COMMISSION IMPLEMENTING DECISION (EU) 2015/347

of 2 March 2015

concerning the inconsistency of certain targets included in the national or functional airspace block plans submitted pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the second reference period and setting out recommendations for the revision of those targets

(notified under document C(2015) 1263)

(Only the Bulgarian, Spanish, Czech, German, Greek, French, Croatian, Italian, Hungarian, Maltese, Dutch, Portuguese, Romanian, Slovak and Slovenian texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ([1]), and in particular Article 11(3)(c) thereof,

Whereas:

(1) Pursuant to Regulation (EC) No 549/2004, the Member States are to adopt national or functional airspace block ('FAB') plans, including binding national targets or targets at the level of FABs, ensuring consistency with the Union-wide performance targets. That Regulation also provides that the Commission is to assess the consistency of those targets on the basis of the assessment criteria referred to in point (d) of its Article 11(6) and that the Commission may decide to issue recommendations in case it identifies that those criteria have not been met. Detailed rules in this regard have been set out in Commission Implementing Regulation (EU) No 390/2013 ([2]).

(2) Union-wide performance targets in the key performance areas of safety, environment, capacity and cost-efficiency for the second reference period (2015-19) were adopted by Commission Implementing Decision 2014/132/EU ([3]).

(3) The Member States submitted to the Commission the performance plans, all at FAB level, by 1 July 2014. In a number of cases the initial submission was in a draft form only. Furthermore, a number of plans were subsequently modified by addenda or corrigenda, the latest one dated 9 January 2015. For its assessment, the Commission has based itself on the most recent information submitted.

(4) The Performance Review Body, which is charged with assisting the Commission in the implementation of the performance scheme pursuant to Article 3 of Implementing Regulation (EU) No 390/2013, submitted an initial assessment report to the Commission on 7 October 2014 and an updated version of that report on 15 December 2014. The Commission further received from the Performance Review Body reports based on information from national supervisory authorities on the monitoring of the performance plans and targets submitted in accordance with Article 18(4) of Implementing Regulation (EU) No 390/2013.

(5) Concerning the key performance area of capacity, the consistency of the targets submitted by the Member States for *en route* Air Traffic Flow Management (ATFM) delay has been assessed, in accordance with the principle laid down in point 4 of Annex IV to Implementing Regulation (EU) No 390/2013, by using the respective FAB reference values for capacity that, when applied, ensure at Union level that the Union-wide performance target is met, calculated by the Network Manager and set out in the Network Operations Plan (2014-2018/2019) in its most recent version of June 2014 ('Network Operations Plan'). That assessment has demonstrated that the targets

([1]) OJ L 96, 31.3.2004, p. 1.
([2]) Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).
([3]) Commission Implementing Decision 2014/132/EU of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19 (OJ L 71, 12.3.2014, p. 20).

submitted by Belgium, Germany, France, Luxembourg and the Netherlands as regards FABEC, by the Czech Republic, Croatia, Hungary, Austria, Slovenia and Slovakia as regards FABCE, by Greece, Italy, Cyprus and Malta as regards Blue Med FAB, by Bulgaria and Romania as regards Danube FAB, and by Spain and Portugal as regards SW FAB, are not in conformity with the respective reference values and therefore not consistent with the relevant Union-wide performance target.

(6) Concerning the key performance area of cost-efficiency, the targets expressed in *en route* determined unit costs submitted by the Member States have been assessed, in accordance with the principles laid down in point 5, in conjunction with point 1, of Annex IV to Implementing Regulation (EU) No 390/2013, by taking account of the trend of *en route* determined unit costs over the second reference period and the combined period of the first and the second reference period (2012-19), the number of service units (traffic forecast) and the level of *en route* determined unit costs in comparison to Member States having a similar operational and economic environment. That assessment has demonstrated that the targets submitted by Austria and Slovakia as regards FABCE, by Belgium, Germany, France, Luxembourg and the Netherlands as regards FABEC and by Italy as regards Blue Med FAB are not consistent with the relevant Union-wide performance target, for the following reasons.

(7) As regard Austria, its targets are based on a planned reduction of its *en route* determined unit costs over the second reference period by 3,5 % per year on average. While this slightly exceeds the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year), its planned reduction over the combined period of the first and the second reference period is below the trend on Union-wide level (– 1,1 % per year, compared to – 1,7 % per year). Furthermore, the targets are based on planned *en route* determined costs at the start of the second reference period that are 8 % above the actual *en route* costs reported in the year 2013. As a result, the improvement in cost-efficiency realised in the first reference period has not been taken adequately into account when setting the targets for the second reference period. In addition, the target for 2019 is based on planned *en route* determined unit costs that are substantially above (+ 20 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of Austria and around 19 % above the Union-wide performance target in 2019.

