



EUROCONTROL GUIDANCE MATERIAL
related to the European Commission
Regulation N° 2096/2005 laying down
Common requirements for
the Provision of Air Navigation Services

**Guidance Material for Air Navigation Services Providers
compliance with the Common Requirements**

VOLUME III
Meteorological
Services Provider



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VOLUME III

Meteorological Services Provider

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<p>This document provides guidance for Meteorological Services Providers (METSPs) to comply with the CRs for Air Navigation Service provision and to obtain certification.</p> <p>It offers guidance without any legal impact on the conduct of the certification process, and METSPs may decide upon their own model for implementing the certification process making use of existing practices.</p>		
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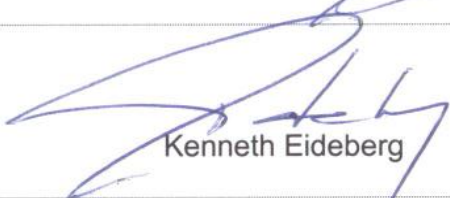
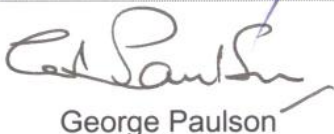
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SE SIS Guidance Material Disclaimer

The EUROCONTROL SE SIS guidance material is made available to EUROCONTROL and ECAC Member States to provide guidance and support in advising their National Supervisory Authorities and Air Navigation Service Providers in the preparation of the certification process in compliance with the Commission Regulation(EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services.

The information assembled in the guidance material reflects the SES legislation in force on the date of publication in the Official Journal of Regulation No. 2096/2005, laying down the Common requirements for Service Provision.

The compliance of the Member States, in particular their NSA, and of the ANSPs with their obligations under the SES regulations and subsequent legislation remains entirely their own responsibility. EUROCONTROL does not guarantee a particular outcome of a certification process, nor does EUROCONTROL assume any liability for claims or damages sustained in that respect.

Executive Summary

This document provides guidance to support providers of Meteorological Services (METSPs) in the implementation of the Common Requirements (CRs) associated with the Single European Sky (SES) regulations

An overview of the guidance on a possible way for METSPs to comply with the CRs is outlined below. The CRs are listed in accordance with the structure of the Commission regulation on CRs.

ANNEX I – General common requirements applicable to all ANSPs

Overview of the most important aspects of the CRs.	Overview of the EUROCONTROL's guidance for ANSPs
1. TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY	
An air navigation service provider shall be able to provide services in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for a given airspace. To this end, it shall maintain adequate technical and operational capacity and expertise.	This requirement is incorporated in the other CRs. Therefore, it is not necessary to address this requirement separately.
2. ORGANISATIONAL STRUCTURE AND MANAGEMENT	
2.1 Organisational structure	
An air navigation service provider shall set up, manage and demonstrate that its organisational structure enables it to deliver the services required in a safe, efficient and continuous way, and to sustain that ability.	<p>The ANSP must have documented its internal organisation with a level of detail relevant to the size and complexity of the organisation. This documentation shall reflect a clear and non ambiguous allocation of the responsibilities of the management personnel in charge of safety, quality, security, finance and human resources.</p> <p>Although not explicitly required, the documentation should provide also additional information on the main technical and operational functions, delegation of power and of signature, relationship and reporting lines inside the organisation and with outsourced/external activities.</p> <p>Evidence: Appropriate documentation.</p>
2.2 Organisational management	
These requirements address the medium and short term planning of an organisation with regard to safety, quality and level of service and cost-effectiveness. They address also consistency with community requirements relevant for the development of infrastructure or other technology.	<p>A state-of-the-art business plan and annual plan that provide the ANSP strategy with regard to</p> <ul style="list-style-type: none"> • the objectives defined along the relevant Key Performance Indicators; • infrastructure or other technology consistent with the relevant Community Requirements. <p>Evidence: Business Plan and Annual Plan</p>
3. SAFETY AND QUALITY MANAGEMENT	
3.1 Safety management	
An ANSP shall manage the safety of all its external services in a systematic and structured way. In doing so, it shall establish formal interfaces with all stakeholders which	The proposed approach should be made in consultation with the NSA and should identify the list of Stakeholders subject to this requirement, and formalise interfaces and

<p>Overview of the most important aspects of the CRs.</p>	<p>Overview of the EUROCONTROL's guidance for ANSPs</p>
<p>may influence directly the safety of its services.</p>	<p>procedures (e.g. Service Level Agreements)</p> <p>Evidence: Formal interfaces with stakeholders in a way that ensures that decisions taken which may impact safety are clearly documented together with the rationale involved.</p>
<p>3.2 Quality management system</p>	
<p>An air navigation service provider shall have in place at the latest 2 years after entry into force of this regulation] a quality management system which covers all air navigation services it provides according to the following principles.</p> <p>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.</p> <p>The ANSP shall accept to disclose to the NSA the documentation related to the certification, upon the latter's request.</p>	<p>There are two possible scenarios to address this requirement.</p> <p><u>Scenario 1:</u> An EN ISO 9001 certificate issued by an appropriately accredited organisation is available. This is a sufficient evidence that requirement is properly addressed.</p> <p><u>Scenario 2:</u> If no EN ISO 9001 certificate is held, the ANSP must implement a state-of-the-art quality management system (i.e. quality policy, quality assurance programme procedures, work procedures, job descriptions as well as documentation on the review of the quality management system).</p> <p>Evidence:</p> <p><u>Scenario 1:</u> A valid EN ISO 9001 certificate issued by an appropriately accredited organisation.</p> <p><u>Scenario 2:</u> Appropriate documentation supporting the existence of an appropriate quality management system.</p>
<p>3.3 Operations manuals</p>	
<p>These requirements address the need for valid operations manuals relating to the provision of its services. In addition, the need for a well-defined process for the updated distribution of the manuals and communication of changes to the manuals is required.</p>	<p>ANSPs to have in place operations manuals in line with the ICAO Standards mentioned in the specific ANNEX for each ANSP; a quality management system addressing the maintenance and publication of the manuals satisfies this requirement.</p>
<p>4 SECURITY</p>	
<p>These common requirements address the definition and implementation of a security management system that ensures the security of facilities, data and personnel so as to prevent unlawful interference with the provision of services.</p> <p>Where appropriate, the security clearance of personnel is also to be addressed.</p>	<p>NSAs and ANSPs are also invited to make a "threat assessment". Therefore, the Security Management System comprises the security measures in place to ensure the continued performance of the ANSP and its ATM facilities to meet ATM service requirements in the current threat environment. These should be documented in a Security Manual.</p>
<p>5 HUMAN RESOURCES</p>	
<p>ANSPs shall employ appropriately skilled personnel to ensure the provision of its services in a safe, efficient, continuous and sustainable manner. In this context, it shall establish policies for the recruitment and training of personnel.</p>	<p>The definition of a human resources policy covering recruitment and training of the personnel addresses this requirement.</p>

6 FINANCIAL STRENGTH	
6.1 Economic and financial capacity	
<p>An air navigation service provider shall be able to meet its financial obligations.</p> <p>It shall use an appropriate cost accounting system.</p> <p>It shall demonstrate its ability through the annual plan as well as through balance sheets and accounts as practicable under its legal statute.</p>	<p>ANSPs shall have in place accounts in line with the International Accounting Standards (IAS).</p> <p>Its Cost Accounting system should be established in accordance with the EUROCONTROL principles for en-route charges costs.</p> <p>Financial fitness is best demonstrated through an auditor statement that the company is ‘a going concern’ according to the auditor.</p>
6.2 Financial audit	
<p>This requirement addresses the need for regular audits by an independent auditor.</p>	<p>Audit reports documenting regular audits by an independent auditor are sufficient evidence.</p>
7 LIABILITY AND INSURANCE COVER	
<p>These requirements address the need for arrangements to cover liabilities arising from applicable law including the need for agreements to cover the allocation of liability among different service providers that avail themselves of the services of another air navigation service provider.</p>	<p>ANSPs must be able to demonstrate that they have arrangements in place 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 service provider and the level of commercial insurance cover available.</p> <p>These arrangements may be of a various nature and can be combined together. They must allow the ANSP to assume the financial consequences of its liabilities, as foreseen in applicable law and/or as required by the NSA. The arrangements must be documented in detail.</p> <p>The cover obligation set by the Common Requirements will not be applicable if it can be demonstrated that commercial insurance cover is not available.</p> <p>An ANSP availing itself of the services of another ANSP shall ensure that any buy-in or delegation of services is agreed in writing, that the agreements cover the allocation of liability between them and that the NSA has been notified. (In case of ATS or MET, the States concerned need to approve these arrangements).</p> <p>Evidence: Appropriate documentation.</p>

8 QUALITY OF SERVICES	
8.1 Open and transparent provision of services	
These requirements address the fact that the services are to be provided in an open and a non-discriminating manner. In addition, a customer consultation process taking place on a regular basis needs to be implemented.	The publication of the conditions to access to the service by normal means (AIP) and a formalised process for consultation with customers, as well as a means for handling of complaints address this requirement. Evidence: Appropriate company documents (e.g. Business Plan, Annual Report) where the commitment is taken to provide services in an impartial and non-discriminatory way.
8.2 Contingency plans	
This common requirement addresses the need for the implementation of contingency plans. Contingency plans shall be in place one year after certification.	Contingency plans defining the appropriate procedures to be followed in events which result in significant degradation or interruption of services, as well as the means to ensure that the personnel are trained to follow these procedures address this requirement. Evidence: Contingency plans and training procedures (fall back training plans, exercises). Documentation concerning co-ordination with adjacent units.
9 REPORTING REQUIREMENTS	
These requirements address the need for an annual report that covers the results of the assessment of the quality level of services provided, the results of the customer consultation process as well as an assessment of the actual results with regard to the goals defined in the short and medium term planning.	An annual report that provides the results of the assessment of the actual results with regard to the initial plans, as well as the results of the customer consultation process, addresses these requirements. It must also cover operational performance and other significant activities and developments, in particular in area of safety. In addition, the publication of the annual report in accordance with the national law is required. Evidence: The ANSP may use the existing Annual Report, along with the “PRU framework for best practice disclosure by ANSPs Annual reports” as a basis in their preparation of the Annual Report to the NSA due by the EC regulation, taking into account ANSP organisation and governance principles.

