

FAB OBSERVATIONS

COMMISSION REGULATION (EU) 176/2011

FAB UK-IRL

COMMENT RESPONSE DOCUMENT (CRD)

8 June 2012

OBSERVATIONS

FROM

**[European Commission, EASA, Network Manager, PRB, AEA, EBAA,
ELFAA, ERA, IACA, IATA]**

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1. Purpose of this Document

This document contains the observations on the FAB UK-IRL documentation made by European Commission, EASA, Network manager, AEA, IATA, IACA, EBAA, ELFAA, ERA.

This document follows the “Comment Response Document” (CRD) for the collection and consolidation of the observations from interested parties to **UK-IRL** consultation process under Commission Regulation (EU) 176/2011 (e.g. other MS, neighbouring third countries, relevant airspace users of groups of airspace users, staff representative bodies, ANSPs in adjacent FABs, EASA).

The sub-sections of Section 2 “Observations” refer to the relevant legal requirements in Commission Regulation (EU) 176/2011, i.e. “*Annex Part I General Information, Paragraph 2*” and to the respective parts of the documentation provided by UK-IRL, i.e. “*UK-IRL Appendixes B, C, D*”.

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2. Observations

2.1 Institutional

2.1.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 (main body)

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 1

2.1.1.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	Regulation (EC) 550/2004	UK/IRL establishment documents from 2008 and current Document to confirm compliance	The FAB was established with reference to article 5 of Regulation (EC) 551/2004 which excluded the ICAO NAT region from its mandatory scope. Since then, Regulation (EC) 1070/2009 has moved FAB requirements to Regulation (EC) 550/2004 which does not exclude the NAT region. It would therefore appear that the exclusion of the NAT region of the Shanwick FIR from the UK/IRL FAB is no longer justified.
2	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 1 in relation to Article 2.25 of Regulation (EC) 549/2004 as amended	UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 (main body), Section 2.1 Scope of the FAB	In the original proposal in May 2008 and the Initial Business case the “operational FAB” was presented together with an option for “Fuller FAB” – i.e. significant commercial integration between the two providers – as a second phase after the first phase of operationally-driven FAB is completed. In 2012 has the first phase been completed and is the option of a fuller FAB still applicable given also that the potential for operational improvements is not unlimited?

3	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 1 in relation to Regulation (EC) 550/2004 Article 9a (2)(b) as amended – see optimal use of human resources	UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 (main body), Section 2.3 Governance	The structure for the management of the FAB – has this structure become formally part of the organisation of the ANSPs and the NSAs whereby the resources for the common work are officially established or the planning and use is done ad hoc?
4		Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 1 in relation to Article 2.25 of Regulation (EC) 549/2004 as amended	Entire document	Several airlines are shareholders in NATS – it is not clear from the provided documentation how any potential conflict of interest among different airspace users is mitigated.

2.1.2 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 and State Level MoU

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2,

2.1.2.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
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1	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2 item a in relation to Article 9a(3) of Regulation (EC) 550/2004 as amended	State Level MoU	Both UK and Ireland are common law states – a system that generally provides for more flexibility in legal arrangements. However, implementation of EU law requires more often than not definition and application of new national administrative arrangements. UK-IRL experience may be very valuable for other sates and it is advisable that this practice is shared with other FABs. A MoU is a document recording the common intent of two or more parties which normally may not wish to undertake legally binding obligations. Usually it sets the framework and guiding principles for the parties with regard to a common project and/or working arrangements. The State Level MoU contains legal obligations at substantially high level. An observation is pertinent if the current legal instrument has ensured the necessary commitment as it does not represent a treaty under the definition of the Vienna Convention, 1969, Article 2(1)(a).
2	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2	State Level MoU, Introduction	The introduction refers to Article 5 of Regulation (EC) 551/2004 as the legal basis for the Memorandum which was removed with the amendment by Regulation (EU) 1070/2009. It is advisable for purposes of legal clarity to amend the reference.
3	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2,	UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 (main body), Section 2.3 Governance and State Level MoU	It is unclear from the governance arrangements where the decision-making power lies and what is the exact hierarchy of the structure – i.e. how the strategies and policies are adopted at State level and then cascaded down to NSA and ANSPs level. Apart from the agreement for strategic oversight of the FAB no explicit agreement or delegation is set out in the State level MoU with regard to State-level cooperation.

2.1.3 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 and NSA Level MoU

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item b

2.1.3.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item b	Entire document	The Memorandum was extensively amended to reflect the new regulatory and institutional framework in SES. It represents a comprehensive framework providing NSAs with the power to conduct extensive cooperation. Logically, that should have been done with the other two documents but they were only slightly amended – fact that would merit an explanation.
2	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item b	Entire document and Article 3 Objectives in particular	One of the objectives of the Memorandum is to set out how the two NSAs will deepen and broaden their cooperation in the widest possible context of ATM/ANS. This is an area that can benefit from more publicity and sharing with other NSAs.
3	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item b	Annex B, ToRs of the FAB Supervisory Board Section on Reporting	The work on the service provision projects is reported via the UK-Ireland FAB Report, which is publicly available. The FAB Supervisory Committee is also obliged to report annually but such report was not provided or referred to. Has there been any review of the achievements of the work at supervisory level?

2.1.4 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 and ANSPs Level MoU

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item b

2.1.4.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
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1	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item c	Entire document	Although amended with an Addendum from January 2012 the MoU appears outdated in most of its parts (Article 1,2, 3,4 etc.). It also needs to include reference dates for the other two MoUs which are currently missing. That observation is substantiated also by the fact that the common projects under the FAB are now involving areas beyond airspace design and management.
2	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item c	Article 11	This MoU explicitly says that it is not legally binding except on the principles of good faith to develop any detail or further development necessary to operate a UK-Irish airspace FAB. An observation is made with regard on how the actual work done by the two ANSPs is formalised in the absence of publicly available contractual arrangements.

