

# Public consultation on the proposed regulatory approach for a revision of the SES Performance Scheme addressing RP2 and beyond

## Objectives of the consultation

The performance scheme is a key element of the Single European Sky (SES) initiative, which aims at ensuring “more sustainable and better performing aviation”.

The first set of questions relates to the **regulatory approach document (RA document)** prepared by the Performance Review Body (PRB) at the request of the Commission services. It contains the PRB’s advice on the development of the SES performance scheme in terms of substance, for application from the second reference period onwards (RP2, starting 1 January 2015).

There is a second set of questions in which the Commission’s services seek stakeholder opinion on additional performance and charging scheme related subjects, beyond the PRB’s proposed regulatory approach.

This consultation is open from 15 March to 8 June 2012

Questions marked with an asterisk \* require an answer to be given.

## I. Respondent information

### 1. Identification

If you are speaking on behalf of an organisation, note that as part of the European Transparency Initiative, organisations are invited to use the Register of interest representatives to provide the European Commission and the public at large with information about their objectives, funding and structures ([http://europa.eu/transparency-register/index\\_en.htm](http://europa.eu/transparency-register/index_en.htm)).

If you are a registered organisation, your contribution will be considered as representing the views of your organisation. If your organisation is not registered, your contribution will be considered as an individual contribution. You have the opportunity to register now by clicking on the above link.

I speak on behalf of

\*

- Myself
- An individual organisation
- An association representing other organisations



Can you please identify which organisation or association you represent?

\*

(maximum 100 characters)



Please indicate if your organisation is registered in the Transparency Register of the Commission

\*

Yes

No



Please enter your registration number in the Transparency Register and check the validity of your entry via the search function in the Transparency Register. Please note that invalid entries will by default be regarded as unregistered.

\*

(maximum 30 characters)



Your job title

(maximum 100 characters)

Your name and first name



(maximum 100 characters)

Please indicate a contact email address



(maximum 100 characters)

Please select the stakeholder type

\*

- |   |  |   |
|---|--|---|
| <input type="radio"/> Airport operator          | <input type="radio"/> Military                                       | <input type="radio"/> Functional Airspace Block (FAB)<br>– NSA side |
| <input type="radio"/> Airport coordinator       | <input type="radio"/> Air Navigation Service Provider<br>(ANSP)      | <input type="radio"/> Social partner                                |
| <input type="radio"/> Airline                   | <input type="radio"/> National Supervisory Authority<br>(NSA)        | <input type="radio"/> Other   |
| <input type="radio"/> Other civil airspace user | <input type="radio"/> Functional Airspace Block (FAB)<br>– ANSP side |   |



Which other?

(maximum 250 characters)

## 2. Confidentiality

Contributions received to this consultation, together with the identity of the contributor, may be published by the Commission, unless the contributor objects to the publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case, the publication may be published in an anonymous form.

The contributor may also object to the publication of his contribution, but should be aware that he may later be requested to provide justification in accordance with the exceptions provided under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents ([http://ec.europa.eu/transparency/access\\_documents/index\\_en.htm](http://ec.europa.eu/transparency/access_documents/index_en.htm)).

\*

- The contribution may be published
- I object to the publication of my personal data (publication in anonymous form)
- I object to the publication of my contribution

## II. Consultation on the regulatory approach for RP2 proposed by the Performance Review Body

This part of the questionnaire seeks stakeholder feedback on the regulatory approach for RP2 proposed by the Performance Review Body. The questions are closely related to the RA document which can be downloaded from this site.

