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COMMISSION IMPLEMENTING DECISION (EU) .../...

of 12.6.2024

setting Union-wide performance targets for the air traffic management network for the fourth reference period from 1 January 2025 to 31 December 2029

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)¹, and in particular Article 11(3), point (a), thereof,

Whereas:

- (1) The detailed requirements regarding the adoption of Union-wide performance targets by the Commission in the key performance areas of safety, environment, capacity and cost-efficiency are set out in Article 9(3) and (4) of Commission Implementing Regulation (EU) 2019/317².
- (2) In accordance with the first sub-paragraph of Article 9(3) of Implementing Regulation (EU) 2019/317, the Union-wide performance targets for the fourth reference period ('RP4'), which covers the calendar years 2025 to 2029 inclusive, are to be adopted prior to 1 June 2024, thus allowing time for Member States for the preparation of performance plans, which should be submitted to the Commission by 1 October 2024 for their assessment.
- (3) In preparation of the Union-wide performance targets for RP4, the Commission published indicative Union-wide performance target ranges for the purpose of consulting the stakeholders referred to in Article 10(3) of Regulation (EC) No 549/2004, other relevant persons and organisations and, regarding safety aspects, the European Union Aviation Safety Agency ('EASA'). Those indicative Union-wide performance target ranges were formally set out in Commission Decision (EU) 2023/2481³, on the basis of the recommendations received from the Performance Review Body ('PRB') designated by the Commission in accordance with Article 11(2) of Regulation (EC) No 549/2004. The consultation activities conducted by the Commission, with the support of the PRB, on the Union-wide performance target ranges included a stakeholder meeting held on 8 November 2023 and an online survey available from 4 October 2023 to 1 December 2023.

¹ OJ L 96, 31.3.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/549/oj>.

² Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013, OJ L 56, 25.2.2019, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2019/317/oj.

³ Commission Decision (EU) 2023/2481 of 10 November 2023 laying down indicative ranges for the Union-wide performance targets for the air traffic management network for the fourth reference period (2025-2029), OJ L, 2023/2481, 14.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2481/oj>.

- (4) The PRB submitted to the Commission, in March 2024, its final report on the proposed Union-wide performance targets for RP4. That report sets out in detail the assumptions, rationale and analysis underlying the proposed targets and the associated baseline values, the alert thresholds and the comparator groups. The report also outlines the results of the stakeholder consultation referred to in recital (3). The PRB made use in report of the latest traffic assumptions for RP4 made available by Eurocontrol's Statistics and Forecast Service ('STATFOR').
- (5) The Union-wide performance targets for RP4 set out in this Decision have been informed by inputs received from the PRB, the Network Manager, EASA, and the national supervisory authorities and account has been taken of the stakeholder consultations.
- (6) This Decision covers the geographical scope of application of the performance and charging scheme, namely the Member States, Norway and Switzerland. The Union-wide performance targets for RP4 and associated baseline values have been established on the basis of the STATFOR base traffic forecast published in February 2024, as expressed in Instrument Flight Rules ('IFR') movements and in service units. At Union-wide level, that *en route* traffic forecast corresponds to a total of 9.552.000 IFR movements and 128.933.200 service units for 2024, 9.787.000 IFR movements and 133.040.200 service units for 2025, 10.004.000 IFR movements and 136.927.200 service units for 2026, 10.209.000 IFR movements and 140.566.200 service units for 2027, 10.430.000 IFR movements and 144.385.200 service units for 2028, and 10.594.000 IFR movements and 147.464.200 service units for 2029.
- (7) The Union-wide performance targets in the key performance area ('KPA') of safety, measured as the level of the effectiveness of safety management to be achieved by air navigation service providers ('ANSPs') certified to provide air traffic services, should drive safety performance beyond minimum compliance with requirements regarding the safety management systems of ANSPs. The level of those performance targets should be set taking into account the actual and targeted performance in the safety KPA in the third reference period ('RP3') and the further improvements needed in RP4 in light of the latest regulatory and operational developments.
- (8) Furthermore, consideration should be given to the interdependencies between the safety KPA and the other KPAs of the performance and charging scheme, recognising that safety management acts as a control mechanism ensuring that exogenous or endogenous factors impacting the safety of air navigation service provision are duly identified and addressed. Consequently, a specific focus should be placed on further enhancing capabilities in the area of safety risk management, which should be subject to a more ambitious targeted level of performance than the other safety management areas, similarly as in RP3.
- (9) The methodology underlying the measurement of the key performance indicator on the effectiveness of safety management have been updated by EASA in view of RP4. The adjusted methodology aims to ensure alignment with the relevant industry best practices, taking account of regulatory and technical developments. Thus, the conditions to be met by ANSPs for reaching a certain target value for the effectiveness of safety management, defined as 'levels of implementation' and ranging from A to D, have become more stringent in comparison with RP3. As a result of those changes, the safety performance targets values for RP3 and RP4 are not directly comparable.
- (10) The Union-wide performance targets for RP4 in the KPA of environment, measured as the average horizontal *en route* flight efficiency of the actual trajectory, should reflect