ANNEX III – Specific common requirements applicable to METSPs

<i>Overview of the most important aspects of the CRs.</i>	<i>Overview of the EUROCONTROL’s guidance for METSPs</i>
1 TECHNICAL AND OPERATIONAL COMPETENCE AND CAPABILITY	
These requirements address the need for providing services that meet the requirements of different customers. In addition, the need for meeting the requirements concerning accuracy of information distributed as well as the timeliness of the distribution of information is addressed.	Procedures that address the source (traceability) and distribution of information as well as the regular verification of availability, suitability, level of accuracy and timeliness that meet the operational requirements. Evidence: Documentation of procedures, including results from performed verifications.
2 WORKING METHODS AND OPERATING	

Overview of the most important aspects of the CRs.	Overview of the EUROCONTROL's guidance for METSPs
PROCEDURES	
<p>This requirement addresses the need for providing evidence that the working methods and operating procedures are compliant with relevant ICAO standards (Annex 3, Annex 11, and Annex 14 - Volume I and II.</p>	<p>This is to prove that methods and procedures are compliant with relevant ICAO Standards or with a difference from the Standard duly notified to ICAO by the State concerned and which are then published in a supplement to the ICAO Annex and in the State's AIP.</p>
	<p>Evidence: Documentation of working methods and operating procedures</p>

Scope

This document presents a possible approach for the providers of Meteorological Services (METSPs) to put in place a system which complies with the CRs

It is intended for guidance and should not be understood as a legal document setting out how the implementation of the CRs should be achieved.

This guidance material is also intended to assist providers of all sizes in understanding their obligations under the Common Requirements. However implementation by providers will often need to be adapted to the varying sizes and types of service provider. Likewise the appropriate regulatory response from NSAs may differ for this reason.

METSPs can adopt their own model of implementation while making use as far as possible of their relevant existing practices.

This guidance material may also be used as a basis to support discussion between the METSP and its NSA to design the details of the certification process. It is not intended to replace such discussion.

This document contains reference to:

- EC Regulations and Directives;
- ICAO Standards and other documentation;
- EUROCONTROL decisions and regulatory material (where relevant);
- ISO documentation
- Additional Guidance Material as necessary.

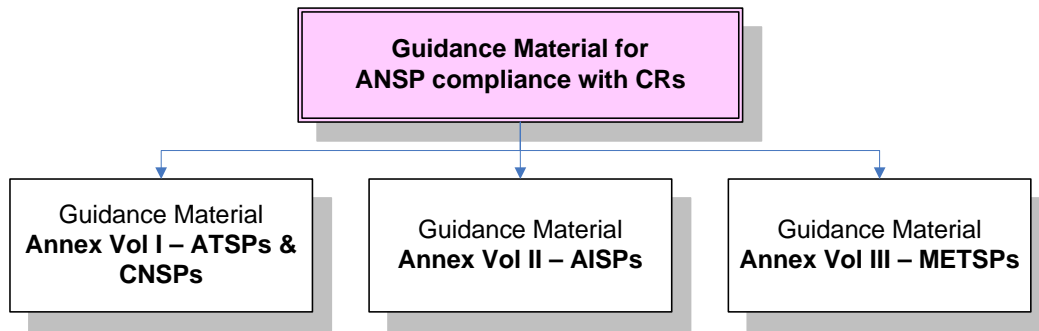
SEIS documentation is made available for the sole purpose of review or use by EUROCONTROL and ECAC Member States.

Structure of Guidance Material

Introduction

To support ANSPs in the implementation of the CRs, EUROCONTROL has produced “Guidance Material for ANSPs compliance with Common Requirements”.

The “Guidance Material for ANSP compliance with Common requirements” is split into 3 different volumes for each category of Air Navigation Service Provider.



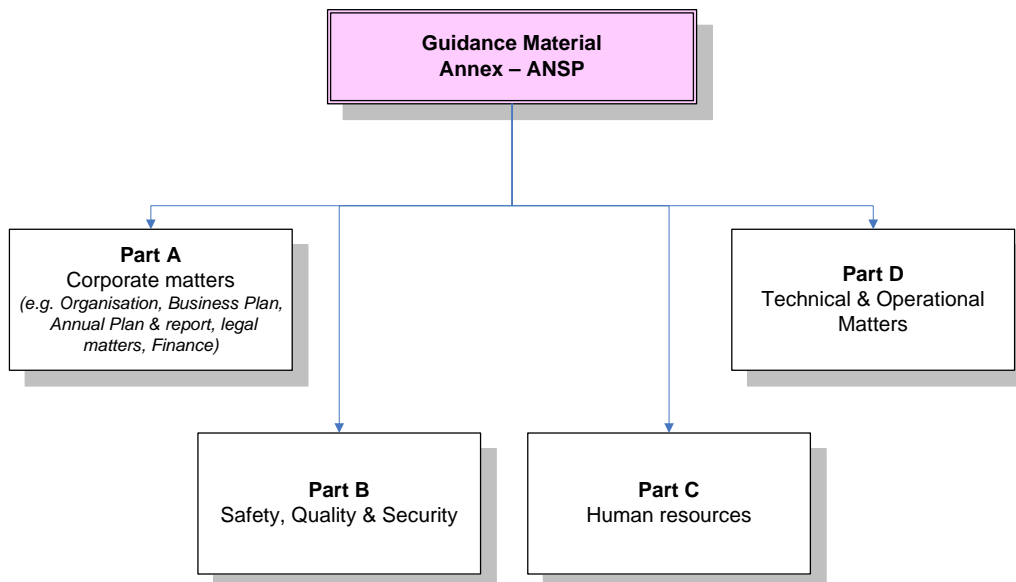
ANSP: Air Navigation Services Provider CNSP: Communication, Navigations and Surveillance Services Provider
 ATSP: Air Traffic Services Provider
 AISP: Aeronautical Information Services Provider METSP: Meteorological Services Provider

Structure of Guidance Material for ANSP compliance with CRs

To facilitate the use of this material by the ANSP, the guidance material is organised into 4 different Parts covering the 4 main functions in the ANSP organisation:

- Part A: Corporate matters;
- Part B: Quality, Safety and Security;
- Part C: Human resources
- Part D: Technical and Operational matters for ANSP

To allow easy use of the material, the different Parts are designed as “stand-alone” documents. They can be read and used separately by those in charge of the relevant areas in the ANSP (e.g. Corporate, Finance, Safety and Quality). Only requirements relevant to the subject matter are addressed in the specific parts of the document.



Each Volume is structured on the basis of main functions of an ANSP

Structure of one Volume

Mapping of Requirements within Document

The mapping of the CRs against the relevant Part of this document is shown below.

Common Requirements Regulation (Annexes)	Part A Corporate Matters	Part B Safety, Quality, Security	Part C Human Resources	Part D Technical & Operational
ANNEX I : GENERAL REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES				
1. Technical and operational competence and capability				
2. Organisational structure and management				
3. Safety and quality management				
4. Security				
5. Human Resources				
6. Financial strength				
7 Liability and insurance cover				
8. Quality of services				
8.1. Open and transparent provision of services				
8.2. Contingency plans				
9. Reporting requirements				
ANNEX III : SPECIFIC REQUIREMENTS FOR THE PROVISION OF MET				
1. Technical and operational competence and capability				
2. Working methods & Operating procedures				

Traceability of requirements

The requirements are given using the full text quoted in the EC regulation. To allow traceability between the requirements and the EC regulation, the requirements are identified by a specific numbering method as described below:

- Identification of the entity responsible for meeting the requirement: ANSP (General requirements) or METSP (Specific requirements) in this document;
- CR: Applicable EC regulation on Common Requirements for the provision of ANS
- Reference to the applicable article or paragraph. Where the requirement is in an Annex, the number is preceded by “A”.

If the article/paragraph is to be split for analysis the following further breakdown is used:

- Reference to a bullet (a), (b), (c) (if the bullet exists in the text of the EC regulation)
- Reference to the paragraph: for example “para 2” for 2nd paragraph
- If there is a further need to break down the requirement into sub-requirements, a sequence number is added.

Example:

- ANSPCRA1.3.2 – para 3 -2: Common Requirement (CR) applicable to ANSP (ANSP), Annex 1 3.2 (A1.3.2), 3rd paragraph 2nd part (para 3- 2)

Presentation of Guidance Information

As far as possible, depending on the matters addressed in the analysed CRs, this material attempts to address 4 different aspects:

- 1. Analysis of the requirements** - analyses the significant points of the requirements providing the rationale of the “criteria” and “A way to comply”.
- 2. Criteria** - is an attempt to define the criteria to be satisfied by the ANSP to meet the requirement.
- 3. A way to comply** - is a proposed approach to implement the requirement and to meet the criteria, mainly comprising the appropriate reference documentation. *This is not the only way to implement the Common requirements and ANSPs have full freedom to use alternate ways while making use of existing practices, as far as practicable.*
- 4. Evidence** – provides indications of the:
 - documentation that could be referred to or provided by the Service provider to the NSA, along with its application to Certification (organisation exposition document);
 - evidence that can be assessed by the NSA during its on-site audit visits to verify the ANSP’s compliance with the requirements.

When necessary, additional information is provided. **However, such information should not be considered or understood as introducing additional requirements.**

Certification of ANSPs

The provision of ANS within the EU will become subject to certification by NSAs 12 months after the publication of the CR in the Official Journal. An NSA shall examine the compliance of an ANSPs with the CRs, subject to possible derogations, prior to issuing a certificate.

A certificate for the provision of ANS, not subject to derogation, shall be recognised across the Community. When a derogation has been granted by the NSA, the certificate should contain the conditions that reflect the nature and the scope of the derogation. In the latter case, the ANSP elects not to avail itself of the opportunity to provide cross border services and waives the right to mutual recognition of its certificate within the SES.

ANSPs obligations with regard to certification

Applications for certification have to 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 (SPR 7(2)).

An ANSP must comply with the common requirements no later than the time at which the certificate is issued (CR 3(3)).

The ANSP must provide all the relevant evidence to demonstrate compliance with the applicable common requirements at the request of the national supervisory authority. The air navigation service provider may make full use of existing data (CR 5(1)).

Derogation

Eligibility criteria for Derogations

The EC Regulation on Common Requirements offers the possibility to an NSA to grant specific derogations to applicants meeting the eligibility criteria listed below, commensurate with their contribution to air traffic management in the airspace under the responsibility of the Member State:

Other ANSP(*) eligible for derogation	Gross annual turnover of EUR 1 million or less in relation to the services it provides or plans to provide
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Table 0-1 Eligibility criteria for derogation

(*) applicable to METSP

Where, for practical reasons, an ANSP is unable to provide evidence that it meets those criteria, a NSA may accept analogous figures or forecasts in relation to the relevant ceilings (i.e. gross annual turn over).

Potential Scope of the Derogation

When confirmed that the METSP fulfils the eligibility criteria, the NSA may grant a derogation on compliance with the CRs within the limits presented in the table below.

