parliament every three months after his designation. The report shall include a summary of negotiations and their results.
6. The remit of the Coordinator shall expire when the last functional airspace block agreement is signed but no later than 4 December 2012.

Article 10

Relations between service providers

1. Air navigation service providers may avail themselves of the services of other service providers that have been certified in the Community.
2. Air navigation service providers shall formalise their working relationships by means of written agreements or equivalent legal arrangements, setting out the specific duties and functions assumed by each provider and allowing for the exchange of operational data between all service providers in so far as general air traffic is concerned. Those arrangements shall be notified to the national supervisory authority or authorities concerned.
3. In cases involving the provision of air traffic services, the approval of the Member States concerned shall be required. In cases involving the provision of meteorological services, the approval of the Member States concerned shall be required if they have designated a provider on an exclusive basis in accordance with Article 9(1).

Article 11

Relations with military authorities

Member States shall, within the context of the common transport policy, take the necessary steps to ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or renewed in respect of the management of specific airspace blocks.

Article 12

Transparency of accounts

1. Air navigation service providers, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Community. Where, owing to the legal status of the service provider, full compliance with the international accounting standards is not possible, the provider shall endeavour to achieve such compliance to the maximum possible extent.
2. In all cases, air navigation service providers shall publish an annual report and regularly undergo an independent audit.
3. When providing a bundle of services, air navigation service providers shall identify and disclose the costs and income deriving from air navigation services, broken down in accordance with the charging scheme for air navigation services referred to in Article 14

and, where appropriate, shall keep consolidated accounts for other, non-air navigation services, as they would be required to do if the services in question were provided by separate undertakings.

4. Member States shall designate the competent authorities that shall have a right of access to the accounts of service providers that provide services within the airspace under their responsibility.

5. Member States may apply the transitional provisions of Article 9 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (1) to air navigation service providers that fall within the scope of that regulation.

Article 13 **Access to and protection of data**

1. In so far as general air traffic is concerned, relevant operational data shall be exchanged in real-time between all air navigation service providers, airspace users and airports, to facilitate their operational needs. The data shall be used only for operational purposes.

2. Access to relevant operational data shall be granted to appropriate authorities, certified air navigation service providers, airspace users and airports on a non-discriminatory basis.

3. Certified service providers, airspace users and airports shall establish standard conditions of access to their relevant operational data other than those referred to in paragraph 1. National supervisory authorities shall approve such standard conditions. Detailed rules relating to such conditions shall be established, where appropriate, in accordance with the procedure referred to in Article 5(3) of the framework Regulation.

CHAPTER III CHARGING SCHEMES

Article 14 **General**

In accordance with the requirements of Articles 15 and 16, the charging scheme for air navigation services shall contribute to greater transparency in the determination, imposition and enforcement of charges to airspace users and shall contribute to the cost efficiency of providing air navigation services and to efficiency of flights, while maintaining an optimum safety level. This scheme shall also be consistent with Article 15 of the 1944 Chicago Convention on International Civil Aviation and with Eurocontrol's charging system for enroute charges.

Article 15 **Principles**

1. The charging scheme shall be based on the account of costs for air navigation services incurred by service providers for the benefit of airspace users. The scheme shall allocate these costs among categories of users.

2. The following principles shall be applied when establishing the cost-base for charges:
(a) the cost to be shared among airspace users shall be the determined cost of providing air navigation services, including appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration. Determined costs shall be the costs determined by the Member State at national level or at the level of functional airspace blocks either at the beginning of the reference period for each calendar year of the reference period referred to in Article 11 of the framework Regulation, or during the reference period, following appropriate

adjustments applying the alert mechanisms set out in Article 11 of the framework Regulation;

(b) the costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region. They may also include costs incurred by national supervisory authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States according to Article 9 of the framework Regulation nor the costs of any corrective measures imposed by Member States according to Article 11 of the framework Regulation;

(c) in respect of the functional airspace blocks and as part of their respective framework agreements, Member States shall make reasonable efforts to agree on common principles for charging policy;

(d) the cost of different air navigation services shall be identified separately, as provided for in Article 12(3);

(e) cross-subsidy shall not be allowed between en-route services and terminal services. Costs that pertain to both terminal services and en-route services shall be allocated in a proportional way between en-route services and terminal services on the basis of a transparent methodology. Cross-subsidy shall be allowed between different air navigation services in either one of those two categories only when justified for objective reasons, subject to clear identification;

(f) transparency of the cost-base for charges shall be guaranteed. Implementing rules for the provision of information by the service providers shall be adopted in order to permit reviews of the provider's forecasts, actual costs and revenues. Information shall be regularly exchanged between the national supervisory authorities, service providers, airspace users, the Commission and Eurocontrol.

3. Member States shall comply with the following principles when setting charges in accordance with paragraph 2:

(a) charges shall be set for the availability of air navigation services under non-discriminatory conditions. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality or category of the user;

(b) exemption of certain users, especially light aircraft and State aircraft, may be permitted, provided that the cost of such exemption is not passed on to other users;

(c) charges shall be set per calendar year on the basis of the determined costs, or may be set under conditions established by Member States for determining the maximum level of the unit rate or of the revenue for each year over a period not exceeding five years;

(d) air navigation services may produce sufficient revenues to provide for a reasonable return on assets to contribute towards necessary capital improvements;

(e) charges shall reflect the cost of air navigation services and facilities made available to airspace users, taking into account the relative productive capacities of the different aircraft types concerned;

(f) charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental impact of aviation. To that end, and in relation to the national or functional airspace block performance plans, national supervisory authorities may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers

and/or airspace users to support improvements in the provision of air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.

4. The Commission shall adopt detailed implementing rules for this Article in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation.

Article 15a **Common projects**

1. Common projects may assist the successful implementation of the ATM Master Plan. Such projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives.

2. The Commission may, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, develop guidance material concerning the way in which such projects can support the implementation of the ATM Master Plan. Such guidance material shall not prejudice mechanisms for the deployment of such projects concerning functional airspace blocks as agreed upon by the parties of those blocks.

3. The Commission may also decide, in accordance with the regulatory procedure referred to in Article 5(3) of the framework Regulation, to set up common projects for network-related functions which are of particular importance for the improvement of the overall performance of air traffic management and air navigation services in Europe. Such common projects may be considered eligible for Community funding within the multiannual financial framework. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10 of the framework Regulation, exploring all appropriate means for financing the deployment thereof. The eligible costs of deployment of common projects shall be recovered in accordance with the principles of transparency and non-discrimination.

Article 16 **Review of compliance**

1. The Commission shall provide for the ongoing review of compliance with the principles and rules referred to in Articles 14 and 15, acting in cooperation with the Member States. The Commission shall endeavour to establish the necessary mechanisms for making use of Eurocontrol expertise and shall share the results of the review with the Member States, Eurocontrol and the airspace users' representatives.

2. At the request of one or more Member States that consider that the principles and rules referred to in Articles 14 and 15 have not been properly applied, or on its own initiative, the Commission shall carry out an investigation into any allegation of non-compliance or non-application of the principles and/or rules concerned. Without prejudice to Article 18(1), the Commission shall share the results of the investigation with the Member States, Eurocontrol and the airspace users' representatives. Within two months of receipt of a request, after having heard the Member State concerned and after consulting the Single Sky Committee in accordance with the advisory procedure referred to in Article 5(2) of the framework Regulation, the Commission shall take a decision on the application of Articles 14 and 15 of this Regulation and as to whether the practice concerned may continue.

3. The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned. Any Member State may refer the

Commission's decision to the Council within one month. The Council, acting by a qualified majority, may take a different decision within a period of one month.

CHAPTER IV FINAL PROVISIONS

Article 17 Revision of Annexes

Measures, designed to amend non-essential elements of the Annexes in order to take into account technical or operational developments, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(4) of the framework Regulation. On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 5(5) of the framework Regulation.

Article 18 Confidentiality

1. Neither the national supervisory authorities, acting in accordance with their national legislation, nor the Commission shall disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost components.
2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities or the Commission where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users, airports or other relevant stakeholders in the protection of their business secrets.
3. Information and data provided pursuant to the charging scheme referred to in Article 14 shall be publicly disclosed.

Article 18a Review

The Commission shall submit a study to the European Parliament and to the Council no later than 4 December 2012 evaluating the legal, safety, industrial, economic and social impacts of the application of market principles to the provision of communication, navigation, surveillance and aeronautical information services, compared to existing or alternative organisational principles and taking into account developments in the functional airspace blocks and in available technology.

