

Supporting Material for the Development of Draft RP3 Performance Plans

Developed by EY and Egis upon request of the European
Commission Directorate-General for Mobility and Transport
(DG MOVE)

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This document does not constitute interpretative legal guidance. Its purpose is to provide technical supporting material for Member States, their national supervisory authorities and air navigation service providers for the implementation of the Single European Sky performance and charging scheme. The information and views set out in this document are those of the authors and do not necessarily reflect the official opinion of the European Commission.

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1 Introduction

1.1 Purpose

This document provides technical supporting material for Member States and their national supervisory authorities (NSAs) and air navigation service providers (ANSPs) in respect of the development of draft performance plans for the third reference period (RP3) of the Single European Sky (SES) performance and charging scheme. Its purpose is to facilitate the RP3 performance plan development process at local level. This document does not constitute interpretative legal guidance.

This technical supporting material is provided in respect of the Article 11 of Regulation (EC) 549/2004 laying down the framework for the creation of the single European sky the detailed requirements set out in Commission Implementing Regulation (EU) 2019/317 laying down a performance and charging scheme in the single European sky and, where applicable, in Commission Implementing Regulation (EU) 2020/1627 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic.

The scope of this technical supporting material comprises, in particular, the following provisions:

- Article 10 of IR 2019/317 – Performance plans;
- Article 12 of IR 2019/317 – Adoption and submission of draft performance plans
- Annex II of IR 2019/317 – Template for performance plans at national or Functional Airspace Block (FAB) level referred to in Article 10(1).
- Article 3 of IR 2020/1627 – Submission and assessment of draft performance plans;
- Article 4 of IR 2020/1627 – Derogations concerning the key performance indicators for RP3.

This document also refers to other provisions of Implementing Regulation (EU) 2019/317 that are relevant from the perspective of performance planning and target setting activities.

This supporting material encompasses elements pertaining to both national and FAB performance plans, and reference is made to elements specific to FAB performance plans where applicable.¹ Throughout this document, references to “draft performance plans” include the various versions of those plans, including possible revisions of those plans as appropriate. Accordingly, all requirements presented in this document remain applicable to the 2021 draft performance plans and their revised versions unless it is specified otherwise.

This document contains both citations from the legislation as well as some practical supporting material on possible ways to comply with the legal requirements. When referring to the legislation, the wording may not, in each specific instance, exactly paraphrase the legislation but rather outline the legal requirements in a summarized or simplified manner. This technical supporting material does not intend

¹ Depending on the section of the performance plan, Member States need to provide information in either a consolidated tab at national or FAB level, or in separate tabs for each ANSP or charging zone. In the present document, the references to the Excel template always refer to a single tab which may, however, need to be filled out separately for each entity or charging zone concerned.

to amend or interpret the legislative text. When expressing advice, this document uses terminology such as “should”, “are advised to” and “may”. It should be noted that only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

This deliverable is an updated version of the [previous technical supporting material for the development of draft performance plans in RP3](#)². The purpose is to support the development of draft performance plans containing revised local performance targets for RP3, which are to be submitted to the Commission by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627.

This document was developed upon request of DG MOVE, but it does not necessarily reflect the official opinion of the European Commission. All the information and views set out in this document are those of the authors.

1.2 Updated Excel template for draft RP3 performance plans

This document has been developed in conjunction with the updated Excel template for draft RP3 performance plans, which has been made available to Member States in May 2021.

The present document provides advice to Member States and NSAs for filling out this Excel template and directly refers to the tables forming part of that template. For each section of this supporting material, references to the relevant sections of the Excel template are provided under ‘Mapping with updated Excel template for draft RP3 performance plans’. Further practical instructions for completing the template, including links to the relevant legal references, are provided in the ‘Help’ and ‘Legal Reference’ areas of the template respectively.

1.3 Background for RP3 performance target setting

In accordance with the timetable set in Implementing Regulation 2019/317, the Union-wide performance targets for the third reference period (RP3, 2020-2024) in the key performance areas of safety, environment, capacity and cost-efficiency were originally adopted in May 2019 by Commission Implementing Decision 2019/903³. Member States subsequently submitted to the Commission their draft performance plans for RP3, containing their draft local performance targets, by 1 October 2019, as well as subsequent updated draft performance plans by 21 November 2019.

However, as both the Union-wide performance targets and the draft performance plans were drawn up and adopted in 2019 before the outbreak of the COVID-19 pandemic, they do not take account of the significantly changed circumstances resulting from this exceptional and unforeseen occurrence. The COVID-19 pandemic has led to a sharp drop in air traffic as a result of a significant fall in demand and direct measures taken by the Member States as well as third countries to contain the outbreak of the pandemic. The extraordinary circumstances caused by the COVID-19 pandemic have a significant impact

² Supporting material for the development of RP3 performance plans, EY and Helios, May 2019.

³ Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (OJ L 144, 3.6.2019, p. 49).

on the current processes and measures for the implementation of the performance and charging scheme in RP3.

In response to the impact of the COVID-19 pandemic on the provision of air navigation services, exceptional measures for RP3, which derogate from the provisions of Implementing Regulation (EU) 2019/317, were set out in Commission Implementing Regulation (EU) 2020/1627⁴. That Implementing Regulation requires the revision of performance targets for RP3 both at Union-wide and local level.

Article 2(1) of Implementing Regulation (EU) 2020/1627 establishes that the Commission shall set revised Union-wide performance targets for RP3. Following the conclusion of the comitology process, the Commission has adopted the Implementing Decision on revised Union-wide performance targets for RP3 in May 2021. In accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, Member States subsequently have to submit to the Commission, their draft performance plans for RP3 containing revised local performance targets in consistency with the revised Union-wide performance targets, by 1 October 2021.

The timeline below provides an overview of the upcoming milestones regarding the development of draft performance plans for RP3 and the subsequent assessment procedures by the Commission.