the Union's Green Deal Agenda. The Union has established legal obligations under Regulation (EU) 2021/1119 of the European Parliament and of the Council⁴ to achieve climate neutrality by 2050 at the latest and to achieve a reduction of net greenhouse gas emissions by at least 55 % compared to 1990 by 2030. To this end, all economic sectors, including air transport, should contribute to the required greenhouse gas emission reductions. For air traffic management ('ATM'), this entails that flight inefficiencies leading to excess fuel consumption and greenhouse gas emissions should be effectively addressed. This should also include the mitigation, through adequate operational measures, of inefficiencies due to factors which are beyond the control of ANSPs, such as weather conditions and danger areas closed to traffic.

- (11) In setting the level of the Union-wide environment performance targets for RP4, consideration should be given to the historical performance achieved in that KPA; the estimated benefits resulting from measures set out in the European Route Network Improvement Plan ('ERNIP') referred to in Annex I to Commission Implementing Regulation (EU) 2019/123⁵; and, the consequences of Russia's war of aggression against Ukraine on air traffic flows in the airspace.
- (12) Furthermore, account should be taken of the interdependency between the environment and capacity KPAs. The PRB's analysis shows that environmental and capacity performance are closely interlinked. Therefore, the targeted improvements in horizontal flight efficiency in RP4 also require ANSPs to effectively address any existing capacity shortages limiting the availability of airspace for users and leading to sub-optimal flight trajectories in order to circumvent the congested areas.
- (13) Given that the operational measures to be undertaken by ANSPs, including the benefits stemming from the measures planned under the ERNIP, will gradually materialise during RP4, and given the forecasted traffic growth over RP4 which may impact the complexity of operations, environmental performance in RP4 should be targeted to improve through a step-wise approach, taking also into account the consequences of Russia's war of aggression against Ukraine on air traffic flows in certain Member States.
- (14) Given the interdependencies between the capacity and environment KPAs outlined in recital * MERGEFORMAT (12), and considering the importance of reducing the environmental impact of ATM in order to support the achievement of the Union Green Deal objectives, the Union-wide capacity performance targets for RP4, measured as the average *en route* air traffic flow management ('ATFM') delay per flight attributable to air navigation services, should be set at a level ensuring an adequate level of service quality for users.
- (15) The Union-wide capacity targets for RP4 should, in particular, foster the swift and effective resolution of the long-standing ATM capacity shortages faced by certain ANSPs. Such capacity issues have been observed since the second reference period ('RP2', 2015-2019) and they have re-emerged in the wake of the COVID-19 crisis which, in many instances, caused a notable reduction in or suspension of the training

⁴ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), OJ L 243, 9.7.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/1119/oj>.

⁵ Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011, OJ L 28, 31.1.2019, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2019/123/oj.

of new air traffic controllers, even for the area control centres ('ACCs') in which air traffic controller ('ATCO') numbers were historically too low to adequately meet traffic demand. Therefore, in some areas of the Union, in particular in a limited number of ACCs in the core area of Europe, ATM capacity has not been sufficient to accommodate the recovery of air traffic following the severe traffic downturn experienced during the COVID-19 pandemic.