Article 19 Entry into force

1. This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.
2. However, Articles 7 and 8 shall enter into force one year after publication of the common requirements, as referred to in Article 6, in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I REQUIREMENTS FOR QUALIFIED ENTITIES

The qualified entities must:

- be able to document extensive experience in assessing public and private entities in the air transport sectors, in particular air navigation service providers, and in other similar sectors in one or more of the fields covered by this Regulation,
- have comprehensive rules and regulations for the periodic survey of the abovementioned entities, published and continually upgraded and improved through research and development programmes,
- not be controlled by air navigation service providers, by airport management authorities or by others engaged commercially in the provision of air navigation services or in air transport services,
- be established with significant technical, managerial, support and research staff commensurate with the tasks to be carried out,
- be managed and administered in such a way as to ensure the confidentiality of information required by the administration,
- be prepared to provide relevant information to the national supervisory authority concerned,
- have defined and documented its policy and objectives for and commitment to quality and have ensured that this policy is understood, implemented and maintained at all levels in the organisation,
- have developed, implemented and maintained an effective internal quality system based on appropriate parts of internationally recognised quality standards and in compliance with EN 45004 (inspection bodies) and with EN 29001, as interpreted by the IACS Quality System Certification Scheme Requirements,
- be subject to certification of its quality system by an independent body of auditors recognised by the authorities of the Member State in which it is located.

ANNEX II CONDITIONS TO BE ATTACHED TO CERTIFICATES

1. Certificates shall specify:
 - (a) the national supervisory authority issuing the certificate;
 - (b) the applicant (name and address);
 - (c) the services which are certified;
 - (d) a statement of the applicant's conformity with the common requirements, as defined in Article 6 of this Regulation;
 - (e) the date of issue and the period of validity of the certificate.
2. Additional conditions attached to certificates may, as appropriate, be related to:
 - (a) non-discriminatory access to services for airspace users and the required level of performance of such services, including safety and interoperability levels;
 - (b) the operational specifications for the particular services;
 - (c) the time by which the services should be provided;
 - (d) the various operating equipment to be used within the particular services;
 - (e) ring-fencing or restriction of operations of services other than those related to the provision of air navigation services;
 - (f) contracts, agreements or other arrangements between the service provider and a third party and which concern the service(s);

- (g) provision of information reasonably required for the verification of compliance of the services with the common requirements, including plans, financial and operational data, and major changes in the type and/or scope of air navigation services provided;
- (h) any other legal conditions which are not specific to air navigation services, such as conditions relating to the suspension or revocation of the certificate.

Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010

Article 1

Subject matter and scope

This Regulation lays down the common requirements for the provision of air navigation services. However, unless Annex I or II makes provision to the contrary, those common requirements shall not apply to:

- (a) activities other than the provision of air navigation services by a provider of such services;
- (b) resources allocated to activities outside the provision of air navigation services.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 and Article 3 of Regulation (EC) No 216/2008 apply. However, the definition of ‘certificate’ in Article 2(15) of Regulation (EC) No 549/2004 does not apply.

The following definitions also apply:

- (1) ‘aerial work’ means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue or aerial advertisement;
- (2) ‘commercial air transport’ means any aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- (3) ‘functional system’ means a combination of systems, procedures and human resources organised to perform a function within the context of ATM;
- (4) ‘general aviation’ means any civil aircraft operation other than aerial work or commercial air transport;
- (5) ‘national supervisory authority’ means the body or bodies nominated or established by Member States as their national supervisory authority pursuant to Article 4(1) of Regulation (EC) No 549/2004;
- (6) ‘hazard’ means any condition, event, or circumstance which could induce an accident;
- (7) ‘organisation’ means an entity providing air navigation services;
- (8) ‘operating organisation’ means an organisation responsible for the provision of engineering and technical services supporting air traffic, communication, navigation or surveillance services;
- (9) ‘risk’ means the combination of the overall probability, or frequency of occurrence of a harmful effect induced by a hazard and the severity of that effect;
- (10) ‘safety assurance’ means all planned and systematic actions necessary to provide adequate confidence that a product, a service, an organisation or a functional system achieves acceptable or tolerable safety;
- (11) ‘safety objective’ means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;
- (12) ‘safety requirement’ means a risk-mitigation means, defined from the risk-mitigation strategy that achieves a particular safety objective, including organisational, operational,

procedural, functional, performance, and interoperability requirements or environment characteristics;

(13) ‘services’ means either an air navigation service or a bundle of such services;

(14) ‘pan-European air navigation service’ means an air navigation service which is designed and established for users within most or all Member States and which may also extend beyond the airspace of the territory to which the Treaty applies;

(15) ‘air navigation service provider’ means any public or private entity providing ANS for general air traffic, including an organisation having applied for a certificate to provide such services.

Article 3

Competent authority for certification

1. For the purpose of this Regulation, the competent authority for the certification of air navigation service providers shall be:

(a) for organisations having their principal place of operation and, if any, their registered office located in a Member State, the national supervisory authority nominated or established by that Member State;

(b) for organisations providing air navigation services in the airspace of the territory to which the Treaty applies and having their principal place of operation and, if any, their registered office located outside the territory subject to the provisions of the Treaty, the Agency;

(c) for organisations providing pan-European air navigation services in the airspace of the territory to which the Treaty applies, the Agency.

2. The competent authority for safety oversight shall be the authority determined in accordance with Article 3 of Commission Implementing Regulation (EU) No 1034/2011 (1).

Article 4

Granting of certificates

1. In order to obtain the certificate necessary to provide air navigation services, and without prejudice to Article 7(5) of Regulation (EC) No 550/2004, organisations shall comply with:

(a) the general requirements for the provision of air navigation services set out in Annex I;

(b) the additional specific requirements set out in Annexes II to V according to the type of service they provide.

2. A competent authority shall verify an organisation’s compliance with the common requirements before issuing a certificate to it.

3. An organisation shall comply with the common requirements no later than at the time at which the certificate is issued pursuant to:

(a) Article 7 of Regulation (EC) No 550/2004;

(b) Article 8b (2) and Article 22a(b) and (c) of Regulation (EC) No 216/2008.

Article 5

Derogations

1. By way of derogation from Article 4(1), certain air navigation service providers may elect not to avail themselves of the opportunity to provide cross-border services and may waive the right to mutual recognition within the single European sky.

They may, in those circumstances, apply for a certificate which is limited to the airspace under the responsibility of the Member State referred to in Article 7(2) of Regulation (EC) No 550/2004.

2. In order to make an application as referred to in paragraph 1, a provider of air traffic services shall provide services or plan to provide them only with respect to one or more of the following categories:

- (a) aerial work;
- (b) general aviation;
- (c) commercial air transport limited to aircraft with less than 10 tonnes of maximum take-off mass or less than 20 passenger seats;
- (d) commercial air transport with less than 10 000 movements per year, regardless of the maximum take-off mass and the number of passenger seats; 'movements' being counted as the sum of take-offs and landings and calculated as an average over the previous three years.

In order to make such an application, an air navigation service provider other than a provider of air traffic services shall have a gross annual turnover of EUR 1 000 000 or less in relation to the services it provides or plans to provide.

Where, owing to objective practical reasons, an air navigation service provider is unable to provide evidence that it meets those qualifying criteria, the competent authority may accept analogous figures or forecasts in relation to the ceilings defined in the first and the second subparagraphs.

When submitting such an application, the air navigation service provider shall submit to the competent authority, at the same time the relevant evidence regarding the qualifying criteria.

3. The competent authority may grant specific derogations to applicants who fulfil the qualifying criteria of paragraph 1, commensurately with their contribution to ATM in the airspace under the responsibility of the Member State concerned.

Those derogations may relate only to the requirements set out in Annex I.

However, no derogation shall be granted for the following requirements:

- (a) technical and operational competence and capability (point 1);
- (b) safety management (point 3.1);
- (c) human resources (point 5);
- (d) open and transparent provision of air navigation services (point 8.1).

4. In addition to the derogations provided for in paragraph 3, the competent authority may grant derogations to applicants who provide aerodrome flight information services by operating regularly not more than one working position at any aerodrome. It shall do so commensurately with the applicants' contribution to ATM in the airspace under the responsibility of the Member State concerned.

Those derogations may relate only to the following requirements of point 3 of Annex II:

- (a) safety management responsibility and external services and supplies (point 3.1.2(b) and (e));
- (b) safety surveys (point 3.1.3(a));
- (c) safety requirements for risk assessment and mitigation with regard to changes (point 3.2).

5. No derogations shall be granted from the requirements in Annexes III, IV or V.

6. In accordance with Annex II of Regulation (EC) No 550/2004, the competent authority shall:

- (a) specify the nature and the scope of the derogation in the conditions attached to the certificate by indicating its legal basis;
- (b) limit the validity of the certificate in time, where considered necessary for oversight purposes;
- (c) monitor whether the air navigation service providers continue to qualify for the derogation.

Article 6

Demonstration of compliance

1. Organisations shall provide all the relevant evidence to demonstrate compliance with the applicable common requirements at the request of the competent authority. Organisations may make full use of existing data.
2. A certified organisation shall notify the competent authority of planned changes to its provision of air navigation services which may affect its compliance with the applicable common requirements or with the conditions attached to the certificate, where applicable.
3. Where a certified organisation no longer complies with the applicable common requirements or, where applicable, with the conditions attached to the certificate, the competent authority shall, within one month of the date of discovering the non-compliance, require the organisation to take corrective action.

That decision shall immediately be notified to the relevant organisation.

The competent authority shall check that the corrective action has been implemented before notifying its approval to the relevant organisation.