Common Requirement	ATSP eligible for derogation	AFIS eligible for derogation	METP, AISP or CNSP eligible for derogation
Annex I, part 1 – Technical and Operational competence and capability	No derogation	No derogation	No derogation
Annex I, part 2 – Organisations structure and management	Yes	Yes	Yes
Annex I, part 3.1 – safety management	No derogation	No derogation	No derogation
Annex I, part 3.2 and 3.3	Yes	Yes	Yes
Annex I, part 4 - Security	Yes	Yes	Yes
Annex I, part 5 – Human Resources	No derogation	No derogation	No derogation
Annex I, part 6 – Financial strength	Yes	Yes	Yes
Annex I, part 7 – Liability and insurance cover	Yes	Yes	Yes
Annex I, part 8.1 – Open and transparent provision of services	No derogation	No derogation	No derogation
Annex I, part 8.2 – Contingency plans	Yes	Yes	Yes
Annex I, part 9 – Reporting requirements	Yes	Yes	Yes

Table 0-2 Potential Scope of Derogation

No derogations can be granted related to specific requirements for METSP as listed in Annex III.

Conditions attached to Certificates

Certificates will specify the rights and obligations of ANSPs, including non-discriminatory access to services for airspace users, with particular regard to safety. Such conditions will be objectively justified, non-discriminatory, proportionate and transparent.

Certification may be subject, inter alia, to the conditions defined in Article 6.4 and Annex II of the SPR.

In addition, in case of derogation and in conformity with Annex II of SPR, a national supervisory authority shall:

- specify the nature and the scope of the derogation in the conditions attached to the certificate by indicating its legal basis;
- limit the validity of the certificate in time;
- monitor whether the air navigation service providers continues to qualify for the derogation.

Derogations

ANSPs obligations with regard to derogation

When applying for derogation, the ANSP is required to submit simultaneously to the NSA the appropriate evidence regarding the relevant qualifying criteria.

Consequences of Derogations on recognition of the certificate

By way of derogation, the air navigation service provider elects not to avail itself of the opportunity to provide cross-border services and waives the right to mutual recognition of certificate within the single European sky.

It may, in those circumstances, apply for a certificate which is limited to the airspace under the responsibility of the Member State referred to in SPR Article 7(2).

ANSPs obligations with regard to on-going compliance

An ANSP that has a certificate must notify the NSA of:

- planned changes to its provision of services which may affect its compliance with the applicable CRs or with the conditions attached to the certificate (CR 5(2)).
- planned safety-related changes to the provision of ATS (CR 5(3)).

In accordance with SPR 2(2), ANSPs must facilitate inspections and surveys by the NSA or by a recognised organisation acting on the latter's behalf, including site visits and visits without prior notice (CR 6 (1)).

Certification of Military ANSPs

Legal source

The requirement for military ANSPs to comply is detailed in SPR 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.

(....)

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."

Analysis and consequences on applicability to Military ANSPs

Within the EC regulations (“Service provision” and “Common requirements”), there is no obligation for the certification of Military ANSP so long as these organisations provide services primarily or exclusively to military OAT. However, Member States are required to ensure maximum compliance with the CR.

However, if military ANSPs are providing services primarily to GAT, certification by the NSA is required.

Part A: Corporate Matters

Explanatory note

This part of the guidance document covers the Corporate matters relevant to the functions within the METSP that deal with:

- organisation structure and management;
- strategic Business Plan, Annual Plan and Annual report;
- finance;
- legal matters such as Liability and Insurance cover;
- the open and transparent provision of Services.

Scope of the requirements

The requirements are listed in Annex I “General requirements for the provision of air navigation services”, and are reproduced below. The detailed mapping of the requirements follows this Annex.

ANNEX I

GENERAL REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES

2. ORGANISATIONAL STRUCTURE AND MANAGEMENT

2.1. Organisational structure

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

ANSPCRA1.2.1

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

An air navigation service provider shall produce a business plan covering a minimum period of five years. The business plan shall:

*ANSPCRA1.2.2
Para 1*

- (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 provider and with relevant Community requirements relevant for the development of infrastructure or other technology;
- (b) contain appropriate performance objectives in terms of quality and level of service, safety and cost-effectiveness.

*ANSPCRA1.2.2
Para 2-*

An air navigation service provider 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 and delays to flights incurred as well as on financial arrangements:

- (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the level and quality of services;
- (b) indicators of performance against which the level and quality of service may be reasonably assessed;
- (c) the service provider's expected short-term financial position as well as any changes to or impacts on the business plan.

6. FINANCIAL STRENGTH

6.1. Economic and financial capacity

ANSPCRA1.6.1

An air navigation service provider shall be able to meet its financial obligations, such as fixed and variable costs of operation or capital investment costs. It shall use an appropriate cost accounting system. It shall demonstrate its ability through the annual plan as referred to in part 2.2. of this Annex as well as through balance sheets and accounts as practicable under its legal statute.

6.2. Financial audit

ANSPCRA1.6.2

In accordance with article 12(2) of Regulation (EC) No 550/2004, an air navigation service provider shall demonstrate that it is undergoing an independent audit on a regular basis.

7. LIABILITY AND INSURANCE COVER

ANSPCRA1.7
Para 1 -

An air navigation service provider shall have in place arrangements to cover its liabilities arising from applicable law.

ANSPCRA1.7
Para 2 -

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 air navigation service provider and the level of commercial insurance cover available.

ANSPCRA1.7
Para 3 -

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

QUALITY OF SERVICES

8.1. Open and transparent provision of services

ANSPCRA1.8.1

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

An air navigation service provider shall not discriminate on grounds of nationality or identity of the user or the class of users in accordance with applicable Community law.

9. REPORTING REQUIREMENTS

An air navigation service provider shall be able to provide an annual report of its activities to the relevant national supervisory authority. This report shall cover its financial results without prejudice to Article 12 of Regulation (EC) No 550/2004, as well as its operational performance and any other significant activities and developments in particular in the area of safety.

The annual report shall include as a minimum:

- an assessment of the level and quality of service generated and of the level of safety provided;
- the performance of the air navigation service provider compared to the performance objectives established in the business plan, reconciling actual performance against the annual plan by using the indicators of performance established in the annual plan;
- developments in operations and infrastructure;
- the financial results, as long as they are not separately published in accordance with Article 12(1) of Regulation (EC) No 550/2004;
- information about the formal consultation process with the users of its services;
- information about the human resources policy.

*ANSPCRA1.9
Para 1 &2*

*ANSPCRA1.9
Para 3 -*

The air navigation service provider shall make the content of the annual report available to the public under conditions set by the national supervisory authority in accordance with national law.

ORGANISATIONAL STRUCTURE AND MANAGEMENT (Annex I . 2)

ORGANISATIONAL STRUCTURE (ANNEX I-2.1)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.2.1</p>	<p>An air navigation service provider shall set up and manage its organisation according to a structure that supports the safe, efficient and continuous provision of services.</p> <p>The organisational structure shall define:</p> <ul style="list-style-type: none"> (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.
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The ANSP must have documented its internal organisation with a level of detail relevant to the size and complexity of the organisation. This document shall reflect a clear and non ambiguous allocation of the authorities, duties and responsibilities of the management personnel in charge of safety, quality, security, finance and human resources. Although not explicitly required, it is recommended that similar information be given for the providers of the main technical and operational functions, as well as for their relationship with the management.

Delegation of power and of signature shall be documented.

The allocation of responsibilities between the different job holders shall be documented through job descriptions. It shall be complemented by an organisational chart presenting the relationship and reporting lines between the different parts and processes of the organisation.

The ANSP shall also provide information on its outsourced / external activities and document the legal framework for these activities (e.g. contracts).

Additional information on the status of the staff (civil servant/ private law employee) and on the potential liability of the ANSP for the damage caused by its staff shall also be specified.

The document describing the organisation can be used as evidence for the certification.

BUSINESS PLAN (ANNEX I-2.2)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.2.2 Para 1</p>	<p>An air navigation service provider shall produce a business plan covering a minimum period of five years. The business plan shall:</p> <ul style="list-style-type: none"> (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 provider and with relevant Community requirements relevant for the development of infrastructure or other technology; (b) contain appropriate performance objectives in terms of quality and level of service, safety and cost-effectiveness.
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There is no “standard” Business Plan for ATM and ANSPs, and many schools and methods for developing such plans exist. Hence, guidance can be given only on the general approach to be used..

Generally, the Business Plan should contain or refer to:

- the ANSP’s Vision, Mission and Values;
- a description of the business context that provides information on the governing and managerial framework that the ANSP operates in;
- a description of the environmental context that provides an analysis on PEST elements (Political, Economic, Social and Technological), and contains a SWOT analysis (Strengths, Weaknesses, Opportunities and Threats);
- the business strategies;
- the long-term (5 years) and the short-term goals (1-2 years);
- the activities for the short term goals – this will provide the basis for the Annual Plan;
- the human and financial resources and investments;
- the organisational issues/structure;
- the development plans of infrastructure and technology.

ANSPs should ensure that their Business Plan presents integrated plans linking technical/operational projects to associated human and financial resources and investments.

As part of the Business Plan, the ANSPs should explicitly set their individual key performance objectives after consultation with stakeholders and endorsement of the State/NSA and/or board (i.e. in agreement with their own governance channel). Typically, such key performance objectives should be set out for a medium term period covering the life span of the Business Plan (e.g. 5 years).

To define the appropriate performance objectives, the METSP should use Key Performance Indicators (KPI) on:

- level of accuracy
- timeliness of delivery
- efficiency of MET services

The Business Plan is to be used as evidence for the certification. Reflecting the importance of a formal consultation process in the Common Requirements (Annex I, para 8.1), ANS providers and NSAs may rely on this process to ensure a proper scrutiny of the information in the business plan, annual plan and annual reports. The NSA would in such circumstances check that the required information has been provided in these documents. When relevant, the consultation process may provide the basis of the qualitative assessment of its content.

ANNUAL PLAN (ANNEX I-2.2)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.2.2 para 2</p>	<p>An air navigation service provider 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.</p> <p>The annual plan shall cover the following provisions on the level and quality of service such as the expected level of capacity, safety and delays to flights incurred as well as on financial arrangements:</p> <ul style="list-style-type: none"> (a) information on the implementation of new infrastructure or other developments and a statement how they will contribute to improving the level and quality of services; (b) indicators of performance against which the level and quality of service may be reasonably assessed; (c) the service provider’s expected short-term financial position as well as any changes to or impacts on the business plan.
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The Annual Plan should detail the relevant elements of the Business Plan for the forthcoming year. Any change to or impacts on the Business Plan shall be presented.

The Annual Plan shall cover performance target settings and capacity plan, predicted performance, new projects and their impact on quality of service, expected financial strength.

ANSPs should ensure that their Annual Plan presents integrated plans linking national and regional technical/operational projects and their impact on capacity, delays and safety.

It is recommended that the Annual Plan addresses the association of these projects with human and financial resources and investments.

Special attention should be paid to the Key Performance Indicators (KPI). They should be derived from the performance objectives defined in the business plan.

