

**EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION**

**EUROCONTROL**

— Measures of the Permanent Commission —

**MEASURE N° 14/207**

**Approving the Support to States Policy**

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol signed at Brussels on 12 February 1981 and in particular Articles 11 and 7.2 thereof;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The Support to States Policy at Annex is hereby approved.


Article 2

The Support to States Policy at Annex supersedes the EIS Policy approved by the Permanent Commission, through the Provisional Council, on 15 June 2001.

Article 3

This Measure shall enter into effect on 1 January 2015.

Done at Brussels on 5.12.2014

  
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Feliks BACI  
President of the Commission

# EUROCONTROL Support to States Policy (June 2014)

## **1. EUROCONTROL SUPPORT OBJECTIVE**

The EUROCONTROL Support function is set up predominantly to provide support to States in the planning and implementation of solutions compliant with the ATM Master Plan, the Single Sky regulatory framework and the NSP, as well as performance improvements of their respective services. This function addresses individual requests on top of the activities agreed by the Provisional Council and conducted for the collective benefit of all States.

This support has to be provided within the agreed budget and in line with the Agency's priorities, and it should suit the needs of the States to the greatest possible extent and in a fair and balanced way.

There is also often added value in supporting and responding to requests from non-member States, international organisations and the aeronautical industry. The Agency can in certain instances, when the requisite resources are available and certain criteria are fulfilled, provide support to those beneficiaries under the User Pay Principle (UPP) policy.

Special consideration and priority shall be given to implementation of pan-European/multinational programmes/projects and sub-regional harmonisation and co-operation activities.

## **2. SCOPE OF EUROCONTROL SUPPORT**

### **2.1. Categories of EUROCONTROL Support**

#### Support to States Activities (SSA)

Support given to Member States (see 2.2 Beneficiaries below) which is funded by the Agency Budget for certain support activities that are core to EUROCONTROL, which answers a set of criteria and which would result in a significant improvement of the European ATM network performance, up to the limit of 50 man-days per year and per State.

#### Other Support Activities not covered by the SSA

Bespoke support given to Member States, non-member States or other entities for activities financed by the beneficiary of the support, pursuant to the UPP policy. These activities are therefore not covered by this policy.

Support to the EU and its Agencies are covered by other arrangements (High Level Agreement inter alia).

### **2.2. Beneficiaries**

- Agreements for SSA may be concluded with Member States, in regard to their activities at both individual State and FAB level.
- Special consideration will be given to States or intergovernmental organisations in cases of crisis<sup>1</sup> for emergency aid.

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<sup>1</sup> Understood in the terms of the EACCC scope

### **2.3. Nature of Support to States Activities**

The support given under SSA (based on Article 2.2 a) of the amended Convention) should relate to EUROCONTROL's core activities, i.e. the tasks of the Organisation (Article 2.1 of the Revised Convention as provisionally applied on the basis of Decision of the Permanent Commission N°71 of 9 December 1997), as well as additional tasks given to the Organisation as a result of decisions taken by its governing bodies.

Support may include provision of expert advice, deliverables and project support in the following areas:

- a) the development and upgrade of services and systems, in line with the ATM Master Plan, the ESSIP objectives and the NSP, and in order to meet performance targets;
- b) the implementation by States of EUROCONTROL and Single European Sky legal requirements, standards or common specifications, practices, methods and concepts;
- c) assistance with liaison with key international bodies in the field of ATM/ANS and airport operations in order to optimise synergies with, and support from, these bodies;
- d) actions as an intermediary between States/Civil and Military Authorities, on request from a State.

### **2.4. Geographical scope**

The geographical scope of the Support Policy extends to the territories of EUROCONTROL Member States.

### **2.5. Prioritisation of Activities**

Prioritisation should be applied to the requests for support so as to ensure:

- that overriding priority is given to EUROCONTROL's strategic activities;
- that future proposals are presented for the Provisional Council's consideration in a prioritised manner based upon the Agency's strategic and business objectives agreed by the Member States.

## **3. APPLICABILITY OF THE PROVISION OF SUPPORT**

### **3.1. General**

Requests for SSA shall be made formally by means of a letter sent to the Director General by the relevant authority(ies) of the beneficiaries concerned.

The Agency shall co-ordinate and will normally manage projects set up to meet the requests. In doing so, it shall make use of available resources within the Agency and if necessary sub-contract part of the work in accordance with the EUROCONTROL Contract Regulations (see 3.2 below).

All support shall be covered by the requisite model Support Agreement (“Special Agreement” on the basis of Articles 2.2 a), 6.3, 7.2 and 11.3 of the amended Convention).