The questions are grouped in five sections:

II-A. Lessons learned from RP1, review of the process and horizontal issues

II-B. Safety Key Performance Area

II-C. Environment Key Performance Area

II-D. Capacity Key Performance Area

II-E. Cost-Efficiency Key Performance Area

## II-A. Lessons learned from RP1, review of the process and horizontal issues

### Timing, synchronisation and coordination of processes

1. The PRB proposes (see RA document section 3.1.1 and Figure 4) to adapt a number of milestones to achieve two objectives: (1) create as much room as possible in the timetable for the performance plan development, consultation and assessment; and (2) avoid as much as possible heavy workload for Member States, ANSPs and the PRB. To which extent do you agree with these proposals?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### Duration of the reference periods

2. To which extent do you agree that the duration of future reference periods (starting with RP2) should be five years, as currently foreseen in the performance Regulation, for the reasons explained in the RA document section 3.1.2?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

### Clarity and stability of assessment criteria

3. In the light of the lessons learned during the first performance plan assessment cycle, the assessment criteria that will be used by the PRB must be clearly known and precisely communicated before the start of the preparation of performance plans. Revisiting Annex III of the performance Regulation seems to be desirable in order to incorporate some missing details and maybe removing possible ambiguities. The main areas of improvement identified so far are listed in the RA document section 3.1.3. To which extent do you agree with the proposed areas of improvement?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

### Thresholds for airports / scope for the application of the scheme

4. The PRB draws the attention to the large variety of criteria and thresholds for inclusion of airports in the performance scheme (see RA document section 3.1.4).

To which extent do you agree with the general principle that this set of criteria and thresholds should be reviewed and streamlined?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

**Case of market opening for the provision of ANS at and around airports (RA document section 3.1.5)**

5. The PRB draws the attention to the fact that the use of “market conditions” regime may be claimed by a growing number of States within the wake of market opening of terminal air navigation services (see RA document section 3.1.5). Annex 1 of the charging Regulation sets out the conditions to be fulfilled to implement such regime.

In such context, to which extent do you agree with the PRB proposal that this Annex should be reviewed with a view to allowing the European Commission to carry out a genuine right of scrutiny?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

**Encouraging the elaboration of performance plans at FAB level**

6. To which extent do you agree with the PRB proposal to review Article 5 of the performance Regulation, aiming at reinforcing a FAB approach to performance, as outlined in the RA document section 3.2.1?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all





### Comments

(maximum 4000 characters)

7. To which extent do you agree that the PRB should put greater emphasis on in-depth assessment of the performance contribution of FABs?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

### Introducing the concept of economic value and addressing interdependencies between targets

8. The PRB recommends (RA document section 3.2.2) appropriate amendment of Annex III of the performance Regulation (and Annex II if necessary) to integrate the concept of economic value as a criterion allowing to check the interdependencies between the targets and ensure that overall an adequate level of performance is attained.

To which extent do you agree?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### Ensuring convergence with the ATM Master Plan and SESAR deployment

9. The PRB highlights the links to be acknowledged and strengthened between the performance scheme and SESAR Deployment (see RA document section 3.2.2).

To which extent do you agree with the PRB's assessment of the situation?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

10. To which extent do you agree with the PRB's recommendation to strengthen the link between investment plans and performance targets through e.g. alignment of terminology and insertion in Annex III, as an assessment criterion, of the relationship between investments and the Master Plan and their contribution to reaching the performance targets?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

## II-B. Safety Key Performance Area

11. The PRB has outlined and assessed two options for the development of safety performance indicators (SPIs) and target setting in RP2 (RA document chapter 4).

The PRB proposes to retain Option 2 for RP2 (K)PIs as the only one that can allow continuous improvement of safety by introducing:

- European Union-wide safety targets set for RP1 SPIs,
- Possible update to elements of RP1 SPIs, and
- Development and introduction of new RP2 safety indicators, for monitoring purposes only.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

12. In developing performance plans, the interdependencies between KPAs need to be considered especially in relation to the safety KPA. Evaluation of interdependencies is an important issue and a specific effort was made when reviewing (revised) performance plans. Therefore, the amended implementing rule should require a safety assessment of the plan (e.g. a performance plan safety case). The safety assessment should identify risks, based on which, risk mitigation measures should be defined. Implementation of these measures should be monitored by the State.

