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(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN COMMISSION

COMMISSION RECOMMENDATION

of 26 July 2012

on the implementation of performance plans and targets in consistency with the European Union-wide performance targets adopted pursuant to Commission Regulation (EU) No 691/2010 and the preparation for the second performance reference period

(Text with EEA relevance)

(2012/C 228/01)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions and amending Commission Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services ⁽¹⁾,

Whereas:

- (1) Commission Regulation (EU) No 691/2010 provides for the adoption by the Member State(s) of national or functional airspace block performance plans including binding national targets or targets at the level of functional airspace blocks. It also provides that the Commission should assess whether national or functional airspace blocks targets are found consistent with, and adequately contributing to, the European Union-wide performance targets, which were adopted for the first performance reference period (from 2012 to 2014) by Commission Decision 2011/121/EU of 21 February 2011 ⁽²⁾.
- (2) A Performance Review Body was designated by the Commission on 29 July 2010, pursuant to Article 3 of Commission Regulation (EU) No 691/2010, to assist it in the implementation of the performance scheme.
- (3) Member States communicated their initial national plans to the Commission by 5 July 2011, including a plan

jointly presented by Belgium and Luxembourg. Denmark and Sweden communicated a plan to the Commission on behalf of their functional airspace block (Danish-Swedish FAB). Belgium, France, Germany, Luxembourg and the Netherlands communicated a plan to the Commission on behalf of their functional airspace block (FABEC).

- (4) Pursuant to Article 13(3) of Commission Regulation (EU) No 691/2010, the Commission adopted on 23 November 2011 Commission Recommendation C(2011) 8329 final on the revision of targets contained in performance plans.
- (5) By 1 February 2012, all Member States except Cyprus notified the Commission in accordance with Article 13(4) of Commission Regulation (EU) No 691/2010 their adoption of revised performance plans and targets. By the date of adoption of this Recommendation, Cyprus had not notified the Commission that it had adopted a revised performance plan and targets.
- (6) The Commission, assisted by the Performance Review Body, assessed the revised national or functional airspace block performance plans and targets in accordance with the procedure referred to in Article 14(1) of Commission Regulation (EU) No 691/2010.
- (7) On the basis of this assessment, the Commission found that the targets contained in the national or functional airspace block performance plans are consistent with, and contribute adequately to, the European Union-wide targets. Member States were notified thereof pursuant to Article 14(2) of Commission Regulation (EU) No 691/2010.

⁽¹⁾ OJ L 201, 3.8.2010, p. 1.

⁽²⁾ OJ L 48, 23.2.2011, p. 16.

- (8) While the overall assessment allowed the Commission to establish consistency and adequate contribution to the European Union-wide targets, the assessment showed that there are significant differences between the individual efforts made by Member States. In some instances, the Commission found that individual Member States could have further improved their performance targets.
- (9) In the light of the Commission's assessment, this Recommendation covers the implementation of performance plans and targets in consistency with the European Union-wide performance targets and the preparation for the second performance reference period. To this end, the Commission will take into account the outcome of the first performance reference period in its assessment of performance plans and targets for the second performance reference period.
- (10) The Commission consulted the Member States concerned by the present Recommendation,

HAS ADOPTED THIS RECOMMENDATION:

1. The aim of this Recommendation is to ensure the implementation of performance plans and targets in consistency with the European Union-wide performance targets adopted by Commission Decision 2011/121/EU for the first performance reference period, i.e. the years 2012 to 2014. It also aims to ensure that the outcome of the first performance reference period is duly taken into account when preparing for the second performance reference period.
2. Based on the recommendations contained in the assessment reports of the Performance Review Body and taking due consideration of the collective progress achieved by the Member States participating in the performance scheme, the Commission considers that:
 - (a) Member States should ensure that their air navigation service providers amend their capacity plans to enable sufficient capacity to be provided in order to meet the targets of the performance plans adopted;
 - (b) Member States should deliver the planned capacity, whilst remaining within the set cost-efficiency target for which the control of cost evolution will be particularly important;
 - (c) Member States should report to the Commission on a yearly basis, as from the first performance reference period:
 - (i) the difference between the determined costs and the actual costs, with a view to identifying the uncontrollable costs in particular and to scrutinise the development and relevance of these costs;
 - (ii) the difference between the investments of the air navigation service providers recorded in the

performance plans and the actual spending, as well as between the planned date of entry into operation of these investments and the actual situation;

- (d) Member States from the following functional airspace blocks: North European Functional Airspace Block (NEFAB), Baltic and Blue MED should communicate to the Commission by the end of 2012 at the latest, for information, aggregated performance targets highlighting the consistency at functional airspace block level with the European Union-wide targets as specified in Article 5(3) of Commission Regulation (EU) No 691/2010.
3. With a view to preparing for the second performance reference period, the Commission considers that:
 - (e) the relative contribution of Member States to the attainment of the EU-wide performance targets during the first performance reference period should be taken into account when assessing the performance plans and targets for the second performance reference period, taking the year 2009 as the benchmark year;
 - (f) Member States should anticipate that substantial efforts will be needed in order to achieve a cost-efficiency target for the second performance reference period well below the average rate in the first performance reference period. It is expected that this will entail major downward pressure on costs to European air navigation service providers consistent with the establishment of functional airspace blocks;
 - (g) Member States should take into full consideration for the preparation of the second performance reference period the actual risk faced by the air navigation service providers and ensure that the return on equity more reasonably reflects this risk.
 4. The Commission, in conjunction with the Performance Review Body, intends to follow up this Recommendation and other recommendations contained in the assessment report of the Performance Review Body through bilateral and/or multilateral contacts with the Member States.
 5. The Commission reminds the Member States of their obligation under Article 17(1) and (3) of Commission Regulation (EU) No 691/2010 to ensure ongoing monitoring and reporting of the implementation of the performance plans.
 6. This Recommendation is addressed to the Member States.

Done at Brussels, 26 July 2012.

For the Commission
Siim KALLAS
Vice-President