- (16) Furthermore, account should be taken of the changes in traffic resulting from Russia's war of aggression against Ukraine, which have led to a significant increase in the number of flights in certain Member States due to a shift in traffic flows. That situation constitutes a challenge for the ANSPs concerned, which will have to accommodate high, growing traffic volumes also over RP4. The observed condensation of traffic flows in certain areas is further exacerbated by the closure to civil air traffic of certain parts of the airspace controlled by Member States in the vicinity of the border with Ukraine.
- (17) Finally, account should be taken of the capacity enhancement measures of ANSPs which have already been included in the European Network Operations Plan ('NOP') referred to in Article 9 of Implementing Regulation (EU) 2019/123. The latest available edition of the NOP, covering the time period 2023 - 2027⁶, includes capacity improvements by most ACCs which have been historically significant contributors to *en route* ATFM delays, including the implementation of state-of-the-art ATM systems and advanced ATC tools. Based on the available analysis, those investments will significantly enhance the capacity performance in those ACCs in the course of RP4. Specific operational benefits are also expected in RP4 from the ATM functionalities part of the SESAR 'Common Project One' and laid down in Commission Implementing Regulation (EU) 2021/116⁷, which will be deployed during the RP4 timeframe.
- (18) According to the NOP referred to in recital (17), a number of ACCs are nonetheless expected to face challenges in accommodating the forecasted traffic demand in the first years of RP4, in particular due to persisting inadequate levels of ATCO staffing. The ANSPs concerned should take all measures at their disposal to address the observed structural capacity and staffing issues and to minimise any related negative effect on network performance. The Union-wide capacity performance targets are based on the assumption that progress to deal with capacity shortages is made by the end of RP3 and that significant additional capacity is made available by ANSPs during RP4 in a front-loaded manner.
- (19) Where a Member State is faced with considerable additional traffic and a significant increase in the complexity of operations, both due to the shift in traffic flows resulting from the war in Ukraine referred to in recital (16), that situation renders the achievement of consistency with the Union-wide capacity performance targets more difficult for the Member State concerned. Therefore, the Member State concerned should present adequate information, in its draft performance plan, on the operational impact for its ANSP resulting from the war in Ukraine, in order to enable the

⁶ <https://www.eurocontrol.int/publication/european-network-operations-plan-2023-2027>

⁷ Commission Implementing Regulation (EU) 2021/116 of 1 February 2021 on the establishment of the Common Project One supporting the implementation of the European Air Traffic Management Master Plan provided for in Regulation (EC) No 550/2004 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 409/2013 and repealing Commission Implementing Regulation (EU) No 716/2014, OJ L 36, 2.2.2021, p. 10, ELI: http://data.europa.eu/eli/reg_impl/2021/116/oj.

Commission to take those circumstances into account when assessing the proposed local performance targets for RP4 in respect of their consistency with the Union-wide capacity performance targets.