The information on the service provider’s expected short term financial position in the Annual Plan should serve two purposes:

1. demonstrate the service provider’s ability to meet its financial obligations (fixed and variable costs of operation and capital investment costs) (cf. ANSPCRA 1.6.1), and
2. present the relevant forecast costs and income of the different services provided per Business Area (MET service as part of ANS and other non-ANS services) and demonstrate that other non-ANS activities do not put at risk the provision of ANS. For this purpose, the service provider shall use an appropriate cost-accounting system (cf. ANSPCRA 1.6.1).

Likewise the Business Plan (refer above), ANS providers and NSAs may rely on the formal consultation process to ensure a proper scrutiny of the information in the Annual Plan. The NSA would in such circumstances check that the required information has been provided in the document. When relevant, the consultation process may provide the basis of the qualitative assessment of its content.

FINANCIAL STRENGTH (Annex I – 6)**ECONOMIC AND FINANCIAL CAPACITY (ANNEX I - 6.1)**

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.6.1</p>	<p>An air navigation service provider shall be able to meet its financial obligations, such as fixed and variable costs of operation or capital investment costs. It shall use an appropriate cost accounting system. It shall demonstrate its ability through the annual plan as referred to in part 2.2. of this Annex as well as through balance sheets and accounts as practicable under its legal statute.</p>
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Balance Sheet and Accounts

According to article 12(1) of Regulation (EC) No 550/2004, ANSPs, 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.

Annual accounts are drafted in accordance with certain accounting principles. Often, (national) General Accepted Accounting Principles (GAAP) are used. The most well known accounting principles are the International Accounting Standards, which are being replaced by International Financial Reporting Standards (IFRS). The Community has adopted both IAS and IFRS.

For International Accounting Standards (IAS), the ANSP may refer to the website: www.iasb.org where information is available on standards and their interpretations.

Standards issued by the International Accounting Standards Board are designated International Financial Reporting Standards (IFRS). Standards originally issued by the Board of the International Accounting Standards Committee (1973-2001) continue to be designated International Accounting Standards (IAS).

Interpretations are prepared by the International Financial Reporting Interpretations Committee (IFRIC) (formerly the Standing Interpretations Committee (SIC)) to give authoritative guidance on issues that are likely to receive divergent or unacceptable treatment, in the absence of such guidance. The Preface to International Financial Reporting Standards makes it clear that IFRS include IAS and Interpretations. IAS 1 Presentation of Financial Statements (as revised in 2003) states that "Financial statements shall not be described as complying with IFRS unless they comply with all the requirements of IFRS".

Cost-Accounting

According to article 12(3) of Regulation (EC) No 550/2004, when providing a bundle of services, air navigation service providers shall, in their internal accounting, identify the relevant costs and income for air navigation services, broken down in accordance with EUROCONTROL's principles for establishing the cost-base for route facility charges and the calculation of unit rates 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.

In any case, the service provider's cost-accounting system should be established in a way to identify the cost items in accordance with the EUROCONTROL principles referred to above, in particular in item 2.10, and this should be followed for each activity/Business Area (En-route ANS, Terminal ANS and non-ANS services).

In accordance with item 2.10 of the EUROCONTROL's principles, METSP's should provide a comprehensive inventory of the MET facilities and services (direct and core)¹ and of the aeronautical MET products and functions exclusively needed to meet aeronautical requirements. This inventory should be supplemented by the relevant references in ICAO Annexes (especially Annex 3) and Procedures for Air Navigation Services and European Air Navigation Plan, as well as by the references of national regulations concerned. The detailed documentation on the cost accounting system (starting with the inventory) should be made available to civil aviation user's relevant representatives. A breakdown of the MET costs by 'input categories' (Staff, Operating costs, Amortisation, Interest, Other), is also to be disclosed at multilateral level as an annex to the existing EUROCONTROL reporting tables.

Demonstration of the service provider's ability to meet its financial obligations

Financial fitness will best be demonstrated through an independent financial audit of the ANSP (or the wider company or parent company if the ANSP is one element of a wider business). The process of financial audit itself demonstrates that, in the view of the auditor, the company is 'a going concern'. If this is not the case, the auditor would be compelled to include a statement highlighting any financial difficulties. This process, combined with the appropriate sharing of information contained within the annual plan with the relevant stakeholders, is considered sufficient to meet this requirement.

FINANCIAL AUDIT (ANNEX I - 6.2)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.6.2</p>	<p>In accordance with Article 12(2) of Regulation (EC) No 550/2004, an air navigation service provider shall demonstrate that it is undergoing an independent audit on a regular basis.</p>
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The audit is conducted typically by an independent auditor, and in accordance with audit standards such as the (national) Generally Accepted Audit Standards (GAAS) or the International Standards on Auditing (ISA).

The ANSP shall regularly undergo an independent audit, either by a contracted external accredited auditor or in case of a State organisation by independent bodies which can undertake financial audits. An audit every year with a financial ending at year-end (31/12) is recommended.

It is often also a legal requirement to publish an Audit report.

According to article 12(5) of Regulation (EC) No 550/2004, 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.

¹ Such requirements are also likely to be foreseen by the forthcoming 'Common Charging Scheme for Air Navigation Services' with a view to supporting the consultation process with the users of air navigation services. The latest draft of the "Charging Scheme" to date foresees, inter alia, the provision of the "breakdown of the meteorological costs between direct costs and "MET core costs" defined as the costs of supporting meteorological facilities and services that also serve meteorological requirements in general. These include general analysis and forecasting, weather radar and satellite observations, surface and upper-air observation networks, meteorological communication systems, data-processing centres and supporting core research, training and administration. Description of the methodology used for allocating total MET costs and MET core costs to civil aviation and between charging zones'. Text from Commission version of 14 December 2005

Evidence that the requirement is met could be provision of the audit report to the designated authorities. The report should include the confirmation by the auditor that accounts comply with the standards adopted by the Community or, if compliance not achieved - owing to legal status of ANSP, explain the non-compliance.

LIABILITY AND INSURANCE COVER (Annex I -7)

Preamble of the draft Commission Regulation on common requirements for the provision of air navigation services, Recital (15):

- (15) **Different national arrangements as to liability should not prevent an air navigation service provider from entering into agreements on the cross-border provision of services, once they have set up arrangements to cover losses for damages arising from liabilities under the applicable law. The method employed should follow national legal requirements.** Member States which allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in accordance with Regulation (EC) No 550/2004 should cover the liabilities of those providers.

<i>Req. Number/Source</i> ANSPCRA1.7 Para 1	An air navigation service provider shall have in place arrangements to cover its liabilities arising from applicable law.
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The liabilities of the ANSP are difficult to define in advance: they depend on the applicable legal regime, which may change according to the situation and status of the ANSP as well as of the potential damage. The international character of the damages resulting from the provision of air navigation services may involve the competence of foreign courts and applicability of foreign laws.

The ANSP should at least comply with the requirements of its national law(s).

The ANSP may be subject to contractual and third party liability for the air navigation service it provides. Subject to each national law applicable to the employment relation, the ANSP may also be subject to vicarious liability. Article 1 of the Regulation on common requirements (CRs) provides that the requirements do not apply to activities other than the provision of air navigation services pursued by the provider.

Since article 7.1 of the CR refers to the necessity to cover the liabilities of the ANSP in general, it is recommended that all activities associated to the provision of air navigation services are covered, and not only those directly related to the operational tasks.

The activities of the ANSP may generate various types of damages: death or bodily injury, loss or damage to property including consequential loss arising from such loss or damage, loss or damage arising from a material interruption of the services in case of fault or negligence. The CR does not require explicitly that the ANSP be covered for all these types of damages, but ANSPs should be aware that even in the absence of coverage, they may be liable for such damages, if provided for under their national law. In such circumstances, the ANSP should if possible be covered.

The ANSP should be able to face the financial consequences of its liabilities: by concluding commercial insurance policies, by being its own insurer, by enjoying a State guarantee, by establishing a Fund, or any other equally suitable mechanism; the total coverage may be ensured by one arrangement, or by a combination thereof. The ANSP should be free to choose its arrangements, provided that the total coverage is appropriate (see also the following paragraph). If the ANSP chooses to limit the amount of its insurance coverage, the

method to cover additional liabilities over this amount up to the appropriate level should be documented (e.g. decision/letter/decreed of the State).

Requirements of the CR on insurance and coverage do not exclude the ultimate liability of the State, in case of negligence in the exercise of its responsibilities, both under the SES Regulations and under article 28 of the Chicago Convention. The NSA may decide to impose a minimum level of coverage for the ANSP(s) to protect the State's interests.

As a consequence, the ANSP will have to document the arrangements to cover each of its activities. It may provide insurance contracts, or guarantee letters/decisions by the State; each document should specify the activities concerned, the type of damages covered, the amount and the conditions of the coverage.

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.7 Para 2</p>	<p>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 air navigation service provider and the level of commercial insurance cover available.</p>
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For all ANSPs:

The appropriateness of the method to cover the potential loss and damage is again difficult to assess, since the potential loss and damage is impossible to define precisely in advance. The level of potential loss and damage depends on the type and level of activities of the ANSP, and again on the law applicable to the damage.

The outcome of a risk assessment as well as the documentation and outcome of negotiations with insurers should be used as an indicator of its potential liability.

The legal status of the ANSP may have an impact with regard to the method for coverage. A fully State-owned ANSP may for example benefit from the full State guarantee, and therefore not need to subscribe a commercial insurance policy.

The level of insurance coverage will depend on:

- the risks the insurance companies will accept to cover: it seems that war and terrorism risks can be included in insurance policies but for a high premium and a limited coverage (usually 50 million dollars); however the insurance market is currently questioning this possibility and the coverage of these risks may not be available any more in the future.
- the maximum liability the insurance companies accept to cover: the maximum amounts currently insured are between 1.5 and 1.75 billion dollars, the average being around 1 billion;
- the premiums the ANSPs can afford; the premiums are calculated on a number of criteria such as the type of activity (airport, ACC, en route), the loss record and the aircraft movements; considering the relatively low number of insurers involved in the coverage of air navigation services (15 to 20), their joint commitment is often necessary. This may mean that it is not possible to reach the required level of coverage and/or to negotiate the premium offered.
- the requirements set by the NSA to protect the State's financial interests (i.e. art. 28 Chicago Convention with regard to additional liabilities going beyond the insurance coverage).

The cover obligation set by the CRs will not be applicable if it can be demonstrated that commercial insurance cover is not available: e.g. risks not covered, amounts above limits of liability, unaffordable premiums, etc.

However, national laws and regulations may impose other conditions with regard insurance obligations.

