

APPROVED by
PREZES
Urzedu Lotnictwa Cywilnego
Piotr Ołowski
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Piotr Ołowski

**THE PRESIDENT of
THE CIVIL AVIATION AUTHORITY**

Piotr OŁOWSKI

(originally approved in Polish version)

on *12.04*..... 2016

ANNUAL SAFETY OVERSIGHT REPORT

for the period of 1 January – 31 December 2015

prepared in accordance with Article 15 of the Commission Implementing Regulation (EU) No. 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No. 691/2010

Translation authorised by
**The Deputy Director of
THE AIR NAVIGATION DEPARTMENT**

ZAS **Paweł MARSZAŁEK**
Departamentu Żeglugi Powietrznej
Paweł Marszałek
.....
Paweł Marszałek

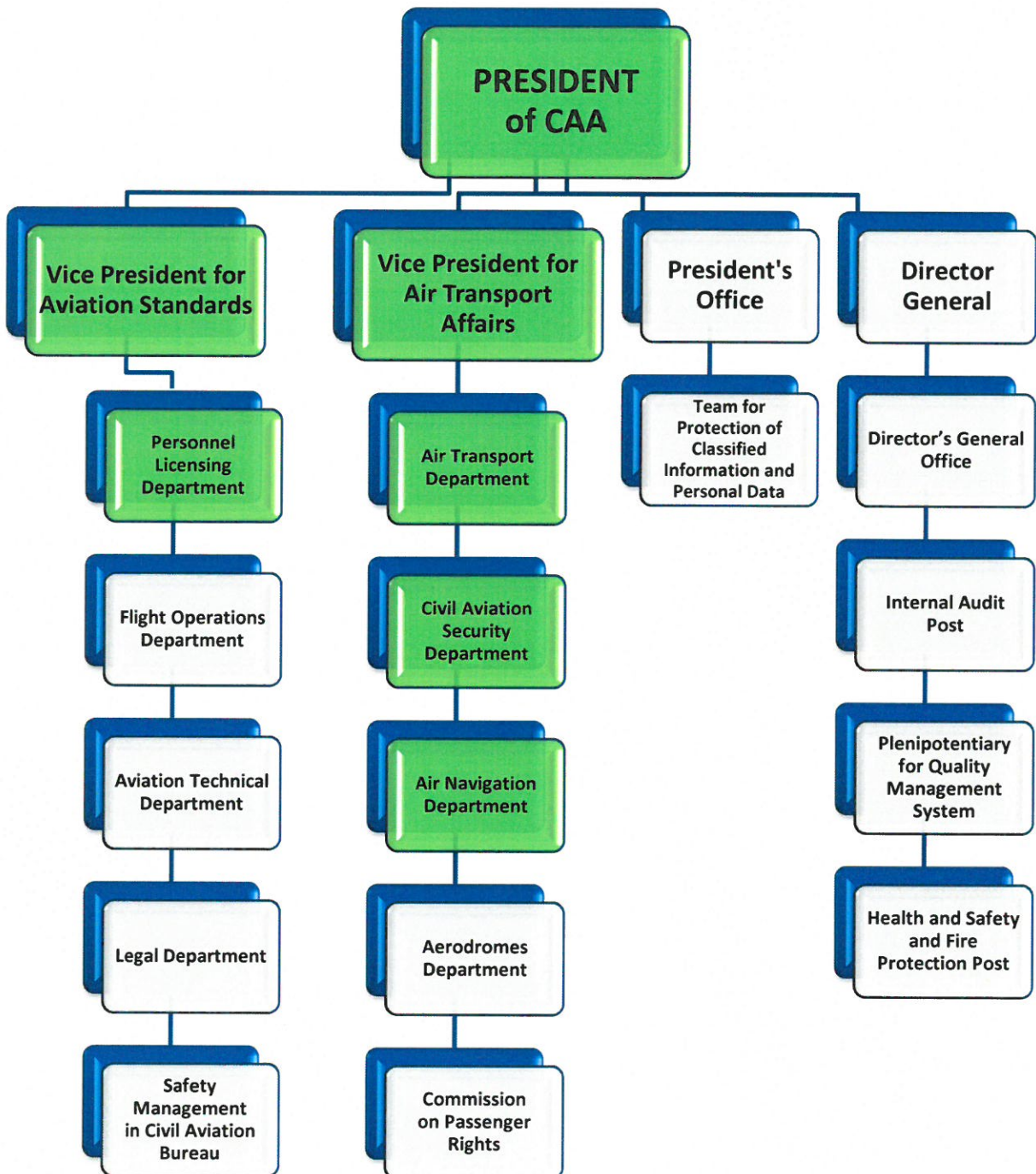
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Warsaw