Therefore, the PRB proposes a modification to the IR to address issues of interdependencies; however no performance indicator would be defined for RP2. Based on the experience gained from RP2, an indicator could be set up for RP3.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

## II-C. Environment Key Performance Area

### Reducing en-route CO2 emissions

13. The PRB has outlined and assessed four options for the development of en-route CO2 indicators and target setting in RP2 (RA document section 5.4).

Option 3 is considered the preferred option:

- An EU wide and FAB target on horizontal flight efficiency based on the actual trajectory;
- A European Union-wide target on horizontal flight efficiency based on the flight plan (where the Network Manager is accountable), and
- Civil / military performance indicators (no target) based on detailed on-line data for monitoring performance.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### Reducing airport and terminal CO2 emissions

14. The PRB has outlined and assessed three options for the development of Airport and Terminal CO2 indicators and target setting in RP2 (RA document section 5.5).

The PRB proposes to retain Option 2 and to improve data quality to support a horizontal and vertical performance indicator during RP2:

- A European Union-wide target set on Taxi out additional time and additional time in terminal airspace (ASMA) for coordinated airports and monitoring only for the remaining non-coordinated Performance Scheme airports.
- To develop and monitor a horizontal and vertical performance indicator based on 30 second interval position report data for all Performance Scheme airports.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### Aircraft related Airport Noise

15. Although it is acknowledged that noise at airports is an important issue, the PRB proposes in the RA document section 5.6 not to address noise in RP2 as the SES performance scheme is not a suitable tool to drive improvements in a subject which is primarily a local issue and which is currently addressed by part of the proposed airport package through the update of the noise abatement directive.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

### Airport Local Air Quality (LAQ)

16. The PRB argues (RA document section 5.7) that it is difficult to see how the performance scheme can contribute directly to driving improvements in LAQ, and although it is acknowledged to be an important issue, it is proposed not to specifically address LAQ in RP2 as it is already covered implicitly through flight efficiency improvements discussed above.

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all





## Comments

(maximum 4000 characters)

## II-D. Capacity Key Performance Area

### Improving en-route capacity

17. The PRB has outlined and assessed four options for the development of en-route capacity indicators and target setting in RP2 (RA document section 6.4).

The PRB proposes to retain Option 4:

EU-Wide target on ATFM delay per flight with a weather delay allowance managed at network level plus with incentives set on the Network Manager and FABs for:

- The collective achievement by FABs and the Network Manager of the European Union-wide target set on ATFM delay per flight and including a weather delay allowance managed at network level
- The achievement of the FAB target on capacity related delay

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

### Improving airport capacity

18. The PRB has outlined and assessed two options for the development of airport ANS related capacity indicators and target setting in RP2 (RA document section 6.5).

The PRB proposes to retain Option 2:

- European Union-wide and State / FAB targets set on all Performance Scheme airports for total ATFM delay attributable to airport / terminal air navigation services that incorporates severe weather and exceptional events.
- European Union-wide and State targets set on ATFM slot adherence at all Performance Scheme airports.
- Monitor ANS-related delay at the gate using A-CDM data at all Performance Scheme airports.
- Monitor Airport resilience (e.g. number of days with more than 10% cancellations)

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

## II-E. Cost Efficiency Key Performance Area

### Regulatory stability – maintain en-route ANS KPI

19. To which extent do you agree that the RP1 en-route ANS cost-efficiency KPI (en-route ANS determined unit rate) should be maintained for RP2? (proposed in all options, see RA document Table 14)

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### Terminal ANS as a local issue (RA document section 7.4.4)

20. To which extent do you agree that terminal ANS is more a local issue and therefore terminal ANS cost-efficiency targets should principally be set by national regulators (“subsidiarity principle”)?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

21. To which extent do you support a change in the traffic risk sharing for terminal ANS in order to somehow balance the potential risk of increase in the cost of capital related to Option 2?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

### Regulatory approach for terminal ANS cost-efficiency

22. The PRB has outlined and assessed three options for the development of Cost-Efficiency performance indicators and target setting in RP2 (RA document section 7.4).

