

APPROVED by

Piotr Samson

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**THE PRESIDENT
of THE CIVIL AVIATION AUTHORITY**

Piotr SAMSON

(originally approved in Polish version)

on *14.03*..... 2019

ANNUAL SAFETY OVERSIGHT REPORT

for the period of 1 January – 31 December 2018

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 Cistowski

Cistowski

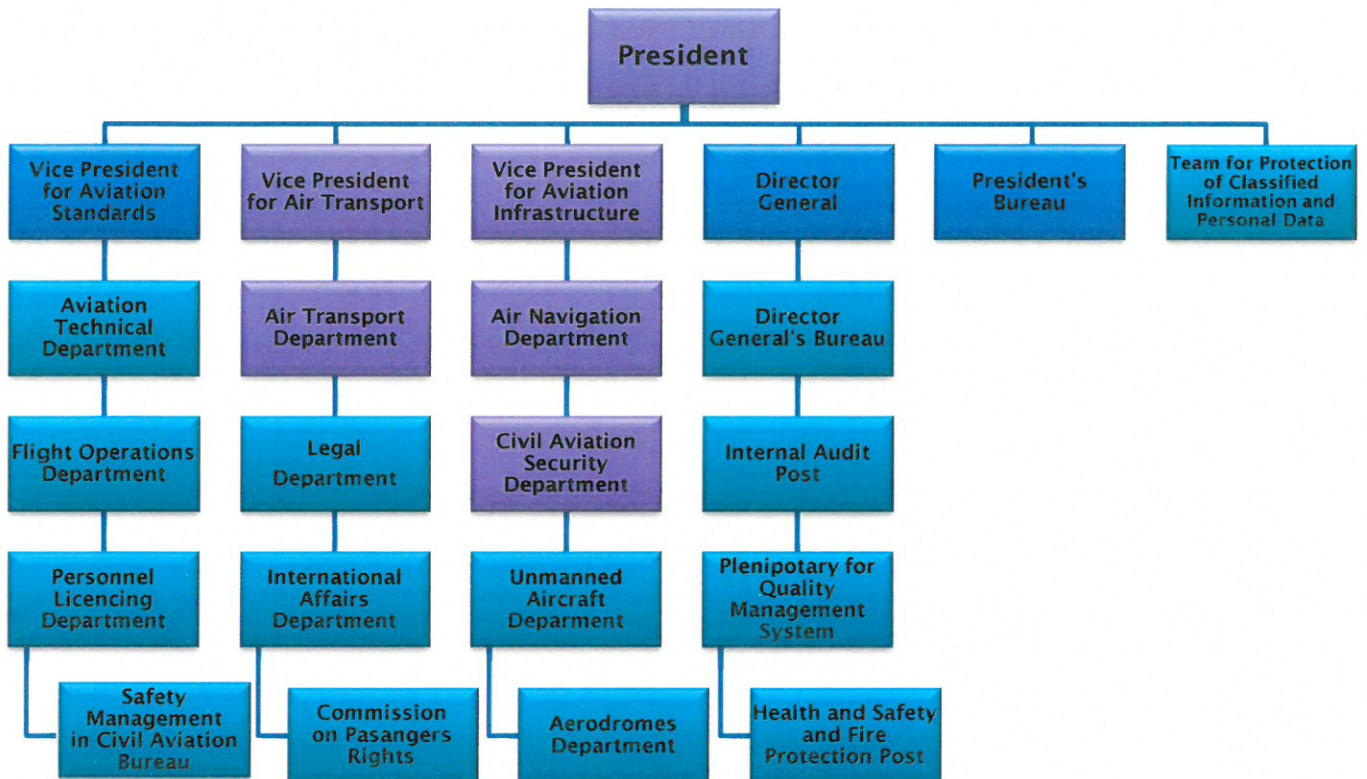
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Warsaw

2019

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 2018 item 1183 as amended);
- The By-law No 1 of the President of the Civil Aviation Authority of 12 January 2017 on establishing terms of reference of the Civil Aviation Authority with further amendments;
- 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);
- 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);
- 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, p. 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, p. 23–41);

- The Regulation of the Minister of Infrastructure and Construction of 19 May 2017 on the licences i certificates of competence of ATS personnel (OJ 2017, item 1115);
- 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 “Plan of ongoing oversight of training organisations and providers of air navigation services and other network functions (ATM/ANS), realised between 1.01.2018 and 31.12.2019”, 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 25 November 2008 on Polish airspace structure and detailed conditions and way of airspace use (OJ 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 as amended);**
- **Regulation of the Minister of Infrastructure of 9 October 2003 on flight restriction for the period not longer than 3 months (J.L. 2003.183.1794).**

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 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 in the area of mobile air-ground communication, 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 organisation certification	4
certification and ATM/ANS safety oversight	10
Total:	14
The number of qualified safety oversight auditors/inspectors	14

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 „Plan of ongoing oversight of training organisations and providers of air navigation services and other network functions (ATM/ANS), realised between 1.01.2018 and 31.12.2019”).