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.7 Para 3</p>	<p>An air navigation service provider which avails itself of services of another air navigation service provider shall ensure that the agreements cover the allocation of liability between them.</p>
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Article 10 of the Service Provision Regulation foresees that Air navigation service providers shall formalise their working relationships by means of written agreements, to be notified to the NSA or authority concerned. In cases involving the provision of air traffic services, the approval of the member States concerned shall be required. The same applies for the provision of meteorological services, if the State has designated a METSP on an exclusive basis.

Paragraph 7.3 of Annex I of the CRs may apply to a number of different situations such as:

- delegation of ATS between two ANSPs within the same State;
- buy-in of different services between ANSPs within the same State (e.g. ATS/AIS, ATS/CNS, AIS/MET)
- cross-border delegation of ATS and MET services;
- cross-border delegation of CNS and/or AIS;

For all situations and for all services, ANSPs should ensure that:

- a written agreement is concluded by the competent representatives of the parties;
- all the delegated functions and/or “buy-in” services are explicitly and fully described in the agreements;
- the agreement supporting the delegation and /or “buy-in” services contains provisions on respective liabilities (vis-à-vis the contracting ANSP and third parties);
- the agreement is notified to the NSAs concerned, or that approval of the States has been obtained in case of ATS or MET services.

For ATS or MET services the conclusion of agreements between ANSPs and their approval by the States concerned does not exclude the need for the State, in which the service is provided, to designate the ANSP.

In the context of a multi States / multi ANSPs perspective, such as in a functional airspace block (FAB), liabilities would be more complex and would need to be addressed with even more detail to establish a clear liability environment between all the parties concerned.

ANSP - QUALITY OF SERVICES (Annex I- 8)

OPEN AND TRANSPARENT PROVISION OF SERVICES (8.1)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.8.1</p>	<p>An air navigation service provider shall provide its services in an open and transparent manner. It shall publish the conditions of access to its services and establish a formal consultation process with the users of its services on a regular basis, either individually or collectively, and at least once a year.</p> <p>An air navigation service provider shall not discriminate on grounds of nationality or identity of the user or the class of users in accordance with applicable Community law.</p>
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An ANSP is compliant with the open and transparent provision of services if:

- the conditions of access to its services are published, for example, in the relevant part of AIPs, normally GEN
- the formal user consultation process is documented including components such as:
 - handling of complaints
 - surveys
 - consultation meetings
- consultation is performed at least once a year on the most relevant topics from service provision with operational and technical issues including military issues and financial aspects for the service provision;
- ANSPs should make a formal commitment in the official company policy to provide services in an impartial and non-discriminatory way and as such not distort or prevent competition where applicable. The applicable Community law relates to Art. 81 to 86 of the Treaty and derived legislation.

Evidence that the requirement is met could be:

- relevant document(s) where the conditions of access are published (e.g. AIP);
- company documents where the formal consultation process is documented (e.g. Customers Relationship Management);
- Invitations and minutes of the (at least) annual consultation meetings;
- Appropriate company documents (e.g. Business Plan, Annual Report) where the commitment is taken to provide services in impartial and non-discriminatory way.

ANSP - REPORTING REQUIREMENTS (Annex I-9)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.9 –para 1 & 2</p>	<p>An air navigation service provider shall be able to provide an annual report of its activities to the relevant national supervisory authority. This report shall cover its financial results without prejudice to Article 12 of Regulation (EC) No 550/2004, as well as its operational performance and any other significant activities and developments in particular in the area of safety.</p> <p>The annual report shall include as a minimum:</p> <ul style="list-style-type: none"> • an assessment of the level and quality of service generated and of the level of safety provided; • the performance of the air navigation service provider compared to the performance objectives established in the business plan, reconciling actual performance against the annual plan by using the indicators of performance established in the annual plan; • developments in operations and infrastructure; • the financial results, as long as they are not separately published in accordance with Article 12(1) of Regulation (EC) No 550/2004; • information about the formal consultation process with the users of its services; • information about the human resources policy.
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ANSPs must provide the information as set out in the regulation. The CR prescribes the minimum information to be provided in the annual report, without detailing further its content and lay out.

Scope and Structure of an Annual report

Most of the ANSPs already release an Annual Report whose purpose is to:

- present the company and its achievements in particular;
- disclose information to the stakeholders;
- meet legal requirements (e.g. EU regulations).

In general, Annual Reports are released between March and July (i.e. 3 to 6 months after close of the financial year and once all figures for the year are definitive and available for analysis).

When needed, while making use of already existing document, and recognising the existence of various forms of organisational and corporate arrangements, ANSPs may use as a basis the following best practice of ANSPs Annual reports².

The Annual Report usually comprises:

I. Management Report

² PRU proposal for best practice disclosure by ANSPs Annual reports in ATM Cost Effectiveness (ACE) 2003 Benchmarking Report, paragraph 1.4

II. Annual Accounts (Financial Accounts or Financial Statements)

III. Audit Report

The purpose of the Management Report is to:

- present the organisation and its achievements in particular;
- disclose information to the stakeholders.

Key aspects are:

- profile of the organisation & description of the key business areas;
- key figures for the whole organisation, for the “business areas”, and comparisons with previous years;
- strategy, vision, action plans business and investment plans;
- report of the Supervisory Board and report of the Management Board;
- corporate governance;
- KPIs performance achievements for the whole organisation and for each business area;

The purpose of the Financial Report is to:

- disclose primarily financial information to the stakeholders
- fulfil legal requirements

Key aspects are for each Business Area, such as en-route ANS, Terminal ANS and other non ANS- services on a commercial basis are:

- balance sheet;
- Profit and Loss statements;
- income statement/Cash Flow statement;
- notes to the financial figures;
- accounting standards and policies;
- detailed Asset Base, depreciation method, and depreciation period;
- off-balance disclosures;
- events after the Balance sheet date;
- capital expenditures;
- financial analysis ratios;
- use of financial derivatives, guarantees given, commitments done.

Audit Report: The audit aspect is addressed above in the section “Financial audit”.

Preparation of an Annual report to NSA:

The ANSP may use the existing Annual Report, along with the “PRU framework for best practice disclosure by ANSPs Annual reports” as a basis in their preparation of the Annual Report to the NSA due by the EC regulation, taking into account ANSP organisation and governance principles.

Likewise the Business Plan and Annual Plan (refer above), ANS providers and NSAs may rely on the formal consultation process to ensure a proper scrutiny of the information in the Annual Report. The NSA would in such circumstances check that the required information

has been provided in the document. The consultation process may provide the basis of the qualitative assessment of its content.

<p>Req. Number/Source ANSPCRA1.9 – para 3</p>	<p>The air navigation service provider shall make the content of the annual report available to the public under conditions set by the national supervisory authority in accordance with national law.</p>
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No guidance can be given on this requirement as its applicability depends of the conditions set by the national supervisory authority in accordance with national law.

Part B: Safety, Quality and Security

Explanatory note

This part of the guidance document covers matters relevant to the functions within the METSP that deal with:

- Safety;
- Quality;
- Security.

Scope of the requirements

The requirements are listed in Annex I “General requirements for the provision of air navigation services”, and are reproduced below. The detailed mapping of the requirements follows this Annex.

ANNEX I

GENERAL REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES

3. SAFETY AND QUALITY MANAGEMENT

3.1. Safety management

An air navigation service provider shall manage the safety of all its services. In doing so, it shall establish formal interfaces with all stakeholders which may influence directly the safety of its services.

ANSPCRA1.3.1

3.2. Quality management system

An air navigation service provider shall have in place at the latest 2 years after entry into force of this Regulation a quality management system which covers all air navigation services it provides according to the following principles.

It 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 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 system in place and take remedial actions, as appropriate.

*ANSPCRA1.3.2
Para 1 & 2*

*ANSPCRA1.3.2
Para 3-1*

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.

ANSPCRA1.3.2
Para 3- 2

The air navigation service provider shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.

3.3. Operations manuals

ANSPCRA1.3.3
Para 1-

An air navigation service provider shall provide and keep up-to-date operations manuals relating to the provision of its services for the use and guidance of operations personnel.

It shall ensure that:

ANSPCRA1.3.3
Para 2-

- (a) operations manuals contain 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 the amendments to the operations manual applying to their duties as well as of their entry into force.

4. SECURITY

An air navigation service provider shall establish a security management system to ensure:

- (a) the security of its facilities and personnel so as to prevent unlawful interference with the provision of services;
- (b) the security of operational data it receives or produces or otherwise employs, so that access to it is restricted only to those authorised.

ANSPCRA1.4

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 re-occurrence.

An air navigation service provider shall ensure the security clearance of its personnel, if appropriate, and coordinate with the relevant civil and military authorities to ensure the security of its facilities, personnel and data.

SAFETY

ANSP - SAFETY MANAGEMENT (Annex I-3.1)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.3.1</p>	<p>An air navigation service provider shall manage the safety of all its services. In doing so, it shall establish formal interfaces with all stakeholders which may influence directly the safety of its services.</p>
<p><i>Analysis of Requirements</i></p>	<p>This requirement is related to the exchange of safety related operational meteorological information and the provision of technical services with safety implications.</p> <p>It covers the interface with a number of stakeholders such as ATS and MET services involved in the regulated exchange of operational meteorological information and organisations providing maintenance and communication service.</p>
<p><i>A way to comply</i></p>	<p>The proposed approach for the METSP in consultation with NSA is to:</p> <ul style="list-style-type: none"> • formalise interfaces and binding procedures for the exchange of safety related operational meteorological information; • identify a list of contracted services subject to this requirement; • conclude a Service Level Agreement (SLA) for every interface; • disclose SLA documents to the NSA on request.
<p><i>Evidence</i></p>	<p>Service Level Agreement documents</p>

QUALITY

ANSP - QUALITY MANAGEMENT (Annex I-3.2)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.3.2- para 1&2</p>	<p>An air navigation service provider shall have in place at the latest 2 years after entry into force of this Regulation a quality management system which covers all air navigation services it provides according to the following principles</p> <p>It shall:</p> <ul style="list-style-type: none"> (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 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 system in place and take remedial actions, as appropriate.
<p>Analysis of Requirements</p>	<p>The ANSP has a number of issues to assess and evaluate in relation to its approach to quality management. Consideration should be given to the following items:</p> <ul style="list-style-type: none"> • criteria upon which to base the quality management system (QMS); • scope of the quality management system (QMS). Irrespective of the criteria which have been selected as the basis of the QMS, the ANSP should ensure that the scope of the QMS covers all air navigation services provided; • timeframe for compliance with this requirement is 2 years (1 year for other common requirements). Two years is a realistic timeframe for those ANSPs embarking on formalising their approach to quality management systems. Some ANSPs may have begun work or have already met this requirement.
<p>Criteria</p>	<p>The ANSP should assess and decide what it considers to be acceptable criteria, which it can use as a basis for its QMS. As a minimum, the QMS should address the five clauses (a-e) outlined above. A valid EN ISO 9001 certificate, which also addresses these five clauses, is considered as sufficient means of compliance, provided it has been issued by an appropriately accredited organisation. The criteria to use could be determined in consultation with the NSA.</p>