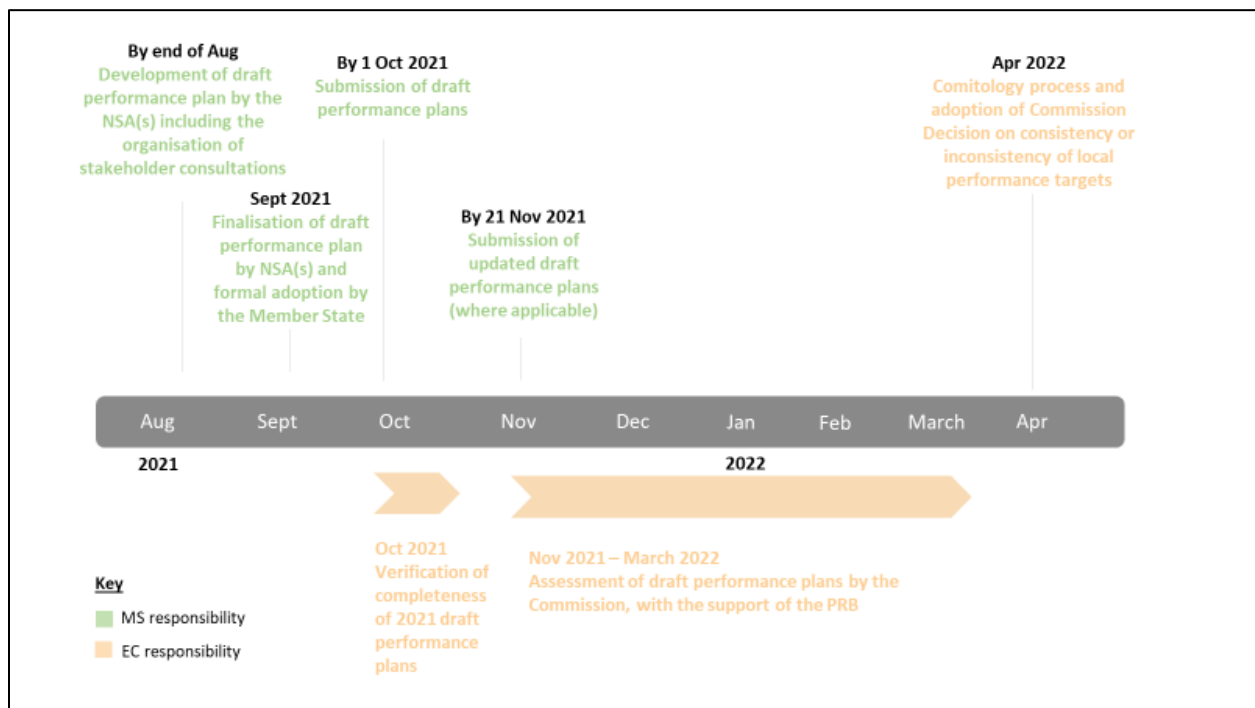


Figure 1: Timeline for local performance planning and target setting, and the subsequent assessment procedures

⁴ Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to COVID-19 pandemic (OJ L 366, 4.11.2020, p. 7).

1.4 Structure

The technical supporting material contained in this document is divided into the following chapters:

- Chapter 2 covers the procedural requirements on the establishment of performance plans
- Chapter 3 covers the requirements relating to the scope and context of the draft performance plans
- Chapter 4 presents the elements required in the draft performance in respect of the traffic forecasts for the reference period concerned
- Chapter 5 addresses questions related to information on investments in fixed assets
- Chapter 6 outlines the method and information regarding the setting of local performance targets
- Chapter 7 explains how the measures to achieve the performance targets should be presented in the draft performance plans
- Chapter 8 covers the interdependencies and trade-offs between the KPAs
- Chapter 9 presents the elements required in the draft performance plan on cross-border initiatives, SESAR implementation and change management actions
- Chapter 10 outlines traffic risk-sharing mechanism and parameters as well as the related information to be included in the draft performance plan
- Chapter 11 covers the establishment of incentive schemes as part of the draft performance plans
- Chapter 12 explains the information required in the draft performance plan in terms of implementing arrangements.

2 Performance plan development and adoption

This chapter addresses the procedural aspects related to the development and adoption of draft performance plans.

The relevant regulatory provisions are presented in the boxes below and generally apply to all versions of the draft performance plans, including the draft performance plans to be submitted by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, unless it is stated otherwise.

It is important to note that Implementing Regulation (EU) 2019/317 and Implementing Regulation (EU) 2020/1627 make a distinction between the responsibilities incumbent on 'Member States' and those specifically entrusted to national supervisory authorities ('NSAs') nominated or established in accordance with Article 4(1) of Regulation (EU) 549/2004. Where a responsibility is assigned to the 'Member State', each Member State has to determine the relevant authority at national level who will be in charge of fulfilling the requirement. This does not preclude the Member State from assigning these responsibilities to the entity acting as the nominated NSA.

2.1 Development of draft performance plans

This section provides supporting material on the procedure for the development of draft performance plans. Member States are advised to refer to the flow chart in Annex A.2 of this document, which provides a visual representation of the process and associated responsibilities for the development of draft performance plans, and the subsequent assessment phase.

Article 10(1) of Commission Implementing Regulation (EU) 2019/317

National supervisory authorities shall draw up performance plans, either at national level or at the level of functional airspace blocks.

Annex II of Commission Implementing Regulation (EU) 2019/317, point 1.6. – Template for performance plans at national or FAB level referred to in Article 10(1)

As regards performance plans adopted at the level of functional airspace blocks, description of the process followed to develop and adopt the performance plan.

In accordance with Article 10(1) of Implementing Regulation (EU) 2019/317, Member States have the choice whether to draw up their draft performance plan at national or FAB level. Each Member State should, therefore, in respect of the reference period concerned and before initiating performance planning activities, decide whether they will opt for a national or FAB level draft performance plan.

As a prerequisite to opting for a FAB level performance plan, all Member States within the FAB should formally agree on the development of the plan at FAB level. In the absence of an agreement between FAB Member States, each Member State concerned will establish a national performance plan.

The relevant NSA, or NSAs of each Member State, nominated in accordance with Article 4(1) of Regulation (EC) No 549/2004, is responsible for drawing up the performance plan at local level.

Regarding FAB performance plans, the NSAs of the FAB Member States are to jointly develop the draft performance plan. It is advised that this is done in the framework of a dedicated FAB-level Working Group, steered and chaired by a lead NSA.

Each draft performance plan should contain the following details in order to confirm the local allocation of responsibilities for target setting and the subsequent monitoring of the performance targets during the reference period:

- Name of the NSA(s) responsible for drafting the performance plan and subsequently for monitoring its implementation. Where several NSAs from the same Member State have contributed to drafting the performance plan, the applicable division of responsibilities between those authorities should be outlined.
- In respect of FAB draft performance plans, the Member States concerned should communicate the name of the NSA responsible for the coordination of the draft performance plan development within the FAB. It should also be communicated which NSA can act as a focal point towards the Performance Review Body (PRB) and Commission.

Furthermore, in accordance with point 1.6. of Annex II of Implementing Regulation (EU) 2019/317, FAB-level draft performance plans should detail the steps and working arrangements applied within the FAB to develop and adopt the performance plan. This information should be provided in the 'FAB process' tab in the Excel performance plan template and provide more details on the related coordination between the FAB Member States and on the consultation of stakeholders (see Section 2.3 of this document).

2.2 Adoption, submission and publication of performance plans

This section provides supporting material as to the adoption, submission and publication of performance plans. It is advised that Member States refer to the flow chart in Annex A.3 of this document which provides a visual representation as to the potential scenarios for Member States to adopt a performance plan both prior to, and during, a reference period (applicable for 2021 draft performance plans).