2.1.5 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 and all MoUs (civil-military arrangements)

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item d

2.1.5.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, item d	Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final All documentation	General Comments <ol style="list-style-type: none"> 1. The full titles of the requirements are not used everywhere (as per REG 176/2011) 2. Provided documentation shows compliance with military related issues of REG 176/2011 requirements as follows: <ul style="list-style-type: none"> • Annex, Part I, 1 (d) • Annex, Part I, 2 (d) 3. One clarification is needed to specify the respective areas of responsibility of the providers of air traffic services providing services without certification. Without this clarification, a partial compliance to Annex, Part I, 1 (d) should be

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
				considered.
2	European Commission	REG 176/2011 Annex, Part I, 1 (d) and Regulation (EC) No 550/2004, Article 7(5)	Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final Section 3, 3.1 (d)	Compliance Non-certified service providers – Irish Air Corps and UK MoD are specified.

3	European Commission	REG 176/2011 Annex, Part I, 1 (d) and Regulation (EC) No 550/2004, Article 7(5)	<p>Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final</p> <p>Section 3, 3.1, 1 (d) and</p> <p>Appendix A: UK-Ireland FAB Proposal May 2008 – Extract v2</p> <p>table 2</p>	<p>To be clarified</p> <p>The respective areas of responsibility of the providers of air traffic services providing services without certification should be clarified – is it only Shannon UIR? If not – an indication to other areas under this requirement should be done.</p>
4	European Commission	REG 176/2011 Annex, Part I, 2 (d) and Regulation (EC) No 550/2004, Article 11	<p>Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final</p> <p>Section 2, 2.3 Governance, fourth bullet and</p> <p>Section 3, 3.1, 2 (d) and</p> <p>Appendix B: State Level, Ireland and UK MOU, 25th January 2012, paragraph 5 – reserved matters and</p> <p>Appendix C: NSA Level, IAA and CAA MOU, 25th January 2012</p> <p>4. Co-operation Arrangements, 4.18</p>	<p>Compliance</p> <p>Arrangements between competent civil and military authorities in respect of their involvement in the governance structures of the functional airspace block are well defined.</p> <p>The Irish and UK Military are members of the FMB, and participate as required in Working Groups, with active participation in the Airspace Design Working Group. This compliance is also ensured by the amended State level MOU.</p> <p>At the regulatory level the arrangements between competent civil and military authorities are ensured by the NSAs MOU.</p> <p>At the working level (FSC) – State Authorities and Agencies are included in the consultation mechanism and collaborative working arrangements with MODs</p>

2.1.6 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 (all documents)

Commission Regulation (EU) 176/2011 Annex Part I General Information, Paragraph 2, items a, b, c,d

2.1.6.1 AEA-EBAA-ERA-ELFAA-IACA-IATA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Governance 2.0	The UK-IRL FAB Governance is considered unlikely to support decision making leading to the optimum use of airspace, human or technical resources due to the subservient role to the individual ANSP and NSA governance. This is evidenced by the lack of ambition to design airspace along traffic flows rather than state borders, consolidate activities such as ATC service provision, AIS/AIM, Instrument Flight Procedure Design, engineering/maintenance, “back-end services”, MET and NSA functions.
2	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Compliance 3.1	The decision to not include the Oceanic Area (airspace over the eastern half of the North Atlantic to 55 Degrees West up to 50,000 feet) results in a FAB airspace architecture that does not meet the substantive requirements of the EC Reg 550/2004. No rationale is provided for the decision to exclude this major traffic flow managed by UK NATS with HF provided by IRE into/out of the UK-IRL FAB. No optimisation can be considered to have occurred without this airspace and traffic flows included.
3	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Compliance 3.1	The rationale for the decision to not develop a single ANSP or NSA model is not provided. The potential benefits and costs are not discussed; however such consolidations are expected to provide benefits such as improved cost-efficiency, safety and standardisation of service provision. In this regard it is considered that the optimal use of human and technical resources has not been achieved nor is it planned to be achieved.

4	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Compliance 3.1	The rationale for the decision to not develop a joint/FAB meteorological service is not provided. The potential benefits and costs are not discussed; however such consolidations are expected to provide benefits such as improved cost-efficiency and standardisation of services provision. In this regard it is considered that the optimal use of human and technical resources has not been achieved nor is it planned to be achieved.
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2.2 Safety

2.2.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011 Annexes E, F, G and H

Commission Regulation (EU) 176/2011 Annex Part II, Paragraph 1

2.2.1.1 EASA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	EASA	Reg. 176/2011 Annex Part II Article 1 a		<p>No evidence is presented about the common (FAB) safety policy that is planned to be implemented.</p> <p>It is assumed that there are plans for establishing a common safety policy but the level of commonality cannot be evaluated from the evidence provided.</p> <p>Moreover, according to the information provided, it remains uncertain whether the NSAs have been involved in the elaboration of such a common safety policy. The FAB responsible bodies are invited to ensure the commitment by the involved parties to a common safety policy.</p>
2	EASA	Reg. 176/2011 Annex Part II Article 1 b		<p>The MOU between the Competent Authorities (NSAs) of Ireland and UK in relation to UK-IR FAB in Section 3 provides that “... <i>an ANSP will be regulated by its own Competent Authority wherever it operates in a FAB</i>”; and “<i>Accidents or Serious Incidents will be investigated in accordance with ICAO Annex 13 in line with cooperation arrangements that are extant between the UK and Ireland in this respect</i>”.</p> <p>This statement does not confirm that Regulation 996/2010 (of 20 October 2010) on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC has also been taken into account when the memorandum has been prepared and signed.</p>