Where the competent authority considers that corrective action has not been properly implemented within the timetable agreed with the organisation, it shall take appropriate enforcement measures as provided for in Article 7(7) of Regulation (EC) No 550/2004 and Article 10, Article 22a (d), and Articles 25 and 68 of Regulation (EC) No 216/2008, while taking into account the need to ensure the continuity of air navigation services.

Article 7

Facilitation of compliance monitoring

Organisations shall facilitate inspections and surveys by the competent authority or by a qualified entity acting on the latter's behalf, including site visits and visits without prior notice. The authorised persons shall be empowered to perform the following acts:

- (a) to examine the relevant records, data, procedures and any other material relevant to the provision of air navigation services;
- (b) to take copies of or extracts from such records, data, procedures and other material;
- (c) to ask for an oral explanation on site;
- (d) to enter relevant premises, lands or means of transport.

Such inspections and surveys, when conducted by a competent authority or by a qualified entity acting on their behalf, shall be carried out in compliance with the legal provisions of the Member State in which they are to be undertaken.

Article 8

Ongoing compliance

The competent authority shall, on the basis of the evidence at its disposal, monitor annually the ongoing compliance of the organisations which it has certified.

To that end, the competent authority shall establish and update annually an indicative inspection programme which covers all the providers it has certified and which is based on an assessment of the risks associated with the different operations constituting the air navigation services provided. It shall consult the organisation concerned as well as any other competent authority concerned, if appropriate, before establishing such a programme.

The programme shall indicate the envisaged interval of the inspections of the different sites.

Article 9

Safety regulation of engineering and technical personnel

With regard to the provision of air traffic, communication, navigation or surveillance services, the competent authority or any other authority designated by a Member State to fulfil this task shall:

- (a) issue appropriate safety rules for engineering and technical personnel who undertake operational safety-related tasks;
- (b) ensure adequate and appropriate safety oversight of the engineering and technical personnel assigned by any operating organisation to undertake operational safety-related tasks;
- (c) on reasonable grounds and after due enquiry, take appropriate action in respect of the operating organisation and/or its technical and engineering personnel who do not comply with the requirements of point 3.3 of Annex II;
- (d) verify that appropriate methods are in place to ensure that third parties assigned to operational safety-related tasks comply with the requirements of point 3.3 of Annex II.

Article 10

Peer review procedure

1. The Commission, acting in cooperation with the Member States and the Agency may arrange peer reviews of national supervisory authorities in accordance with paragraphs 2 to 6.

2. A peer review shall be carried out by a team of national experts and, where appropriate, observers from the Agency.

A team shall be comprised of experts coming from at least three different Member States and the Agency.

Experts shall not participate in peer reviews in the Member State where they are employed.

The Commission shall establish and maintain a pool of national experts, designated by Member States, which shall cover all aspects of the common requirements as listed in Article 6 of Regulation (EC) No 550/2004.

3. Not less than three months before a peer review, the Commission shall inform the Member State and the national supervisory authority concerned of the peer review, the date on which it is scheduled to take place and the identity of the experts taking part in it.

The Member State whose national supervisory authority is subject to review shall approve the team of experts before it may carry out the review.

4. Within a period of three months from the date of the review, the review team shall draw up, by consensus, a report which may contain recommendations.

The Commission shall convene a meeting with the Agency, the experts and the national supervisory authority to discuss that report.

5. The Commission shall forward the report to the Member State concerned.

The Member State may, within three months from the date of receipt of the report, present its observations.

Those observations shall include, where relevant, the measures which the Member State has taken or intends to take to respond to the review within a given timescale.

Unless otherwise agreed with the Member State concerned, the report and the follow-up shall not be published.

6. The Commission shall inform the Member States through the Single Sky Committee of the main findings of these reviews on an annual basis.

Article 11

Transitional provisions

1. Air navigation service providers holding a certificate issued in accordance with Regulation (EC) No 2096/2005 on the date of entry into force of this Regulation shall be deemed to hold a certificate issued in accordance with this Regulation.
2. Applicants for an air navigation service providers' certificate which submitted their application before the date of entry into force of this Regulation and were not already issued with a certificate on that date shall show compliance with the provisions of this Regulation before the certificate is issued.
3. Where organisations, for which the competent authority will be the Agency in accordance with Article 3, have applied to a national supervisory authority of a Member State for the issue of a certificate before the date entry into force of this Regulation, the national supervisory authority shall finalise the certification process in coordination with the Agency and transfer the file to the Agency upon the issue of the certificate.

Article 12

Repeal

Regulation (EC) No 2096/2005 is repealed.

Article 13

Amendment to Regulation (EC) No 482/2008

Regulation (EC) No 482/2008 is amended as follows:

- (1) in Article 4(5), the reference to 'Regulation (EC) No 2096/2005' is replaced by a reference to 'Commission Implementing Regulation (EU) No 1035/2011 (*)'.

Article 14

Amendment to Regulation (EU) No 691/2010

In Regulation (EU) No 691/2010, Article 25 is deleted.

Article 15

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

General requirements for the provision of air navigation services

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Air navigation service providers shall be able to provide their services in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for a given airspace. To this end, they shall maintain adequate technical and operational capacity and expertise.

2. ORGANISATIONAL STRUCTURE AND MANAGEMENT

2.1. **Organisational structure**

Air navigation service providers shall set up and manage their organisation according to a structure that supports the safe, efficient and continuous provision of air navigation services.

The organisational structure shall define:

- (a) the authority, duties and responsibilities of the nominated post holders, in particular of the management personnel in charge of safety, quality, security, finance and human resources related functions;
- (b) the relationship and reporting lines between different parts and processes of the organisation.

2.2. **Organisational management**

2.2.1. *Business plan*

Air navigation service providers shall produce a business plan covering a minimum period of five years. The business plan shall:

- (a) set out the overall aims and goals of the air navigation service provider and its strategy towards achieving them in consistency with any overall longer term plan of the air navigation service provider and with relevant Union requirements for the development of infrastructure or other technology;
- (b) contain appropriate performance targets in terms of safety, capacity, environment and cost-efficiency, as may be applicable.

The information listed in points (a) and (b) shall be consistent with the national or functional airspace block performance plan referred to in Article 11 of Regulation (EC) No 549/2004 and, as far as safety data is concerned, consistent with the State Safety Programme referred to in Standard 2.27.1 of Annex 11 to the Convention on International Civil Aviation, Amendment 47B from 20 July 2009 as applicable.

Air navigation service providers shall produce safety and business justifications for major investment projects including, where relevant, the estimated impact on the appropriate performance targets referred to in point (b) and identifying investments stemming from the legal requirements associated with the implementation of the Single European Sky ATM Research Programme (SESAR).

2.2.2. *Annual plan*

Air navigation service providers shall produce an annual plan covering the forthcoming year which shall specify further the features of the business plan and describe any changes to it.

The annual plan shall cover the following provisions on the level and quality of service, such as the expected level of capacity, safety, environment and cost-efficiency, as may be applicable:

- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the performance of the air navigation service provider, including level and quality of services;

- (b) performance indicators consistent with the national or functional airspace block performance plan referred to in Article 11 of Regulation (EC) No 549/2004 against which the performance level and quality of service may be reasonably assessed;
- (c) information on the measures foreseen to mitigate the safety risks identified in the safety plan of the air navigation service provider, including safety indicators to monitor safety risk and, where appropriate, the estimated cost of mitigation measures;
- (d) the air navigation service provider's expected short-term financial position as well as any changes to or impacts on the business plan.

2.2.3. Performance part of the plans

The air navigation service provider shall make the content of the performance part of the business plan and of the annual plan available to the Commission on request under the conditions set by the competent authority in accordance with national law.

3. SAFETY AND QUALITY MANAGEMENT

3.1. Safety management

Air navigation service providers shall manage the safety of all their services. In doing so, they shall establish formal interfaces with all stakeholders which may influence directly the safety of their services.

Air navigation service providers shall develop procedures for managing safety when introducing new functional systems or changing the existing functional systems.

3.2. Quality management system

Air navigation service providers shall have in place a quality management system which covers all air navigation services that they provide, according to the following principles.

The quality management system shall:

- (a) define the quality policy in such a way as to meet the needs of different users as closely as possible;
- (b) set up a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with applicable requirements, standards and procedures;
- (c) provide evidence of the functioning of the quality management system by means of manuals and monitoring documents;
- (d) appoint management representatives to monitor compliance with, and adequacy of, procedures to ensure safe and efficient operational practices;
- (e) perform reviews of the quality management system in place and take remedial actions, as appropriate.

An EN ISO 9001 certificate, issued by an appropriately accredited organisation, covering the air navigation services of the provider shall be considered as a sufficient means of compliance. The air navigation service provider shall accept the disclosure of the documentation related to the certification to the competent authority upon the latter's request.

Air navigation service providers may integrate safety, security and quality management systems into their management system.

3.3. Operations manuals

Air navigation service providers shall provide and keep up-to-date operations manuals relating to the provision of their services for the use and guidance of operations personnel.