The PRB proposes to retain Option 2:

- Mixed “Top-down” and “bottom-up” target setting for en-route ANS with genuine financial incentives through the charging scheme regulation
- “Bottom-up” target setting for Terminal ANS with genuine financial incentives through the charging scheme regulation

To which extent do you agree with this PRB proposal?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### III. Questions on additional performance scheme related subjects

During the informal consultation phase, several stakeholders have expressed views that a more substantial change of the performance scheme should be envisaged. Part three of this questionnaire addresses additional changes to the performance and charging schemes that could be considered in this revision. The changes are grouped in the following sections:

III-A. SESAR: This section describes the level of integration of SESAR deployment into the performance scheme, including elements relevant to the charging regime, the possible introduction of a concept of investments eligible for recovery from ANS charges (Eligible Investments), and the role of the PRB in their assessment.

III-B. Market opening for ancillary (non-core) services and introducing competition for the market: The informal consultation clearly indicated that, in RP2, there should be moves towards market opening in several areas (for example, MET, Training, shared services such as HR and Finance, Engineering, R&D) and competition for the market of terminal air navigation services.

III-C. Congestion charging can be considered to address peak flow and would be used to complement the operational regulation mechanisms using pricing signals. This may require the introduction of another element in Article 12 of the charging regime.

Technological advances within the charging process suggest that this is now possible.

III-D. Incentives: This section is about providing a common mechanism for the application of incentives to the Key Performance Areas and introduces a concept of penalty for under performance.

III-E. Network Management: This section will look at providing greater emphasis on the role of the Network Manager and the link of incentive mechanisms for the function to generate performance improvements at network, strategic, and tactical levels.

### III-A. SESAR

23. In assessing SESAR's contribution to performance, to which extent do you believe that the PRB should have a role in evaluating the benefits claimed by SESAR initiatives?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

**In which way do you believe that the PRB should be involved?**

24. The PRB should be checking and assessing whether technology identified as a high priority and “essential” (in the ATM Master Plan or the Network Strategy Plan) is appropriately reflected in the ANSPs’ investment plans.

To which extent do you agree with this proposition?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



**Comments**

(maximum 4000 characters)

24. The PRB should be assessing whether the ANSPs’ decisions on the large investments to be described in the performance plans are supported by a transparent and convincing decision making process (CBA, taking into account of FAB dimension, etc...).

To which extent do you agree with this proposition?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

26. Do you have any additional comments on these possibilities for PRB involvement, which you believe need to be considered?

(maximum 4000 characters)

27. To which extent do you agree that the eligibility of well identified investments under the SESAR programme should define, which parts of investments can be recovered through ANS charges (costs of investments that are not eligible would not any longer be recoverable through ANS charges).

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all





Comments

(maximum 4000 characters)

### III-B. Market opening and competition for the market

There is a perception raised by stakeholders that there is considerable opportunity in the ATM industry by opening up markets for ancillary (non-core) services, or generation of competition for the market of terminal air navigation service provision. This section will examine your views on this.

28. To which extent do you agree that the application of the concept of competition for the market of terminal air navigation services should become mandatory at EU level?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

29. To which extent do you agree that further market opening is possible in the provision of ancillary (non-core) air navigation services?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

30. Can you tell us for which services the market could be opened?

*Multiple answers possible*

\*

- MET
- CNS
- AIS
- Data processing
- Training
- Other services



30b. Which other services?

