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Dziedu Lotnictwa Cywilnego

Piotr Samson

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THE PRESIDENT

of THE CIVIL AVIATION AUTHORITY

Piotr SAMSON

(originally approved in Polish version)

on *18-03* 2020

ANNUAL SAFETY OVERSIGHT REPORT

for the period of 1 January – 31 December 2019

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 Director of
THE AIR NAVIGATION DEPARTMENT**

Marek Cislowski

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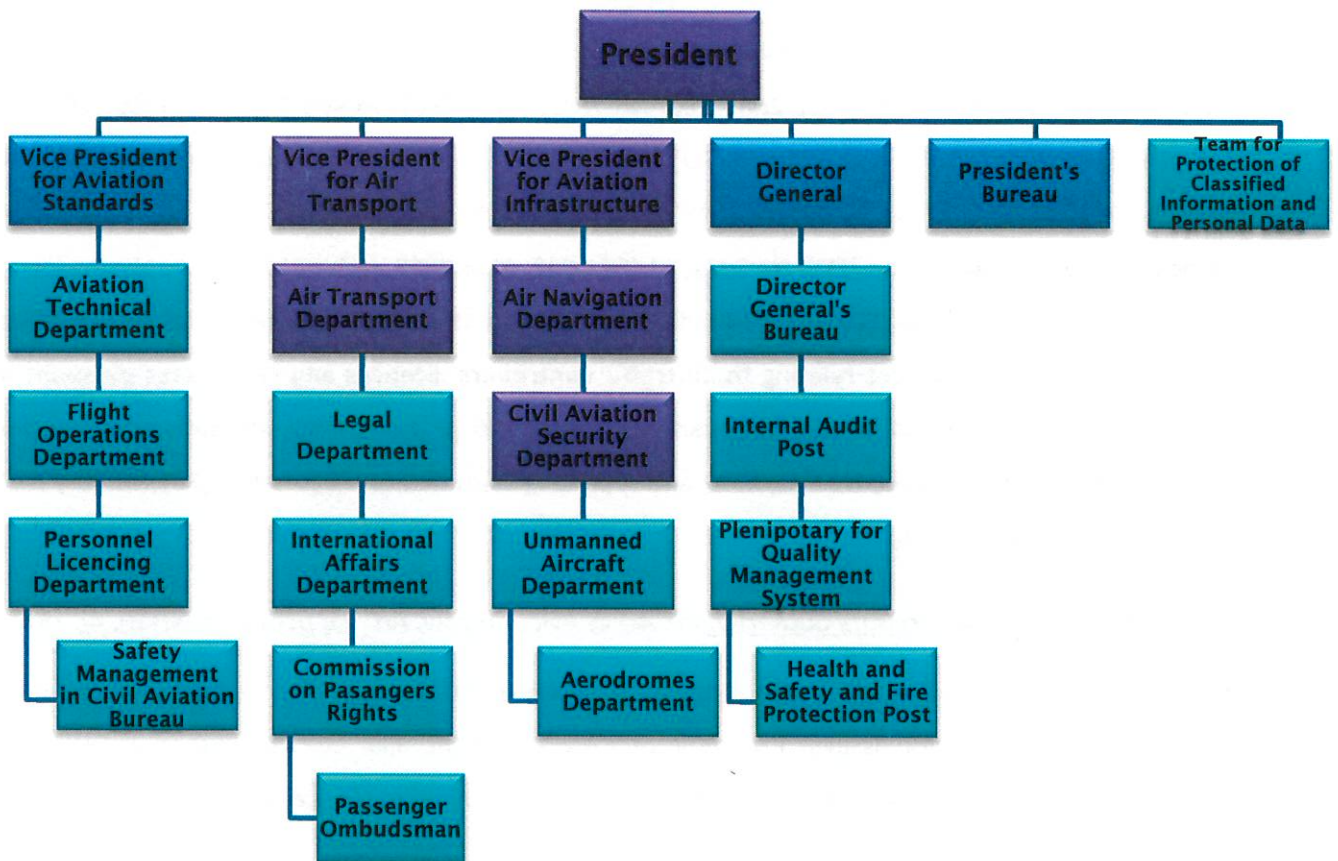
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Warsaw

2020

1. ORGANISATIONAL STRUCTURE AND PROCEDURES OF NATIONAL SUPERVISORY AUTHORITY

The structure of the National Supervisory Authority:



** With the violet colour the departments that perform function of the national supervisory authority have been distinguished.*

Legal base:

- The Act of 3 July 2002 – Aviation Law (OJ 2019, item 1580 and 1593);
- The By-law No 5 of the President of the Civil Aviation Authority of 28 February 2020 on establishing terms of reference of the 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 (OJ 2017 item 1400 as amended);
- The 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 (OJ 2003 No 168 item 1640 as amended);
- 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 (OJ L 271, 18.10.2011, pp. 15–22);
- The 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 (OJ L 271, 18.10.2011, pp. 23–41);

- The Regulation of the Minister of Infrastructure and Construction of 19 May 2017 on the licences and certificates of competence of ATS personnel (OJ 2017, item 1115 as amended);
- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122);
- The 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 (OJ L 63, 6.3.2015, p. 1–122).