Adoption and submission of draft performance plan

Article 12 of Commission Implementing Regulation (EU) 2019/317

Each Member State shall adopt a draft performance plan, as drawn up by the national supervisory authority or authorities concerned at national level or at the level of functional airspace blocks, and submit it to the Commission, at the latest three months before the start of the reference period to which it relates. Where the draft performance plan is drawn up at the level of functional airspace block, after all Member States concerned have adopted that plan, it shall be submitted to the Commission.

Article 3(1) of Commission Implementing Regulation (EU) 2020/1627

By way of derogation from Article 12 of Implementing Regulation (EU) 2019/317, Member States shall prepare and submit to the Commission, by 1 October 2021, draft performance plans, drawn up in accordance with Article 10 of that Implementing Regulation and containing revised performance targets ensuring consistency with the revised Union-wide performance targets referred to in Article 2 of this Regulation.

For both national and FAB performance plans, the draft performance plans prepared by NSAs shall be adopted by the relevant Member State(s). The decisions at Member State level on the formal adoption of performance plans should be taken in accordance with the applicable national rules and procedures. Member States should ensure that the adopted plans are legally binding documents and enforceable on the regulated entities.

Prior to submission of a draft performance plan, in the 'Signatories' tab of the performance plan template, Member State(s) should select the 'Status of the performance plan' via the drop-down menu, as well as detail the 'date of issue' and 'date of adoption' of the (draft) performance plan.

According to point (e) of Article (10)(2), the Member State(s) concerned shall also provide confirmation that the performance plan is consistent in scope with Article 1 of Implementing Regulation (EU) 2019/317, and Article 7 of Regulation (EC) No 549/2004 which relates to relations with European third countries.

Each new version of the plan, according to the different options set out in the 'Status of the performance plan' drop-down menu (and as visualised in the flow chart in Annex A.2), should be documented in the 'document change record' of the 'Signatories' tab. This will allow both the Member State concerned and the Commission to clearly identify each version of the draft performance plan.

When submitting the draft performance plan, the NSA responsible should include the following documents on the ESSKY Platform:

- A signed PDF copy of the draft performance plan;⁵
- The Excel file containing the information that matches the signed PDF copy;
- The relevant Annexes⁶ filled accordingly, as listed in the 'Table of Content' section of the template.

The advice on necessary documents and information described above apply subsequently in the same manner to any revision of the draft performance plan as part of the Commission assessment outcome set out in Articles 14 and 15 of Implementing Regulation (EU) 2019/317, or to the revision of a performance plan during the reference period in accordance with Article 18 of that Implementing Regulation.

Should the Member State, in accordance with Article 15 of Implementing Regulation (EU) 2019/317, be required to take corrective measures in the case that revised targets contained in the revised draft performance plan are not consistent with the Union-wide targets, the Member State concerned shall submit the revised draft performance plan to the Commission alongside details of the corrective measures to be set out in Annex Z to the performance plan.

In accordance with Article 3(1) of Commission Implementing Regulation (EU) 2020/1627, it should be noted that the draft performance plans containing revised performance targets for RP3 to be submitted by 1 October 2021 are to be understood as draft performance plans within the meaning of Article 12 of Implementing Regulation (EU) 2019/317, including when it comes to the subsequent assessment and

⁵ For FAB performance plans, a signature should be provided for each of the Member States concerned.

⁶ It should be noted that the completion of some Annexes is mandatory; others are optional depending on the status of the performance plan and the local context.

possible revision of those performance plans under Articles 13 and 14 of Implementing Regulation (EU) 2019/317.

Adoption of (final) performance plan

Article 16 of Commission Implementing Regulation (EU) 2019/317

Each Member State shall adopt and publish its performance plan in one of the following circumstances, as applicable:

- a) after the Commission has adopted a decision in application of Article 14(2), Article 15(2) or Article 15(4);*
- b) after the Commission has adopted a decision pursuant to the second subparagraph of Article 15(7);*
- c) after the Commission has adopted a decision following a request of a Member State or Member States concerned to revise during the reference period performance targets pursuant to Article 18(1), provided that the performance plan is adjusted by the Member State concerned in respect of the revised performance targets.*

After a draft performance plan, a draft revised performance plan, corrective measures, or a performance plan revised during the reference period⁷ has been validated by the Commission pursuant to the assessment procedures set out in Implementing Regulation (EU) 2019/317, the relevant Member State’s authority or authorities shall formally adopt the final version of the performance plan without delay after the positive decision of the Commission.

Publication of (final) performance plan

According to points (c) and (d) of Article 38(1) of Implementing Regulation (EU) 2019/317, Member States shall make publicly available by electronic means their draft performance plans referred to in Article 12 and their adopted performance plans referred to in Article 16 of that Implementing Regulation. Those documents and the relevant annexes should be published online and made available to all stakeholders concerned. For national plans, this could be on the Ministry of Transport or on the national Civil Aviation Authority (CAA) website. For FAB plans, this could be on the website of each relevant national authority and on the website of the FAB concerned.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Submission of draft performance plan	‘Signatories’ tab
Submission of Annexes to draft performance plans	‘Table of Content’ tab (Section 7)
Process followed to develop and adopt a FAB performance plan	Tab 1.6 (FAB performance plan only)

⁷ Referred to in Article 18(1) of Implementing Regulation (EU) No 2019/317.

2.3 Stakeholder consultation on draft performance plans

Introduction

Article 10(4) of Commission Implementing Regulation (EU) 2019/317

In accordance with Article 10(1) and point (b) of Article 11(3) of Regulation (EC) No 549/2004, national supervisory authorities shall consult air navigation service providers, airspace users' representatives and, where relevant, airport operators and airport coordinators on the draft performance plans, including on the performance targets and incentive schemes contained therein.

Point 1.3 of template for performance plans, Annex II of Commission Implementing Regulation (EU) 2019/317

Description of the outcome of the stakeholder consultation on the draft performance plan, including the points of agreement and disagreement as well as the reasons for any such disagreement.

In accordance with Article 10(4) of Implementing Regulation (EU) 2019/317, NSAs are responsible for consulting stakeholders on draft performance plans, including but not limited to the performance targets and incentive schemes which they contain. All NSAs shall thus hold a consultation in the course of the development and before the adoption of draft performance plans in accordance with Article 12.

These requirements apply also to the 2021 draft RP3 performance plans⁸ and to each potential revision of a draft performance plan (if a draft performance plan is deemed inconsistent in accordance with Article 14 or Article 15 of Implementing Regulation (EU) 2019/317 or if the Member State(s) concerned intends to revise the performance plan during the reference period in accordance with Article 18 of that Implementing Regulation).

Date(s) and details of consultation(s)

It is advised that the local stakeholder consultations on the draft performance plans and associated performance targets are held at least one month ahead of the formal submission of the draft performance plans for assessment to the Commission, in order to allow the NSA(s) concerned to process and take into account the stakeholder comments received through the consultations.

In accordance with point (n) of Article 3 of Implementing Regulation (EU) 2019/317, the PRB assists the Commission by maintaining and supporting in the coordination of a [stakeholder consultation calendar](#) concerning performance plans and consultation requirements referred to in Article 24(2) and (3) and in Article 30 of that Implementing Regulation.