They shall ensure that:

- (a) operations manuals contain the instructions and information required by the operations personnel to perform their duties;
- (b) relevant parts of the operations manuals are accessible to the personnel concerned;
- (c) the operations personnel are expeditiously informed of amendments to the operations manual applying to their duties as well as of their entry into force.

4. SECURITY

Air navigation service providers shall establish a security management system to ensure:

- (a) the security of their facilities and personnel so as to prevent unlawful interference with the provision of air navigation services;
- (b) the security of operational data they receive or produce or otherwise employ, so that access to it is restricted only to those authorised.

The security management system shall define:

- (a) the procedures relating to security risk assessment and mitigation, security monitoring and improvement, security reviews and lesson dissemination;
- (b) the means designed to detect security breaches and to alert personnel with appropriate security warnings;
- (c) the means of containing the effects of security breaches and to identify recovery action and mitigation procedures to prevent reoccurrence.

Air navigation service providers shall ensure the security clearance of their personnel, if appropriate, and coordinate with the relevant civil and military authorities to ensure the security of their facilities, personnel and data.

The safety, quality and security management systems may be designed and operated as an integrated management system.

5. HUMAN RESOURCES

Air navigation service providers shall employ appropriately skilled personnel to ensure the provision of air navigation services in a safe, efficient, continuous and sustainable manner. In this context, they shall establish policies for the recruitment and training of personnel.

6. FINANCIAL STRENGTH

6.1. Economic and financial capacity

Air navigation service providers shall be able to meet their financial obligations, such as fixed and variable costs of operation or capital investment costs. They shall use an appropriate cost accounting system. They shall demonstrate their abilities through the annual plan as referred to

in point 2.2.2 as well as through balance sheets and accounts as practicable under their legal statute.

6.2. Financial audit

In accordance with Article 12(2) of Regulation (EC) No 550/2004, air navigation service providers shall demonstrate that they are undergoing an independent audit on a regular basis.

7. LIABILITY AND INSURANCE COVER

Air navigation service providers shall have in place arrangements to cover their liabilities arising from applicable law.

The method employed to provide the cover shall be appropriate to the potential loss and damage in question, taking into account the legal status of the organisation and the level of commercial insurance cover available.

An air navigation service provider which avails itself of the services of another air navigation service provider shall ensure that the agreements cover the allocation of liability between them.

8. QUALITY OF SERVICES

8.1. Open and transparent provision of air navigation services

Air navigation service providers shall provide air navigation services in an open and transparent manner. They shall publish the conditions of access to their services and establish a formal consultation process with the users of air navigation services on a regular basis, either individually or collectively, and at least once a year.

Air navigation service providers shall not discriminate on the grounds of the nationality or identity of the user or the class of users in accordance with applicable Union law.

8.2. Contingency plans

Air navigation service providers shall have in place contingency plans for all the air navigation services they provide in the case of events which result in significant degradation or interruption of their operations.

9. REPORTING REQUIREMENTS

Air navigation service providers shall be able to provide an annual report of their activities to the relevant competent authority.

That annual report shall cover their financial results without prejudice to Article 12 of Regulation (EC) No 550/2004, as well as their operational performance and any other significant activities and developments in particular in the area of safety.

The annual report shall include as a minimum:

- (a) an assessment of the level of performance of air navigation services generated;
- (b) the performance of the air navigation service provider compared to the performance targets established in the business plan referred to in point 2.2.1, reconciling actual performance against the annual plan by using the indicators of performance established in the annual plan;

- (c) provide an explanation for differences with the targets, and identify measures for closing any gaps during the reference period referred to in Article 11 of Regulation (EC) No 549/2004;
- (d) developments in operations and infrastructure;
- (e) the financial results, as long as they are not published separately in accordance with Article 12(1) of Regulation (EC) No 550/2004;
- (f) information about the formal consultation process with the users of its services;
- (g) information about the human resources policy.

Air navigation service providers shall make the content of the annual report available to the Commission and the Agency on request and to the public under the conditions set by the competent authority in accordance with national law.

ANNEX II

Specific requirements for the provision of air traffic services

1. OWNERSHIP

Providers of air traffic services shall notify to the competent authorities referred to in Article 7(2) of Regulation (EC) No 550/2004:

- (a) their legal status, their ownership structure and any arrangements having a significant impact on control over their assets;
- (b) any links with organisations not involved in the provision of air navigation services, including commercial activities in which they are engaged either directly or through related undertakings, which account for more than 1 % of their expected revenue; furthermore, they shall notify any change of any single shareholding which represents 10 % or more of their total shareholding.

Providers of air traffic services shall take all necessary measures to prevent any situation of conflict of interests that could compromise the impartial and objective provision of their services.

2. OPEN AND TRANSPARENT PROVISION OF SERVICES

In addition to point 8.1 of Annex I and where a Member State decides to organise the provision of specific air traffic services in a competitive environment, that Member State may take all appropriate measures to ensure that the providers of these specific air traffic services shall neither engage in conduct that would have as its object or effect the prevention, restriction or distortion of competition, nor shall they engage in conduct that amounts to an abuse of a dominant position in accordance with applicable national and Union law.

3. SAFETY OF SERVICES

3.1. Safety management system (SMS)

3.1.1. *General safety requirements*

Providers of air traffic services shall, as an integral part of the management of their services, have in place a safety management system (SMS) which:

- (a) ensures a formalised, explicit and proactive approach to systematic safety management in meeting their safety responsibilities within the provision of their services; operates in respect of all their services and the supporting arrangements under its managerial control; and includes, as its foundation, a statement of safety policy defining the organisation's fundamental approach to managing safety (safety management);
- (b) ensures that everyone involved in the safety aspects of the provision of air traffic services has an individual safety responsibility for their own actions; that managers are responsible for the safety performance of their respective departments or divisions and that the top management of the provider carries an overall safety responsibility (safety responsibility);
- (c) ensures that the achievement of satisfactory safety in air traffic services shall be afforded the highest priority (safety priority);
- (d) ensures that while providing air traffic services, the principal safety objective is to minimise its contribution to the risk of an aircraft accident as far as reasonably practicable (safety objective).

3.1.2. *Requirements for safety achievement*

Within the operation of the SMS, providers of air traffic services shall:

- (a) ensure that personnel are adequately trained and competent for the job they are required to do, in addition to being properly licensed if so required and satisfying applicable medical fitness requirements (competency);
- (b) ensure that a safety management function is identified with organisational responsibility for development and maintenance of the SMS; ensure that this point of responsibility is independent of line management, and accountable directly to the highest organisational level. However, in the case of small organisations where a combination of responsibilities may prevent sufficient independence in this regard, the arrangements for safety assurance shall be supplemented by additional independent means; and ensure that the top management of the service provider organisation is actively involved in ensuring safety management (safety management responsibility);
- (c) ensure that, wherever practicable, quantitative safety levels are derived and are maintained for all functional systems (quantitative safety levels);
- (d) ensure that the SMS is systematically documented in a manner which provides a clear linkage to the organisation's safety policy (SMS documentation);
- (e) ensure adequate justification of the safety of the externally provided services and supplies, having regard to their safety significance within the provision of its services (external services and supplies);
- (f) ensure that risk assessment and mitigation is conducted to an appropriate level to ensure that due consideration is given to all aspects of the provision of ATM (risk

assessment and mitigation). As far as changes to the ATM functional system are concerned, point 3.2 shall apply;

(g) ensure that ATM operational or technical occurrences which are considered to have significant safety implications are investigated immediately, and any necessary corrective action is taken (safety occurrences). They shall also demonstrate that they have implemented the requirements on the reporting and assessment of safety occurrences in accordance with applicable national and Union law.

3.1.3. *Requirements for safety assurance*

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) safety surveys are carried out as a matter of routine, to recommend improvements where needed, to provide assurance to managers of the safety of activities within their areas and to confirm compliance with the relevant parts of the SMS (safety surveys);
- (b) methods are in place to detect changes in functional systems or operations which may suggest any element is approaching a point at which acceptable standards of safety can no longer be met, and that corrective action is taken (safety monitoring);
- (c) safety records are maintained throughout the SMS operation as a basis for providing safety assurance to all associated with, responsible for or dependent upon the services provided, and to the competent authority (safety records).

3.1.4. *Requirements for safety promotion*

Within the operation of the SMS, providers of air traffic services shall ensure that:

- (a) all personnel are aware of the potential safety hazards connected with their duties (safety awareness);
- (b) the lessons arising from safety occurrence investigations and other safety activities are disseminated within the organisation at management and operational levels (lesson dissemination);
- (c) all personnel are actively encouraged to propose solutions to identified hazards, and changes are made to improve safety where they appear needed (safety improvement).

3.2. **Safety requirements for risk assessment and mitigation with regard to changes**

3.2.1. *Section 1*

Within the operation of the SMS, providers of air traffic services shall ensure that hazard identification as well as risk assessment and mitigation are systematically conducted for any changes to those parts of the ATM functional system and supporting arrangements within their managerial control, in a manner which addresses:

- (a) the complete life cycle of the constituent part of the ATM functional system under consideration, from initial planning and definition to post-implementation operations, maintenance and decommissioning;
- (b) the airborne, ground and, if appropriate, spatial components of the ATM functional system, through cooperation with responsible parties;

(c) the equipment, procedures and human resources of the ATM functional system, the interactions between these elements and the interactions between the constituent part under consideration and the remainder of the ATM functional system.