(8) As regard Slovakia, its targets are based on a planned reduction of its *en route* determined unit costs over the second reference period by 2,6 % per year on average. This is below the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). While the reduction in planned *en route* determined unit costs over the combined period of the first and the second reference period slightly exceeds the trend on Union-wide level (– 2,1 % per year, compared to – 1,7 % per year), the target for 2019 is based on planned *en route* determined unit costs that are substantially above (+ 18,6 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of Slovakia.

(9) Belgium and Luxembourg have a joint charging zone. Their targets are based on a planned reduction of the *en route* determined unit costs over the second reference period by only 0,2 % per year on average. This is significantly below the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). Also over the combined period of the first and the second reference period the planned *en route* determined unit costs do not decrease in line with the Union-wide trend (– 0,4 %, compared to – 1,7 %). Furthermore, the target for 2019 is based on planned *en route* determined unit costs that are above (+ 3,7 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of Belgium and Luxembourg and around 27 % above the Union-wide performance target in 2019.

(10) As regard France, its targets are based on a planned reduction of its *en route* determined unit costs over the second reference period by only 0,7 % per year on average. This is significantly below the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). Also over the combined period of the first and the second reference period the planned *en route* determined unit costs do not decrease in line with the Union-wide trend (– 0,2 %, compared to – 1,7 %). In addition, the targets are based on planned *en route* determined costs at the start of the second reference period that are 6,2 % above the actual *en route* costs reported in the year 2013. As a result, the improvement in cost-efficiency realised in the first reference period has not been taken adequately into account when setting the targets for the second reference period. While the target for 2019 is based on planned *en route* determined unit costs that are slightly below (– 2,8 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of France, they are around 23 % above the Union-wide performance target in 2019.

(11) As regard Germany, its targets are based on a planned reduction of its *en route* determined unit costs over the second reference period by 1,1 % per year on average. This is significantly below the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). Also over the combined period of the first and the second reference period the *en route* determined unit costs do not decrease in line with the Union-wide trend, but they are rather increasing (+ 0,7 %, compared to – 1,7 %). In addition, the target for 2019 is based on planned *en route* determined unit costs in 2019 that are substantially above (+ 26,6 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of Germany and around 52 % above the Union-wide performance target in 2019.

(12) As regard the Netherlands, its targets are based on a planned reduction of its *en route* determined unit costs over the second reference period by only 0,3 % per year on average. This is significantly below the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). Also over the combined period of the first and the second reference period the planned *en route* determined unit costs do not decrease in line with the Union-wide trend (– 0,3 %, compared to – 1,7 %). While the target for 2019 is based on planned *en route* determined unit costs that are slightly lower than the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of the Netherlands (– 3,7 %), they are around 18 % above the Union-wide performance target in 2019.

(13) As regard Italy, its target are based on a planned reduction of its *en route* determined unit costs over the second reference period by 2,8 % per year on average. This is not in line with the targeted reduction of the average Union-wide *en route* determined unit costs over the second reference period (– 3,3 % per year). Also over the combined period of the first and the second reference period the planned *en route* determined unit costs of Italy do not decrease in line with the Union-wide trend (– 1,4 %, compared to – 1,7 %). In addition, the target for 2019 is based on planned *en route* determined unit costs that are substantially above (+ 16,6 %) the average *en route* determined unit costs of the Member States having a similar operational and economic environment to the one of Italy and around 25 % above the Union-wide performance target in 2019.

(14) It is therefore appropriate for the Commission to issue recommendations concerning the necessary measures to be taken by the Member States concerned to ensure that their national supervisory authorities propose revised performance targets, which address the inconsistencies identified in this Decision. Pursuant to Regulation (EC) No 549/2004 and Implementing Regulation (EU) No 390/2013, it is then for the Member States concerned to adopt the revised performance targets and to notify them to the Commission within four months of the notification of this Decision.

(15) In order to address the inconsistencies in relation to the key performance area of capacity, it should be ensured that the revised performance targets are, as a minimum, in conformity with the FAB reference values for capacity set out in the Network Operations Plan. Where the Network Operations Plan specifies remediation or mitigation measures designed to ensure that the relevant FAB reference values are respected, for the Member States concerned the revision of the performance targets should take account of those measures.