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 2018 were carried out based on approved by the CAA President “Plan of ongoing oversight of training organisations and providers of air navigation services and other network functions (ATM/ANS), realised between 1.01.2018 and 31.12.2019”. In the reported period, within the framework of the safety oversight, the Air Navigation Department inspectors conducted **70** inspections, including:

- in the area of ATM (excluding FIS & AFIS) – **nine** inspections;
- in the area of CNS – **32**, including:
 - COM: **12**,
 - NAV: **13**,
 - SUR: **seven**,
- in the area of FIS & AFIS: **three** inspections;
- in the area of AIS: **seven** inspections,
- in the area of MET: **19** 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 2018, 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: **seven** findings level II,
- in the area of CNS **10** findings and **43** observations, including:
 - COM: one finding and **17** observations,
 - NAV: **six** findings and **18** observations,
 - SUR: three findings and **eight** observations;
- in the area of AIS: **one** finding and **two** observations,
- in the area of MET: **one** finding and **nine** observations.

With respect to the findings identified in 2018, the supervised entities have submitted corrective actions plans which have been approved by the NSA. Implementation of the corrective actions in most areas has been completed and the reports of non-compliances have been closed, respectively:

- ATM: **two** findings have been closed, the others are within the deadline for corrective actions; here one finding, raised in 2016 (TWR EPBY) should be also mentioned – for which the date of CAP implementation has already been extended twice;
- CNS: **10** findings;
- AIS: 0 niezgodności (the non-compliance report was sent to PANSa in December – the answer, including corrective actions proposal, was sent in January 2019 – deadline for closure of all identified finding: end of 2019);
- MET: **one** finding.

Until 31 December 2018, the supervised entities have not provided the CAA with objective evidences of findings raised in 2018, including:

- ATM: **five** findings,
- FIS i AFIS: **two** findings,
- AIS: **one** finding (deadline – set by the CAA – is Q4 2019).

Moreover, until 31 December 2018 supervised entities had not provided the CAA with evidences supporting closure of **one** finding transferred from the findings register from the previous year. In total on 31 December 2018 there were **eight** 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 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 3: 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. PANSa), 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 2018 Polish Air Navigation Services Agency (PANSa) reported to the Civil Aviation Authority 64 ATM/ANS occurrences in three categories: runway incursion, separation minima infringement and deviation from the assigned altitude. Additionally, 33 occurrences reported by PANSa have been classified as "other related to ATM".

GAT ACC service has reported:

- 29 cases of separation minima infringements;
- three cases of deviations from the assigned altitude;
- eight cases of other occurrences related to ATM.

APP service has reported:

- nine cases of separation minima infringement;
- three cases of deviation from the assigned altitude;
- four cases of other occurrences related to ATM.

TWR service has reported:

- 15 cases of separation minima infringements;
- three cases of deviations from the assigned altitude;
- 13 cases of other occurrences related to ATM.

FIS service has reported:

- one case of separation minima infringement;
- eight other occurrences related to ATM.

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).

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 2018 the Polish Air Navigation Service Agency reported **140** changes to its functional systems in the area of ATM, therein, four related to flight procedures, **30** in the area of changes in the airspace structure, **93** in area of changes in the airspace structure for less than 3 months and **13** in other areas of ATM.

The President of the CAA issued **four** decisions on approval of changes to the functional systems in the area of ATM, whereas, prior to the issuance of **three** 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 2018 PANSa reported **26** changes to functional systems related to CNS, including: COM – **nine**, NAV – **six**, SUR – **11**.

After the analysis of nature and extent of the reported changes, **11** safety arguments reviews have been carried out (respectively: six, two, three) and **11** decisions of the CAA President on approval of changes entry into force have been issued" including: COM -**six**, NAV – **two** SUR – **three**.

MET: in the period of 1.01–31.12.2017 **five** changes 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 ORGANISATIONS SUBJECT TO SUPERVISION 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 19th May 2017 on the licences and certificates of competence of ATS personnel (OJ 2017, item 1115);

- 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. 1.01–31.12.2018, the President of the CAA supervised the following ATS Personnel Training Organisations:

- Training Centre for the Air Traffic Services Personnel of the Polish Air Navigation Services Agency (PANSAs ATS Personnel Training Centre);
- 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;
- Radom Airport JSC (oversight of the ATS personnel competences).

Implementation of the regulatory safety audits in 2018 was carried out based on “Plan of ongoing oversight of training organisations and providers of air navigation services and other network functions (ATM/ANS), realised between 1.01.2018 and 31.12.2019”, approved by the CAA President, and that resulted in a total of **18** audits and inspections, including:

- **two** certification audits;
- **16** safety oversight audits.

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 identified – of which **seven** remained unclosed as at 31 December 2018.