2016

1. ORGANISATIONAL STRUCTURE AND PROCEDURES OF NATIONAL SUPERVISORY AUTHORITY

The structure of the National Supervisory Authority:



Legal base:

- The Act of 3 July 2002 – Aviation Law (J.L. of 2013, item 1393, of 2014, item 768 and of 2015, item 978, 1586 and 1893);
- The By-law No 7 of the President of the Civil Aviation Authority of 26 November 2015, amending the regulation on establishing terms of reference of Civil Aviation Authority;
- The Regulation of the Minister of Transport, Construction and Maritime Economy of 23 March 2013 on certification of activities in civil aviation on the basis of Art. 163 of the Act of 3 July 2002 – Aviation Law (J.L. of 2013, item 421);
- Regulation of the Minister of Infrastructure of 2 September 2003 on the monitoring of the compliance with rules and decisions in the field of civil aviation (J.L. of 2003 No. 168, item 1640 and of 2005 No. 197, item 1638);
- Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010;
- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010.

Organisation of national supervisory authority: *the Act of Aviation Law , Art. 21, para 2, points 3), 4), 15).*

The President of the Civil Aviation Authority is the central government administration body, competent in all civil aviation issues. President of CAA has, inter alia, competence to be National Supervisory Authority in the scope of the tasks carried out by air navigation services providers.

The procedures of the national supervisory authority: *the Act of Aviation Law (Art. 21, 160–162), Regulation on certification of activities in civil aviation (para 40).*

The certification is a verification of provider’s ongoing capability of defined aviation activities performance in a safe manner. Subject to certification shall be, inter alia, air personnel training (aimed at achieving license of flight crew member and inscribing additional rights to the licence), as well as provision of air navigation services, pursuant to Art. 7 of Regulation (EC) No 550/2004 of 10 March 2004 on the provision of air navigation services in the single European sky. Certification of air navigation services providers in the Polish airspace shall be conducted in line with EU regulations. Certification in the scope of air navigation services provision is executed by the President of Civil Aviation Authority at the request of interested entity after making sure that the entity meets the requirements and conditions necessary to obtain a certificate.

The President of the CAA conducts periodic and – if necessary – ad hoc inspections to verify whether the certificate holder still meets requirements imposed by law, indispensable for issuing and maintaining the certificate validity. In case of shortcomings, the President of the CAA may call the interested entity to redress them in a given deadline – under the rigor of revoking the certificate. Not fulfilling of the requirements specified in the certificate by the entity within the determined deadline may result in revocation of the certificate by the CAA President.

Periodic inspections are conducted in accordance with the “Safety Oversight of Air Navigation Services and Air Traffic Management Functions Plan (ATM/ANS)”, approved by the President of the CAA. The Plan defines substantial scope of inspections and frequency of their repetition in particular areas of activities of air navigation services providers, with particular emphasis on those in which during previous inspections non-conformities had been identified.

2. THE AIRSPACE AND INSTITUTIONS SUBJECT TO THE NATIONAL SUPERVISORY AUTHORITY OVERSIGHT

Legal basis:

- **The Act of Aviation Law, Art. 121;**
- **The Regulation of The Minister of Infrastructure of 25 November 2008 on Polish airspace structure and detailed conditions and way of airspace use (J.L. of 2014, item 351);**
- **Regulation of the Minister of Infrastructure of 11 June 2010 on flights prohibitions or restrictions for the period longer than 3 months (J.L. of 2010 No. 106, item 678 and of 2011 No. 251, item 1507);**
- **Regulation of the Minister of Infrastructure of 11 October 2003 on flights restrictions for the period no longer than 3 months (J.L. of 2003 No. 183, item 1794).**

The Polish airspace, available for air navigation, is classified in accordance with the provisions of the Single European Sky legislation, as well as with international agreements and rules. In the Polish airspace operate air navigation services providers and in the separate parts of these airspace – civil or military terminal air traffic services units or competent military units. Air traffic services providers form civil aerodrome air traffic services units, operating in controlled airspace.

The controlled airspace, constituting part of the airspace in which air traffic control is provided to all aircraft, in accordance with ICAO classification, consists of:

- 1) Control Area (CTA), containing:
 - a) Terminal Control Area (TMA) – a Control Area normally established at the confluence of ATS Routes in the vicinity of one or more major aerodromes,
 - b) Airways (AWY),

- c) Conditional Routes, Category One (CDR-1) – permanently plannable, available in periods published in Aeronautical Information Publication (AIP Polska),
 - d) airspace extending from FL095 to FL660, except for TSA, TRA and CBA, for which airspace class, appropriate for uncontrolled airspace, has been defined or which has not been classified at all;
- 2) Control Zone (CTR) and Military Control Zone (MCTR) – a Controlled Airspace extending upwards from the surface of the earth to a specified upper limit, established to allow approach and departure maneuver and initial climb;
 - 3) Temporary Reserved Area (TRA) and cross-border area (CBA) – an Airspace temporarily reserved and allocated for the exclusive use of specific user during a determined period of time, for which airspace class appropriate for controlled airspace has been defined.

