

APPROVED by



THE PRESIDENT of
THE CIVIL AVIATION AUTHORITY

Piotr SAMSON

(originally approved in Polish version)

on 12.02..... 2018

ANNUAL SAFETY OVERSIGHT REPORT

for the period of 1 January – 31 December 2017

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

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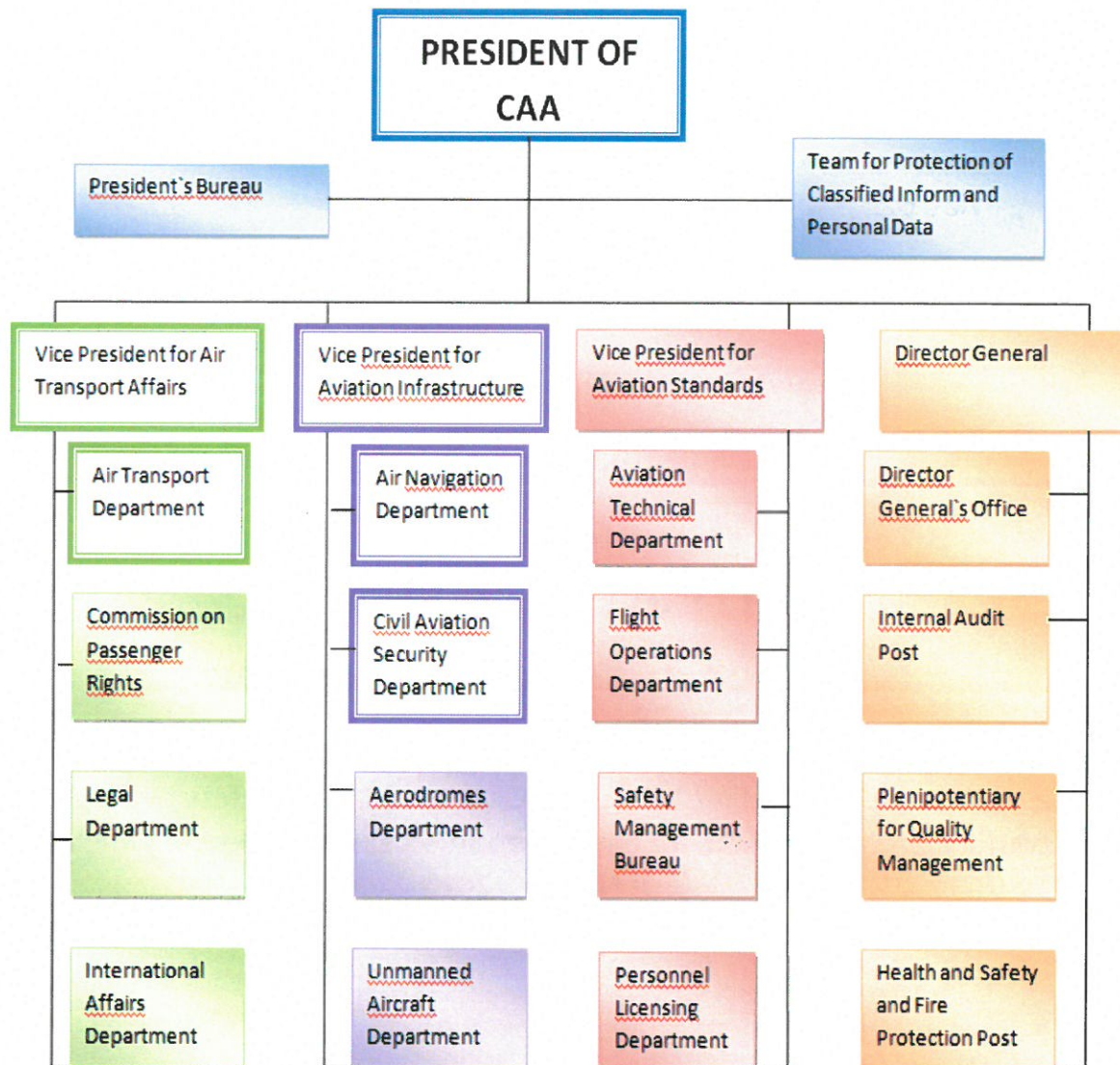
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Warsaw