NSAs should therefore **inform the PRB of their proposed consultation date(s)** as soon as these dates have been set, preferably at least four weeks in advance of the proposed consultation meeting through the following email address: prb-office@prb.eusinglesky.eu. The proposed consultation date(s), and details

⁸ Implementing Regulation (EU) 2020/1627 Article 1 states that the rules set out in Implementing Regulation (EU) 2019/317 apply, unless this Regulation specifically provides for otherwise.

of the consultation(s), should be entered in the calendar found in the 'Events' tab of the [EU Single Sky website](#).

When submitting the planned date of the consultation to the abovementioned online calendar, NSAs should provide the following details:

- Content of the consultation – it is advised to mention whether it covers the elements laid out in Article 10(4), Article 24(2), Article 24(3), Article 30(1) of Implementing Regulation (EU) 2019/317, or a combination;
- Date of the consultation, including starting and ending time;
- Access link for virtual meetings;
- Contact details, and details on how to register for the consultation;
- Explanations on how to access the documentation related to the consultation.

Stakeholders to be consulted

In accordance with Article 10(4) of Implementing Regulation (EU) 2019/317, the entities to be invited to the consultation(s) on draft performance plans shall comprise, at least, the relevant ANSP(s) and airspace user (AU) representatives. The latter may include (but should not be limited to) airline associations, individual airlines, military AUs, representatives of general aviation, representatives of business aviation etc.

In addition, NSAs shall ensure, where relevant, that airport operators and airport coordinators have the opportunity to comment on the draft performance plan which could be fulfilled through participation in the consultation meeting itself (which may be organised as an online consultation meeting) or, where deemed more appropriate, through consultation in writing. It is advised that written comments are collected by the lead NSA responsible for submitting the performance plan to the Commission.

Principles for consultation

The consultation on draft performance plans should adhere to the following principles:

a) Complete information should be provided to stakeholders not later than three weeks before the consultation

The information distributed to the consulted entities should enable them to understand the rationale and justifications underpinning the proposed performance plan. The information to be provided should also cover the specific consultation requirements of ANSPs and AUs as referred to in table 1.3.2 of the Excel performance plan template, as applicable.

b) NSAs should detail the overall outcome of the consultation in the draft performance plan

The NSA should in particular sum up the main topics or points raised by stakeholders in the course of the consultation process and explain how they addressed the main comments received and took these into account in the development of the performance plan in table 1.3.1 of the Excel performance plan template. It is also important to highlight in this section the points on which divergent opinions

between stakeholders were observed, and how the NSA has ensured a balanced approach between these conflicting views.

c) NSAs should detail outcomes of the consultations with each stakeholder group

The purpose is to provide a more detailed view on the opinions and feedback provided by each main stakeholder group in respect of the draft performance plan. A separate table should be filled out for each of the following stakeholder groups: ANSPs, AUs, professional staff representative bodies, airport operators (where relevant) and airport coordinators (where relevant). Where appropriate, tables may also be filled out for other stakeholder groups to be identified by the NSA.

The information provided should in particular describe the main issues discussed as well as the presentation of resulting actions where applicable. The main points of disagreement between the NSA and the stakeholders concerned should be identified – it is essential for the NSA to appraise each of these points separately and to outline the reasoning behind its disagreement with the stakeholder group concerned. This information should be detailed in table 1.3.3 of the updated Excel template for draft RP3 performance plans.

d) NSAs should detail whether specific consultation requirements for stakeholders have been addressed

The draft performance plan should also place a focus on the outcome of the stakeholder consultation in respect of specific requirements. These include both requirements applicable to all draft performance plans, and requirements applicable in specific local circumstances (in particular where a Member State has opted for the implementation of one or several optional legal provisions as part of its draft performance plan):

- **Traffic forecasts**, including but not limited to the circumstances where a Member State has decided to apply a traffic forecast differing from the STATFOR base traffic forecast, subject to conditions laid out in the last subparagraph of Article 10(2) of Implementing Regulation 2019/317;
- **Cost bases for en route and terminal charges, new and existing investments and charging policy**⁹, as expressly required under Article 24(2) of Implementing Regulation 2019/317;
- **Charging zones**, as expressly required pursuant to the second subparagraph of Article 21(1) of Implementing Regulation 2019/317;
- **Incentives schemes**, as expressly required under Article 10(4) and Article 11(3) of Implementing Regulation 2019/317;
- **Traffic risk sharing**, in particular in the event that the national supervisory authority proposed to adapt the default values of the parameters of the traffic risk sharing mechanism in accordance with Article 27(5) of Implementing Regulation 2019/317;

⁹ Charging policy includes, inter alia, the timing of adjustments to unit rates and cross-financing between terminal charging zones. It can also be considered to cover, where applicable, the (intended or already applied) implementation of a modulation mechanism of air navigation charges within the meaning of Article 32 of the Implementing Regulation (EU) 2019/317.

- **Simplified charging scheme**, where the Member State concerned has decided to apply this option under the conditions set out in Article 34 of Implementing Regulation 2019/317.

The draft performance plan should specifically outline the results of the consultation process on the abovementioned points, including in respect of possible changes introduced as a result of the received stakeholder comments.

The NSA is required to select in the drop-down menu in Table 1.3.2 of the Excel template whether each listed optional legal provision concerns their State. For a FAB performance plan, the NSAs concerned will be required to determine whether the optional legal provision will be applied to all FAB Member States, some FAB Member States, or no Member States at all.

e) NSAs should make available the complete information used for consultation purposes and the records of discussion of each formal consultation meeting.

To ensure transparency and due process, NSAs should list the attendees who participated in the consultation, establish a record of discussion of each meeting, and register all stakeholder views received in writing through a comment log.

These documents should be published and communicated to the entities who took part in the consultation. This should be done without delay, before the submission of the draft performance plan to the Commission. These documents should be subsequently attached as Annex C to the draft performance plan.

Consultation documents to be annexed to draft performance plan

NSAs are advised to annex the following complementary elements to the draft performance plan (Annex C of the updated Excel template for RP3 performance plans):

- Key consultation materials (e.g. presentations made at consultation meetings)
- The summaries of the outcome of the main consultation meetings
- Written correspondence or comments received from the relevant stakeholders (where the stakeholders concerned have consented to the publication of these materials).

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Overall outcome of stakeholder consultation	Table 1.3.1
Outcomes of consultations with each stakeholder group	Table 1.3.3
Specific consultation requirements of ANSPs and airspace users	Table 1.3.2
Consultation documents to be annexed to draft performance plan	Annex C

2.4 Verification of completeness of draft performance plans

Article 13 of Commission Implementing Regulation (EU) 2019/317

1. The Commission shall verify whether the draft performance plans submitted by Member States in accordance with Article 12 contain all the elements needed to assess compliance with the requirements listed in Article 10(2) and 10(4) and, where applicable, Article 10(3) and 10(5).