Categories for particular conditional routes are assigned by air navigation service provider (Polish Air Navigation Services Agency, PANSa). PANSa develops: AWY, CDR, CTR, MCTR, TMA in co-ordination with the Military Air Traffic Services Office of the Polish Armed Forces. PANSa submits projects of: AWY, CDR, CTR, MCTR, TMA to the President of the CAA for the acceptance within 91 days before their planned entry into force. Planning and establishing of AWY and CTR is conducted within the framework of the coordinated pan-European airways structure. In case of suspension or termination of ATC services provision in TMA or in CTR or MCTR, this area or this region is terminated and its airspace adopts airspace class appropriate for provided air navigation services. Controlled airspace structure or its change, accepted by the President of the CAA, is published in CAA Official Journal, as well as in AIP Poland.

The uncontrolled airspace consists of:

- 1) airspace available for air navigation, other than controlled airspace;
- 2) Aerodrome Traffic Zone (ATZ) – which is airspace over a civil uncontrolled aerodrome and adjacent terrain, necessary for arrival and departure procedures and training tasks, for which airspace class appropriate for uncontrolled airspace has been defined;
- 3) Military Aerodrome Traffic Zone (MATZ) – which is airspace over military uncontrolled aerodrome and adjacent terrain, necessary for arrival and departure procedures and training tasks, for which either airspace class appropriate for uncontrolled airspace has been defined or the airspace is unclassified;
- 4) Temporary Reserved Area (TRA) and cross-border area (CBA) – which is a temporary segregated or reserved area, established due to specific operational requirements, for which either airspace class appropriate for uncontrolled airspace has been defined.

All the elements of the airspace structure are developed by PANSA in co-ordination with the Military Air Traffic Services Office of the Polish Armed Forces and within 91 days before their planned entry into force the projects are submitted to the President of the CAA for the approval. The airspace structure or its change, approved by the President of CAA, is published in CAA Official Journal and in AIP Poland.

In the reporting period of 1 January – 31 December 2015 the following air navigation services providers were subject to the CAA President supervision:

- Polish Air Navigation Services Agency (ATS, CNS, AIS);
- Institute of Meteorology and Water Management – National Research Institute (MET);
- Masovia Airport Warszawa-Modlin (AFIS);
- Radom Airport JSC (AFIS and COM in the area of mobile air-ground communication);
- Logistics Service Centre (AFIS);
- Mielec Airport Ltd. (AFIS)
- Radom Meteo Ltd. (MET).

3. RECOGNISED ENTITIES AUTHORISED TO CONDUCT REGULATORY SAFETY AUDITS

In the reported period the President of the Civil Aviation Authority has neither recognised nor appointed any notified body to conduct regulatory safety audits.

4. NATIONAL SUPERVISORY AUTHORITY CURRENT HUMAN RESOURCES

| Name of the NSA: | CIVIL AVIATION AUTHORITY |
|--|---------------------------------|
| Scope of the NSA tasks: | Number of full-time equivalents |
| personnel licencing and training centres certification | 3 |
| certification and ATM/ANS safety oversight | 12 |
| Total: | 15 |
| The number of qualified safety oversight auditors/inspectors: | 15 |

After conducting human resources analysis in the scope of qualified safety inspectors, it was found that they are insufficient. Lack of two ATM inspectors (in the ATS area) and three CNS inspector (in the area of navigation and data processing and fixed communications) make it difficult to fully and effectively carry out the safety oversight plan in the above areas.

5. SAFETY ISSUES STATED IN SAFETY OVERSIGHT PROCESSES, IMPLEMENTED BY NATIONAL SUPERVISORY AUTHORITY, INCLUDING:

A. *Regulatory safety audits conducted in the framework of safety oversight report (Annex 1: “The Update of the Safety Oversight of Air Navigation Services and Air Traffic Management Functions Plan (ATM/ANS) for the period of 1 January 2014 – 31 December 2015, approved by the CAA President”)*

Regulatory safety audits are carried out in areas consistent with the requirements of the Regulation (EU) No 1035/2011 and include:

- organisational structure and management;
- safety and quality management;
- safety of services;
- quality of services;
- human resources;
- potential and technical and operational competence;
- operating methods and procedures.

Regulatory safety audits in 2015 were carried out based on “The Update Safety Oversight of Air Navigation Services and Air Traffic Management Functions Plan (ATM/ANS) for the period of 1 January 2014 – 31 December 2015, approved by the CAA President”. In the reported period, within the framework of the safety oversight, the inspectors of the ATM/ANS Certification and Oversight Inspectorate conducted:

- in the area of ATM – 24 inspections;
- in the area of CNS – 10, including:
 - COM: six,
 - NAV: three,
 - SUR: one,
- in the area of MET: 12 inspections;
- in the area of AIS: four inspections.