2018

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 2017, item 959 and 1089 as amended);
- The By-law No 13 of the President of the Civil Aviation Authority of 23 November 2017, amending the regulation on establishing terms of reference of Civil Aviation Authority;
- The Regulation of the Minister of Transport, Construction and Maritime Economy of 7 July 2017 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 2017, item 1400);

- 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;
- The Regulation of the Minister of Infrastructure and Construction of 19th May 2017 on the licences & certificates of competence of ATS personnel (J.L of 2017, item 1115);;
- The Regulation (EC) No 216/2008 of the European Parliament and of the council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;
- Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers` licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council , amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011.

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 (CAA) 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.

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 service providers in the Polish airspace shall be conducted in line with the EU regulations. Certification in the scope of air navigation service provision is executed by the President of the CAA on 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 15 December 2017 on flights restrictions for the period no longer than 3 months (J.L. of 2017, items 959 I 1089).**

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 air navigation service providers and in the separate parts of these airspace – civil or military terminal air traffic service units or competent military units operate. Air traffic service providers form civil aerodrome air traffic service 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 ground 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 coordination 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 2017 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 Ltd.(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);
- Warmia and Mazury Ltd. (AFIS, COM, MET).

3. RECOGNISED ENTITIES AUTHORISED TO CONDUCT REGULATORY SAFETY AUDITS

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

4. CURRENT NATIONAL SUPERVISORY AUTHORITY HUMAN RESOURCES

Name of the NSA:	CIVIL AVIATION AUTHORITY
Scope of the NSA tasks:	Number of full-time equivalents
personnel licensing and training organization certification	2
certification and ATM/ANS safety oversight	10
Total:	12
The number of qualified safety oversight auditors/inspectors	12

Human resources analysis in the scope of qualified inspectors revealed that number of personnel licensing inspectors is insufficient. Lack of two inspectors makes it difficult to fully and effectively carry out the safety oversight plan in the areas covered by Commission Regulation (EU) 2015/340 of 20 February 2015.

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 (see attachment No 1) "The Safety Oversight Plan for Air Navigation Services, ATFM, ASM and other Air Traffic Management Functions (ATM/ANS) for the period of 1 January – 31 December 2017).

The oversight Plan for ANSP is based on the results of risk assessment analyzes.

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

- organizational 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 2017 were carried out based on “The Safety Oversight Plan for Air Navigation Services, ATFM, ASM and the other Air Traffic Management Functions (ATM/ANS) for the period of 1 January 2017 – 31 December 2017, 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 **81** inspections, including:

- in the area of ATM (exclude FIS & AFIS) – **22** inspections;
- in the area of CNS – **32**, including:
 - COM: **15** ,
 - NAV: **14**
 - SUR: **3**,
- in the area of MET: **16** inspections;
- in the area of FIS & AFIS: **7** inspections;
- in the area of AIS: **4** inspections.

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

During the inspections conducted in 2017, 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 (exclude FIS & AFIS) : **49** findings and **12** observations;
- in the area of CNS **4** findings and **37** observations, including:
 - COM: no findings and **19** observations,
 - NAV: **4** findings and **13** observations,
 - SUR: no findings and **5** observations;
- in the area of MET: **2** findings and **4** observations;
- in the area of FIS & AFIS: **8** findings and **3** observations;
- in the area of AIS: **1** findings and no observation.

With respect to the identified in 2017 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: 7 findings;
- CNS: 4 findings;
- MET: 1 findings;
- FIS & AFIS: 8 findings;
- AIS: no findings.