3	EASA	Reg. 176/2011 Annex Part II Article 1 c		<p>Evidence is provided but no clear description allowing an assessment of the compliance in the case of cross-border service provision.</p> <p>Most evidences provided in Appendix F (FAB Safety case Evidence) make reference to the FAB Safety Management Manual. However, this manual is not yet endorsed as it will be finished shortly (to be proposed to the UK and Irish Competent Authorities for approval in Q2 2012). It is mentioned that this manual will implement a SMS compliant with the Regulation 1035/2011. Therefore the assessment at FAB level would be possible only once this document is available. It is also recommended that in the validation process of the FAB Safety Management Manual account will be taken on the current legislation.</p> <p>Both FAB States have individually established State Safety Programmes which describe their approach to manage safety in their own areas of responsibility. However, the safety performance indicators, such as loss of separation, airspace infringements, level busts, calculated and monitored in the cross-border service provision are not covered in their safety programme/plans. The general cooperation arrangements provided do not specify how these indicators will be calculated, reported and monitored.</p>
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4	EASA	Reg. 176/2011 Annex Part II Article 1 d		<ul style="list-style-type: none"> - Safety oversight: Appendix A, section 2.2.3 refers to Letters of Agreements on the delegation of air traffic services. But the information set doesn't provide indications how the monitoring arrangements and safety oversight responsibilities for delegated air traffic services in accordance with Regulation No 1034/2011 are ordered. - Enforcement measures: The information and evidence provided do not fully satisfy the objective of clear identification and allocation of responsibilities and interfaces with relation to the accompanying enforcement measures in regard to the provision of air navigation services within the FAB. Further action seems to be advisable at least on NSA side with regard to the accompanying enforcement measures as provided for in Article 7 of Regulation (EC) No 550/2004 and which should include revocation, suspension and limitation of certificates and may include financial penalties and other measures as well.
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5	EASA	Reg. 176/2011 Annex Part II Article 1 e		<p>The strategy presented and evidence thereon is based on a change management process performed individually by NATS and IAA ANSPs and on a corresponding review and acceptance process by the respective NSA. The safety assessment in this change management process is based on respective risk assessment and mitigation procedure.</p> <p>It is assumed that a FAB change is introduced by a combined implementation of individual changes at ANSP level. However, no evidence is presented that these safety assessments or an additional FAB safety assessment will support the combined application of the individual ANSP changes (for a particular FAB change).</p> <p>In addition, the presented evidence do not seem to satisfy the overall objective as far as it is necessary to ensure that the changes raised by NATS and IAA ANSPs are consistent at FAB level. No involvement of the FAB responsible bodies at ANSP level (FMB and Working Groups) is identified in the change definition and in the necessary harmonisation before they are further elaborated/assessed by the ANSPs and submitted to the respective Competent Authorities.</p> <p>The FAB layer of the change management process at ANSPs and NSAs level is not fully elaborated.</p>
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2.2.1.2 AEA-EBAA-ERA-ELFAA-IACA-IATA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Safety Case 3.2	The development of a joint safety management system is now planned in the FAB 2011-14 Plan, however given the time since establishment of the UK-IRL FAB it is not clear why one, single harmonised SMS has not been developed to date. Further, without such an approach, it is difficult to consider that human and technical resources could have been optimised.

2.3 Operational

2.3.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011

Commission Regulation (EU) 176/2011 Annex Part II, Paragraphs 2, 3, 5 and 6

2.3.1.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	REG 550/2004 article 9a(2)(b)	Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final	It would appear that Free Routing is under development but will not be implemented across the FAB by 4 December 2012. It isn't obvious that use of airspace can be described as optimum without this development. The same seems to apply for high-level cross-border sectorisation, and possibly for queue management and other operational developments not yet completed at this stage, although this will have to be revisited come December 2012.

2.3.1.2 AEA-EBAA-ERA-ELFAA-IACA-IATA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Optimum Airspace 3.2	The decision to not include the Oceanic Area (airspace over the eastern half of the North Atlantic to 55 Degrees West up to 50,000 feet) results in a FAB airspace architecture that does not meet the substantive requirements of the EC Reg 550/2004. Additionally, the historical FIR/state borders remain the applicable delineator of airspace, not traffic flows and in this regard the airspace cannot be considered to be optimised. The development of network services within the FAB may provide improved management of air traffic flows, however the deployment of multiple network managers across the European system is not supported. This is because whilst it may improve individual FAB performance, it may do so without regard to overall network performance, and is considered just another form of fragmentation using a new service. Further it appears contrary to the approach being adopted by other FABs. No analysis is provided that options for improved network management have been considered such as closer integration or transfer of responsibility to the Network Manager. In this regard the optimum use of human and technical resources cannot be adequately determined either.
2	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Optimum Airspace 3.2	Several examples cited as optimising airspace are not considered activities which are legitimately enabled by a FAB i.e. ENSURE is contained within the Shannon FIR with only normal ANSP cooperation required to deploy. Given that ENSURE is identified to provide more than 60% of FAB financial benefits this is a critical issue.

2.3.1.3 Network Manager

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	Network Manager	ALL	General	In general terms, the compliance documentation submitted by the UK/Ireland FAB responds to the Network Management Functions requirements with respect to FABs. Nevertheless, this submission could have provided more details on the relationship between the UK/Ireland FAB and the Network Manager.
2	Network Manager	REG 176/2011 Annex Part I, Art.1	2.1.	The Network Manager can confirm that the scope of the UK/Ireland FAB is accurately described and that the approach taken on airspace design and service provision is the right one. Appropriate cooperation is ensured by the UK/Ireland FAB on those aspects with the Network Manager. The projects undertaken ensure that there is an appropriate interface with the NAT Region and the European region. They are all coordinated from a Network Perspective with the Network Manager.
3	Network Manager	REG 176/2011 Annex Part I, Art.1, Part II, Art.4c, Art.9	2.2	The operational performance areas – capacity and environment – are appropriately addressed and the original purposes with respect to those performance areas are well achieved as delays are close to zero in the UK/Ireland FAB and flight efficiency improvements have been consistently and continuously brought in coordination with the Network Manager. The achievements are well ahead the targets.
4	Network Manager	REG 176/2011 Annex Part I, Art.1 REG 677/2011 Article 10.1	2.3.	The Network Manager has not been invited to be part of the Services Provision and Airspace Design Working Groups as it is the case with almost all other FABs. The mitigation to that is that inputs are coordinated through the working arrangements of the Network Manager. Nevertheless, a direct participation of the Network Manager in those UK/Ireland FAB groups would be very beneficial for both sides.

