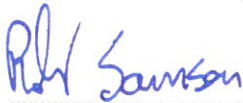


APPROVED by



THE PRESIDENT of  
THE CIVIL AVIATION AUTHORITY  
*Piotr SAMSON*

on 1. 07. 2017

## ANNUAL SAFETY OVERSIGHT REPORT

for the period of 1 January – 31 December 2016

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

*Translation authorised by*

Director of  
THE AIR NAVIGATION DEPARTMENT  
*Marek Cislowski*



31. 05. 2017

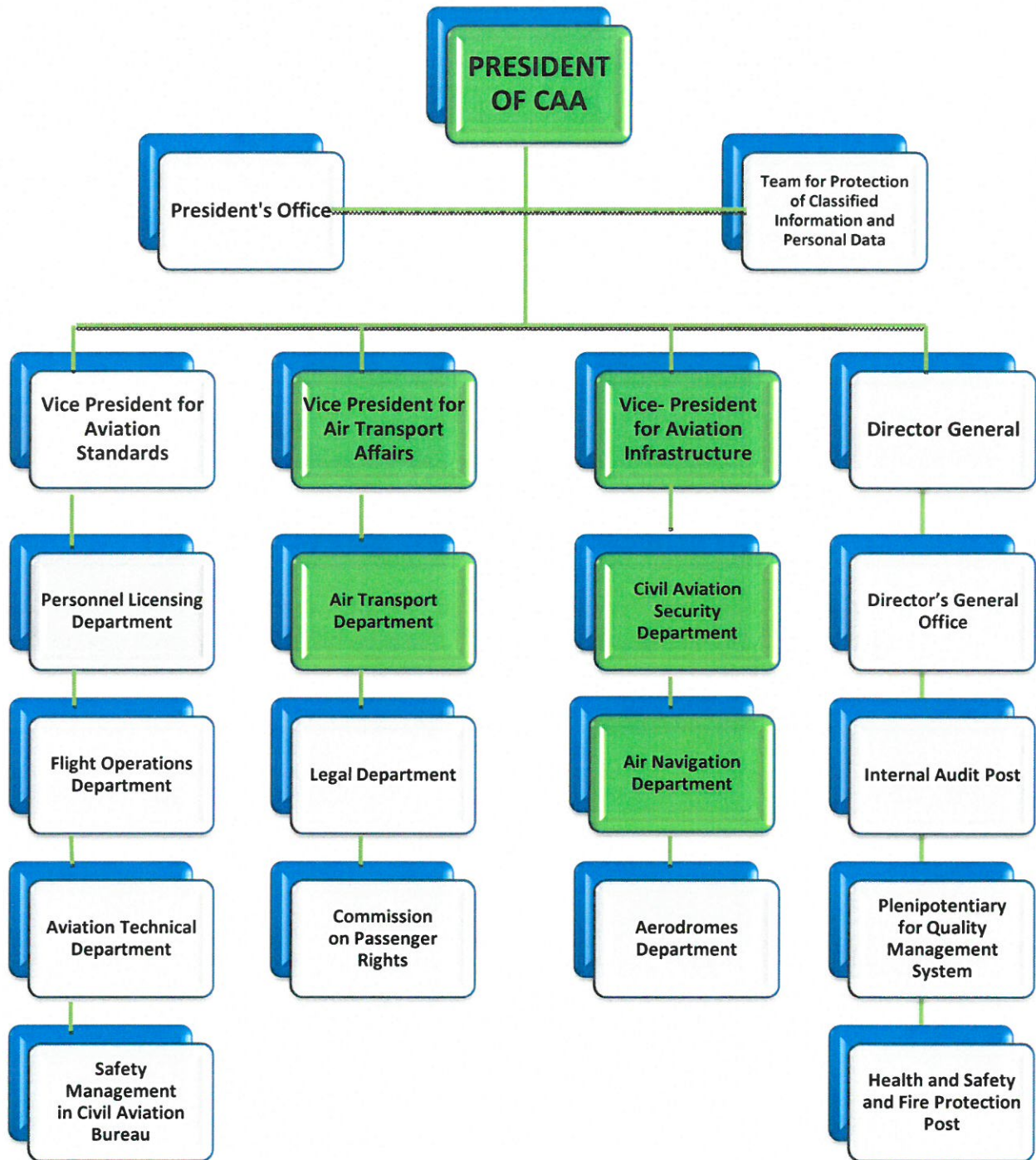
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Warsaw

2017

# 1. ORGANISATIONAL STRUCTURE AND PROCEDURES OF NATIONAL SUPERVISORY AUTHORITY

## The structure of the National Supervisory Authority



**Legal basis:**

- The Act of 3 July 2002 – Aviation Law (J.L. of 2016, item 605 as amended);
- 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) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (J.L. of 2011, item 206);
- 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;
- Regulation of the Minister of Transport, Construction and Maritime Economy of 25 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);
- Regulation of the Minister of Transport, Construction and Maritime Economy of 12 April 2013 on passenger airworthiness licensing and certificates (J.L. of 2013, item 471, as amended);
- By-law No 8 of the President of the Civil Aviation Authority of 30 August 2016, amending the regulation on establishing terms of reference of Civil Aviation Authority.