<p><i>A way to comply</i></p>	<p>The way to comply depends on how the ANSP interprets the common requirements and criteria of eligibility on quality management. Two possible scenarios could be considered:</p> <p><u>Scenario 1</u> The ANSP provides a valid EN ISO 9001 Certificate which has been issued by an appropriately accredited organisation, with the scope defined as covering air navigation services provided.</p> <p><u>Scenario 2</u> The ANSP has a QMS in place which complies with the five clauses (a -e) (described in requirement ANSPCRA1.3.2 - para 2).</p> <p>Irrespective of which scenario is chosen, in order to demonstrate compliance with the requirements on quality management, the ANSP should ensure that:</p> <ul style="list-style-type: none"> • the scope of the QMS covers the air navigation services provided; • compliance is achieved within the required timeframe of 2 years, after entry into force of this regulation.
<p><i>Evidence</i></p>	<p>The evidence required to demonstrate conformity depends on how the ANSP interprets the requirements and criteria of eligibility on quality management. The evidence for each of the two scenarios, could include:</p> <p><u>Evidence for Scenario 1</u> The ANSP provides a valid EN ISO 9001 Certificate which has been issued by an appropriately accredited organisation, with the scope defined as covering air navigation services provided.</p> <p><u>Evidence for Scenario 2</u> Where the ANSP has a QMS in place which complies with the five clauses (a-e) described in requirement ANSPCRA1.3.2 - para 2, the evidence could include:</p> <ul style="list-style-type: none"> • quality policy defined to meet the needs of the different users; • quality assurance programme procedures; • quality management system documents e.g. quality management manual; process procedures, work procedures & instructions, monitoring documents, internal quality audit documents (schedules, audit reports, corrective action reports) and quality records; • confirmation that a Management Representative for the quality system has been appointed, who irrespective of other responsibilities, has responsibility and authority for ensuring the QMS is established, implemented and maintained and for reporting on the performance of the QMS to top management; • records from management reviews on the QMS by top management.

	<p>The NSA may seek evidence of compliance with the through: a desk audit (on/off site); by conducting its own quality audit/questionnaire against the above criteria; or by contracting this audit check to an external 2nd party organisation.</p> <p>The evidence demonstrating compliance could include quality audit schedules, quality audit reports & corrective action plans.</p>
Additional Information	<p><u>References & Links</u></p> <ul style="list-style-type: none"> EN ISO 9001:2000, Quality Management Systems – Requirements http://www.iso.org/iso/en/iso9000-14000/index.html

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.3.2 – para 3 - 1</p>	<p>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.</p>
<p>Analysis of Requirements</p>	<p>If the ANSP presents a valid EN ISO 9001 certificate as the basis of compliance, then it should ensure that the certificate has been issued by an appropriately accredited organisation (with the scope covering the air navigation services provided. In the context of EN ISO 9001:2000, this could be considered as a certification (registration) body which has been approved by an Accreditation Body as competent (in accordance with ISO/IEC Guide 62) to carry out ISO 9000 certification, in specific business sectors.</p>
<p>Criteria</p>	<p>When an ANSP is establishing if an organisation is appropriately accredited to award an EN ISO 9001 certificate, two steps should be considered:</p> <ol style="list-style-type: none"> refer to the ISO Directory of ISO 9000 Accreditation and Certification Bodies – focus on the certification (registration) bodies operating nationally or multi-nationally. check if the certification (registration) body has the required specific business sector experience.
<p>A way to comply</p>	<p>The official way to check if a certification (registration) body has the required specific business sector experience, is to check if it has been accredited to audit against the relevant SIC code: 8999 Meteorological services for MET.</p> <p>However, there are few certification (registration) bodies that have this business sector experience. Therefore, the METSP could additionally check with other organisations with technically oriented business having a valid EN ISO 9001 certificate for information and references on relevant certification (registration) organisations.</p> <p>The METSP may also wish to check with their NSA, to understand their view on whether or not the proposed certification (registration) body is deemed to be an appropriately accredited organisation.</p>

Evidence	The certification (registration) body has been approved by an Accreditation Body as competent (in accordance with ISO/IEC Guide 62) to carry out ISO 9000 certifications and has the required business sector experience.
Additional Information	<p><u>References & Links</u></p> <ul style="list-style-type: none"> • <u>ICAO Manual on Quality Management Systems for the provision of Meteorological Service for International Air Navigation (to be published on the ICAO website 1. quarter 2006, subject to ISO approval)</u> • ISO/IEC Guide 62:1996, General requirements for bodies operating assessment and certification/registration of quality systems. http://www.iso.org/iso/en/CatalogueDetailPage.CatalogueDetail?CSNUMBER=25251&ICS1=3&ICS2=120&ICS3=20 • ISO Directory of ISO 9000 Accreditation and Certification Bodies http://www.iso.org/iso/en/info/ISODirectory/intro.html • ISO 19011:2002, Guidelines for quality and/or environmental management systems auditing http://www.iso.org/iso/en/CatalogueDetailPage.CatalogueDetail?CSNUMBER=31169&ICS1=13&ICS2=20&ICS3=10

Req. Number/Source ANSPCRA1.3.2 – para 3 -2	The air navigation service provider shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.
Analysis of Requirements	For the compliance with the CRs on quality the ANSP will be required to provide the documents in relation to its certification to the NSA. The ANSP shall also be expected to accept this requirement for the disclosure of relevant quality documentation.
Criteria	To facilitate transparency, the ANSP should discuss and agree with the NSA on the relevant documentation which might be required to be disclosed in relation to certification by the NSA.
A way to comply	<p>It depends on the scenario selected for the compliance with the Common Criteria ANSPCRA1.3.2- para 1 and 2 by the ANSP.</p> <p>If <u>scenario 1</u> has already been selected, a valid EN ISO 9001 Certificate, with the scope defined as covering air navigation services provided, is considered an acceptable means of compliance.</p> <p>If the NSA has doubts about the validity or the completeness of the ISO certificate, the NSA has the right to access the documentation regarding the registration and ongoing auditing processes (e.g. Audit schedule from the certification (registration) body; Audit reports from the external quality audit ; Corrective Action Report(s) by the ANSPs as a result of the external quality audit).</p>

	<p>This is an exceptional procedure providing additional evidence to NSA when needed. If the NSA requests access to quality documents in relation to its certification, the ANSP shall accept the disclosure of documentation.</p> <p>For <u>scenario 2</u>, documentation has to be disclosed to provide evidence for compliance with the five clauses described in requirement ANSPCRA1.3.2 - para 1 and 2. and requirement ANSPCRA1.3.3 – para 1and 2.</p>
<p>Evidence</p>	<p><u>For scenario 1:</u> Valid EN ISO 9001 Certificate, together with documentation on the scope of the certificate (e.g. quality manual)</p> <p><u>For scenario 2:</u> Documentation has to be disclosed to provide evidence for compliance with the five clauses described in requirement ANSPCRA1.3.2 - para 1&2.and requirement ANSPCRA1.3.3 – para 1and 2.</p>

ANSP – OPERATIONS MANUAL (ANNEX I-3.3)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.3.3 – para 1&2</p>	<p>An air navigation service provider shall provide and keep up-to-date operations manuals relating to the provision of its services for the use and guidance of operations personnel. It shall ensure that:</p> <ul style="list-style-type: none"> (a) operations manuals contain 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 the amendments to the operations manual applying to their duties as well as of their entry into force.
<p>Analysis of Requirements</p>	<p>The ANSP must ensure that it has a suitable procedure in place for the control, provision, maintenance and distribution of new versions of its operations manuals (i.e. an effectively functioning document control system).</p>
<p>Criteria</p>	<p>An effective document control system is an integral part of a Quality Management System (refer to ANSPCRA1.3.2- para 1and 2). The best practice standards or criteria of eligibility for a document control system are contained in the EN ISO 9001:2000 standard.</p>
<p>A way to comply</p>	<p>This depends on the scenario selected for the compliance with the Common Criteria ANSPCRA1.3.2- para 1and 2 by the ANSP. If scenario 1 has already been selected, a valid EN ISO 9001 Certificate, which has been issued by an appropriately accredited organisation, with the scope defined as covering air navigation services provided, is considered an acceptable means of compliance.</p>

	<p>Otherwise, scenario 2 will be applicable and the ANSP should have an effective document control system in place, which ensures:</p> <ul style="list-style-type: none"> • the appropriate operations manuals are in place, in accordance with the scope of services provided; • the content of operations manuals contain the appropriate instructions and information required by the operations personnel to perform their duties; • the relevant part(s) of operations manuals are accessible to the appropriate people, particularly for the use by and guidance of operations personnel; • any amendments or revisions to operations manuals are expeditiously communicated to the relevant operations personnel.
<p>Evidence</p>	<p><u>Evidence for Scenario 1</u> The ANSP provides a valid EN ISO 9001 Certificate, which has been issued by an appropriately accredited organisation, with the scope defined as covering air navigation services provided.</p> <p><u>Evidence for Scenario 2</u> The ANSP should ensure that it has an effectively functioning document control system and evidence demonstrating this could include:</p> <ul style="list-style-type: none"> • a copy of the ANSP's document control procedure, together with a list of controlled documents; • the documents listed are appropriate to the scope of the ANSP's services and include the relevant operations manuals; • copies of the relevant operations manuals; • documentation management system covering the change management and records demonstrating an effectively functioning document control system, for example management reviews, quality audit reports and corrective action plans (internal and/or external). <p>NSA may verify through an on-site audit, whether the operations manuals cover all areas of operations the ANSP provides and contain the required information needed by the operations personnel in line with the appropriate ICAO Standards mentioned in the CR ANNEX III</p>
<p>Additional Information</p>	<p>Refer to clause '4.2: Documentation Requirements' of the EN ISO 9001:2000 standard</p>

SECURITY

ANSP – SECURITY (Annex I- 4)

ICAO Standards

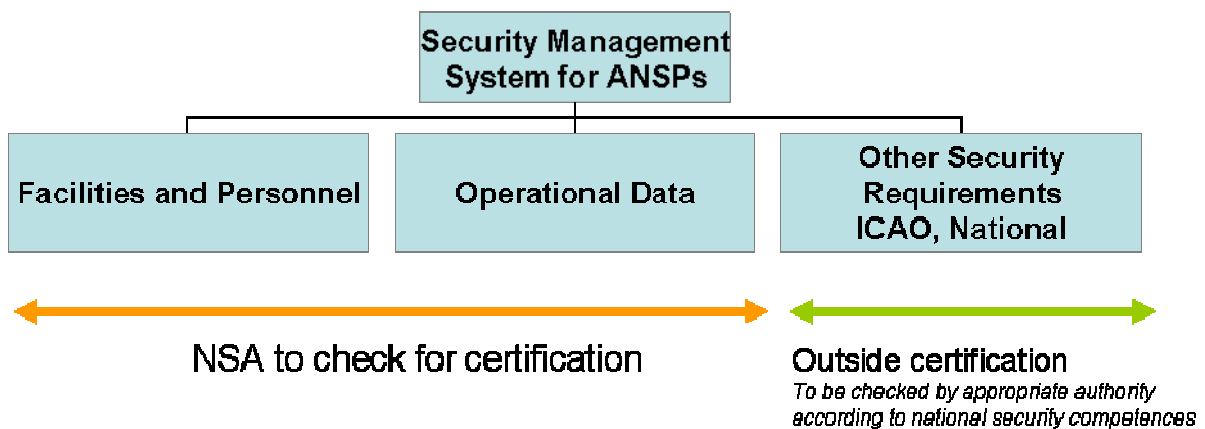
The EC Regulation laying down the CRs requires an ANSP to establish a Security Management System (Annex I, section 4). It should comply with ICAO standards (Recital 14) and as well as the EC Regulation itself.