5	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	2.4.1	The key projects included in the rolling FAB Plan have been shared with the Network Manager and they are included in the Network Operations Plan and in the European Route Network Improvement Plan.
6	Network Manager	REG 677/2011 Article 10.1	2.4.3	This paragraph does not mention the “European engagement” of the UK/Ireland FAB with the Network Manager.
7	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	2.5	The inter-FAB coordination on operational matters can be confirmed. A significant part of this operational coordination is facilitated through the Network Manager working arrangements.
8	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	3.1	The civil/military cooperation within the UK/Ireland FAB is progressing well. There are many examples of progress that are included in the Network Management activities and deliverables. The Network Manager has a good cooperation with the UK/Ireland FAB on those aspects. Appropriate participation is ensured in the appropriate working arrangements of the Network Manager.

9	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	3.2.2	<p>The evolutions described can be confirmed by the Network Manager. On almost all those evolutions a close coordination is ensured with the Network Manager, even if the UK/Ireland FAB does not mention it explicitly for all items in the documentation submitted. The introduction of the LARA tool can be confirmed. In addition, simulations of various ASM procedures are envisaged with the UK/Ireland FAB.</p> <p>All the projects mentioned on page 18 have been extensively coordinated by the Network Manager at network level and consistency with the overall network projects was ensured. Since 2008, all these projects were included in the ATS Route Network Versions 6 and 7 and they will be included in the European Route Network Improvement Plan – Part 2 – ATS Route Network Version 8. The Network Manager ensured that a network approach was followed, especially with the Night Time Fuel Saving Routes (part of the European Night Route Network coordinated and developed by the Network Manager, including interconnectivity with other FAB projects), the ENSURE Project (included in the Network Manager European Free Route Airspace Deployments), the coordination of the impacts on the European network of the reduced longitudinal separation (regular updates and coordination at RNDSG), the point merge deployments and the future free route airspace top cross-border sectors. In addition, the plan for the implementation of the common transition altitude has been shared and discussed in detail at network level.</p>
10	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	3.2.3	<p>The consistency with the European Route Network is ensured as described in the comments on paragraph 3.2. All the UK FAB projects are coordinated at network level, some are originated at network level and they are all consolidated in the European Route Network Improvement Plan. The UK/Ireland FAB has an appropriate participation and input into the Network Manager working arrangements. The inputs into the Network Operations Plan have been coordinated at FAB Level with the Network Manager. In addition, additional steps are foreseen on the cooperation on ATFCM (still to be further detailed) and on establishing airspace utilization rules at FAB level (still to be further detailed).</p>

11	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	3.2.5	All ATS delegation agreements are confirmed. They are responding to clearly defined operational needs at local and network level.
12	Network Manager	REG 176/2011 Annex Part I, Art.2, Art.3, Art.5, Art.6, Art.9 REG 677/2011 Article 10.1 and 10.2	3.2.6	The common transition altitude plans were shared at a very early stage with the Network Manager and all the other network partners. Good discussions and inputs were ensured for those plans. They were also used by the Network Manager for the wider inputs required for the common European transition altitude. The same applies for the PBN deployment.

2.4 Economic

2.4.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011, Appendix I

Commission Regulation (EU) 176/2011 Annex Part II, Paragraph 4, CBA

2.4.1.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	REG 550/2004	CBA and Compliance document	Assuming that unit rates are not yet impacted downwards by the FAB as seems to be the case, it is not clear whether nor how the claimed financial but non-operational benefits are passed on to airspace users or any other stakeholders. The same question can be asked more specifically in respect of ATM system cost savings.
2	European Commission	REG 550/2004, optimum use of technical resources	Compliance document	There is no visible convergence of technical ATM systems within the FAB, which may call into question the optimum use of technical resources, for which convergence in functionality only may well prove insufficient.
3	European Commission	REG 550/2004, optimum use of human resources	Compliance document	The justification of optimum use of human resources contains mostly conditional sentences (a lot of "could"), eg on the rationalisation of support services and on the high level sectorisation. Exactly when and how will those benefits materialise?
4	European Commission	REG 550/2004, added value	CBA	A lot of data is kept confidential and thus not visible because of commercial reasons, but at some stage the full logic of the CBA will need to be made available to the Commission in order to enable the formal assessment of the FAB under article 9a(6) of Regulation (EC) 550/2004.
5	European Commission	REG 550/2004, article 15(2)(c)	Compliance document, documents from 2008	Charging appears to be excluded from the FAB, but article 15(2)(c) of Regulation (EC) 550/2004 mandates reasonable efforts to reach common principles in charging policy, which will therefore have to be demonstrated.

6	European Commission	REG 176/2011 Annex Part II §4(e)	§4.2	The documentation provided moves from a general description of the initiatives taken to create the FAB to a high level summary of the economic benefits, but provides very little information on the data and processes used to calculate the benefits. Thus it is not possible to be assured that all the steps and assumptions in the process are reliable and justified. The documentation is not sufficiently complete for a rigorous evaluation of the appraisal.
7	European Commission	As above	KPMG letter	In relation to the above comment, it may be noted that KPMG indicate that their review amounted to little more than confirming the arithmetic of a financial model but that they express no opinion on the accuracy of the inputs or validity of the assumptions. They therefore offer no input regarding the overall quality of the CBA.
8	European Commission	As above	§5	No details of the costs are presented “due to the commercial sensitive nature of the data”. This does not meet the disclosure requirements of the IR and does not permit an assessment of the FAB to be made. What are these commercially sensitive issues?
9	European Commission	As above	§4.1 and §4.2	It is not clear that all the initiatives presented are dependent on the creation of the FAB (such as those related to Atlantic airspace or to TMAs and the adoption of LARA). Could these measures have been taken without the creation of the FAB? The impression is that all airspace development projects have been designated as FAB projects whether or not they require the existence of the FAB to make them possible.
10	European Commission	As above	§4.2	In relation to the above comment, of the six projects with quantified benefits, 61% of the benefits are derived from a project in the Shannon UIR and a further 10% from one in the Dublin TMA. Are these projects dependent on the existence of the FAB?
11	European Commission	As above	§4.2	No benefit estimates are presented for two major projects key to the FAB (Integrated UK-Ireland FAB Network Management and FAB High Level Sectors). It would be expected that some interim estimates would be available, particularly as the first of these was due for implementation by the end of March 2012.