2. Where the Commission finds, after having carried out the verification referred to in paragraph 1, that one or several elements are missing, it shall, within one month from the date of receipt of the draft performance plan, request the Member State or Member States concerned to provide an updated draft performance plan, containing the missing element or elements.

In that case, the Member State or Member States concerned shall submit the updated draft performance plan to the Commission without undue delay and in any event within three weeks from the date of the Commission's request.

3. The Commission shall start the assessment referred to in Article 14 of the draft performance plan upon the finding, after having carried out the verification referred to in paragraph 1, that the draft performance plan contains all required elements, or upon the receipt of the updated draft performance plan referred to in paragraph 2, as applicable.

In accordance with Article 13 of Implementing Regulation (EU) 2019/317, draft performance plans are subject to a verification of completeness check following their submission to the Commission. The Commission will only proceed with the formal consistency assessment of local performance targets contained in a draft plan once that plan is found to contain all the information required under Article 10 of Implementing Regulation (EU) 2019/317.

Therefore, draft performance plans are to provide adequate and comprehensive information as required in accordance with the template set out in Annex II of Implementing Regulation (EU) 2019/317 – this includes the demonstration of sufficient evidence of stakeholder consultation with ANSPs and AUs representatives.

NSAs are advised to conduct an internal verification of completeness check at least two weeks prior to the submission of the draft performance plan to the Commission. This will allow sufficient time for missing elements to be addressed, prior to the Commission's verification of completeness check.

Where an NSA identifies missing elements in a draft performance plan before the formal submission of the draft performance to the Commission, it should take action to gather any additional information needed and to develop the content required for the draft performance plan.

Where, after the submission of a draft performance plan, an NSA is notified by the Commission of missing elements in that plan, it is required to provide the required update of the plan to the Commission within three weeks from the notification in accordance with Article 13(2) of Implementing Regulation (EU) 2019/317.

2.5 Observations regarding the development and adoption of revised performance plans during the reference period

In the instance where a Member State intends to request a revision of one or more performance targets included in its performance plan during the reference period, subject to Article 18(1) of Implementing Regulation (EU) 2019/317 (see Chapter 13 of this document), it should be noted that the requirements concerning the consultation of stakeholders, the completeness of performance plans and the adoption of performance plans apply similarly as for draft performance plans.

Hence, when submitting such a request for the revision of a performance plan during the reference period, the Member State(s) concerned must ensure that the supporting documents and evidence are complete in terms of the information and data required under Article 10(2) and 10(4), and Annex II of Implementing Regulation (EU) 2019/317. This has to comprise the description of the outcome of the stakeholder consultation on the amendments to the performance plan, including the points of agreement and disagreement as well as the reasons for any such disagreement. The information provided on the outcome of stakeholder consultation should be structured in a similar manner as described in Section 2.3 of this document.

If the Commission shares the view of the requesting Member State(s) and has subsequently issued a decision deeming the revised performance targets consistent with the corresponding Union-wide performance targets, the Member State(s) concerned should formally adopt the revised performance plan as required under Article 16(c) of IR (EU) 2019/317.

3 Scope and context of draft performance plans

This chapter addresses the required scope and context of a draft performance plan. The relevant regulatory provisions are presented in the boxes below.

3.1 Scope in terms of services, airspace and charging zones

In accordance with point 1.1. of Annex II of Implementing Regulation (EU) 2019/317, NSAs should specify the following information in their draft performance plans:

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 1.1.

Description of the situation, including scope of the plan in terms of geographical coverage and services, list of air navigation service providers covered and other general information relevant to the performance plan.

List of ANSPs and geographical scope of services

In accordance with point 1.1. of Annex II of Implementing Regulation (EU) 2019/317, the draft performance plan should include a list of all the regulated air navigation service providers (ANSPs) and detail the type of service (ATS, CNS, MET, AIS) they provide. NSAs shall specify whether the ANSPs included in the scope of the draft performance plan provide either en route or terminal services (or both). NSAs are also required to specify the geographical scope of services covered by the draft performance plan. This should include information on the Area of Responsibility (AoR) of the en route ANSP(s) and information on the relevant airports for terminal ANS.

In order to substantiate the information on the scope of the draft performance plans, NSAs are also advised to provide as part of the updated template for draft RP3 performance plans, further details on the cross-border services delivered by the ANSP(s) in the scope of the draft performance plan and that are subject to performance targets. Such cross-border arrangements should be separately identified and described in terms of services and geographical scope (i.e. Flight Information Region). NSAs are also invited to present any existing arrangements where an ANSP established in another Member State is providing services in the airspace covered by the draft performance plan.

Where a FAB draft performance plan is concerned, the airspace covered by the draft performance plan should in principle cover the whole FAB airspace within the territory of Member States. In respect of Third Countries taking part in a FAB and being part of the Common Aviation Area with the EU, the draft performance plan may apply to the Third Countries concerned, subject to the legal applicability of the SES performance and charging scheme.

Other entities in the scope of the Performance and Charging Regulation

The inclusion of authorities and/or other entities incurring eligible costs in the scope of the draft performance plan is governed by the final subparagraph of Article 1(2) of Implementing Regulation (EU) 2019/317.

Accordingly and in accordance with Article 22(1) of that Implementing Regulation, competent authorities (e.g. NSAs) or qualified entities (where applicable) are also subject to the performance target setting in the KPA of cost-efficiency, where the determined costs of these authorities or entities are included in the cost base(s) chargeable to AUs. The determined costs stemming from Eurocontrol are also in the scope of the draft performance plan where the Member State concerned intends to recover these costs from users through route charges.

In the case of a FAB draft performance plan, the list of entities covered should be detailed on a Member State specific basis.

Charging zones

Member States shall specify the en route and terminal charging zones that are comprised in the scope of the draft performance plans in accordance with Article 21(1) of Implementing Regulation (EU) 2019/317.

It should be noted that those charging zones have to be formally established by the Member State(s) concerned before the start of the reference period. In accordance with the third subparagraph of Article 21(1) of that Implementing Regulation, Member States shall **formally inform the Commission** on the charging zones in case of the establishment of a new charging zone or in case of modification of existing charging zone(s) at the latest seven months before the start of each reference period. This information should also be **communicated to STATFOR** for any implications on the traffic forecast for the charging zones concerned.

Member States shall ensure that the geographical scope of charging zones is clearly defined and that those charging zones are consistent with the provision of air navigation services (ANS) as required in Article 21(2) of Implementing Regulation (EU) 2019/317.

Other general information relevant to the plan

In order to substantiate the description of the draft performance plan's scope, NSAs may provide additional contextual information on the local situation or circumstances that are of direct relevance for the development and/or implementation of the draft performance plan.