(16) In order to address the inconsistencies in relation to the key performance area of cost-efficiency, as regards Belgium, Germany, France, Italy, Luxembourg, Austria and Slovakia, the cost-efficiency performance targets expressed in *en route* determined unit costs should be revised downwards, so as to be in line with the reduction of the average *en route* determined unit costs on Union level over the second reference period and over the combined period of the first and the second reference period.

(17) In addition, when revising the cost-efficiency performance targets, the relevant traffic forecasts on which those targets are based should also be revised. For Belgium, Germany, France, Luxembourg and the Netherlands the forecasted service units over the second reference period should be increased, in light of the increase in traffic observed in 2014. In contrast, Italy should reduce its forecasted service units over the second reference period, given the actual traffic numbers.

(18) The Commission has consulted the Member States concerned on the recommendations set out in this Decision, in accordance with Article 14(3) of Implementing Regulation (EU) No 390/2013.

(19) The measures provided for in this Decision are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS DECISION:

Article 1

The targets included in the performance plans submitted pursuant to Regulation (EC) No 549/2004, listed in the Annex, are inconsistent with the Union-wide performance targets for the second reference period set out in Implementing Decision 2014/132/EU.

Article 2

The Czech Republic, Croatia, Hungary, Austria, Slovenia and Slovakia as regards FABCE, Belgium, Germany, France, Luxembourg and the Netherlands as regards FABEC, Greece, Italy, Cyprus and Malta as regards Blue Med FAB, Bulgaria and Romania as regards Danube FAB, and Spain and Portugal as regards SW FAB, should take the necessary measures to ensure that their national supervisory authorities propose revised performance targets, in accordance with Articles 3 and 4.

Article 3

The performance targets in the key performance area of capacity submitted by the Czech Republic, Croatia, Hungary, Austria, Slovenia and Slovakia as regards FABCE, by Belgium, Germany, France, Luxembourg and the Netherlands as regards FABEC, by Greece, Italy, Cyprus and Malta as regards Blue Med FAB, by Bulgaria and Romania as regards Danube FAB and by Spain and Portugal as regards SW FAB should be revised downwards. As a minimum, those targets should be in accordance with the respective FAB reference values set out in the Network Operations Plan. Where the Network Operations Plan specifies remediation or mitigation measures, account should be taken of those measures when revising the performance targets.

Article 4

The performance targets in the key performance area of cost-efficiency expressed in *en route* determined unit costs submitted by Austria and Slovakia as regards FABCE, by Belgium, Germany, France, Luxembourg and the Netherlands as regards FABEC and by Italy as regards Blue Med FAB should be revised downwards, to a level that is in line with the reduction of the average *en route* determined unit costs on Union level over the second reference period and, where that is not yet the case, over the combined period of the first and the second reference period. Those downwards revisions should include a reduction in *en route* determined costs over the second reference period and, for Belgium, Germany, France, Italy, Luxembourg and the Netherlands, a revision of the forecasted traffic expressed in service units.

Article 5

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia and the Slovak Republic.

Done at Brussels, 2 March 2015.

For the Commission

Violeta BULC

Member of the Commission

ANNEX

Performance targets in the key performance areas of capacity and cost-efficiency included in the national or functional airspace block plans submitted pursuant to Regulation (EC) No 549/2004 found to be inconsistent with the Union-wide performance targets for the second reference period

KEY PERFORMANCE AREA OF CAPACITY

En route Air Traffic Flow Management (ATFM) delay in min/flight

MEMBER STATE	FAB	FAB TARGET EN-ROUTE CAPACITY				
		2015	2016	2017	2018	2019
Czech Republic	FAB CE	0,32	0,31	0,31	0,30	Consistent (0,29)
Croatia						
Hungary						
Austria						
Slovenia						
Slovakia						
Belgium/Luxembourg	FAB EC	0,48	0,49	0,48	0,47	Consistent (0,43)
Germany						
France						
Netherlands						
[Switzerland]						
Greece	Blue Med	0,35	0,36	0,37	0,37	0,38
Italy						
Cyprus						
Malta						
Bulgaria	Danube	0,08	0,08	0,08	0,09	0,09
Romania						
Spain	SW	0,52	0,52	0,52	0,52	0,52
Portugal						

KEY PERFORMANCE AREA OF COST-EFFICIENCY

Legend

Key	Item	Units
(A)	Total En-route Determined Costs	(in nominal terms and in national currency)
(B)	Inflation rate	(%)
(C)	Inflation index	(100 = 2009)