12	European Commission	As above	§3.4	The time base of the estimates is not clear. Fuel costs are presented as money of the day to 2012, then at a constant 2012 price, whilst the carbon price is stated at money of the day prices to 2020. The base of other costs is not stated but appears to be at constant prices.
13	European Commission	As above	§5	Although cost details are not presented, it is indicated that labour costs are included. It is not stated whether these costs are incremental in the creation of the FAB, but the impression is that they are not. If they are not incremental then, although it is important to identify these costs for internal budgeting and management control, they are not incremental costs to be included in an investment appraisal.
14	European Commission	As above	§6.2	The sensitivity analysis has been carried out with a fuel price variation of plus and minus 15% around a base price of €742/tonne (approx \$120/b). However, over the last four years the price has varied between \$180/b (June 2008) and \$50/b (April 2009), ie a variation of +50% and -58%. Thus real variations over these four years have been substantially greater than that allowed for in the sensitivity analysis. There is no reason to believe that the next eight years the price will be any less volatile.
15	European Commission	REG 176/2011 Annex Part II §4(f)	§9.1	The report indicates that there has been no feedback from the airline community. The IR requires a positive agreement to the CBA from airspace users.
16	European Commission	REG 176/2011 Annex Part II §4(e)	Not in documentation	No investment by airspace users is included. Is this the case or will some investment be required (eg advanced navigation capability)?
17	European Commission	As above	§3.4(e)	Although the documents were submitted in April 2012, the CBA is dated January 2012. It may be noted that the latest edition of the STATFOR traffic estimates was published in February 2012, with the average seven year growth rate for the UK/Ireland FAB cut from 2.1% to 1.7%.
18	European Commission	As above	§6.1, §3.3	A nominal discount rate of 7.25% (the average for the IAA and NATS) has been used. Whilst this is reasonable, it may be noted that this is significantly higher than the EC recommended rate for infrastructure (4%), which would have given higher NPVs, if used.

2.4.1.2 AEA-EBAA-ERA-ELFAA-IACA-IATA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis	The methodology and especially sensitivity analysis is not fully understandable and it is not always clear which initiatives have been included in the CBA.
2	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 3.2	In the process for the assessment of operational projects chapter, what are the “other key variables” that have been used for the 2012-2020 estimated savings?
3	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 4.1; 4.2	On page 8 a table is mentioned containing the quantitative benefit of the FAB projects. In this table, some of the ADWG initiatives refer to section 4.2. However, in section 4.2 it seems that not all the initiatives are listed that have been mention in the above table, e.g. ADWG6 (Removal of MNPs requirement in NOTA and SOTA) and ADWG22(O) (Enhanced Fuel Saving Routes next phase). It is not clear whether these initiatives have been included in the CBA.
4	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 4.2	What is the definition of baseline? From the paragraph ‘total enabled savings’, it seems that there is no differentiation between a reference case and the with-FAB scenario, which is somewhat confusing. When you mention a baseline scenario, is there another scenario?
5	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 6.2	Why does the CBA only assess variability in the cash flow and NPV in terms of fuel and traffic variations? What is the impact of a higher/lower discount rate, cost/benefits figures, timely uncertainty in the implementation of upcoming projects?
6	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis	How do the savings identified relate to the EU-wide Performance Scheme on environment, capacity and cost-efficiency and how will these targets be met?

7	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis	There are no ANSP cost savings mentioned in the CBA. If the benefits states are only arising from operational enhancements for airspace users and airspace redesign, only one side has been looked at. It is of equal importance that the ANSPs implement cost-saving initiatives as the EU cost-efficiency target of a reduction of en-route unit rate has to be met.
8	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 4.2	Over 80% of the total savings are generated by 2 projects, namely ENSURE and Fuel Saving Routes (whereas the ENSURE project generates 60% of the total savings by itself). The ENSURE project does is not considered a legitimate FAB project as it only contains free route airspace within Shannon FIR.
9	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Cost-Benefit Analysis 4.2	In section 'Enabled savings and the Performance Scheme', could you break-down the savings stated in RP1 (2012-2014) to the EU-wide performance targets, i.e. by how will the savings in fuel burn relate to the reduction of 0.75% of route extension, how will the non-fuel (delay) savings relate the 0.5min en-route ATFM delay for 2014? As per the EU regulation, it is required to "facilitate consistency with Community-wise performance targets" (Art. 9a, para. 2(i))
10	IATA/AEA	REG 550/2004	Cost-Benefit Analysis 4.2	Please define the term 'enabled savings'. Does this refer to savings that are generated in any case, or, does this refer to savings that could be generated if airspace users are willing and able to avail themselves to the initiatives mentioned. In other words, are these initiatives that are not necessarily automatically and fully achieved?
11	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Cost-Benefit Analysis 9.4	In the chapter on ANSP benefits the FAB enables the "ANSPs to meet the requirements outlined in the performance scheme [...] and deliver cost-efficiency measures" (p. 30). In this document, cost-efficiency has not been referred to at all. It seems there are no ANSP savings described in this CBA. How will FAB UK/Ireland meet the EU-wide performance target on cost-efficiency (reducing the unit rates expressed in €2009 to €53.92 in 2014)?
12	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 9.4	In addition to the previous comment: if there are no cost-savings on the ANSP side, how will this development be reflected in the charges to airspace users?