NSAs are advised to provide (as part of the updated Excel template for draft RP3 performance plans) information on relevant local circumstances with high significance for performance target setting. In respect of the draft RP3 performance plans to be submitted by 1 October 2021, such circumstances should be outlined together with an updated view on the impact of the COVID-19 crisis on the operational and financial situation of the ANSP(s) concerned.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Scope of the draft performance plan in terms of covered ANSPs and geographical scope of services	Table 1.1.1
Other entities in the scope of Implementing Regulation (EU) 2019/317 as per Article 1(2) last paragraph	Table 1.1.2
Charging zones	Table 1.1.3
Other general information relevant to the plan (including information on relevant local circumstances with high significance for performance target setting)	Table 1.1.4

3.2 Scope in terms of airports

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 1.4.

List of airports subject to the performance and charging scheme, with their average number of IFR air transport movements per year.

NSAs shall identify the airports which are included in the scope of the Performance and Charging Scheme pursuant to Article 1(3) of Implementing Regulation (EU) 2019/317 and, where applicable, Article 1(4) of that Implementing Regulation.

Airports with fewer than 80,000 IFR movements per year as per Article 1(3) of Implementing Regulation (EU) 2019/317

In accordance with Article 1(3) of Implementing Regulation (EU) 2019/317, NSAs shall list the airports that have more than 80,000 IFR movements per year and that are mandatorily included in the scope of the draft performance plan. In accordance with Article 2(10) of Implementing Regulation (EU) 2019/317, the number of IFR movements is defined as the sum of take-offs and landings performed under IFR and calculated as the yearly average over the three calendar years preceding the draft performance plan submission (i.e. in respect of RP3, calendar years 2016 to 2018). In the draft performance plan, NSAs also need to specify the relevant terminal charging zones for these airports and detail the average IFR movements in the years 2016 to 2018.

Other airports added on a voluntary basis as per Article 1(4) of Implementing Regulation (EU) 2019/317

In accordance with Article 1(4), Member States may also decide, on a voluntary basis, to include airports with less than 80,000 IFR movements under the scope of Implementing Regulation (EU) 2019/317. The airport name and ICAO airport code should be listed in the draft performance plan.

The decision of the Member State to include airports on such a voluntary basis should be **communicated to the Commission as soon as possible** in accordance with Article 1(6).

Where a Member State decides to apply Implementing Regulation (EU) 2019/317 to terminal ANS at one or several airports with fewer than 80,000 IFR movements per year, this implies that those airports are by definition part of performance target setting for the whole reference period concerned. This requires local performance targets on terminal capacity and terminal cost-efficiency to apply to those airports – technical supporting material on setting the local targets for the relevant KPIs is provided in Chapter 6 of this document.

Terminal air navigation service at airports included in the scope of the draft RP3 performance plans submitted in October 2019 should remain subject to the performance and charging scheme throughout the entirety of RP3 (2020-2024). This should also hold true independently from Article 3(1) of Commission Implementing Regulation 2020/1627, which requires the submission of revised national performance plans by 1 October 2021. This is because this submission is limited to the necessary revision of the national performance targets (in consistency with revised Union-wide performance targets). The geographical scope of the plan should remain unchanged.

Additional note: It should be noted that the voluntary inclusion of an airport in the scope of Implementing Regulation (EU) 2019/317 also entails that those airports are included as part of performance monitoring during the reference period, unless otherwise stated in Section 2 of Annex I of that Implementing Regulation. The applicability of indicators for monitoring to terminal ANS in the scope of the performance plan is outlined in a table in Annex A.4 to this supporting material.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Airports as per Article 1(3) of IR 2019/317	Table 1.4.1
Other airports added under Article 1(4) of IR 2019/317	Table 1.4.2

3.3 Notifying exemptions concerning services under market conditions

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 1.5.

Where applicable, list of services the provision of which has been established to be subject to market conditions in accordance with Article 35.

General principles

In accordance with Article 35(1) of Implementing Regulation (EU) 2019/317, before the start or during a reference period, a Member State may decide that the provision of some, or all, of the terminal ANS, CNS, MET, AIS services or air traffic management ('ATM') data services provided in their charging zones are subject to market conditions. A Member State may only decide to do so only if a Member State has completed all the steps outlined in points (a) to (d) of Article 35(3) of Implementing Regulation (EU) 2019/317 to deem that market conditions are present (and it has obtained the Commission's agreement

for this, in accordance with Article 35(3)(d) of that Implementing Regulation). This decision would mean, that the Member State would not have to apply the provisions of the Implementing Regulation with regard to the provision of those services.

It is important to note that, although services provided under market conditions are exempted from provisions related to performance planning and target setting in the KPA of cost-efficiency, they remain subject to performance planning and target setting in the other KPAs of safety, capacity and environment.

The NSA concerned should therefore set out in the draft performance plan the list of services which are subject to market conditions.

Where market conditions are revoked during a reference period in accordance with Article 35(4) of Implementing Regulation (EU) 2019/317, the Member State concerned is required to revise its draft performance plan in accordance with Article 18(1) of that Implementing Regulation including as regards the reapplication of cost-efficiency targets regarding the services concerned.

Specific information required for draft performance plan

Should market conditions be present, NSAs should provide the following information in the draft performance plan, as required under point 1.5. of Annex II of Implementing Regulation (EU) 2019/317:

- A list of services subject to market conditions (e.g. terminal ANS, CNS, MET, AIS and ATM data services)
- The charging zone to which the service applies
- The geographical scope of the service(s) – the en route or terminal airspace concerned should be detailed. For terminal ANS, the airport(s) concerned should be specified.
- Reference to the intended decision and assessment report of the Member State concerned to apply market conditions, in accordance with Article 35(3)(c) of Implementing Regulation (EU) 2019/317.
- Reference to the agreement of the Commission (i.e. relevant Commission Decision) confirming that the provision of the services concerned is subject to market conditions, in accordance with Article 35(3)(d) of Implementing Regulation (EU) 2019/317.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Services under market conditions	Tab 1.5

3.4 Notifying the application of a simplified charging scheme

This section addresses the procedural aspects related to the application of the simplified charging scheme in connection with the development of draft performance plans.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 1.7.

Indication whether or not the simplified charging scheme referred to in Article 34 applies and if so, a demonstration that the conditions set out in that Article have been met as well as a description of the application of the simplified charging scheme and of its scope in terms of charging zones covered.

General principles

Member States have the choice to apply the general charging provisions set out under Implementing Regulation (EU) 2019/317 or a simplified charging scheme as set out under Article 34 of that Implementing Regulation.

The simplified charging scheme is applied at national level. Therefore, where a FAB draft performance plan is established, it is necessary to specify how many Member States (if any) in the FAB intend to apply the simplified charging scheme – information on application of this scheme should, accordingly, be provided individually for each of the Member States concerned.