- (20) The Union-wide performance targets in the KPA of cost-efficiency for each year of the reference period, expressed as a percentage, reflect the year-on-year change of the average Union-wide ‘determined unit cost’ (‘DUC’) for *en route* air navigation services. The preliminary cost and traffic data for RP4 submitted by Member States in June 2023 should be used as one of the inputs for Union-wide target setting together with the PRB’s forward-looking expert analysis of the RP4 costs and the potential cost-efficiency improvements estimated by the PRB for RP4, on the basis of an analysis of the existing cost inefficiencies in the provision of *en route* air navigation services.
- (21) Consideration should be also given to interdependencies with other KPAs. The Union-wide cost-efficiency performance targets for RP4 should be set at a level bolstering the necessary operational performance improvements in the environmental and capacity KPAs. To this end, it is necessary to increase the determined costs at Union-wide level over RP4 in comparison with RP3, in view of enabling enhanced service quality, including measures for accelerating the recruitment and training of ATCOs and increased investments in modern technology.
- (22) The rate of annual determined cost increases in RP4 should remain below the forecasted rate of traffic growth, in order to foster further cost-efficiency improvements and economies of scale in the provision of services. ANSPs should take advantage of the synergies available through cross-border cooperation as well as through other structural changes in the organisation and delivery of services. Over the time period covering both RP4 and RP3, the long-term Union-wide DUC trend for *en route* air navigation services should amount to -1,0 % per year.
- (23) Certain Member States have lost, as a consequence of Russia’s war of aggression against Ukraine, a significant share of the air traffic flows which they traditionally used to serve. That traffic reduction continues over RP4 to considerably impact the cost-efficiency of the ANSPs of the Member States concerned. The Commission has already in RP3, in its Decisions (EU) 2022/2423⁸ and (EU) 2022/2426⁹ set out a method for taking into account these exceptional circumstances as part of the assessment of the consistency of the local cost-efficiency performance targets with the Union-wide performance targets pursuant to Article 11(3)(c) of Regulation (EC) 549/2004.
- (24) The expected improvement in cost-efficiency for RP4 should be calculated starting from the Union-wide baseline value for the DUC, which is derived by dividing the baseline value for the Union-wide determined costs with the STATFOR base traffic forecast expressed in service units for the year 2024. The baseline value for Union-wide determined costs should be estimated by using the latest available data on the actual costs of air navigation service provision in RP3, as adjusted on the basis of the

⁸ Commission Decision (EU) 2022/2423 of 5 December 2022 on the consistency of the performance targets contained in the revised draft performance plan submitted by Sweden pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period, OJ L 318, 12.12.2022, p. 116.

⁹ Commission Decision (EU) 2022/2426 of 5 December 2022 on the consistency of the performance targets contained in the revised draft performance plan submitted by Latvia pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period, OJ L 318, 12.12.2022, p. 147.

preliminary cost data for year 2024 received from Member States in June 2023 and estimates on the level of costs for year 2024 resulting from PRB analysis. Account should be taken of the forecasted traffic variations during the remaining time period of RP3 and their relation to costs.

- (25) To establish the alert thresholds beyond which Member States may request a revision of the performance targets contained in performance plans, consideration should be given to the traffic forecast ranges, in terms of *en route* service units and IFR movements, from low to high growth based on Eurocontrol's STATFOR forecast. The long forecasting period until the end of 2029 involves a degree of uncertainty, in particular related to geopolitical risks, economic growth, and variability in traffic flows as witnessed during RP3 as well as the development of economic ties with emerging markets. The alert thresholds should cater for a reasonable level of traffic variation around the STATFOR base traffic forecast published in February 2024, whilst offering the possibility for Member States to request a revision of their performance plans in the event that actual traffic would rather evolve in line with the STATFOR high forecast or the STATFOR low forecast.
- (26) In addition to the Union-wide performance targets, comparator groups of ANSPs with a similar operational and economic environment should be established for the purpose of assessing performance targets in the key performance area of cost-efficiency. To establish those groups, the complexity of the airspace, the levels and variability of traffic, the cost of living, and the level of inflation should be taken into account.
- (27) The Single Sky Committee delivered a negative opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision sets Union-wide performance targets for the air traffic management network for the fourth reference period covering the five calendar years from 2025 to 2029.

Article 2

Union-wide performance targets in the key performance area of safety

Union-wide performance targets in the key performance area of safety, as referred to in point 1.1 of Section 1 of Annex I to Implementing Regulation (EU) 2019/317, to be achieved by the end of 2029 by air navigation service providers certified to provide services, are set at the following levels of effectiveness of safety management, expressed as a level of implementation, ranging from European Union Aviation Safety Agency ('EASA') level A to D:

- (a) at least Level C in the safety management objectives 'safety culture', 'safety policy and objectives', 'safety assurance', and 'safety promotion';
- (b) at least Level D in the safety management objective 'safety risk management'.