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

Certification is a verification of a provider's ongoing capability to perform aviation activities in a safe manner. ATS personnel training is subject to certification under art. 18 of Regulation (EU) No 805/2011 and Regulation 421/2013.

Provision of air navigation services is subject to certification 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 is conducted in line with EU regulations. Certification in the scope of air navigation services provision is executed by the President of the Civil Aviation Authority at the request of an interested entity after making sure that the entity meets 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 eliminate them within a given deadline – under pain of revoking the certificate. Failure to fulfil the requirements specified in the certificate by the entity within the determined deadline may result in revocation of the certificate by the President of the CAA.

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 a 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 non-conformities have been identified during the previous inspections.

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

### Legal basis:

- The Act of Aviation Law, Art. 121;
- 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 a period exceeding 3 months (J.L. of 2010 No. 106, item 678 and of 2011 No. 251, item 1507);
- Regulation of the Minister of Infrastructure of 9 October 2003 on flights restrictions for a period not exceeding 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. Civil air navigation services providers operate in the Polish airspace and air traffic services in terminal area are provided by civil or military ATS units.

The controlled airspace, constituting a 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 (*Cross-Border Area*), for which an 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 a specific user during a determined period of time, for which an airspace class appropriate for the controlled airspace has been defined.

Categories for particular conditional routes are assigned by the air navigation service provider (Polish Air Navigation Services Agency, hereafter referred to as PANSa). PANSa develops: AWY, CDR, CTR, MCTR, TMA in co-ordination with the Military Air Traffic Services Office of the Polish Armed Forces (hereafter referred to as SSRL SZ RP). PANSa submits projects of: AWY, CDR, CTR, MCTR, TMA to the President of the CAA for 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 the 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 the provided air navigation services. A controlled airspace structure or its change, accepted by the President of the CAA, is published in the 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 the airspace over a civil uncontrolled aerodrome and adjacent terrain, necessary for arrival and departure procedures and training tasks, for which an airspace class appropriate for the uncontrolled airspace has been defined;
- 3) Military Aerodrome Traffic Zone (MATZ) – which is the airspace over military uncontrolled aerodrome and adjacent terrain, necessary for arrival and departure procedures and training tasks, for which either airspace class appropriate for the 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 the uncontrolled airspace has been defined.

All the elements of the airspace structure are developed by PANSa in co-ordination with the SSRL SZ RP and within 91 days before their planned entry into force the projects are submitted to the President of the CAA for 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 2016 the following air navigation services providers were subject to the supervision of the President of the CAA :

- the Polish Air Navigation Services Agency (ATS, CNS, AIS);



- the Institute of Meteorology and Water Management – National Research Institute (MET);
- the Masovia Airport Warszawa-Modlin Ltd.(AFIS);
- the Radom Airport JSC (AFIS and COM in the area of mobile air-ground communication);
- the Logistics Service Centre (AFIS);
- the Mielec Airport Ltd. (AFIS);
- Radom Meteo Ltd. (MET);
- Warmia and Mazury Ltd. (AFIS, COM, MET).

### 3. RECOGNISED ENTITIES WHICH WERE RECOMMENDED TO CONDUCT REGULATORY SAFETY AUDITS

In the reported period the President of the CAA has not commissioned to any notified body to conduct regulatory safety audits.

### 4. NATIONAL SUPERVISORY AUTHORITY CURRENT HUMAN RESOURCES

<b>Name of the NSA:</b>	<b>CIVIL AVIATION AUTHORITY</b>
<b>Scope of the NSA tasks:</b>	<b>Number of full-time equivalents</b>
personnel licensing and training centres certification	2
certification and ATM/ANS safety oversight	13
<b>Total:</b>	<b>15</b>
<b>The number of qualified safety oversight auditors/inspectors:</b>	<b>15</b>

A human resources analysis within the scope of qualified inspectors revealed that the number of personnel licensing inspectors is insufficient. The reduced staffing in the licensing area does not guarantee an effective and efficient implementation of the safety oversight plan in this area.

**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 ( “The Safety Oversight Plan for Air Navigation Services, ATFM, ASM and other Air Traffic Management Functions (ATM/ANS) for the period of 1 January 2016 – 31 December 2017)***

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 2016 were carried out based on “The Safety Oversight Plan for Air Navigation Services, ATFM, ASM and the rest of Air Traffic Management Functions (ATM/ANS) for the period of 1 January 2016 – 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 **87** inspections, including:

- in the area of ATM (exclusive of FIS & AFIS) – **24** inspections;
- in the area of CNS – **31**, including:
  - COM: **12**,
  - NAV: **11**,
  - SUR: **8**,
- in the area of MET: **20** inspections;
- in the area of FIS & AFIS: **8** inspections;
- in the area of AIS: **4** inspections.