3.2.2. *Section 2*

The hazard identification, risk assessment and mitigation processes shall include:

- (a) a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part is to perform and the environment of operations in which it is intended to operate;
- (b) a determination of the safety objectives to be placed on the constituent part, incorporating:
 - (i) an identification of ATM-related credible hazards and failure conditions, together with their combined effects;
 - (ii) an assessment of the effects they may have on the safety of aircraft, as well as an assessment of the severity of those effects, using the severity classification scheme set out in Section 4;
 - (iii) a determination of their tolerability, in terms of the hazard's maximum probability of occurrence, derived from the severity and the maximum probability of the hazard's effects, in a manner consistent with Section 4;
- (c) the derivation, as appropriate, of a risk mitigation strategy which:
 - (i) specifies the defences to be implemented to protect against the risk-bearing hazards;
 - (ii) includes, as necessary, the development of safety requirements potentially bearing on the constituent part under consideration, or other parts of the ATM functional system, or environment of operations;
 - (iii) presents an assurance of its feasibility and effectiveness;
- (d) verification that all identified safety objectives and safety requirements have been met:
 - (i) prior to its implementation of the change;
 - (ii) during any transition phase into operational service;
 - (iii) during its operational life;
 - (iv) during any transition phase until decommissioning.

3.2.3. *Section 3*

The results, associated rationales and evidence of the risk assessment and mitigation processes, including hazard identification, shall be collated and documented in a manner which ensures that:

- (a) complete arguments are established to demonstrate that the constituent part under consideration, as well as the overall ATM functional system are, and will remain tolerably safe by meeting allocated safety objectives and requirements. This shall include, as appropriate, specifications of any predictive, monitoring or survey techniques being used;

(b) all safety requirements related to the implementation of a change are traceable to the intended operations/ functions.

3.2.4. Section 4

Hazard identification and severity assessment

A systematic identification of the hazards shall be conducted. The severity of the effects of hazards in a given environment of operations shall be determined using the classification scheme set out in the following table, while the severity classification shall rely on a specific argument demonstrating the most probable effect of hazards, under the worst-case scenario.

Severity class	Effect on operations
1 (Most severe)	Accident as defined in Article 2 of Regulation (EU) No 996/2010 of the European Parliament and of the Council
2	Serious incident as defined in Article 2 of Regulation (EU) No 996/2010.
3	Major incident associated with the operation of an aircraft, in which the safety of the aircraft may have been compromised, having led to a near collision between aircrafts, with ground or obstacles.
4	Significant incident involving circumstances indicating that an accident, a serious or major incident could have occurred, if the risk had not been managed within safety margins, or if another aircraft had been in the vicinity.
5 (Least severe)	No immediate effect on safety.

In order to deduce the effect of a hazard on operations and to determine its severity, the systematic approach/ process shall include the effects of hazards on the various elements of the ATM functional system, such as the air crew, the air traffic controllers, the aircraft functional capabilities, the functional capabilities of the ground part of the ATM functional system, and the ability to provide safe air traffic services.

Risk classification scheme

Safety objectives based on risk shall be established in terms of the hazard's maximum probability of occurrence, derived both from the severity of its effect, and from the maximum probability of the hazard's effect.

As a necessary complement to the demonstration that established quantitative objectives are met, additional safety management considerations shall be applied so that more safety is added to the ATM system, whenever reasonable.

3.2.5. Section 5

Software safety assurance system

Within the operation of the SMS, a provider of air traffic services shall implement a software safety assurance system in accordance with Regulation (EC) No 482/2008.

3.3. Safety requirements for engineering and technical personnel undertaking operational safety related tasks

Providers of air traffic services shall ensure that technical and engineering personnel including personnel of subcontracted operating organisations who operate and maintain ATM equipment approved for their operational use have and maintain sufficient knowledge and understanding of the services they are supporting, of the actual and potential effects of their work on the safety of those services, and of the appropriate working limits to be applied.

With regard to the personnel involved in safety-related tasks including personnel of subcontracted operating organisations, providers of air traffic services shall document the adequacy of the competence of the personnel; the rostering arrangements in place to ensure sufficient capacity and continuity of service; the personnel qualification schemes and policy, the personnel training policy, training plans and records as well as arrangements for the supervision of non-qualified personnel. They shall have procedures in place for cases where the physical or mental condition of the personnel is in doubt.

Providers of air traffic services shall maintain a register of information on the numbers, status and deployment of the personnel involved in safety related tasks.

That register shall:

- (a) identify the accountable managers for safety-related functions;
- (b) record the relevant qualifications of technical and operational personnel, against required skills and competence requirements;
- (c) specify the locations and duties to which technical and operational personnel are assigned, including any rostering methodology.

4. WORKING METHODS AND OPERATING PROCEDURES

Providers of air traffic services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of air traffic services in the airspace concerned:

- (a) Annex 2 on rules of the air in its 10th edition of July 2005, including all amendments up to No 42;
- (b) Annex 10 on aeronautical telecommunications, Volume II on communication procedures including those with PANS Status in its sixth edition of October 2001, including all amendments up to No 85;
- (c) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 47-B.

ANNEX III

Specific requirements for the provision of meteorological services

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of meteorological services shall ensure that the meteorological information, necessary for the performance of their respective functions and in a form suitable for users, is made available to:

- (a) operators and flight crew members for pre-flight and in-flight planning;
- (b) providers of air traffic services and flight information services;
- (c) search and rescue services units;
- (d) aerodromes.

Providers of meteorological services shall confirm the level of attainable accuracy of the information distributed for operations, including the source of such information, whilst also ensuring that such information is distributed in a sufficiently timely manner, and updated as required.

2. WORKING METHODS AND OPERATING PROCEDURES

Providers of meteorological services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of meteorological services in the airspace concerned:

- (a) Annex 3 on meteorological service for international air navigation in its 17th edition of July 2010, including all amendments up to No 75;
- (b) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 47-B;
- (c) Annex 14 on aerodromes in the following versions:
 - (i) Volume I on aerodrome design and operations in its 5th edition of July 2009, including all amendments up to No 10-B;
 - (ii) Volume II on heliports in its 3rd edition of July 2009, including all amendments up to No 4.

ANNEX IV

Specific requirements for the provision of aeronautical information services

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of aeronautical information services shall ensure that information and data is available for operations in a form suitable for:

- (a) flight operating personnel, including flight crew, as well as flight planning, flight management systems and flight simulators;
- (b) providers of air traffic services which are responsible for flight information services, aerodrome flight information services and the provision of pre-flight information.

Providers of aeronautical information services shall ensure the integrity of data and confirm the level of accuracy of the information distributed for operations, including the source of such information, before such information is distributed.

2. WORKING METHODS AND OPERATING PROCEDURES

Providers of aeronautical information services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in:

- (a) Commission Regulation (EU) No 73/2010 (1);
- (b) the following Annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of aeronautical information services in the airspace concerned:
 - (i) Annex 3 on meteorological service for international air navigation in its 17th edition of July 2010, including all amendments up to No 75;
 - (ii) Annex 4 on aeronautical charts in its 11th edition of July 2009, including all amendments up to No 56;
 - (iii) without prejudice to Regulation (EU) No 73/2010, Annex 15 on aeronautical information services in its 13th edition of July 2010, including all amendments up to No 36.

ANNEX V

Specific requirements for the provision of communication, navigation or surveillance services

1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY

Providers of communication, navigation or surveillance services shall ensure the availability, continuity, accuracy and integrity of their services.

Providers of communication, navigation or surveillance services shall confirm the quality level of the services they are providing and shall demonstrate that their equipment is regularly maintained and where required calibrated.

2. SAFETY OF SERVICES

Providers of communication, navigation or surveillance services shall comply with the requirements of point 3 of Annex II on the safety of services.

3. WORKING METHODS AND OPERATING PROCEDURES

Providers of communication, navigation or surveillance services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards of Annex 10 on aeronautical telecommunications to the Convention on International Civil Aviation in the following versions as far as they are relevant for the provision of communication, navigation or surveillance services in the airspace concerned:

- (a) Volume I on radio navigation aids in its sixth edition of July 2006, including all amendments up to No 85;
- (b) Volume II on communication procedures including those with PANS status in its sixth edition of October 2001, including all amendments up to No 85;
- (c) Volume III on communications systems in its second edition of July 2007 including all amendments up to No 85;
- (d) Volume IV on surveillance radar and collision avoidance systems in its fourth edition of July 2007, including all amendments up to No 85;
- (e) Volume V on aeronautical radio frequency spectrum utilisation in its second edition of July 2001, including all amendments up to No 85.

Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010

Article 1

Subject matter and scope

1. This Regulation establishes requirements to be applied to the exercise of the safety oversight function by competent authorities concerning air navigation services, air traffic flow management (ATFM), airspace management (ASM) for general air traffic and other network functions.
2. This Regulation shall apply to the activities of competent authorities and qualified entities acting on their behalf regarding the safety oversight of air navigation services, ATFM, ASM and other network functions.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 and Article 3 of Regulation (EC) No 216/2008 apply. However, the definition of ‘certificate’ in Article 2(15) of Regulation (EC) No 549/2004 does not apply.