Until 31 December 2017, the supervised entities had not provided the CAA with evidences of 5 findings issued in 2017, in the following areas:

- ATM: 4 findings;
- CNS: no findings;
- FIS & AFIS: no findings;
- AIS: no findings;
- MET: 1 finding.

Moreover, until 31 December 2017 supervised entities had not provided the CAA with supporting evidences of closing the 11 findings transferred from the findings register from the previous year.

In total, on 31 December 2017, there were 16 open 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 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 on the basis of 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 2017, **1024** occurrences were registered in ECCAIRS database, **312** of which constituted occurrences with no impact on safety. **679** occurrences were classified as incidents: **57** – significant, **10** – major and **6** – serious, demanding investigation.

Of the **1024** registered occurrences with ATM impact, **39** cases occurrences AIRPROX were reported, in case of **13** occurrences with direct and in case of **2** indirect effects.

Within **1024** occurrences **13** of them were related to RVSM, and in case of **8** there were no impact to safety, in case of three occurrences had direct ATM system contribution.

In **34** cases runway incursions (RI – VAP) were reported, including **6** incidents with **1** significant, out of serious and major incidents.

In **64** cases occurrences connected with ATM services provision and auxiliary functions were reported, including **20** occurrences leading to partial degradation of ATM service. In **6** cases, there were serious occurrences.

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 2017 the Polish Air Navigation Service Agency reported **142** changes to its functional systems in the area of ATM, therein, **8** related to flight procedures, **16** in area of changes in the airspace structure, **115** in area of changes in the airspace structure for less than 3 months and **3** in other areas of ATM.

The President of the CAA issued **22** decisions on approval of changes to the functional systems in the area of ATM, whereas, prior to the issuance of **4** decisions, the inspectors conducted safety arguments reviews, related to the implemented changes to functional systems. The other decisions were not preceded by an audit.

CNS: between 1 January and 31 December 2016 PANSAs reported **19** changes to functional systems related to CNS, including: COM – **10**, NAV – **3**, SUR – **6**. After analysis of nature and extent of the reported changes, **8** safety arguments reviews were carried out (respectively **4,1,3**) and **8** decisions of the CAA President on approval of changes entry into force were issued, including: COM -**4**, NAV – **1** SUR -**3**.

MET: in the period of 1.01–31.12.2017 **one** change to the functional systems was notified. The period of its implementation has been declared for the first quarter of 2018.

E. Safety directives issued by the National Supervisory Authority.

The Polish National Supervisory Authority hasn't issued any safety directives concerning ATM/ATS in the reporting period.

6. ATS PERSONNEL TRAINING ORGANIZATION SUBJECT TO SUPERVISION OF THE NATIONAL SUPERVISORY AUTHORITY.

Legal base:

- **The Act of 3 July 2002 – Aviation Law, Article 160-162;**
- **The Regulation of the Minister of Infrastructure and Construction of 19th May 2017 on the licences & certificates of competence of ATS personnel (J.L of 2017, item 1115);**
- **The Regulation (EC) No 216/2008 of the European Parliament and of the council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;**
- **Commission Regulation No (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011.**

During reported period of time 1.01-31.12.2017 President of CAA supervised the following ATS Personnel Training Organizations:

- PANSА ATS Personnel Training Organization;
- Polish Air Force Academy ATS Personnel Training Organization;
- PANSА- (oversight on personnel ATS competency).

The implementation of regulatory safety audits in 2017 took place on the basis of the “*Safety Oversight Plan on 2017*” approved by the President of CAA. Despite of this, within the safety oversight process, inspectors of ATS Personnel Inspectorate carried out a number of ad hoc inspections, resulting in a total 9 audits and inspections:

1. **3** certification audits;
2. **2** safety oversight audits;
3. **4** ad hoc inspections .

Regarding above mentioned audits and inspections **2** non-conformities has been identified, one of which was not closed at 31.12.2017.

