



EUROPEAN COMMISSION

Brussels, 23.11.2011
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COMMISSION RECOMMENDATION

of 23.11.2011

**on the revision of targets contained in performance plans under Commission Regulation
(EU) N°691/2010**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100 (2) thereof,

Having regard to Commission Regulation (EC) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services¹ and in particular Article 13(3) thereof;

Whereas:

- (1) Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions, and amending Commission Regulation No 2096/2005 laying down common requirements for the provision of air navigation services, provides for the adoption by the Member State(s) of national or functional airspace block performance plans, including binding national targets or targets at the level of functional airspace blocks ensuring consistency with the European Union-wide performance targets. It also provides that the Commission should assess the consistency of national and functional airspace blocks targets with the European Union-wide performance targets.
- (2) Pursuant to Article 13(3) of Commission Regulation (EU) No 691/2010, the Commission may decide to issue a Recommendation to the Member State(s) concerned to adopt revised performance targets.
- (3) A Performance Review Body was designated by the Commission on 29 July 2010, pursuant to Article 3 of Commission Regulation (EU) No 691/2010, to assist it in the implementation of the performance scheme.
- (4) For the setting of national or functional airspace block targets, European Union-wide performance targets for the years 2012 to 2014 were adopted by Commission Decision No 2011/121/EU of 21 February 2011². These targets relate to the key performance

¹ OJ L 201, 3.8.2010, p. 1

² OJ L 48, 23.2.2011, p. 16

areas of environment, capacity and cost-efficiency. However, Member States were not required to set binding targets in the areas of safety and environment during the first reference period.

- (5) Member States communicated their national plans to the Commission by 5 July 2011, including a plan presented jointly by Belgium and Luxembourg. Denmark and Sweden communicated a plan to the Commission on behalf of their functional airspace block (Danish-Swedish FAB). Belgium, France, Germany, Luxembourg, the Netherlands and Switzerland communicated to the Commission a plan on behalf of their functional airspace block (FABEC).
- (6) In July and August 2011, the Performance Review Body assisted the Commission in the assessment of national and functional airspace block performance plans and delivered an assessment report to the Commission on 20 September 2011.
- (7) The assessment report of the Performance Review Body took into account the assumptions set out in Article 3 of Commission Decision N° 2011/121/EU of 21 February 2011, information publicly available or available in Eurocontrol and also information made available by Member States in national and functional airspace block performance plans.
- (8) Having regard to the overriding safety objectives, the assessment made by the Commission of the national and functional airspace block performance plans and targets was based on the criteria laid down in Annex III of Commission Regulation No 691/2010, in particular the overall situation of each individual Member State, pursuant to paragraph 1(b) of that Annex. It takes account not only of the performance targets required by Commission Regulation (EU) No 691/2010, but also the other performance indicators or targets that may be contained in plans as a result of a national or functional airspace block initiatives.
- (9) Member States should adopt revised national or functional airspace block performance targets and appropriate measures for reaching those targets in accordance with the procedure referred to in Article 13(4) of Commission Regulation (EU) No 691/2010.
- (10) The revision of capacity targets should take account of the interaction with, and support from, the Network Manager.
- (11) Pursuant to Article 13(4) of Commission Regulation (EC) No 1794/2006³, Member States should calculate unit rates for the reference period on the basis of the national or functional airspace block performance plans, including the cost-efficiency targets set out in such plans, by 1 November 2011. If revised cost-efficiency targets are adopted after 1 November 2011, unit rates for the reference period should be recalculated on the basis of the final adopted cost-efficiency targets.
- (12) Following the publication of the assessment report of the Performance Review Body, a number of Member States had already indicated their intention to take the necessary measures to adopt revised performance targets in line with the Commission's views as expressed in this Recommendation.

³ OJ L 341, 7.12.2006, p. 3

- (13) When assessing the revised performance targets in accordance with the procedure referred to in Article 14 of Commission Regulation (EU) No 691/2010, this Recommendation will be taken into account as appropriate.
- (14) The Commission consulted the Member States concerned by the present Recommendation, in accordance with Article 13(3) of Commission Regulation (EU) No 691/2010.
- (15) The measures provided for in this Recommendation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS RECOMMENDATION:

1. The aim of this Recommendation is, to request Member States, having regard to the assessments undertaken by the Performance Review Body and the results of contacts under paragraph 5, to adopt, as necessary and/or appropriate, revised performance targets at national or functional airspace block plan level in order to be consistent with, and adequately contribute to, the European Union-wide performance targets adopted by Commission Decision No 2011/121/EU of 21 February 2011 for the years 2012 to 2014 (hereinafter the reference period).
2. Based on the Recommendations contained in the assessment report of the Performance Review Body, the Commission considers that:
 - (a) capacity targets set by Greece, Spain, Austria, Poland and the United Kingdom in their national plans are not consistent with, and do not adequately contribute to, the European Union-wide targets;
 - (b) the capacity target set by Belgium, Germany, France, Luxembourg and the Netherlands in the plan for the Functional Airspace Block Europe Central (FABEC) is not consistent with, and does not adequately contribute to, the European Union-wide targets;
 - (c) cost-efficiency targets set by Bulgaria, Czech Republic, Germany, Estonia, Ireland, Spain (for its continental en route charging zone), France, Italy, Cyprus, Latvia, Hungary, Malta, Austria, Portugal, Finland, Romania, Slovenia, Slovakia, Sweden and the United Kingdom in their national plans are not consistent with, and do not adequately contribute to, the European Union-wide targets;
3. When adopting revised performance targets, Member States concerned are requested to ensure that the Recommendations set out in the assessment report of the Performance Review Body are taken into account.

In particular, having taken note of the circumstances of each Member State:

- (a) Greece, Spain, Poland, Austria and the United Kingdom should improve their capacity targets to reach or fall below, by 2014, the following reference values (values as computed by Eurocontrol and used in the assessment report of the Performance Review):
 - Greece: 0.26 minute of average delay per flight

- Spain: 0.31 minute of average delay per flight
 - Poland: 0.26 minute of average delay per flight
 - Austria: 0.23 minute of average delay per flight
 - United Kingdom: 0.27 minute of average delay per flight
- (b) Belgium, Germany, France, Luxembourg and the Netherlands should improve the capacity target for FABEC to reach or fall below, by 2014, the reference value of 0.4 minute of average delay per flight;
- (c) Member States referred to in paragraphs 2 c) should take every opportunity for further improving cost-efficiency targets in national or functional airspace block performance plans during the reference period, in particular with regard to the evolution of the general context, the reduction of the cost of capital and support costs (costs other than those for air traffic controllers in operation), the increase in productivity and the rationalisation of investments in the context of the establishment of functional airspace blocks;
- (d) Czech Republic, Germany, Estonia, Ireland, Spain, France, Malta, Austria, Slovakia, Finland and the United Kingdom should review the assumptions underlying the risk premium and, consequently, the return on equity, and should provide justifications for the significant increases in the cost of capital;
- (e) Bulgaria, Czech Republic, Estonia, France, Italy, Latvia, Hungary, Malta, Portugal, Romania, Slovenia, Slovakia, Finland, and United Kingdom should re-assess the size of and need for investments necessary to achieve the performance targets over the reference period, taking account of the opportunity for their rationalisation in the context of functional airspace blocks or regional projects.

4. In addition to the Recommendations set out in paragraph 3:

- (a) Member States are requested to specify in national or functional airspace block performance plans the contribution of investments over the reference period to, and impact on, the performance targets by providing references to business cases and/or cost-benefit analyses and describing their relevance in relation to the European ATM Master Plan, in particular as far as the deployment of the first implementation package (IP1) is concerned. This information should be consistent with the information contained in the business plans of air navigation service providers as specified in paragraph (b) of Section 2.2 of Annex I to Commission Regulation (EC) No 2096/2005⁴.
- (b) Member States are requested to provide the assumptions and rationale for establishing costs which may be deemed out of control in accordance with Article 11a(8) of Commission Regulation (EC) No 1794/2006, with a view to facilitating the necessary adjustments at the end of the reference period.

⁴ OJ L335, 21.12.2005, p. 13

- (c) Member States of a functional airspace block, in conjunction with the Performance Review Body, which have not adopted a performance plan with targets at functional airspace block level are requested to communicate for information to the Commission aggregated performance targets highlighting the consistency at functional airspace block level with the European Union-wide performance targets as specified in Article 5(3) of Commission Regulation (EC) No 691/2010.
5. The Commission, in conjunction with the Performance Review Body, intends to follow up this Recommendation through bilateral and/or multilateral contacts with the Member States.
6. This Recommendation is addressed to the Member States.

Done at Brussels, 23.11.2011

For the Commission
Siim KALLAS
Vice-President