The following definitions also apply:

- (1) ‘corrective action’ means an action to eliminate the cause of a detected non-conformity;
- (2) ‘functional system’ means a combination of systems, procedures and human resources organised to perform a function within the context of ATM;
- (3) ‘Network Manager’ means the impartial and competent body entrusted pursuant to Article 6(2) or (6) of Regulation (EC) No 551/2004 to perform the duties described in that Article and this Regulation;
- (4) ‘network functions’ means the specific functions described in Article 6 of Regulation (EC) No 551/2004;
- (5) ‘organisation’ means either an air navigation service provider or an entity providing ATFM or ASM or other network functions;
- (6) ‘process’ means a set of interrelated or interacting activities which transforms inputs into outputs;
- (7) ‘safety argument’ means the demonstration and evidence that a proposed change to a functional system can be implemented within the targets or standards established through the existing regulatory framework consistently with the safety regulatory requirements;
- (8) ‘safety directive’ means a document issued or adopted by a competent authority which mandates actions to be performed on a functional system to restore safety, when evidence shows that aviation safety may otherwise be compromised;
- (9) ‘safety objective’ means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;
- (10) ‘safety regulatory audit’ means a systematic and independent examination conducted by, or on behalf of, a competent authority to determine whether complete safety-related

arrangements or elements thereof, related to processes and their results, products or services, comply with required safety-related arrangements and whether they are implemented effectively and are suitable to achieve expected results;

(11) ‘safety regulatory requirements’ means the requirements established by the Union or national regulations for the provision of air navigation services or ATFM and ASM functions or other network functions as well as concerning the technical and operational competence and suitability to provide these services and functions, their safety management, as well as systems, their constituents and associated procedures;

(12) ‘safety requirement’ means a risk mitigation, defined from the risk mitigation strategy that achieves a particular safety objective, including organisational, operational, procedural, functional, performance and interoperability requirements or environmental characteristics;

(13) ‘verification’ means confirmation through the provision of objective evidence that specified requirements have been fulfilled;

(14) ‘pan-European ATM/ANS’ means an activity which is designed and established for users within most or all Member States and which may also extend beyond the airspace of the territory to which the Treaty applies.

Article 3

Competent authorities for oversight

For the purpose of this Regulation and without prejudice to the mutual recognition of air navigation service providers certificates in accordance with Article 7(8) of Regulation (EC) No 550/2004 and Article 11 of Regulation (EC) No 216/2008, competent authorities for oversight shall be:

(a) for organisations having their principal place of operation and, if any, their registered office located in a Member State while providing air navigation services in the territory of that Member State, the national supervisory authority nominated or established by that Member State;

(b) for organisations for which under the agreements concluded among Member States in accordance with Article 2 of Regulation (EC) No 550/2004, the responsibilities for safety oversight have been allocated differently from point (a), the competent authorities nominated or established under those agreements. These agreements shall comply with the requirements of Article 2(3) to (6) of Regulation (EC) No 550/2004;

(c) for organisations providing ATM/air navigation services in the airspace of the territory to which the Treaty applies and having their principal place of operation and, if any, their registered office located outside the territory subject to the provisions of the Treaty, the European Aviation Safety Agency (‘the Agency’);

(d) for organisations providing pan-European ATM/ANS as well as for all other network functions in the airspace of the territory to which the Treaty applies, the Agency.

Article 4

Safety oversight function

1. Competent authorities shall exercise safety oversight as part of their supervision of requirements applicable to air navigation services as well as to ATFM, ASM and other network functions, in order to monitor the safe provision of these activities and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.

2. When concluding an agreement on the supervision of organisations active in functional airspace blocks which extend across the airspace falling under the responsibility of more than one Member State or in cases of cross-border provision, Member States concerned shall identify and allocate the responsibilities for safety oversight in a manner which ensures that:

- (a) specific points of responsibility exist to implement each provision of this Regulation;
- (b) Member States have visibility of the safety oversight mechanisms and their results;
- (c) relevant information exchange is ensured between the overseeing authorities and the certifying authority.

Member States shall regularly review the agreement and its practical implementation in particular in the light of achieved safety performance.

3. When concluding an agreement on the supervision of organisations active in functional airspace blocks or in cross-border activities in which the Agency is the competent authority for at least one of the organisations in accordance with Article 3(b), the Member States concerned shall coordinate with the Agency so as to ensure that points (a), (b) and (c) of paragraph 2 are met.

Article 5

Monitoring of safety performance

1. Competent authorities shall provide regular monitoring and assessment of the levels of safety achieved in order to determine whether they comply with the safety regulatory requirements applicable in the airspace blocks under their responsibility.
2. Competent authorities shall use the results of the monitoring of safety in particular to determine areas in which the verification of compliance with safety regulatory requirements is necessary as a matter of priority.

Article 6

Verification of compliance with safety regulatory requirements

1. Competent authorities shall establish a process in order to verify:
 - (a) compliance with applicable safety regulatory requirements prior to the issue or renewal of a certificate necessary to provide air navigation services including safety-related conditions attached to it;
 - (b) compliance with any safety-related obligations in the designation act issued in accordance with Article 8 of Regulation (EC) No 550/2004;
 - (c) ongoing compliance of the organisations with applicable safety regulatory requirements;
 - (d) implementation of safety objectives, safety requirements and other safety-related conditions identified in:
 - (i) declarations of verification of systems, including any relevant declaration of conformity or suitability for use of constituents of systems issued in accordance with Regulation (EC) No 552/2004;

- (ii) risk assessment and mitigation procedures required by safety regulatory requirements applicable to air navigation services, ATFM, ASM and the Network Manager;
 - (e) the implementation of safety directives.
2. The process referred to in paragraph 1 shall:
- (a) be based on documented procedures;
 - (b) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;
 - (c) provide the organisations concerned with an indication of the results of the safety oversight activity;
 - (d) be based on safety regulatory audits and reviews conducted in accordance with Articles 7, 9 and 10;
 - (e) provide competent authorities with the evidence needed to support further action, including measures foreseen by Article 9 of Regulation (EC) No 549/2004, Article 7(7) of Regulation (EC) No 550/2004 and by Articles 10, 25 and 68 of Regulation (EC) No 216/2008 in situations where safety regulatory requirements are not being complied with.

Article 7

Safety regulatory audits

1. Competent authorities, or qualified entities as delegated by them shall conduct safety regulatory audits.
2. The safety regulatory audits referred to in paragraph 1 shall:
 - (a) provide competent authorities with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;
 - (b) be independent of internal auditing activities undertaken by the organisation concerned as part of its safety or quality management systems;
 - (c) be conducted by auditors qualified in accordance with the requirements of Article 12;
 - (d) apply to complete implementing arrangements or elements thereof, and to processes, products or services;
 - (e) determine whether:
 - (i) implementing arrangements comply with safety regulatory requirements;
 - (ii) actions taken comply with the implementing arrangements;
 - (iii) the results of actions taken match the results expected from the implementing arrangements;
 - (f) lead to the correction of any identified non-conformities in accordance with Article 8.
3. Within the inspection programme required by Article 8 of Implementing Regulation (EU) No 1035/2011, competent authorities shall establish and update at least annually a programme of safety regulatory audits in order to:
 - (a) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;

- (b) cover all the organisations, services and network functions operating under the supervision of the competent authority;
 - (c) ensure that audits are conducted in a manner commensurate to the level of risk posed by the organisations' activities;
 - (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;
 - (e) ensure follow up of the implementation of corrective actions.
4. Competent authorities may decide to modify the scope of pre-planned audits and to include additional audits, wherever that need arises.
 5. Competent authorities shall decide which arrangements, elements, services, functions, products, physical locations and activities are to be audited within a specified time frame.
 6. Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted.
 7. An audit report, including the details of the non- conformities, shall be drawn up.

Article 8

Corrective actions

1. Competent authorities shall communicate the audit findings to audited organisations and shall simultaneously request corrective actions to address the non-conformities identified without prejudice to any additional action required by the applicable safety regulatory requirements.
2. Audited organisations shall determine the corrective actions deemed necessary to correct non-conformities and the time frame for their implementation.
3. Competent authorities shall assess the corrective actions as well as their implementation as determined by audited organisations and accept them if the assessment concludes that they are sufficient to address the non-conformities.
4. Audited organisations shall initiate the corrective actions accepted by competent authorities. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by competent authorities.

Article 9

Safety oversight of changes to functional systems

1. Organisations shall only use procedures accepted by the relevant competent authority when deciding whether to introduce a safety-related change to their functional systems. In case of air traffic service providers and communication, navigation or surveillance service providers, the relevant competent authority shall accept these procedures in the framework of Implementing Regulation (EU) No 1035/2011.
2. Organisations shall notify the relevant competent authority of all planned safety-related changes. To this effect, competent authorities shall establish appropriate administrative procedures in accordance with national law.
3. Unless Article 10 applies, organisations may implement notified changes following the procedures referred to in paragraph 1 of this Article.