**B. *Compliance of ATM/ANS providers, operating in the domain of the responsibility of the national supervisory authority, with appropriate safety requirements.***

During the inspections conducted in 2016 by the ATM/ANS Certification and Oversight Inspectorate within the framework of air navigation services provider oversight, the following findings were made:



- in the area of ATM (exclusive of FIS & AFIS) : **32** findings and **24** observations;
- in the area of CNS **8** findings and **49** observations, including:
  - COM: **2** findings and **23** observations,
  - NAV: **3** findings and **18** observations,
  - SUR: **3** findings and **8** observations;
- in the area of FIS & AFIS: **13** findings and **10** observations;
- in the area of AIS: **3** findings and **3** observations;
- in the area of MET: **6** findings and **9** observations.

With respect to the findings identified in 2016, the supervised entities have submitted corrective actions plans which have been approved by the NSA. The implementation of the corrective actions is completed and the reports of non-compliances – closed, respectively:

- ATM: **10** findings;
- CNS: **6** findings;
- FIS & AFIS: **7** findings;
- AIS: **3** findings;
- MET: **4** findings.

Until 31 December 2016, the supervised entities did not provide the CAA with evidence of 32 findings closing in the below areas:

- ATM: **22** findings;
- CNS: **2** findings;
- FIS & AFIS: **6** findings;
- AIS: no findings;
- MET: **2** findings.

Moreover, until 31 December 2016 the supervised entities did not provide the CAA with supporting evidence of closing the **13** findings transferred from the findings register from the previous year.

In total, on 31 December 2016, there were **45** open findings.

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

***C. Monitoring of acceptable safety levels in Functional Airspace Blocks, for which the national supervisory authority is responsible***

At this stage, specific occurrences in ATM having a direct impact on maintaining the 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, the Polish Air Navigation Services Agency, starting from 2015, applies a 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 2016, **1356** occurrences were registered in the ECCAIRS database, **569** of which constituted occurrences with no impact on safety. The remaining **773** occurrences were classified as incidents: **111** – significant, **29** – major and **8** – serious ones, demanding investigation.

In **56** cases AIRPROX occurrences were reported, including **3** ones related to RVSM, and in the case of 21 the ATM system directly contributed to the occurrence.

In **16** cases runway incursions (RI – VAP) were reported, including **2** major and **4** significant, and two serious incidents.

In **72** cases occurrences connected with ATM services provision and auxiliary functions were reported, including **24** occurrences leading to a partial degradation of the ATM service.

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

**ATM:** between 1 January and 31 December 2016 the Polish Air Navigation Services Agency reported **124** changes to its functional systems in the area of ATM, therein, **14** related to flight procedures, **17** in the area of changes in the airspace structure, **84** in the area of changes in the airspace structure

for a period not exceeding 3 months and 9 in other areas of ATM.

The President of the CAA issued 35 decisions on approval of changes to functional systems in the area of ATM, whereas, prior to the issuance of 6 decisions, the inspectors conducted safety arguments reviews, related to the implemented changes to functional systems, the remaining decisions were issued without any real inspections.

**CNS:** between 1 January and 31 December 2016 PANSAs reported 27 changes to functional systems related to CNS, including: COM – 14, NAV – 6, SUR – 7. After an analysis of the nature and extent of the reported changes, 16 safety arguments reviews were carried out (respectively 7, 7, 2) and 17 decisions of the President of the CAA approving the entry into force of the changes were issued, including: COM – 7, NAV – 8 SUR 2 ones.

**MET:** in the period of 1.01–31.12.2016, 4 changes to functional systems were notified. After an analysis of their nature and extent, two safety arguments reviews were carried out and 3 decisions of the President of the CAA approving the entry into force of the changes were issued. Moreover, 5 changes reported in 2015, involving the implementation of new AWOS systems, have been encompassed by safety arguments reviews and in 2016 by the decision of the President of the CAA they and their entry into force were approved.

#### ***E. Safety directives issued by the National Supervisory Authority.***

The Polish National Supervisory Authority has not 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:**

- **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) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (J.L. of 2011,item 206;**
- **The Act of 3 July 2002 – Aviation Law, Article 160-162;**
- **Regulation of the Minister of Transport, Construction and Maritime Economy of 12 April 2013 on passenger airworthiness licensing and certificates (J.L of 2013, item 471, as amended.**

In the reporting period of 1.01-31.12.2016 the President of the CAA has supervised the following ATS Personnel Training Organizations:

- PANSATC Personnel Training Organization;
- Polish Air Force Academy ATS Personnel Training Organization.

The implementation of regulatory safety audits in 2016 took place on the basis of the “Audits plan within safety oversight report on the ATS Personnel Inspectorate” approved by the President of the CAA. Moreover, within the safety oversight report, inspectors of the ATS Personnel Inspectorate carried out a number of ad hoc inspections, resulting in a total of **11** audits and inspections during the period of 1.01.-31.12.2016:

1. **4** certification audits;
2. **2** safety oversight audits;
3. **2** ad hoc inspections related to the approval of the changes;
4. **1** ad hoc inspection related to a problematic situation;
5. **2** ad hoc inspections to verify the implementation of the Commission Regulation (EU) 2015/340.

In the above area **2** non-conformities have been identified, **1** of which has not been closed as of 31.12.2016.