In addition there may also be national exemptions or deviations that are agreed with ICAO or the EC and various provisions that are part of the national law covering, for instance, data protection, privacy, and immigration and state treaties requiring compliance.

The ICAO requirements for aviation security are summarised in **ICAO Doc. 8973**, Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference. This references the many publications that contain the requirements for aviation security; Annexes 2 (Rules of the Air), 6 (Operation of Aircraft), 9 (Facilitation), 10 (Aeronautical Telecommunications), 11 (Air Traffic Services), 13 Aircraft Accident and Incident Investigation), 14 (Aerodromes), 17 (Aviation Security), 18 (The Safe Transport of Dangerous Goods by Air); Doc 4444 (The Procedures for Air Navigation Services – Air Traffic Management), Doc 8168 (The Procedures for Air Navigation Services – Aircraft Operations); Resolutions of the Assembly; and the Tokyo (1963), Hague (1970) and Montreal (1971 and 1991) Conventions. Only part of Doc. 8973 is applicable to an ANSP, the rest being concerned with airports and airlines.

There are no ICAO security requirements for METSPs in Annex 3 (Meteorological Services for International Air Navigation). It is therefore recommended that the Regulatory Authority and the METSP agree on the scope of security requirements to be met. There is some overlap between the EC Regulation and the ICAO standards but they are mostly complementary.

This Guidance Material specifically refers to the requirements of the EC Regulation laying down CRs against which the Certificate will be issued but that does not imply that it is sufficient on its own for an adequate Security Management System (SMS). The Security management System should address all the requirements that are placed on the ANSP as international (ICAO) or national law requirements on Security.



Industry Standards

A large part of the operations in the provision of air navigation services concern information processing and communications, and this guidance material refers to the well established industry standards for comparable industries. The International Standards Organisation has published the following that is relevant:

- ISO 17799:2005(E). Information Technology – Security Techniques – Code of Practice for Information Technology Security Management.

Additional information on ICAO Security Requirements is provided in the Appendix to Part B.

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.4</p>	<p>An air navigation service provider shall establish a security management system to ensure:</p> <ul style="list-style-type: none"> (a) the security of its facilities and personnel so as to prevent unlawful interference with the provision of services; (b) the security of operational data it receives or produces or otherwise employs, so that access to it is restricted only to those authorised. <p>The security management system shall define:</p> <ul style="list-style-type: none"> (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 re-occurrence. <p>An air navigation service provider shall ensure the security clearance of its personnel, if appropriate, and coordinate with the relevant civil and military authorities to ensure the security of its facilities, personnel and data.</p>
<p><i>Analysis of Requirements</i></p>	<p>Scope: This paragraph describes the scope of the Regulation as physical security (i.e. facilities, personnel and data). The prime security responsibility of an ANSP is the protection of the air navigation services but there is also a wider responsibility under ICAO to support the security of other parts of the air transport system such as in-flight security.</p> <p>Threats: The types of threat to air navigation services are:</p> <ul style="list-style-type: none"> • Physical Threats. These include gaining access to premises, causing damage, attacking personnel or otherwise disrupting the provision of the air navigation service by physical means; • Cyber Threats. These are threats to the information or the data, held by the ANSP, used both for operational and management purposes, by hackers and malicious software; • Electromagnetic Threats. This threat is the use of electromagnetic radiation to disrupt or deny the provision of the air navigation service by interference with its communications, navigation or radar sensors.

	<p>The sources of threat to aviation may be from sources that will vary according to the state concerned, political and other factors and that will change with time (e.g. terrorism, political extremism, social unrest, criminal activity).</p> <p>It is recommended that the Regulatory Authority should agree with the ANSP on the threat assessment that is appropriate for each facility and the type of response that is needed. The threat assessment should be made in conjunction with appropriate national government and/or military agencies.</p> <p>Security Management System: The Security Management System consists of the security measures that are in place to ensure the continued performance of the ANSP and its facilities in order to meet service requirements in the current threat environment documented in a Security Manual. It should also include the interfaces to other organisations and any dependencies upon them. The Security Manual should be used by staff and by auditors who will establish that the ANSP meets the security requirements of the NSA.</p> <p>The Security Management System including the threat analysis should be reviewed periodically to account for changes in circumstances.</p> <p>Civil/Military Support. Specific mention is made in the EC Regulation of coordination with national civil and military authorities for security clearance of personnel and for ensuring the security of facilities, personnel and data. The ways in which this support will be provided will depend entirely on the national organisations concerned and national practice.</p>
<p>Criteria</p>	<p>The criteria to be checked are:</p> <ul style="list-style-type: none"> • does the Security Management System of the ANSP meet the security standards for certification set by the NSA? • do the operations and practice of the ANSP comply with the documented requirements of their own Security Management System?
<p>A way to comply</p>	<p>At national level there should be an authority -National Security Authority- responsible for the security of the information (governmental sensitive data protection, classified material, information networks, crypto/keys, etc). This authority is also responsible for approval and accreditation of new networks/systems, audits/inspections (including physical security of facilities), training in INFOSEC and INFOSEC regulations. Its responsibilities also include the issuing of security clearances for all the nationals.</p> <p>Therefore co-ordination with this authority is fundamental, and in accordance with the EC regulation. This co-ordination should be done through the national AVSEC authority (normally belonging to DGCA), nominated in all nations and responsible for the national AVSEC program. The ANSP Security program should be part of it (as it is now for Airline Operators and Airports).</p>

The Regulatory Authority should agree on the range of the security requirements, which may be considered to meet the EC Regulation with reference to the following list of headings for a Security Management System, taken from ISO 17799:

- Risk Assessment and Treatment - to identify, quantify and prioritise threats and risks against criteria and objectives relevant to the organisation and the appropriate controls to reduce the risk.
- Security Policy - a statement of the management commitment, direction and support for information security.
- Organising Information Security - a description of the organisation of security within the organisation, the roles and responsibilities of each manager, department and staff member.
- Asset Management - description of the ANSP, its operations (internal and outsourced), its assets and their ownership, and any other aspects relevant to maintenance of adequate security. Assets should include information assets and their classification.
- Human Resources Security - the processes to ensure that all employees, contractors and other personnel meet their security responsibilities and security requirements through security screening and training. If external military or civil government organisations are used, the process and responsibilities should be explained.
- Physical and Environmental Security - to prevent unauthorised physical access, damage or interference with the premises or information of the ANSP. The support from national government or military authorities and the respective responsibilities should be explained.
- Communications and Operational Management - to ensure the correct and secure operation of communications and information processing facilities from internal departments and third parties in normal use and with system failures.
- Information Access Control - to control access to information.
- Information Systems Acquisition, Development and Maintenance - to ensure that security is an integral part of information systems during all phases of design, development, testing, implementation and maintenance.
- Information Security Incident Management. -to ensure that information security events and weakness are reported in a manner to allow timely corrective action to be taken.
- Business Continuity Management - to counteract interruptions to the air navigation services from the effects of security incidents or failures and to ensure their timely resumption.
- Compliance - to show how all statutory, regulatory or contractual security requirements are met.

<p>Evidence</p>	<p>There are two stages in showing the evidence of compliance:</p> <p>Stage 1 involves a detailed analysis of the completeness and suitability of the SMS to meet the specific security requirements for the ANSP. Each ANSP should supply to the NSA a copy of the Security Management System documentation with a completed checklist showing how all the requirements of the EC CR Regulation are met, a statement of where requirements are met by other organisations and all supporting documents. The checklist should be compiled by the NSA (e.g. be based on ISO 17799) and it should be composed of the specific requirements for the ANSP which reflect the security risk. The result of successfully completing Stage 1 will be an approved SMS</p> <p>Stage 2 requires that a regular, periodic audit of the organisation and operations of the ANSP is carried out by the NSA. This should include a sample inspection of the actual security organisation, personnel, operations procedures and documentation using the checklist of the requirements of the NSA. The result of Stage 2 will be an assessment of state of security in the ANSP showing areas where the security requirements are met and areas where improvements are needed.</p> <p>As an example, NSA should normally requires the elaboration of a Security plan, which includes:</p> <ul style="list-style-type: none"> • a description of the physical and technical security measures (including data) implemented in the facilities • a description of the security procedures; security clearances, access control, inspections, training, organisation (security officer and staff), security feed back from occurrences, etc. • an emergency and contingency plan in case of intentional disruption/unlawful interference/attack, or unintentional failure or natural occurrences. This plan should include back up systems <p>This is in line with the provisions of the EC regulation.</p> <p>The plan has to be approved by NSA, to be coordinated with AVSEC authority in DGCA, which may also carry out audits and inspections to ensure the efficiency and adequacy of the plan.</p>
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Appendix Part B - ICAO Security Requirements

1. Chicago Convention

Security in international civil air transport is basically covered by the 1944 Chicago Convention. The Conventional system includes resolutions, Annexes to the Conventions, standards and guidance material. The SES Framework Regulation recognises the primacy of the rules of international law established under these instruments over Community Law.

This appendix has been included to assist ANSPs to address matters that are outside the certification requirements of the CR but which may be necessary to meet national security requirements.

2. Responsibilities under ICAO

2.1 Services.

The signatories to the Chicago Convention are member States and the responsibility to fulfil obligations is therefore embodied in national legislation. Amongst the services that each state is required to provide and which therefore may have some impact on civil aviation security are:

- air traffic service (air traffic control, alerting services, flight information services);
- aircraft accident and incident investigation;
- emergency services.

2.2 Definition.

Aviation Security is defined according to ICAO Annex 17 as:

“a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference”.