\*

(maximum 4000 characters)

31. Do you have a proposal about how market opening could be achieved?

(maximum 4000 characters)

32. In your opinion, are ancillary (non-core) services being cross-subsidised?

\*

- No opinion
- Highly
- Mostly
- To some extent
- Not at all



32b. Please explain your answer

\*

(maximum 4000 characters)

33. To which extent do you agree that greater transparency of ancillary services should be achieved by additional reporting requirements on the finance arrangements and through separation of accounts within an ANSP?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

### III-C. Congestion Charging

There has been stakeholder feedback which suggests that congestion charging could be applied to some parts of the network to reduce delays by using price signals leading to changes of behaviour required for an efficient route usage.

Recent discussions with experts involved in the application of the charging system suggest that this may now be technically possible and the Commission services are seeking your views on whether this should be further investigated to propose a mechanism that could be applied to the entire network.

34. To which extent do you agree that price signalling (e.g. peak charging or modulation of charges to encourage the use of a preferred route) should be used to improve performance of the network?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

35. To which extent do you agree that some of the revenue of congestion charging should be dedicated to actions improving global ANS network performance and offsetting the environmental impact of congestion?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

36. An alternative would be to transfer revenue from congestion charging into a fund that finances retrofitting of airborne equipment linked to SESAR deployment.

To which extent would you agree with such an option?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

## III-D. Incentives

There has been considerable feedback to the Commission services that whilst the performance regulation gives the ability to the use of incentives de facto very few States have made use of the provision in the first reference period. In this section the Commission services would like to seek your opinion on the obligatory use of incentive mechanisms.

37. To which extent do you agree that incentive mechanisms should also be addressed to the capacity and environment KPAs through a mandatory European, top-down approach, to ensure consistency and coherence?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

38. Do you think there are any exceptions to this?

\*

- Yes
- No



Please explain where you think an exception applies

(maximum 4000 characters)

39. Do you have a proposal which could be considered for the application of incentives in the above mentioned KPAs?

(maximum 4000 characters)

40. To which extent would you agree to an incentive mechanism applied to airspace users based on the principle of “best equipped – best served”?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)



41. To which extent do you agree that ANSPs should bear the cost of passenger compensation incurred by airlines, in cases where ATM is shown to be the cause of ATFM delay?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



Comments

(maximum 4000 characters)

42. To which extent do you agree that the environmental costs of airborne delays should be addressed by ANSPs?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



## Comments

(maximum 4000 characters)

### III-E. Network Management

In the Performance Scheme, the Network Manager currently has accountability for the environmental target. The following questions will look at extension of some accountability for other aspects of Network Performance.

43. To which extent do you agree that the Network Manager should be given accountability for performance in other Key Performance Areas?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all

44. In which KPA(s) do you see a role for the Network Manager?

- Cost Efficiency
- Safety
- Capacity



### Comments

(maximum 4000 characters)

45. To which extent do you agree that the Network Manger should be incentivised to deliver performance?

\*

- No opinion
- Fully
- Mostly
- To some extent
- Not at all



### Comments

(maximum 4000 characters)

46. Do you have a proposal that could be considered for applying incentives to the Network Manager?

(maximum 4000 characters)

47. Do you have any additional information you would like to be considered with respect to the performance of the Network Manager?

(maximum 4000 characters)

## Useful links

Europa page about this Public Consultation:

[http://ec.europa.eu/transport/air/consultations/2012-06-08-sesrp2\\_en.htm](http://ec.europa.eu/transport/air/consultations/2012-06-08-sesrp2_en.htm)

## Background documents

The Regulatory Approach document:

<http://ec.europa.eu/transport/air/consultations/doc/2012-06-08-regulatory-approach-document.pdf>

Regulation (EU) No 691/2010: "Performance Regulation":

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R0691:EN:NOT>

Regulation (EU) No 1216/2011: "Safety Indicators":

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011R1216:EN:NOT>

Regulation (EU) No 1191/2010: "Charging Regulation":

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R1191:EN:NOT>

Regulation (EU) No 677/2011: "Network Functions":

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011R0677:EN:NOT>