Key	Item	Units
(D)	Total En-route Determined Costs	(in real 2009 prices and in national currency)
(E)	Total En-route Services Units	(TSUs)
(F)	En-route Determined Unit Cost (DUC)	(in real 2009 prices and in national currency)

BLUE MED FAB

Charging Zone: Italy — Currency: EUR

	2015	2016	2017	2018	2019
(A)	696 150 348	712 171 934	731 453 130	750 864 934	765 870 274
(B)	1,0 %	1,1 %	1,3 %	1,5 %	1,6 %
(C)	111,3	112,5	114,0	115,7	117,5
(D)	625 518 979	632 952 539	641 746 263	649 041 739	651 586 847
(E)	9 014 000	9 447 000	9 824 000	10 209 000	10 630 000
(F)	**69,39**	**67,00**	**65,32**	**63,58**	**61,30**

FAB CE

Charging Zone: Austria — Currency: EUR

	2015	2016	2017	2018	2019
(A)	188 243 000	195 340 000	198 306 000	203 074 000	206 839 000
(B)	1,7 %	1,7 %	1,7 %	1,7 %	1,7 %
(C)	114,4	116,4	118,3	120,4	122,4
(D)	164 512 578	167 861 269	167 561 493	168 722 008	168 977 503
(E)	2 693 000	2 658 000	2 728 000	2 798 000	2 882 000
(F)	**61,09**	**63,15**	**61,42**	**60,30**	**58,63**

Charging Zone: Slovakia — Currency: EUR

	2015	2016	2017	2018	2019
(A)	61 695 383	66 471 778	69 789 826	73 508 613	74 662 243
(B)	1,6 %	1,8 %	2,0 %	2,1 %	2,2 %
(C)	112,9	115,0	117,3	119,7	122,3
(D)	54 631 715	57 814 800	59 507 010	61 395 324	61 041 573
(E)	1 114 110	1 168 000	1 219 000	1 268 000	1 330 604
(F)	**49,04**	**49,50**	**48,82**	**48,42**	**45,88**

FAB EC

Charging Zone: Belgium-Luxembourg — Currency: EUR

	2015	2016	2017	2018	2019
(A)	168 053 280	172 546 632	177 419 403	180 598 797	184 687 422
(B)	1,1 %	1,2 %	1,3 %	1,4 %	1,4 %
(C)	112,2	113,5	115,0	116,6	118,2
(D)	149 766 718	151 965 777	154 223 135	154 872 832	156 223 161
(E)	2 370 804	2 397 991	2 426 749	2 462 930	2 501 309
(F)	**63,17**	**63,37**	**63,55**	**62,88**	**62,46**

Charging Zone: France — Currency: EUR

	2015	2016	2017	2018	2019
(A)	1 290 640 175	1 296 576 851	1 328 676 965	1 340 098 296	1 343 820 915
(B)	1,2 %	1,3 %	1,4 %	1,5 %	1,6 %
(C)	109,8	111,3	112,9	114,6	116,4
(D)	1 174 993 349	1 165 249 826	1 177 263 728	1 169 490 307	1 154 043 494
(E)	18 487 000	18 604 000	18 714 000	18 876 000	19 064 000
(F)	**63,56**	**62,63**	**62,91**	**61,96**	**60,54**

Charging Zone: Germany — Currency: EUR

	2015	2016	2017	2018	2019
(A)	1 085 545 510	1 042 966 695	1 042 231 408	1 040 128 865	1 054 280 740
(B)	1,4 %	1,6 %	1,7 %	1,7 %	1,7 %
(C)	110,5	112,3	114,2	116,2	118,1
(D)	981 973 060	928 599 125	912 433 104	895 371 101	892 382 909
(E)	12 568 000	12 665 000	12 765 000	12 879 000	13 004 000
(F)	**78,13**	**73,32**	**71,48**	**69,52**	**68,62**

Charging Zone: Netherlands — Currency: EUR

	2015	2016	2017	2018	2019
(A)	186 172 831	185 355 981	189 152 594	195 873 996	200 293 234
(B)	1,0 %	1,2 %	1,4 %	1,5 %	1,5 %
(C)	111,2	112,5	114,2	115,9	117,6
(D)	167 474 497	164 697 439	165 685 043	169 053 642	170 296 296
(E)	2 806 192	2 825 835	2 845 616	2 874 072	2 902 813
(F)	**59,68**	**58,28**	**58,22**	**58,82**	**58,67**