13	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Cost-Benefit Analysis 8	The reason given for saying that “there are no plans at present to engage in joint procurement of ATM systems” is not really comprehensible, demonstrating that the technical resources are not optimised and that the UK-IRL FAB is not compliant with the substantive requirements of EC 550/2004.
14	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 8	In the row ‘optimal use of technical resources’ (of the dependencies table), it is mentioned that “both ANSPs have secured ATM system cost savings through inter-ANSP cooperation with other ANSPs” (p. 28). Where are these cost savings described in the document?
15	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 8	In the row ‘optimising the use of human resources’, it not clear how the mentioned initiatives translate to an actual saving. Please provide further information on the scale and scope of the savings.
16	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 8	Why has common training of staff not been considered in the scope of optimising the use of human resources?
17	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis 3.4	The fuel costs between in 2012 are double the price considered in 2009 (and most likely in the 2008 UK-Ireland FAB Proposal May). This also increases the monetary benefits to a large extent, though the actual time and distance savings are not changed. Therefore, there should be caution in advertising the monetary savings. Please provide the fuel cost input used for the 2008 UK-Ireland FAB Proposal May to enable a transparent comparison? Please provide the saving of fuel in tonnes estimated in the 2008 UK-Ireland FAB Proposal 2008 to enable a transparent comparison?
18	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 176/2011	Cost-Benefit Analysis chapter 3.4	Strategic costs are not appropriate to use as they include buffers to the airline schedule, which overestimates the costs for this calculation. The delay costs should therefore only consist of only tactical maintenance and crew cost per minute, excluding ownership costs, which would be 10€ per minute.

2.5 Environment

2.5.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011, Appendix I,

KPMG Letter to IAA concerning the UK-Ireland FAB CBA, Documentation to confirm compliance with 176/2011, UK-Ireland FAB annual report 2010 UK-Ireland FAB Plan 2011-2014, PRC report on the evaluation of FAB initiatives

Commission Regulation (EU) 176/2011 Annex Part II, Paragraph 4, item d

2.5.1.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	Overview: Section 1 and 4.2 detail the estimated environmental savings and associated cost savings of the FAB. However, there is no clear methodology detailed and no overall framework for current and future environmental assessment. An appropriate scoping and screening of potential environmental impacts has not been undertaken, the CBA details only the savings produced by a reduction of CO2 and some non-fuel costs. It appears that a full environmental assessment has not been undertaken, some input assumptions are incorrect and it is doubtful whether the savings detailed can be attributed directly to the implementation of the FAB. A full regulatory review has not been undertaken and the potential benefits of future operational improvements cannot be quantified. The CBA states that the European Commission guidance material has been taken into account (page 2) but it is doubtful if this applies to sections 7.4.11 and 4.11 (the environmental assessment guidance).

2	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	<p>Scope: The guidance material states that an appropriate scoping and screening process should be carried out to determine if an environmental impact assessment is required and what environmental impacts need to be assessed. This has not been undertaken. Environmental savings are restricted to CO2 only and non-fuel costs (page 3). No reference is made to NOx emissions, noise, local air quality or social impacts such as human time. In addition, the guidance material specifically requests that MS ensure the requirements for climate adaptation with regard to climate change are understood. This is also not mentioned.</p>
3	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	<p>Methodology: Although fuel and CO2 savings have been calculated, there is no mention of any assessment being carried out. It seems that the CBA only shows the savings secured by operational projects implemented by the FAB (page 3) and that the benefits stated are estimated from the savings to date of the operational initiatives and extrapolated into the future (page 2). This is a fundamental flaw of the estimation of the environmental impact of the FAB. The present-day case is only of interest to show expected improvements, but comparison of the present day situation against the situation 3 years ago does not indicate the impact of a FAB. These environmental benefits have been produced by the impact of operational improvements only, many of which would have probably been introduced regardless of FAB implementation. Therefore, the benefits cannot be attributed to FAB implementation. The guidance material clearly states that the present-day case is of interest to show expected improvements, but comparison of a FAB proposal against the present-day case does not indicate impact of a FAB. The introduction page to the FAB annual report also states that there is no clear baseline from which to fully measure and validate the environmental savings.</p> <p>In the case of change to an ATM system, a key influence is the increasing demand which will need to be served whether or not the operational improvement is implemented or not. Logical cases for assessing the true benefit of the FAB would thus be the future do-something case and the future do-nothing case.</p>

4	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	<p>Data and impacts: The data variables used for the calculation of benefits are not up-to-date and some may be inaccurate. Industry standard calculations use 3.15 CO₂ per tonne of fuel and not 3.18 (page 4), current delay costs are 31.1€ and not 35€ whilst the current carbon price is approximately 8€ per tonne and not 13€. These assumptions may lead to an overestimation of benefits (although the volatility of fuel prices and traffic numbers are later taken into account- page 21). In addition, it seems there is a misunderstanding in CO₂ costs and the ETS (page 4). CO₂ costs are related to the release of CO₂ whilst the ETS is a scheme where the amount of carbon released is capped with companies allowed to buy and sell allowances. Free permits will be allocated to approximately 82% of the total CO₂ emitted by airlines per year in the 2004-2006 baseline period years, in 2012, and 80% of that amount, for the years 2013-2020. Reduced CO₂ emissions in the FAB in 2020 could thus generate a potential extra savings of approximately €600K. Savings in human time could also be mentioned as potential cost savings for the FAB.</p>
5	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	<p>Regulatory review: The guidance material states that the relevant international and national regulatory baseline in the FAB should be identified, including the national transpositions of the relevant EU environment directives (EIA-D). The guidance material also states that attention should be paid to EC directives 85/337/EC (EIA-D – specific requirement to compile an environmental statement) and 2001/42/EC (SEA-D – not so specific requirement to identify the environmental consequence of certain plans). There is no reference to any of these directives in the information provided to the Commission. National transpositions of the EIA directive are not considered whilst there is no mention of the SEA where the decision to consider the FAB as a programme or not (if defined as a programme- there are certain steps to follow, if not, can leave the door open to legal challenge to the FAB at State level) should be detailed.</p> <p>It therefore seems unlikely that a regulatory review may have been undertaken: there is no mention of national laws on visual intrusion or legal requirements for environmental assessment etc.</p>