As outlined in Article 34(2), a simplified charging scheme can only be applied if all of the following conditions are met:

- A Commission decision confirms that the local targets contained in the draft performance plan are consistent with the corresponding Union-wide performance targets. Member States should refer to the consistency criteria for assessing local targets in Annex IV Section 1.
- Performance targets in the KPAs of safety, capacity and environment have been met in the three years before the adoption of the draft performance plan. As RP2 local targets for safety, capacity and environment were set at FAB level, **a simplified charging scheme can only be applied if the FAB (of which the Member State concerned is a part of), as a whole, has met all performance targets** as specified under point (b) of Article 34(2).
- The draft performance plan includes an incentive scheme on capacity targets, as required under Article 11.
- ANSPs and AUs concerned have been consulted on the intended decision to apply a simplified charging scheme. Consultation must take place with AUs representing at least 65% of the IFR flights operated in the airspace concerned.

Once stakeholders have been consulted and an agreement to apply the simplified charging scheme has been made, Member State(s) are required to provide the following information in the draft performance plan:

Scope of the simplified charging scheme

- Describe the application of the simplified charging scheme.
- List the number of charging zones affected, and the name of the charging zone(s) and ANSP(s) concerned.

Conditions for the application of the simplified charging scheme

- Specify how the conditions of Article 34(2) have been met. In particular, the Member State concerned should demonstrate how performance targets in the KPAs of safety, capacity and environment have been met in the three years before the adoption of the draft performance plan (i.e. detailing the FAB-level target against the actual performance for the years 2016-2018 inclusive).
- As regards to point (d) of Article 34(2), NSAs should provide further details in the ‘Stakeholder consultation’ section of the draft performance plan on the consultation with AUs’ representatives and ANSPs on the decision to apply a simplified charging scheme.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Scope of the simplified charging scheme	Table 1.7.1
Conditions for the application of the simplified charging scheme	Table 1.7.2
Justification for simplified charging scheme	Annex L

4 Traffic forecasts

This chapter provides supporting material for the requirements applicable to the traffic forecasts to be set out in a draft performance plan.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 1.2.

Traffic forecasts referred to in points (f) and (g) of Article 10(2) expressed in IFR movements and in service units underpinning the performance plan based on Eurocontrol's Statistics and Forecast Service (STATFOR) base forecasts. Where the forecasts differ from the STATFOR base forecasts, the reasons that justify the use of a different forecast referred to in points (f) and (g) of Article 10(2) and a justification for the use of these forecasts shall be documented.

Last subparagraph of Article 10(2) of Commission Implementing Regulation (EU) 2019/317

However, as regards point (f) and (g), national supervisory authorities may decide to use other en route and terminal traffic forecasts than those based on Eurocontrol's STATFOR base forecast. In that case, they shall consult the airspace users' representatives and air navigation service providers concerned and set out the reasons for using the other forecasts in the performance plan. Any differences with the Eurocontrol's STATFOR base forecast shall be related to specific local factors not sufficiently addressed by Eurocontrol's STATFOR base forecast. The same forecasts shall be used for all key performance areas.

4.1 Principles for establishing traffic forecasts

Pursuant to points (f) and (g) of Article 10(2) of Implementing Regulation (EU) 2019/317, Member State(s) shall set out the relevant en route and terminal traffic forecasts in their draft performance plans. These two forecasts shall be expressed in terms of both IFR movements and service units, and shall cover each calendar year of the reference period. Those forecasts should be based on Eurocontrol's Statistics and Forecasts Service (**STATFOR**) **base forecast**.

However, the last subparagraph of Article 10(2) allows Member States to **deviate** from the STATFOR base forecast in respect of the en route and/or terminal traffic assumptions applied in the performance plan. Where a Member State intends to use a local forecast deviating from STATFOR base, the possibility to apply this option remains subject to conditions.

In particular, any deviation from STATFOR base should be strictly **related to specific local factors** which the Member State concerned considers to be insufficiently taken into account by the STATFOR base forecast. Member States are required to provide in their draft performance plan the reasons justifying their decision to apply such an alternative forecast. In addition, they are required to consult airspace user representatives and the ANSP(s) concerned on the proposed alternative traffic forecast or forecasts in the context of the local consultation or consultations referred to in Section 2.3 of this document.

Article 10(2) of Implementing Regulation (EU) 2019/317 requires the same traffic forecasts to be used for all key performance areas (KPAs) to ensure that local performance targets are based on a consistent set of traffic assumptions.

4.2 Practical considerations for setting RP3 traffic forecasts

When setting traffic forecasts for RP3 draft performance plans, NSAs should take into account the practical considerations outlined in this sub-section.

Point 1 of Annex VIII of Implementing Regulation (EU) 2019/317 defines the methodology for calculating en route service units which is different to the methodology applied during RP2. Accordingly, in respect of RP3, the distance factor for the calculation of en route service units is based on actual route flown as recorded by the Network Manager. This is a change from the methodology based on the last filed flight plan applied until the end of RP2.

It is necessary to consider the transition to the RP3 charging mechanism during the setting of traffic forecasts for draft performance plans. The following principles should be adhered to when developing the RP3 draft performance plan:

- The historical data as regards actual service units recorded during the RP2 timeframe (or before RP2), as well as the traffic forecast with regard to calendar year 2019, should be **expressed in accordance with RP2 provisions** (i.e. en route service units should be based on the **last filed flight plan** methodology set out in point 1 of Annex IV of Implementing Regulation 391/2013).
- The traffic forecast for the RP3 timeframe (calendar years from 2020 to 2024 inclusive) should be **based on the RP3 charging mechanism reflecting actual routes flown** (set out in point 1 of Annex VIII of Implementing Regulation (EU) No 2019/317).
- The 2019 local baseline value for the determined unit cost (DUC) should be adjusted, where appropriate, to take account of the impact of the transition to **RP3 charging mechanism** (based on the actual route flown) on the number of en route service units. This is to ensure the coherence between the baseline value and the en route cost-efficiency targets.¹⁰

Eurocontrol STATFOR has published in May 2021 an updated traffic forecast for RP3, which should be used by NSAs in the preparation of those draft performance plans which are to be submitted by 1 October 2021.

4.3 Update of traffic forecasts in connection with performance plan revisions

Where a Member State is required, following the assessment conducted by the Commission under Articles 14 or 15 of Commission Implementing Regulation (EU) 2019/317, to revise the en route cost-efficiency targets contained in its draft performance plan, this revision should include, where appropriate, the update of the relevant STATFOR base forecast or of the alternative local forecast underpinning those targets. The performance plan revision should however not comprise changes to traffic forecast figures in respect of calendar years which have already ended – those figures should not be retroactively corrected in line with actual traffic numbers.

¹⁰ The baseline value for the determined unit cost (DUC) provides the starting point for the setting of cost-efficiency targets.

Where a Member State requests a revision of its performance plan during a reference period in accordance with Article 18(1) of Commission Implementing Regulation (EU) 2019/317, it shall use the latest available STAFOR base forecast as a basis for the revision, notwithstanding the possibility to use an alternative traffic forecast subject to justification.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Traffic forecasts	Tab 1.2
Complementary information on traffic forecasts	Annex D

5 Investments

This chapter covers the inclusion of information on investments in fixed assets in the draft performance plans.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 2.1.