This definition has been partly endorsed by the European Parliament and Council and which is used by Regulation 2320:2002 that applies to airports and airlines.

While safety relates to the prevention of *accidental* events which can affect material or people, security is the prevention of *intentional* acts which aims to affect aircraft, infrastructure or people.

2.3 Elements of Aviation Security.

According to ICAO the institutional framework for aviation security at State level basically consists of the following elements:

- designate an appropriate authority and inform ICAO;
- establish a written national aviation security plan that will include the state policy on all aspects including air navigation services;
- require national airports and aircraft operators to establish a security plan compliant with the national security policy;
- establish the means to review the level of threat within its territory;

- establish the means of coordinating activities between departments, agencies and other parties involved;
- draw up contingency plans;
- establish the development and implementation of training programs.

The main operational functions of ATC in aviation security are:

- the timely identification of a security incident,
- to inform and coordinate the incident with the appropriate civil and military authorities,
- to assist the aircraft with a new routing or to proceed to an alternate airport,
- to maintaining a safe separation with other aircraft and to support the captain as much as possible,
- assist with post-incident analysis and review.

ICAO provides further guidance material for aviation security in ICAO Doc 8973. The contents list is reproduced below showing the items that are relevant to air navigation service security. In particular, the Appendices give guidance about how to conform to the regulations and to formulate national legislative material.

ICAO is in a process of reviewing the present regulations on in-flight and ATM security to cope with the new forms of threat like aircraft used as a weapon and MANPADS and to improve the alerting communication procedures and response procedures.

ICAO Doc 8973 - Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference (Restricted) contains a summary of all the ICAO documents and annexes that refer to aviation security.

A selection of the topics from the Table of Contents of ICAO Doc 8973 that apply to air navigation services is printed below. Those deleted refer to airlines and airports.

ICAO Doc. 8973 Part I — Guidance Material on ICAO Standards and Recommended Practices	Ref. in 8973
Introduction	I-1
Chapter 1. Definitions.	I-1-1
Chapter 2. General principles.	I-2-1
2.1 Aims and objectives.	I-2-1
2.2 Effective civil aviation security.	I-2-2
2.3 Security and facilitation.	I-2-3
Chapter 3. Organization..	I-3-1
3.1 The appropriate authority of security	I-3-1
3.2 Civil aviation security policy and regulatory section, principles, staff.	I-3-2
3.3 The national civil aviation security programme.	I-3-5
3.4 National aviation security coordination.	I-3-12
3.5 International cooperation.	I-3-13
3.6 Threat assessment and risk management.	I-3-16
3.7 Research and development of security equipment.	I-3-17
3.8 Security training programmes.	I-3-18
3.9 Supporting facilities.	I-3-24
3.13 Response to airport incidents.	I-3-29
3.14 Contingency plans.	I-3-33
Chapter 5. Management of response to acts of unlawful interference.	I-5-1

5.1 Operational aspects.	I-5-1
5.2 Incidents involving aircraft, ATC.	I-5-2
5.3 Collection and transmission of information.	I-5-6
5.4 Review and analysis.	I-5-8
5.5 Report.	I-5-9

Part C: Human Resources

Explanatory note

This part of the guidance document covers matters relevant to the functions within the METSP that deal with Human Resources (recruitment, training, etc).

Scope of the requirements

The requirements are listed in Annex I “General requirements for the provision of air navigation services”, and are reproduced below. The detailed mapping of the requirements follows this Annex.

ANNEX I

GENERAL REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES

5. HUMAN RESOURCES

An air navigation service provider shall employ appropriately skilled personnel to ensure the provision of its services in a safe, efficient, continuous and sustainable manner.

In this context, it shall establish policies for the recruitment and training of personnel.

ANSPCRA1.5 -1

ANSP - HUMAN RESOURCES (Annex I – 5)

Req. Number/Source ANSPCRA1.5 – 1	An air navigation service provider shall employ appropriately skilled personnel to ensure the provision of its services in a safe, efficient, continuous and sustainable manner. In this context, it shall establish policies for the recruitment and training of personnel.
Analysis of Requirements	The METSPs have to implement the requirements concerning qualifications and training of meteorological personnel in aeronautical meteorology, published by the World Meteorological Organisation (WMO) as referred to in ICAO Annex 3.
Criteria	To achieve this, the METSP must have approved recruitment and training processes in place.
A way to comply	The METSP should use the relevant documents from ICAO and WMO as reference
Evidence	Documentation of the established recruitment and training processes

Part D: Technical & Operational matters

Explanatory note

This part of the guidance document covers matters relevant to the functions within the METSP that deal with technical and operational matters.

Scope of the requirements

The requirements are listed in Annex I “General requirements for the provision of air navigation services”, and are reproduced below. The detailed mapping of the requirements follows this Annex.

ANNEX III**SPECIFIC REQUIREMENTS FOR THE PROVISION OF METEOROLOGICAL SERVICES****1. Technical And Operational Competence And Capability***METSPCRA3.1.1*

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

- operators and flight crew members for pre-flight and in-flight planning;
- providers of air traffic services and flight information services;
- search and rescue services units;
- airports.

METSPCRA3.1.2

A provider 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*METSPCRA3.2*

A provider of meteorological services shall be able to demonstrate that its 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:

- Annex 3 on meteorological service for international air navigation (15th edition, July 2004);
- Annex 11 on air traffic services (13th edition, July 2001 including all amendments up to no 43);
- Annex 14 on Aerodromes (Volume I: 4th edition, July 2004; Volume II, 2nd edition, July 1995 including all amendments up to no 3).

General Requirements

ANSP - Technical & operational competence and capability (ANNEX I-1)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.1</p>	<p>An air navigation service provider shall be able to provide services in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for a given airspace. To this end, it shall maintain adequate technical and operational capacity and expertise.</p>
<p><i>Analysis of Requirements</i></p>	<p>General requirement that is elaborated in the other requirements of the annexes.</p>

Contingency plans (ANNEX I - 8.2)

<p><i>Req. Number/Source</i></p> <p>ANSPCRA1.8.2</p>	<p>At the latest one year after certification, an air navigation service provider shall have in place contingency plans for all the services it provides in the case of events which result in significant degradation or interruption of its services.</p>
<p><i>Analysis of Requirements</i></p>	<p>These plans must describe how, in case of interruption or degradation, the provision of service will be stopped or delegated. Specifically it shall contain agreements with other units describing actions to be taken. This could include MET units in adjacent states. The contingency plans should, preferably as an Annex, include a check-list to be used in case of a fall-back. In the plan should also be described actions to be taken when normal service provision will be resumed</p>
<p><i>Criteria</i></p>	<ul style="list-style-type: none"> • Have procedures covering short, medium-term and long-term disruptions of service provision • Have proper arrangements co-ordinated and agreed with other units (LoA) • Ensure that the staff is aware of the procedures and if found needed, trained in how to act.
<p><i>A way to comply</i></p>	<ul style="list-style-type: none"> • Contingency plan for outage co-ordinated with other units and agreed in LoAs. • Implementation of local contingency e.g. alternate operational/technical rooms. • Smooth and controlled degradation and redundancy
<p><i>Evidence</i></p>	<ul style="list-style-type: none"> • Documentation of procedures and LoAs. • Training plans and, if available, records from training performed

Guidance for METSP – Requirements specific to METSP

Technical and operational competence and capability (ANNEX III-1)

<p><i>Req. Number/Source</i> METSPCRA3.1.1</p>	<p>A provider of meteorological services shall ensure that meteorological information, necessary for the performance of their respective functions and in a form suitable for users, is made available to:</p> <ul style="list-style-type: none"> • operators and flight crew members for pre-flight and in-flight planning; • providers of air traffic services and flight information services; • search and rescue services units; and • airports.
<p><i>Analysis of Requirements</i></p>	<p>This is to prove that the provided meteorological information meet the requirements to perform functions in a form suitable for users, as specified by the appropriate authority.</p>
<p><i>Criteria</i></p>	<p>METSP should describe the provision of meteorological information based on ICAO standards (Annexes 3, 11and 14), as specified by the appropriate authority.</p>
<p><i>A way to comply</i></p>	<p>METSP should establish procedures for regular verification of the availability and suitability and, when necessary, for corrective actions</p>
<p><i>Evidence</i></p>	<p>Documentation of procedures, including results from performed verifications.</p>

<p><i>Req. Number/Source</i> METSPCRA3.1.2</p>	<p>A provider 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.</p>
<p><i>Analysis of Requirements</i></p>	<p>This is to prove that the level of accuracy and timeliness meet the operational requirements.</p>
<p><i>Criteria</i></p>	<p>This requirement is met by implementing common data quality measures, encompassing the process from origination to delivery.</p> <p>The implementation of ISO 9001 QMS and achieving certification should support the fulfilling of this requirement.</p>

<i>A way to comply</i>	METSP should establish procedures for regular monitoring of the accuracy and timeliness of meteorological information for operations with reference to ICAO Annex 3 Attachment A. Operationally desirable and currently attainable accuracy of measurement or observation and Attachment B. Operationally desirable accuracy of forecasts.
<i>Evidence</i>	Documentation of procedures, including results from performed monitoring.

Working methods and operating procedures (ANNEX III-2)

<i>Req. Number/Source</i> METSPCRA3.2	A provider of meteorological services shall be able to demonstrate that its 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: <ul style="list-style-type: none"> • Annex 3 on meteorological service for international air navigation (15th edition, July 2004); • Annex 11 on air traffic services (13th edition, July 2001 including all amendments up to no 43); • Annex 14 on Aerodromes (Volume I: 4th edition, July 2004; Volume II, 2nd edition, July 1995 including all amendments up to no 3).
<i>Analysis of Requirements</i>	This is to prove that methods and procedures are compliant with the relevant ICAO Standards or with a difference from the Standards duly notified to ICAO by the State concerned and which are then published in a supplement to the ICAO Annex and in the State’s AIP.
<i>Criteria</i>	NSA should specify to the METSP what differences from ICAO Standards have been notified to ICAO by the State.
<i>A way to comply</i>	Establish working methods and operating procedures in accordance with the relevant ICAO Standards and differences.
<i>Evidences</i>	Documentation of working methods and operating procedures with reference to ICAO standards.
<i>Additional information</i>	ICAO Annex 14 is relevant only to a limited extent (e.g. concerning the placement of meteorological equipment at aerodromes).

Reference to special editions of ICAO Annexes in common requirements for the provision of air navigation services

In ANNEX III to the common requirements, under “Working methods and operating procedures”, there are references to special editions of the relevant ICAO Annexes.

As all ICAO Annexes are regularly replaced by a new edition at least once every three year, NSA and METSP are strongly advised to consider the applicable edition of the respective ICAO Annex, especially during the on going compliance (Article 7 of CR).

Definitions & Terminologies

Definitions are provided in the Glossary Document.