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 ongoing oversight plan of air navigation

services and air traffic management functions (ATM/ANS) realised between 1 January 2019 and 31 December 2020”, 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 base:

- **The Act of Aviation Law, Art. 121;**
- **The Regulation of The Minister of Infrastructure of 27 December 2018 on Polish airspace structure and detailed conditions and way of use of this airspace (OJ 2019, item 619);**
- **Regulation of the Minister of Infrastructure of 5 March 2019 on flights prohibitions or restrictions for the period longer than three months (J.L. 2019, item 617);**
- **Regulation of the Minister of Infrastructure of 18 January 2019 on flight restriction for the period not longer than three months (J.L. 2019, item 618).**

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 this 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 (ATC) is provided to all aircraft, in accordance with ICAO classification, subject to point SERA.5005 and point SERA.6001 of the Annex to the SERA regulation, consists of:

1) Control Area (CTA), containing:

- a) **Terminal Control Area (TMA) and Military Control Area (MTMA) – 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 (CDR) – which can be planned and used under certain conditions, with an assigned category, depending on its anticipated availability, planning options and expected levels of activity associated with it TSA or TRA,**
- d) **airspace extending from FL 095/9500 ft to FL 660, except for TSA, TRA, TFR, MRT and CBA – for which the airspace class appropriate to the uncontrolled space has been defined or they have not been classified;**

- 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 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 Segregated Areas (TSA), Temporary Reserved Area (TRA), TSA or TRA Feeding Routes (TFR), Military Routes (MRT) and flight area on both sides of the state border, being a temporary segregated or reserved area, established due to specific operational requirements (Conditional Route – CBA) – for which the airspace class appropriate for the uncontrolled space has been defined or it has not been classified.

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 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 2019 following air navigation services providers were subject to the CAA President supervision:

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

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

3. RECOGNISED ENTITIES AUTHORISED TO CONDUCT REGULATORY SAFETY AUDITS

In the reporting 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 organisation certification	4
certification and ATM/ANS safety oversight	12
Total:	16
The number of qualified safety oversight auditors/inspectors	16

After the analysis of human resources in the field of qualified safety inspectors, it has been found that they are insufficient. Limited resources in the ATM Inspectorate and in the licensing area pose difficulties in the full and effective implementation of the ongoing safety oversight of institutions providing air navigation services plan, as well as in the area covered by the Commission Regulation (EU) 2015/340.

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

A. Regulatory safety audits conducted in the framework of safety oversight report
 (See Attachment No 1 „The ongoing oversight plan of air navigation services and air traffic management functions (ATM/ANS) realised between 1 January 2019 and 31 December 2020”).

The oversight plan of ANSP is based on the results of risk assessment analysis. 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 2019 were carried out based on approved by the CAA President “The ongoing oversight plan of air navigation services and air traffic management functions (ATM/ANS) realised between 1 January 2019 and 31 December 2020”. In the reporting period, within the framework of the safety oversight, the Air Navigation Department inspectors conducted following inspections:

- in the ATM area (excluding FIS and AFIS): **10** inspections in the framework of the ongoing safety oversight in various bodies of the supervised ANS providers and two ad hoc controls. In addition, seven safety confirmation inspections were performed before implementation of changes to functional systems;
- in the area of CNS – **28** inspections arising from the safety oversight plan (including: COM – 11, NAV – 10, SUR – seven), **40** inspections related to changes to functional systems and **117** inspections related to the oversight of CNS Facilities Register;
- in the area of FIS and AFIS: **one** inspection;
- in the area of AIS: **eight** inspections;
- in the area of MET: **16** inspections.

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

During the inspections conducted in 2019 by the Air Navigation Department inspectors – within the framework of air navigation services provider oversight – below findings were raised:

- in the area of ATM: **seven** findings level II and **seven** observations (beside that 15 recommendations were issued);
- in the area of CNS: **one** finding level II and **85** observations, including:
 - COM: zero findings and **50** observations,
 - NAV: **one** finding and **17** observations,
 - SUR: zero findings and **18** observations;
- in the area of AIS: **five** findings;
- in the area of MET: **two** findings and **seven** observations.

With respect to the findings raised in 2019 the supervised entities have submitted corrective actions plans which have been approved by the NSA. The implementation of the corrective actions in most areas has been completed and the reports of non-compliances have been closed, respectively:

- ATM: **one** finding has been closed, the others are within the deadline for corrective actions;
- CNS: **zero** findings have been closed;
- 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 during follow-up inspections. There have not been raised any non-compliances which could have had significant implications for the safety management.

In relation to previous years, progress in compliance with the requirements of national and international law by supervised institutions and their organisational units has been noticed. The oversight system used is inherent in the CAA activities – as the national aviation authority – and is systematically adapted to the new challenges and needs.