Article 10

Review procedure of the proposed changes

1. Competent authorities shall review the safety arguments associated with new functional systems or changes to existing functional systems proposed by an organisation when:
 - (a) the severity assessment conducted in accordance with Annex II, point 3.2.4 of Implementing Regulation (EU) No 1035/2011 determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified; or
 - (b) the implementation of the changes requires the introduction of new aviation standards.

When competent authorities determine the need for a review in situations other than those referred to in points (a) and (b), they shall notify the organisation that they will undertake a safety review of the notified changes.

2. Reviews shall be conducted in a manner commensurate with the level of risk posed by the new functional systems or by the proposed changes to existing functional systems.

Reviews shall:

- (a) use documented procedures;
- (b) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;
- (c) consider the safety objectives, safety requirements and other safety-related conditions that are related to the changes under consideration identified in:
 - (i) declarations of verification of systems referred to in Article 6 of Regulation (EC) No 552/2004;
 - (ii) declarations of conformity or suitability for use of constituents of systems referred to in Article 5 of Regulation (EC) No 552/2004; or
 - (iii) risk assessment and mitigation documentation established in accordance with applicable safety regulatory requirements;
- (d) identify additional safety-related conditions associated to the implementation of the changes, wherever needed;
- (e) assess the acceptability of safety arguments presented, taking account of:
 - (i) the identification of hazards;
 - (ii) the consistency of the allocation of severity classes;
 - (iii) the validity of the safety objectives;
 - (iv) the validity, effectiveness and feasibility of safety requirements and any other safety-related conditions identified;
 - (v) the demonstration that the safety objectives, safety requirements and other safety-related conditions are continuously met;
 - (vi) the demonstration that the process used to produce the safety arguments meets the applicable safety regulatory requirements;
- (f) verify the processes used by organisations to produce the safety arguments in relation to the new functional system or changes to existing functional systems under consideration;
- (g) identify the need for the verification of ongoing compliance;
- (h) include any necessary coordination activities with the authorities responsible for the safety oversight of airworthiness and flight operations;

- (i) provide notification of the acceptance, with conditions where applicable, or the non-acceptance, with supporting reasons, of the change under consideration.
3. The introduction into service of the changes under consideration in the review shall be subject to acceptance by competent authorities.

Article 11

Qualified entities

1. When a competent authority decides to delegate to a qualified entity the conduct of safety regulatory audits or reviews in accordance with this Regulation, it shall ensure that the criteria used to select an entity amongst those qualified in accordance with Article 3 of Regulation (EC) No 550/2004 and Article 13 of Regulation (EC) No 216/2008 include the following:
 - (a) the qualified entity has prior experience in assessing safety in aviation entities;
 - (b) the qualified entity is not simultaneously involved in internal activities within the safety or quality management systems of the organisation concerned;
 - (c) all personnel concerned with the conduct of safety regulatory audits or reviews are adequately trained and qualified and meet the qualification criteria of Article 12(3) of this Regulation.
2. The qualified entity shall accept the possibility of being audited by the competent authority or any body acting on its behalf.
3. Competent authorities shall maintain a record of the qualified entities commissioned to conduct safety regulatory audits or reviews on their behalf. Such records shall document compliance with the requirements contained in paragraph 1.

Article 12

Safety Oversight capabilities

1. Member States and the Commission shall ensure that competent authorities have the necessary capability to ensure the safety oversight of all organisations operating under their supervision, including sufficient resources to carry out the actions identified in this Regulation.
2. Competent authorities shall produce and update every 2 years, an assessment of the human resources needed to perform their safety oversight functions, based on the analysis of the processes required by this Regulation and their application.
3. Competent authorities shall ensure that all persons involved in safety oversight activities are competent to perform the required function. In that regard they shall:
 - (a) define and document the education, training, technical and operational knowledge, experience and qualifications relevant to the duties of each position involved in safety oversight activities within their structure;
 - (b) ensure specific training for those involved in safety oversight activities within their structure;
 - (c) ensure that personnel designated to conduct safety regulatory audits, including auditing personnel from qualified entities, meet specific qualification criteria defined by the competent authority. The criteria shall address:
 - (i) the knowledge and understanding of the requirements related to air navigation services, ATFM, ASM and other network functions against which safety regulatory audits may be performed;

- (ii) the use of assessment techniques;
- (iii) the skills required for managing an audit;
- (iv) the demonstration of competence of auditors through evaluation or other acceptable means.

Article 13

Safety directives

1. Competent authorities shall issue a safety directive when they have determined the existence of an unsafe condition in a functional system requiring immediate action.
2. Safety directives shall be forwarded to the organisations concerned and contain, as a minimum, the following information:
 - (a) the identification of the unsafe condition;
 - (b) the identification of the affected functional system;
 - (c) the actions required and their rationale;
 - (d) the time limit for compliance of the required actions with the safety directive;
 - (e) its date of entry into force.
3. Competent authorities shall forward a copy of the safety directive to the Agency and any other competent authorities concerned, in particular those involved in the safety oversight of the functional system, and to the Commission.
4. Competent authorities shall verify the compliance with applicable safety directives.

Article 14

Safety oversight records

Competent authorities shall keep and maintain access to the appropriate records related to their safety oversight processes, including the reports of all safety regulatory audits and other safety-related records related to certificates, designations, safety oversight of changes, safety directives and the use of qualified entities.

Article 15

Safety oversight reporting

1. Competent authorities shall report annually on safety oversight actions pursuant to this Regulation. The annual safety oversight report shall also include information on the following:
 - (a) organisational structure and procedures of the competent authority;
 - (b) airspace falling under the responsibility of Member States which established or nominated the competent authority, if applicable, and organisations falling under the supervision of that competent authority;
 - (c) qualified entities commissioned to conduct safety regulatory audits;
 - (d) existing levels of resources of the competent authority;
 - (e) any safety issues identified through the safety oversight processes operated by the competent authority.
2. Member States shall use the reports produced by their competent authorities when submitting their annual reports to the Commission as required by Article 12 of Regulation (EC) No 549/2004.

The annual safety oversight reports shall be made available to the Member States concerned in the case of functional airspace blocks, to the Agency and to the programmes or activities conducted under agreed international arrangements to monitor or audit the implementation of the safety oversight of air navigation services, ATFM, ASM and other network functions.

Article 16

Information exchange between competent authorities

Competent authorities shall make arrangements for close cooperation in accordance with Articles 10 and 15 of Regulation (EC) No 216/2008 and Article 2(4) of Regulation (EC) No 550/2004 and exchange any appropriate information to ensure the safety oversight of all organisations providing cross-border services or functions.

Article 17

Transitional provisions

1. Actions initiated before the entry into force of this Regulation on the basis of Regulation (EC) No 1315/2007 shall be managed in accordance with this Regulation.
2. The authority of a Member State which has had the responsibility for the safety oversight of organisations for which the Agency is the competent authority in accordance with Article 3 shall transfer to the Agency the safety oversight function of these organisations 12 months after the date of entry into force of this Regulation, except in the case of the safety oversight of the Network Manager where the transfer, if any, to the Commission, assisted by the Agency, shall be made on the date of entry into force of this Regulation.

Article 18

Repeal

Regulation (EC) No 1315/2007 is repealed.

Article 19

Amendment to Regulation (EU) No 691/2010

In Annex IV to Regulation (EU) No 691/2010, point 1.1(e) is replaced by the following:

‘(e) NSA safety reports as referred to in Articles 7, 8 and 14 of Commission Implementing Regulation (EU) No 1034/2011 (*) as well as NSA reports on resolution of safety deficiencies identified that are subject to corrective action plans;

Article 20

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Certificate Application Form

**ЗАХТЕВ ЗА ИЗДАВАЊЕ СЕРТИФИКАТА ЗА ПРУЖАЊЕ УСЛУГА У
 ВАЗДУШНОЈ ПЛОВИДБИ/
 APPLICATION FOR THE CERTIFICATION OF AN AIR NAVIGATION SERVICE
 PROVIDER**

Директорат цивилног ваздухопловства
 Републике Србије
 Бул. Зорана Ђинђића 144
 11070 Нови Београд, Србија

Захтев за издавање сертификата /
 Application for Certification

Захтев за измену /
 Application for change

1. Пословно име подносиоца захтева / Registered Name of the Applicant

2. Скраћено пословно име / Trading Name (if different)

3. Адреса / Address

4. Подаци о контакт особи / Contact Details

Име / Name

Тел / Tel

Факс / Fax

**5. Врста услуге за коју се захтева издавање сертификата/ Scope of Services for which
 Certification is Requested in Accordance with the Provisions of Regulation (EC) 550/2004**

ATS **CNS** **AIS** **MET**

**6. Име и презиме и потпис заступника/ Name and Signature of the Chief Executive
 Officer (or equivalent position within the organisation)**