### **3.2. Sub-contracting**

If the Agency cannot respond adequately to the requests due to lack of specific expertise and/or resources, the following principle may apply: the Agency will subcontract experts and/or tasks to external entities. The procurement and award of contracts will be in accordance with EUROCONTROL's Contract Regulations. As a rule, the Agency shall retain the overall management responsibility and intellectual property rights for the deliverables. On request, the opinion of the beneficiary will be sought before awarding the contracts.

## **4. CRITERIA AND HANDLING OF SUPPORT REQUESTS**

The criteria will generally comprise the following: eligibility, acceptance and prioritisation of the requests for support.

The following principles are applicable in setting the criteria by the Agency for assessing the requests for support (see Appendix for more detailed prioritisation criteria):

- a) the overarching most important criterion for the support to States activities shall be the improvement to the pan-European ATM network performance.
- b) identify the activities that relate most to the Agency's mission and objectives and ensure Agency monitoring in such activities;
- c) in cases where Agency participation is dispensable, encourage private commercial suppliers' participation and contribution to ATM integration and harmonisation activities by creating a competitive and fair environment;
- d) ensure priority of Agency activities while keeping the door open for new activities relating to co-operation beyond Member States;

It is the responsibility of the Agency to conduct an assessment of the received requests in a transparent manner. The criteria will be applied to evaluate if it is possible to provide the support and under which category the support would fall. A periodic review of the application of the detailed assessment criteria shall be made to ensure overall consistency and fairness, as well as a refinement of the criteria based on experience.

## **PRIORITISATION CRITERIA AND PROCESS FOR HANDLING THE REQUESTS**

### **A.1 Eligibility, acceptance and prioritisation criteria**

Three types of criteria apply in the following order:

1. Eligibility: mandatory criteria for exclusion from the support; list to be adopted by PC;
2. Acceptance criteria: the list is guidance adopted by PC, with possibly some conditions associated with a case-by-case PC acceptance of requests covered by the policy (e.g. for covering non-Member States by the SSA). Requirement is to meet at least one acceptance criterion, out of a list of 10, in regard to its contribution to network performance. When formulating its demand, the requestor shall be invited to provide the evidence of the matched criteria;
3. Prioritisation criteria: criteria considered by the Agency during the process of preparation of the Agency Business Plan and work programme.

The requests declared eligible for support and acceptable as a result of meeting the related criteria will then be prioritised as regards the allocation of the available Agency resources to support the requestors. The priority shall be established through a ranking based on 10 weighted prioritisation criteria. Activities meeting higher ranking prioritisation criteria will obtain higher priority for implementation.

Requests for support by States assessed as contributing significantly to the pan-European ATM performance after the prioritisation process shall in all cases have priority over other requests.

<b>Criteria to identify the support activities which are key to the performance of the Network</b>
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<b>Eligibility criteria: remit of EUROCONTROL (all mandatory)</b>
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| 1. Tasks foreseen under Art. 2.1 of the Convention and other activities approved by PC/CN             |
| OR 1. Tasks foreseen under the roles and responsibilities of SES initiatives entrusted to EUROCONTROL |
| OR 1. Action in line with the Agency objectives approved annually by PC/CN                            |
| 2. Membership conditions met for SSA Activity   |

<b>Acceptance criteria: contribution to network performance (1 minimum)</b>
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| Action in line with ATM Master Plan, NSP, SESAR Deployment Plan, approved Centralised Services <sup>2</sup>                                   |
| Action in line with national performance plans  |
| Action in line with Agency Strategic Objectives as approved by the PC   |
| Action in line with European Aviation Safety Programme or national safety programmes  |
| Action in line with recommendations/decisions of PC, its advisory bodies or the competent NSAs/CAAs platforms                                 |
| Action in line with the Member States ATM Development Plans intended to address the implementation ESSIP/LSSIP objectives                     |
| Actions related to the interconnectivity between FABs and their interfaces with adjacent airspaces within the ICAO EUR/NAT, MID, MEDA regions |
| Action to ensure the civil-military interoperability dimension  |
| Action covering the full pan-European geographical scope or supports the EU External Aviation Policy  |
| Avoidance of Duplication  |

<sup>2</sup> Contribution to Operational Improvements in Master Plan' or 'Action in Line with Network Strategic Plan' were envisaged but not retained, since they would apply mainly to actual deployment for ANSPs and operational stakeholders and are seen outside the notion of EIS.