C. Monitoring of acceptable safety levels in Functional Airspace Blocks, for which national supervisory authority is responsible (Annex 2: Occurrence register)

In accordance with Art. 4, para 2 of the Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007, hereinafter referred to as the Regulation No 376/2014, every entity, located in a Member State (e.g. PANSAs), establishes a mandatory reporting system to facilitate the collection of detailed data on occurrences, referred to in point 7 of the internal procedure of Air Navigation Department: “Analysis of Information on Aviation Occurrences in ATM/ANS Services”. While, according to the Art. 3, par. 3 of the Regulation No 376/2014, each Member State establishes a mandatory reporting system in order to facilitate the collection of detailed occurrences data, including the collection of details of occurrences collected by organisations in accordance with par. 2. Within the meaning of art. 4 par. 3 of the Regulation 376/2014, within the Civil Aviation Authority the Safety Management in Civil Aviation Bureau is responsible for collection of detailed data on occurrences gathered by organisations.

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, the 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 2019 Polish Air Navigation Services Agency (PANSa) reported to the Civil Aviation Authority 67 ATM/ANS occurrences in three categories: runway incursion, separation minima infringement and level bust. Additionally, 33 occurrences reported by PANSa have been classified as “other ATM related”.

GAT ACC service has reported:

- 10 cases of separation minima infringements;
- three cases of level busts;
- five cases of other ATM related occurrences.

APP service has reported:

- one case of separation minima infringement;
- three cases of level busts;
- five cases of other ATM related occurrences.

TWR service has reported:

- 25 cases of separation minima infringements;
- seven cases of level busts;
- 19 cases of other ATM related occurrences.

FIS service has reported:

- two cases of other ATM related occurrences.

The goal of the monitoring is a set of mutually coordinated activities, which aim at the proper use of information on aviation occurrences reported by the Polish Air Navigation Services Agency to the Civil Aviation Authority. Data from the occurrences information analyses in the form of specific scope of oversight activities or possible preventive safety recommendations in the area of safety of ANS provision are used in the process of the ongoing safety oversight of ANSPs, in accordance with the ANS Department internal “Risk-based oversight planning procedure” (RBO procedure, 5/LOZ-1).

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 2019 the Polish Air Navigation Service Agency reported 211 changes to its functional systems in the area of ATM, therein:

- five related to flight procedures,
- 119 in the area of changes in the airspace structure,
- 78 related to the introduction of a flight restrictions region,
- nine in other areas of ATM.

The President of the CAA has issued nine administrative decisions on approval of changes to the

functional systems in the ATM, whereas, prior to the issuance of **seven** decisions, the inspectors have 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 2019 PANSAs reported **40** changes to functional systems related to CNS, including:

- **14** changes in COM area,
- **nine** changes in NAV area,
- **17** changes in SUR area.

After the analysis of nature and extent of the reported changes **21** safety argument reviews have been carried out:

- **14** in COM area,
- **two** in NAV area,
- **five** in SUR area

and **29** decisions of the CAA President on approval of changes entry into force have been issued, including:

- COM – **14**,
- NAV – **three**,
- SUR – **12**.

MET: in the period of 1.01–31.12.2019 **five** changes to the functional systems were notified. Before issuing one decision a safety confirmation audit related to the implemented change in the functional system was carried out. The remaining four decisions were issued without field inspection.

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 ORGANISATIONS SUBJECT TO THE OVERSIGHT OF THE NATIONAL SUPERVISORY AUTHORITY

Legal base:

- The Act of 3 July 2002 – Aviation Law, Articles 160–162;
- The Regulation of the Minister of Infrastructure and Construction of 19 May 2017 on the licences and certificates of competence of ATS personnel (OJ 2017, item 1115 as amended);
- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and

repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91;

- 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 the reported period, i.e. 1.01–31.12.2019, the following ATS personnel training organisations were subject to the oversight of the CAA President:

- Training Centre for the Air Traffic Services Personnel of the Polish Air Navigation Services Agency;
- Aviation Training Centre of the Air Traffic Services Personnel at the Polish Air Force University;
- Polish Air Navigation Services Agency (oversight of the ATS personnel competences);
- Flight School – Bisek Aerospace;
- Mielec Airport Ltd.;
- Logistics Services Centre Warsaw-Babice Airport;
- Warmia and Mazury Ltd.;
- Masovia Airport Warsaw-Modlin Ltd.

Implementation of the regulatory safety audits in 2019 was carried out based on “The ongoing oversight plan of air navigation services and air traffic management functions (ATM/ANS) realised between 1 January 2019 and 31 December 2020”, approved by the CAA President, and that resulted in a total of **37** audits and inspections, including:

- **three** certification audits;
- **34** ongoing safety oversight audits and inspections.

Audits and inspections in the framework of ongoing safety oversight have been carried in the following areas:

- ATS personnel training,
- conduct of examinations and assessments of ATC personnel,
- functioning of ATS personnel training organisations management system,
- changes in training organisations management systems,
- maintenance of ATS personnel competence.

In the above scope **seven** findings have been raised – of which **two** remained open as of 31 December 2019.