6	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	<p>Assessment methodology and plans: No mention is made in the material provided to the Commission with regard to a methodology or plan for future assessment. Although assessment of noise or air quality have not been undertaken, future FAB proposals will have an impact on these areas and may require extensive local consultation which may not be recognised by all FAB partners and may lead to the inability for all FAB partners to implement new FAB proposals. Indeed, the information provided to the EC details future operational improvements e.g. PBN, see CBA pages 13, 27, 33, FAB plan 2011-2014 pages 7, 18, 31, CDA, see FAB plan 2011-2014 page 18, Advanced FUA, see the document to confirm compliance page 7, FAB annual report page 15, FAB plan 2011-2014 pages 8 and 20. These may all impact TMAs or airports and no process has been detailed to assess the impacts of these operational improvements in the TMAs or at airports.</p> <p>In addition to the above, specific operational improvements at airport level have also been identified (FAB plan 2011-2014 page 16) together with the goal of developing environmentally efficient TMAs (compliance document page 4). Consultation will be required for any ATM change in the TMA or at airports which impacts upon noise. Such processes need to be built into the FAB planning.</p> <p>Note. The CBA does state that the costs associated with some future operational improvements cannot be estimated due to being not directly quantifiable (page 25) or the projects not being sufficiently mature (page 26). Nevertheless, some sort of methodology for assessment must be incorporated into future planning.</p>
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7	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	Performance scheme: The CBA timeframe has been aligned to the performance scheme. In the information provided to the EC, mention has been made to the performance scheme (e.g. CBA page 19), the intention for the FAB to produce a document showing aggregated performance targets and the intention to produce a common FAB performance plan (FAB plan 2011-2014 page 35). However, no reference is made to regulation (EU) 691/2010 and the development of FAB KPIs and potential targets for performance monitoring. This is essential to show the institutional commitment to introducing change through FABs and recognising that FABs must lead to quantified net performance improvements.
8	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	Intra-FAB cooperation: The initiative of setting up inter-FAB coordination groups is mentioned several times in the information provided to the EC and demonstrates best practice. A memorandum of understanding with DK-SE FAB (FAB annual report page 5) and a formal ANSP alliance (FAB plan 2011-2014 page 33) should all contribute to an increase in flight efficiency in the future. This shows an improvement since 2008 (PRC report page 168).
9	European Commission	Regulation (EU) 176/2011, Annex Part II, Requirements of Article 9a(2) of Regulation (EC) 550/2004, Paragraph 4 (d)	Appendix I	Observations 3, 4 ,5 and 7 were already mentioned in the PRC report on the evaluation of FAB initiatives from 2008.

2.6 Technical

2.6.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011

Commission Regulation (EU) 176/2011 Annex part 2 -Art 9a(2)

2.6.1.1 European Commission

1	European Commission	Reg. 176/2011 Annex part 2 -Art 9a(2) General	Section 2.4.1. ANSP Implementation Process Page 6	<p>Ireland uses a THALES Eurocat ATM System and is actively involved in COOPANS (cooperative agreement between ANSPs and industry whose purpose is to harmonise the existing Thales's Eurocat ATM systems and to agree, reduce and share the costs of further system upgrades). UK has a LOCKHEED MARTIN dominated ATM System, although various elements are developed by other parties, including the ANSP itself (UK participates in iTEC).</p> <p>This FAB UK-IRL is in place for several years now and as explained in the ESSIP/LSSIP reporting mechanism, existing activities in this FAB show that so far the focus has largely been on operational matters with a limited cooperation in the technical area.</p> <p>Matter of fact both States are working relatively independently to implement their ESSIP objectives applying different timelines (probably because dependent on developments in COOPANS and iTEC).</p> <p>The 2011-2014 FAB plan includes, for the first time, technological projects which will be overseen by a Technology Coordination Group in charge of adopt a joint approach to implementation and test and validation activities. To ensure FAB projects are coordinated with projects undertaken within the individual ANSPs, a Project Alignment Review Team has been also set up.</p> <p>The effort of this FAB on the alignment of different ATM Systems should be sustained. Special attention should be paid on the adoption of a coordinated approach on the deployment activity.</p>
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2.6.1.2 Network Manager

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	Network Manager	<i>Art.9a(2), Reg. 550/2004</i>	Section 2.2 Page 4	By 2018 40Meuro indicative savings are estimated. Some of those savings are associated with CNS/ATM aspects. It is not however very clear how those savings will be achieved and how much of those are due to CNS/ATM technology.
2	Network Manager	Reg. 176/2011, Part II (4)	Section 2.2 Page 4	Within the “goals and objectives” technology coordination to align with the SESAR framework has been foreseen. NM considers this initiative very useful.
3	Network Manager	Art. 10, Reg. 667/2011	Section 2.3 Page 5	The FAB partners have established the Technology Coordination Group (TCG) to address technology issues. This is very good development. Thought relevant issues beyond FAB will be addressed through the collaborative consultation arrangements established by the Network Manager e.g. CNS Team a direct participation of the Network Manager in the TCG might be very beneficial for both sides.