Prioritisation criteria (ranking) (for those activities identified as acceptable in accordance with the criteria above)
1. Crisis situation
2. Existence of a legal obligation for the Agency
3. Existence of safety or other relevant shortcomings (e.g. outcome of EASA standardisation inspections, and ICAO USOAP activities)
4. Impact on delays
5. Possible EU Infringement procedure pending
6. Capacity shortages (forecasts)
7. Non-compliance with network performance targets
8. Level of progress in implementation of ESSIP Objectives, Master Plan, NSP, NOP SESAR Deployment Plan, approved Centralised Services
9. Providing economies of scale (i.e. cost efficiency)
10. Benefit to the ATM Network efficiency

## A.2 Process for Handling the Requests

This process is fully embedded in the wider Agency Business Plan and Work Programme Processes. The process describes how the Agency will address the potential and/or actual support requests for support to States activities at the planning and execution stages. The criteria described above shall be used by the Agency in the course of the process.

The process is mainly focused on 2 phases:

- **planning**, at the stage of defining the work programme ahead of its execution; at this stage (in an Agency Business Planning context, but also the year before the current year) most of the support requests are not yet expressed or are not precise enough;
- **execution**, at the beginning of, and during the current year. This latter phase is when the precise requests materialise and may require reactive adjustments to the actual vs planned Work Programme.

The criteria are meant to provide both transparency to the PC on the way the Agency will consider and handle the requests, and to allow the DG to fully exercise his responsibilities.

Due to the variety of possible situations, the criteria cannot be defined like a deterministic algorithm. The decisions made regarding the acceptance and priority of a request and the justification of the applied charging shall be recorded in a repository in order to ensure consistent and fair application of the criteria, progressive learning from experience, and transparency vis-à-vis Member States. Any applicable special circumstance which would have led to deviation from the agreed criteria shall be submitted to Director General for approval and should also be recorded.

The Agency Board shall review the relative priorities of the support requests (as well as more generally the priority of support against the strategic objectives) at least once a year e.g. when discussing the Agency Business Plan, and as necessary during Budget execution (through budget checkpoints) or in case of new major requests.

Each assessed request receives a rank in the current list of tasks (commitments already made are “protected” and have a certain precedence).

As long as the requests fit in the planned envelope there is no special need for re-prioritising.

It should be noted that with a top-down planned envelope, the criticality of the quantitative assessment of the significance of a contribution to the ATM network performance is reduced since it becomes a relative rather than absolute comparison.

### **Planning stage**

The anticipated amount of requests is devised from ongoing contracts, historical trends and anticipated requests. The Agency shall assess network performance shortcomings, delays in meeting the ATM Master Plan objectives, Single Sky regulatory obligations and NSP deployment actions, and it shall contact in a proactive manner States/States' entities once a year to collect information on the envisaged support (when, for what need).

An evaluation shall then be made of the required internal resources and staff complements.

The results of this assessment are to be considered in the overall top-down elaboration of the Agency Work Programme, leading to a decision by the DG on the volume of resources allocated to support activities, thereby determining the amounts to be used in the Agency Business Plan.

While the overall volume of resources for the support activities and their relative prioritisation in the Agency work programme are not part of the policy itself, the Agency shall consider the provisional inclusion of a maximum volume of ad hoc support offered to any Member State, if so requested for short advice/intervention. The determination of that figure, the planning of the resources expected to be used for the potential requests, and the use of planned but not actually requested resources shall come into consideration as part of the planning and execution of the work programme.

### **Execution stage**

Good management practices shall be used to smoothen workload or take the opportunity of resources becoming available. At budget checkpoints, the possibility to re-allocate priorities/resources is considered if need be.

The processing of a request then follows the steps described in the corporate process (prepare reply describing how the support will be provided to the requesting State or explain the reasons why the assistance cannot be provided; prepare/update Special Agreement; prepare PMP; execute; monitor; report; deliver; etc).

The request is added to the list of pending requests and assessed (criteria); this includes a dialogue/negotiation with the requestor to refine the request, if eligible, and define its possible treatment; decision is made by the Agency on the basis of the full picture at the time, regarding priority, scheduling and resources. In some cases, acceptance may only be possible if work is paid so that internal resource limitations can be overcome.

During the assessment, it may be found that some parts of a request not only can contribute to a significant improvement of the European ATM network performance, but also bring value for many other stakeholders (including at global scale), such as the production of a generic technical/operational specification. In such a case, the corresponding part of the request shall be considered as made to extend the common work programme outside Support Activities and funded by Part I of the Budget, and therefore all Member States shall be able to get free access to the results.

For the remaining part of the request - the individual support - this shall be determined as regards what is eligible as part of "support to States"; the rest is subject to the UPP.

**Notion of network performance improvement**

Significance should be quantified to prevent emotional judgement such as "safety criticality". It should not be about solving a local implementation issue (including airspace). The notion of common "value added" in the NM Performance Plan and contribution to the Network Performance objectives shall be used to adjust the above.