B. *Compliance of ATM/ANS providers, operating in the domain of the responsibility of national supervisory authority, with appropriate safety requirements (Annex 2: Register of the inspections conducted by the Air Navigation Department in the framework of safety oversight)*

During the inspections conducted in 2015, within the framework of air navigation services provider oversight, by the ATM/ANS Certification and Oversight Inspectorate above findings were raised:

- in the area of ATM: six findings and 18 observations and 19 observations;
- in the area of CNS: four findings and 11 observations, including:
 - COM: two findings and seven observations,
 - NAV: one finding four observations,
 - SUR: one finding (no observations);
- in the area of MET: 15 findings and 10 observations;
- in the area of AIS: one finding and three observations.

With respect to the identified findings, the supervised entities have submitted corrective actions plans which have been approved by the NSA. Implementation of the corrective actions is completed and the reports of non-compliances – closed, respectively:

- ATM: six findings;
- CNS: two findings;
- MET: 13 findings.

Until 31 December 2015, the supervised entities didn't provide the CAA with evidences of 22 findings closing in the below areas:

- ATM: 12 findings;
- CNS: two findings;
- AIS: one finding;
- MET: two findings.

The effectiveness of the corrective actions, implemented by the supervised entities, is confirmed during the ongoing safety oversight, as well as follow-up inspections. There have not been any non-compliance raised which could have had significant implications for the safety management.

C. Monitoring of acceptable safety levels in Functional Airspace Blocks, for which national supervisory authority is responsible (Annex 3: Occurrence register)

At this stage, specific occurrences in ATM having a direct impact on maintaining safety level are monitored.

In accordance with targets set based on the Commission Implementing Regulation (EU) No. 390/2013 of 3 May 2013, laying down a performance scheme for air navigation services and network functions, Polish Air Navigation Services Agency, starting from 2015, applies severity classification methodology, based on the Risk Analysis Tool (RAT), at least for the following occurrences:

- separation minima infringements;
- runway incursions;
- specific ATM occurrences.

In 2015 323 occurrences were registered in ECCAIRS database, 264 of which constituted occurrences with no impact on safety. The remaining 59 occurrences were classified as incidents: 33 – significant, 11 – major and 15 – serious, demanding investigation.

In 31 cases occurrences AIRPROX were reported, including 15 related to RVSM, and in case of 16 there were direct ATM contribution.

In 13 cases runway incursions (RI – VAP) were reported, including one serious incident and one major.

In 34 cases two occurrences connected with ATM services provision and auxiliary functions were reported, including 15 occurrences leading to partial degradation of ATM service. In two cases significant incident were reported.

D. Safety arguments review concerning new systems or changes to functional systems having impact on safety, including information on new systems and changes to existing systems, accepted by the national supervisory authority and to those which have been approved internally by ATM/ANS providers, in accordance with definite procedures (insignificant changes)

ATM: between 1 January and 31 December 2015 the President of the CAA issued 21 decisions on approval of changes to functional systems in the area of ATM, including 14 related to flight procedures, seven – to the elements of the airspace structure and three – in another area of ATM, wherein, before issue of three decisions, safety arguments review, connected with changes introduced to functional systems were carried out. Other decisions were issued without field visits. Furthermore, in the reporting period Polish Air Navigation Safety Agency (PANSAN) notified the Civil Aviation Authority of 144 changes to functional systems, based on resulting from the Regulation of the Minister of Infrastructure of 9 October 2003, on flight restrictions for a period no longer than three months (J.L. No. 183, item 1794).

CNS: between 1 January and 31 December 2015 PANSAN reported 34 changes to functional systems related to CNS, including: COM – 18, NAV – nine, SUR – seven. After analysis of nature and extent of the reported changes, 15 safety arguments reviews were carried out and 22 decisions of the CAA President on approval of changes entry into force were issued, including: COM – 10, NAV – eight, SUR – four.

MET: in the period of 1.01–31.12.2014 nine changes to functional systems were notified. After analysis of their nature and extent, two safety arguments reviews were carried out

Three changes to functional systems related to MET were approved in the form of decisions of the CAA President. Three safety arguments reviews, connected with new functional systems or changes to existing systems, were carried out. In one case – at the request of the interested entity– decision on withholding changes implementation process.

AIS: between 1.01 and 31.12 2015 two changes to functional systems related to AIS were reported. The changes didn't require safety review.

E. Safety directives issued by the National Supervisory Authority

The Polish National Supervisory Authority hasn't issued any safety guidelines in the scope of ATM/ATS in the reporting period.