Article 3

Union-wide performance targets in the key performance area of environment

Union-wide performance targets for the key performance area of environment, as defined in point 2.1 of Section 1 of Annex I to Implementing Regulation (EU) 2019/317, shall be expressed as an average horizontal *en route* flight efficiency of the actual trajectory and measured as average additional distance flown compared to the great circle distance and shall not exceed the following percentages: 2,80% in 2025, 2,75% in 2026, 2,71% in 2027, 2,68% in 2028 and 2,66% in 2029.

Article 4

Union-wide performance targets in the key performance area of capacity

Union-wide performance targets for the key performance area of capacity, as defined in accordance with point 3.1 of Section 1 of Annex I to Implementing Regulation (EU) 2019/317, shall be an average *en route* air traffic flow management ('ATFM') delay attributable to air navigation services of a maximum of 0,9 minute per flight in 2025, 0,7 minute per flight in 2026, 0,6 minute per flight in 2027, 0,5 minute per flight in 2028 and 0,5 minute per flight in 2029.

Article 5

Union-wide performance targets in the key performance area of cost-efficiency

1. Union-wide performance targets for the key performance area of cost-efficiency, as defined in point 4.1 of Section 1 of Annex I to Implementing Regulation (EU) 2019/317, shall be a year-on-year change of the average Union-wide determined unit cost for *en route* air navigation services of -1,2% for 2025, -1,2% for 2026, -1,2% for 2027, -1,2% for 2028 and -1,2% for 2029. The year-on-year change shall be calculated starting from the baseline value for the determined unit cost set in paragraph 3.

2. The Union-wide baseline value for determined costs shall be set at EUR 7.100.000.000, expressed in real terms in 2022 prices ('EUR2022').

3. The Union-wide baseline value for the determined unit cost shall be set at EUR 55,07 in EUR2022.

Article 6

Alert thresholds

1. Member States may request a revision of one or more performance targets contained in the performance plans, in accordance with Article 18(1), point (a)(i) of Implementing Regulation (EU) 2019/317, where:

- (a) the actual traffic, recorded by Eurocontrol, deviates from the traffic forecast in the performance plan adopted in accordance with Article 16 of Implementing Regulation (EU) 2019/317 over a given calendar year by at least 10 % of Instrument Flight Rules ('IFR') movements; or
- (b) the actual traffic, recorded by Eurocontrol, deviates from the traffic forecast in the performance plan adopted in accordance with Article 16 of Implementing Regulation (EU) 2019/317 over a given calendar year by at least 10 % of service units.

2. Member States may request a revision of one or more performance targets contained in the performance plans, in accordance with Article 18(1), point (a)(i) of Implementing Regulation (EU) 2019/317, where the variation of the reference values as a result of the seasonal updates of the Network Operations Plan ('NOP') pursuant to Article 9(4), point (a) and Article 9(8) of Implementing Regulation (EU) 2019/123 in comparison to the reference values from the latest version of the NOP available at the time of drawing up the performance plan is at least:

- (a) 0,05 minute of *en route* ATFM delay if the reference value from the latest version of the NOP available at the time of drawing up the performance plan is less than 0,2 minute of *en route* ATFM delay; or
- (b) 0,04 minute of *en route* ATFM delay increased by 5 % of the reference value from the latest version of the NOP available at the time of drawing up the performance plan if the reference value is greater than or equal to 0,2 minute of *en route* ATFM delay.

Article 7

Comparator groups

The comparator groups of air navigation service providers with a similar operational and economic environment for the purpose of assessing performance targets in the key performance area of cost-efficiency shall be set as follows:

- (a) Group A: the air navigation service providers of France, Germany, Italy and Spain;
- (b) Group B: the air navigation service providers of Cyprus, Ireland, Malta and Portugal;
- (c) Group C: the air navigation service providers of Bulgaria, Croatia, Greece, Hungary, Slovakia, Slovenia and Romania;
- (d) Group D: the air navigation service providers of Czechia, Estonia, Latvia, Lithuania and Poland;
- (e) Group E: the air navigation service providers of Austria, Belgium, Luxembourg, the Netherlands and Switzerland;
- (f) Group F: the air navigation service providers of Denmark, Finland, Norway and Sweden.

Article 8

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12.6.2024

For the Commission
The President
Ursula VON DER LEYEN