4	Network Manager	Reg. 176/2011, Part II (4)	Section 2.4.1 Page 7 and Section 4.1 of Appendix I Page 15	<p>There are 25 distinct projects which are found to be very appropriate. The Technical projects and their qualitative benefits are well described in paragraph 4.1 of Appendix I. These projects are very much supported by the Network Manager and collaboration exists for some of them. From technological point of view we would like to highlight the importance of the following projects;</p> <ul style="list-style-type: none"> • SPWG-8: The use of LARA tool is very much welcomed and coordination is in place with NM for further developments if and as required. • SPWG-14(O): The overall benefit of a regional UK-Ireland FAB Network Management process will definitely result in a more efficient Network and the technical projects subsumed to this process is of high importance and good interoperability with NM relevant systems is supported. • SPWG-19: In line with the CPDLC IR (target date 2013). It is assumed that FP and ODS will be enhanced to support CDPLC services. • ADWG-15: Application of Performance Based Navigation in TMA is of particular importance and good coordination is in place with NM when required • ADWG-16: An Agreement is in place with NM for good cooperation on the introduction of Point Merge at Dublin Airport. • ADWG-17: The approach undertaken for the convergence of ESSIP/LSSIP for UK and Ireland is much supported. A description of the related objectives to be closer coordinated in the next ESSIP/LSSIP cycle (2012-2017) will be welcomed. • ADWG-24: More information will be useful on technical projects, if any, subsumed to the work to integrate the delivery of AIM across FAB.
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5				<ul style="list-style-type: none"> • TCG-1: Does it mean that only one contract for communication lines? • TCG-2: Very good approach, in line with the IR. • TCG-3: What about 8.33 plan, any benefit expected by 2014? (cf amended IR). • TCG-5: Some more information on surveillance infrastructure plans will be very useful and good coordination is expected through the Eurocontrol CNS Team. • TCG-6: A good approach, more details on the target dates and expected benefit will be very useful. • TCG-7: The importance of this task is very much supported by NM. • Missing: FMTP/OLDI exchanges. Implementation is on-going and should bring benefit in inter centre coordination. • Some more information on Surveillance technical issues would be very useful.
6	Network Manager	<i>Art.9a(2), Reg. 550/2004</i>	Section 2.5 Page 8 and Section 10 of Appendix I Page 33	The inter-FAB coordination and in particular the inter-ANSPs cooperation on technology aspects namely: a) IAA participation in COOPANS, supporting amongst others the DK-SE FAB and b) NATS in iTech, supporting the South West FAB and the overall Borealis framework is considered very useful and very much supported by NM.
7	Network Manager	Reg. 176/2011, Part II (4)	Section 3.2.2 Page 16	Planning functions will be integrated and that could contribute to hardware savings. This approach is very much welcomed by NM. It is also mentioned that "Airports will interface with each centre as required and the introduction of A-CDM will play an important role in the future". NM is confirming this need and very much supports the A-CDM implementation. More concrete cooperation is expected through NOP.

8	Network Manager	Reg. 176/2011, Part II (4)	Appendix I Section 8 Page 28	It is understood that there are currently no plans to engage to joint procurements of ATM systems due to long-term Capex programmes in place in both ANSPs. It is not clear if there is any optimization foreseen in the Ancillary Services. In the future some more information on those aspects including common supervision of CNS infrastructures and systems maintenance will be useful. It is also understood that joint evaluation of Technology could happen through the SESAR alignment goal/objective.
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2.7 Regional Agreements

2.7.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011

Commission Regulation (EU) 176/2011 Annex Part II, Paragraph 9

2.7.1.1 EASA

1	EASA	Reg. 176/2011 Annex Part II Article 7		No list of regional agreements is provided, however a description of the amendment process within the ICAO framework is given.
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2.7.1.2 AEA-EBAA-ERA-ELFAA-IACA-IATA

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	AEA-EBAA-ERA-ELFAA-IACA-IATA	REG 550/2004	Documentation to Confirm Compliance – Regional Agreements 3.2	The practical activities or projects to ensure alignment of traffic flows between UK-IRL FAB and other FABs notably FABEC are not demonstrated. There are considerable differences of approach planned to future flow management between these two critical FABs. Without clear supporting evidence to demonstrate intent to align, it is concluded that the UK-IRL FAB does not meet the requirement of EC 550/2004 in relation to ensuring smooth and flexible transfer of responsibility, but particularly as it relates to cross-FAB operations.

2.8 Performance

2.8.1 UK-IRL FAB Documentation to confirm compliance with Commission Regulation (EU) 176/2011

Commission Regulation (EU) 176/2011 Annex Part II, Paragraph 9

2.8.1.1 European Commission

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	European Commission	REG 176/2011 Annex, Part II, 9	Appendix C: 'NSA level' IAA and UK CAA Memorandum of Understanding, 25th January 2012 Section 4 Co-operation Agreement, point 4.8 Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final Section 3.2.9 9. European Union-wide performance targets	Compliance The documentation provides evidence of compliance with this requirement with respect to the civil-military dimension (the performance of FUA – Reg.691/2010 Art10 3 (e)). For reference period 1 NSAs had worked in close cooperation to produce the national performance plans. For reference period 2 (2015-2018) NSAs have the intention to produce a common FAB Performance Plan.

2.8.1.2 PRB

No	Observer	Legal Framework	Chapter of the Document	Observation/Comment
1	PRB/PRU	(EU) 176/2011	<p>Compliance with the FAB IR, UK-Ire FAB, 21 March 2012 Final</p> <p>Page 4</p>	<p>Capacity</p> <p>The document shows on page 4 the value of 1 Min delay per flight as the EU wide target. All countries/FABs should contribute to the EU wide target of 0,5 Min/Flight in 2014.</p>
2	PRB/PRU			<p>Cost Efficiency</p> <p>In the assessment of the UK Performance plan the PRB has taken note that the UK has targets on the economic value for airspace users, including flight efficiency & environment. The PRB has observed that the positive outcome of the benefit calculation is quite dependant on the assumptions and the complex modelling. Disbenefits could also be envisaged. The actual delivery of the operational benefits should therefore be monitored in RP1.</p> <p>Besides it is debatable if all the projects leading to the indirect user benefits should carry a FAB label.</p>

3	PRB/PRU			<p>Interfacing with other FABs</p> <p>In the early existence of the UK-IR FAB, the FAB Management Board agreed to focus in the near term on effective cooperation with other FABs. Currently such arrangements do not seem to be in place. Given e.g. the disconnection of South-East UK from FAB EC, capacity constraints could be better tackled when arrangements with FABEC would be in place.</p>
4	PRB/PRU	(EU) 176/2011		<p>Cost Efficiency</p> <p>The Performance regulation within SES is aiming at a better Service provision for reduced Service costs. The PRB was surprised to see that the CBA for the FAB UK-IR does not identify direct cost benefits that would lead to a reduced unit rate for the users.</p> <p>Instead of direct cost benefits for users, only indirect cost benefits are estimated. The latter can only be achieved if the users invest in equipage. The shown user benefits are as such no net benefits.</p> <p>Given the relative low cost efficiency target the UK has set for RP1, a higher contribution will be expected for RP2. The FAB is the SES instrument that should incorporate this in their target.</p>