7. Место и датум / Place and Date

APPENDIX 6

Air navigation services which may be applied for certification

Услуге / services	Врсте услуге које се пружају / Type of service to be provided	Компонента услуге која се пружа / Part of the service to be provided	Под-компонента услуге која се пружа / Sub-part of the service to be provided
Услуге у ваздушном саобраћају / Air Traffic Services (ATS)	Контрола летења / Air Traffic Control (ATC)	Обласна контрола летења / Area Control Service	N/A
		Прилазна контрола летења / Approach Control Service	N/A
		Аеродромска контрола летења / Aerodrome Control Service	N/A
	Услуге информисања ваздухоплова у лету / Flight Information Service (FIS)	HF Оперативна услуга информисања ваздухоплова у лету / HF Operational Flight Information Service (OFIS) Broadcasts	N/A
		VHF Оперативна услуга информисања ваздухоплова у лету / VHF Operational Flight Information Service (OFIS) Broadcasts	N/A
		Аутоматско емитовање информација о терминалу гласовна порука / Voice-Automatic Terminal Information Service (Voice-ATIS) Broadcasts	N/A
	Аутоматско емитовање информација о терминалу дигитална порука / Data Link Automatic Terminal Information Service (D-ATIS)	N/A	

		Емитовање VOLMET порука и/или VOLMET услуга / VOLMET Broadcasts and/or D-VOLMET Service	N/A
	Услуге узбуњивања / Alerting Services (AL)	N/A	N/A
	Саветодавне услуге/ Advisory Service <i>(NOTE: not referred to in ICAO Annex II)</i>	N/A	N/A
	Аеродромско информисање ваздухоплова у лету (AFIS) <i>(комбинација FIS-a и AL на аеродрому без АТС сервиса) / Aerodrome Flight Information Service (AFIS) (Combination of FIS and AL in an aerodrome with no ATC services)</i>	N/A	N/A
CNS	Комуникације (C) / Communications (C)	Ваздухопловне услуге мобилне комуникације (земља-ваздух) / Aeronautical Mobile Service (air-ground communications)	За информисање ваздухоплова у лету / For flight information service
			За обласну контролу летења / For area control service
			За прилазну контролу летења / For approach control service
			За аеродромску контролу летења / For aerodrome control service
		Ваздухопловне услуге фиксне комуникације (земља-земља) Aeronautical Fixed Service (ground-ground)	

		communications)	
		Ваздухопловне услуге мобилне сателитске комуникације / Aeronautical Mobile Satellite Service (AMSS)	
	<p>Навигација (N) (SES дефиниција: Навигационе услуге означавају услуге и средства којима се ваздухопловима обезбеђују информације о позицији и временском тренутку) (ПРИМЕДБА: услуге могу укључивати генерисање ваздухопловног радионавигационог сигнала у простору и накнадну дистрибуцију и обраду сигнала како би се омогућило његово коришћење у ваздухоплову)</p> <p>Navigation (N) (SES definition: Navigation services means those facilities and services that provide aircraft with positioning and timing information) (NOTE: the service may include generation of aeronautical radio navigation signal-in-space, and its subsequent distribution and processing up to the</p>	Простирање NDB сигнала у простору / Provision of NDB signal-in-space	
		Простирање VOR сигнала у простору / Provision of VOR signal-in-space	
		Простирање DME сигнала у простору / Provision of DME signal-in-space	
		Простирање ILS сигнала у простору / Provision of ILS signal in-space	CAT I
			CAT II
			CAT III
			CAT III a
			CAT III b
		Простирање MLS сигнала у простору / Provision of MLS signal-in-space	CAT III c
			CAT I
	CAT II		
	CAT III		
	Простирање GNSS сигнала у простору / Provision of GNSS signal-in-space (4)	CAT III a	
		CAT III b	
		CAT III c	
	Простирање GNSS сигнала у простору / Provision of GNSS signal-in-space (4)	GNNS Основни систем (GALILEO) / GNNS Core System (GALILEO)	
		Сателитски систем са побољшаном прецизношћу (SBAS) / Satellite Based Augmentation System (SBAS)	
	Простирање GNSS сигнала у простору / Provision of GNSS signal-in-space (4)	Земаљски систем са побољшаном прецизношћу (GBAS) / Ground Based Augmentation System (GBAS)	

	<i>delivery for its use by aircraft)</i>		
	<p>Надзор (S) (SES дефиниција: Услуге надзора значе оне услуге и средства која служе позиционирању ваздухоплова ради омогућавања безбедног раздвајања) (ПРИМЕДБА: услуге могу укључивати генерисање путем сензора података о позицији ваздухоплова и њиховој накнадној обradi и дистрибуцији за коришћење у раду ANS)</p> <p>Surveillance (S) (SES definition: Surveillance services means those facilities and services used to determine the respective positions of aircraft to allow safe separation) (NOTE: the service may include the generation of surveillance data by means of sensors and its subsequent distribution and processing up to the delivery for use in ATM operations)</p>	<p>Пружање података примарног надзорног радара / Provision of data from Primary Surveillance Radar (PSR)</p> <p>Пружање података секундарног надзорног радара / Provision of data from Secondary Surveillance Radar (SSR)</p> <p>Пружање података система аутоматског зависног надзора / Provision of data from Automatic Dependent Surveillance (ADS)</p> <p>Пружање података са радара који контролише кретања по земљи / Provision of data from Surface Movement Radar (SMR)</p>	<p>Mod A/C / Mode A/C</p> <p>Mod S / Mode S</p> <p>ADS-C</p> <p>ADS-B</p>

Услуге ваздухопловног информисања (AIS) / Aeronautical Information Services (AIS)	AIS	Пружање AIS услуга / Provision of AIS services	
Ваздухопловне метеоролошке услуге (MET) / Meteorological Services (MET)	MET	Пружање MET услуга / Provision of MET services	

APPENDIX 7

Air Navigation Services Certificate Format
-due to format it starts on the next page-



На основу члана 66. Закона о ваздушном саобраћају („Службени гласник РС”, број 73/10) и члана 161. Закона о општем управном поступку („Службени лист СРЈ”, бр. 33/97 и 31/01 и „Службени гласник РС”, број 30/10), издаје се:

In accordance with Article 66. of the Air Transport Law (“Official Gazette of RS” No 73/10) and article 161 of the Law on General Administrative Procedure („Official Gazette of FRY”, No 33/97, 31/01 and “Official Gazette of RS” No 30/10), we hereby issue:

СЕРТИФИКАТ

CERTIFICATE

Број сертификата:

Number of Certificate:

Директорат цивилног ваздухопловства Републике Србије овим потврђује да:

The Civil Aviation Directorate of the Republic of Serbia hereby certifies that

Назив подносиоца захтева

Applicant Organisation Name

Испуњава услове да пружа услуге у ваздушној пловидби које су наведене у табели која је саставни део овог сертификата.

is qualified to provide air navigation services listed in the attached schedule which constitutes the integral part of this certificate.

Општи услови:

General Conditions

1. Овај сертификат захтева усаглашеност с поступцима и процедурама који су наведени у образложењу имаоца сертификата.

This certificate requires compliance with the procedures and other arrangements specified in the organisation exposition.

2. Овај сертификат важи док ималац сертификата пружа услуге у складу с важећим Заједничким захтевима и Додатним условима за пружање услуга који су наведени у табели сертификата.

This certificate is valid whilst the organisation remains compliant with the applicable Common Requirements, derogations referred in the Annex to this Certificate and the specific conditions identified for the services included in the Certificate schedule.

3. Сходно потреби да ималац сертификата буде континуирано усаглашен са захтевима из овог сертификата, што може бити предмет периодичне провере од стране Директората, овај сертификат се издаје на неодређено време.

Subject to continuous compliance with the foregoing conditions, which may be verified by the NSA at any time, this Certificate shall be issued for an unlimited period.

Место и датум издавања:

Place and Date of Issue

_____ 20__

ТАБЕЛА У ПРИЛОГУ СЕРТИФИКАТА
CERTIFICATE SCHEDULE

Назив имаоца сертификата:
Organisation Name:

Веза (број Сертификата):
Reference (Certificate No.)

Услуге <i>Services</i>	Врста услуге која се пружа <i>Type of service to be provided</i>	Компонента услуге која се пружа <i>Part of the service to</i>	Подкомпонента услуге која се пружа <i>Sub-part of the service to be provided</i>	Додатни услови за пружање услуга <i>Conditions Identified</i>
ATS				
CNS				
AIS				
MET				

Датум издавања: _____, _____, 20__
Date of Issue

Потпис:
Signed

Note: When the Certificate is issued with granted derogations (Article 5 thereto), paragraph 2 of the General Conditions of the Certificate format shall read:

“This Certificate shall be valid until its holder provides services in accordance with granted derogations from Common Requirements in providing services which are specified in the Annex to the Certificate and in accordance with Additional Specific Requirements for providing services specified in the Certificate table.”

Also, paragraph 3 of the General Conditions of the Certificate format shall read:

“ Subject to continuous compliance of the Certificate holder with the requirements set out in this Certificate, which may be the subject of the on-going audit by the Directorate, this Certificate shall be valid for 24 months and shall be revalidated when the Certificate holder submits an application six months prior to its expiry period.”