*Description and justification of the costs, nature and benefits of **new and existing investments** in fixed assets planned over the reference period.*

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 2.2.

The information referred to in point 2.1 shall include in particular:

(a) the determined costs of new and existing investments in respect of depreciation, cost of capital and cost of leasing over the whole reference period and in respect of each calendar year thereof, as required in Annex VII;

*(b) description and justification of the **major investments**, including with regard to the following elements:*

(...)

(c) detail of synergies achieved at the level of functional airspace blocks or, through other cross-border cooperation initiatives as appropriate, in particular in terms of common infrastructure and common procurement.

In respect of investments, Implementing Regulation (EU) 2019/317 differentiates between the following two concepts, which have to be duly addressed in draft performance plans:

- A **‘major investment’** which refers to acquisition, development, replacement, upgrade, or leasing of fixed assets of a total value over the whole lifetime of at least 5 million EUR (Article 2(13) of Implementing Regulation (EU) 2019/317).
- **‘New and existing investments’** which cover the acquisition, development, replacement, upgrade or leasing of fixed assets where depreciation costs, cost of capital, or in the case of leasing, operating costs, for that investment are incurred during the reference period covered by the performance plan (Article 2(15) of Implementing Regulation (EU) 2019/317). For the sake of clarity, it should be noted that major investments are part of the new and existing investments but are subject to specific reporting requirements.

The concept of ‘new and existing investments’ entails that a distinction should also be made between ‘new’ and ‘existing’ investments. As a general rule, **‘existing investments’** should be understood to comprise assets which have already **entered into operation before the beginning of the reference period**, whilst **‘new investments’** relate to assets which are planned to **enter into operation during the reference period concerned**.

A ‘major investment’ may be either an existing or a new investment, depending on its date of entry into operation. However, for the purpose of developing the draft performance plan, which is, by definition, a

forward-looking document, the focus is placed on the foreseen new major investments as highlighted below in Section 5.1 of this document.

In the draft performance plan, investments should be presented separately for each ANSP concerned (each in a separate tab in the Excel template for RP3 draft performance plans). Complementary information is to be annexed to the draft performance plan, as appropriate.

5.1 Overview of new and existing investments

In accordance with point 2.2(a) of Annex II of Commission Implementing Regulation (EU) 2019/317, NSAs should provide in the draft performance plans full transparency on the determined costs of new and existing investments in respect for the **acquisition, development, replacement, upgrade or leasing of fixed assets** over the reference period, broken down per calendar year. Major investments should be detailed and justified, as well as consistent with SESAR deployment and with expected performance benefits.

The NSA should request the ANSP concerned to provide the data required for this purpose. The NSA should ask for information on the assumptions underlying the data provided and should seek to clarify any ambiguities or inconsistencies with the ANSP before incorporating the data in the draft performance plan.

The overview of new and existing investments should be provided in the consolidated Table 2.1.1 of the updated Excel template for RP3 draft performance plans, covering the elements specified below:

1. Identification of each new major investment planned to be realised during the reference period covered by the performance plan. The information on each of these new major investments (above 5M EUR) should include:

- **Total value of the asset (CAPEX or contractual leasing value):** The NSA should specify the total value of each new major investment, expressed in local currency (and in nominal terms). It is important to note that the total value of a ‘major investment’ is considered over the whole lifetime of the fixed asset concerned (i.e. not only in relation to the determined costs incurred during the reference period covered by the performance plan). The value should be inclusive of non-recoverable VAT and of any fees incurred for the purchase or leasing of the asset concerned.
- **Value of the asset allocated to ANS in the scope of the performance plan:** If applicable, the NSA should deduct from the total value of the asset any share allocated to services provided outside of the scope of the draft performance plan.
- **Breakdown of determined costs per calendar year:** For each year of the reference period, the NSA should provide the determined costs related to the major investment, presented as a total of depreciation costs, cost of capital or leasing costs for all the charging zones in the scope of the performance plan.
- **Lifecycle (amortisation period in years):** The NSA should specify the expected operating life of the asset, defined as a number of years, which will determine the calculation of depreciation costs

and of the cost of capital. In the case of leasing, the operating life should correspond to the length of the leasing contract.

- **Allocation between en route and terminal services:** The NSA should spell out, in percentage terms, the allocation of the determined costs between the en route and terminal services **as regards the charging zones in the scope of the performance plan**. Where the Member State concerned has no terminal charging zone included in the scope of the draft performance plan, 100% of the determined costs are allocated to en route services. A breakdown of the percentage cost allocation between en route and terminal services should also be provided for the ‘Sub-total other new investments’ and the ‘Sub-total of existing investments’ See Section 6.4 of this document for further supporting material regarding cost allocation.
 - **Sub-totals for all new major investments** should be presented as regards the total values of the assets, the values of the assets allocated to the charging zones in the scope of the draft performance plan, and the related determined costs per calendar year.
2. **Aggregated data on all other new investments** (i.e. aggregation of new investments which have a total value of less than 5 million EUR): total aggregated value of the assets financed by other new investments, total aggregated value of these assets allocated to the charging zones in the scope of the performance plan, and aggregated determined costs per calendar year for these investments.
 3. **Aggregated data on the costs of all existing investments:** i.e. aggregation of all existing investments which have entered into operation before the date of submission of the draft performance plan and for which depreciation costs will continue to be incurred in the reference period covered by the draft performance plan.
 4. **Total of all new and existing investments for the ANSP concerned**, aggregating the data presented under points 1, 2 and 3 above. The totals for the ANSP should be consistent with the data reported in Reporting Table 1 of Annex VII (sum of lines 3.10-3.12 inclusive) when aggregated for all the relevant charging zones.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Summary of investments	Table 2.1.1

5.2 Detailed description of new major investments

In accordance with point 2.2(b) of Annex II, NSAs should provide detailed information concerning the asset(s) financed by each new major investment that is foreseen to enter into operation after the date of submission of the performance plan, including their nature, use, timeline for the purchase and entry into operation.

As regards major investments in new ATM systems, NSAs should specify whether these investments consist of the acquisition of new ATM systems, of the overhaul of existing systems, or of the replacement of existing systems (replacement investments). Replacement investments may consist of the repair of existing assets to ensure continued service provision, or may consist of the upgrade of existing assets with a view to enhancing existing capacity or service-quality levels.

NSAs should indicate, for each new major investment, whether that investment is carried out through a joint investment / partnership at ANSP level and, where applicable, describe the cooperative arrangements in place. It is also important to outline the relevance of each investment with reference to the European ATM Master Plan and common projects referred to in Article 15a of [Regulation \(EC\) No 550/2004](#).

NSAs should specifically indicate whether or not each new major investment is mandated by SES legislation.¹¹ If so, reference should be made to the specific Regulation concerned and, if funded through Union assistance programmes, to the relevant grant agreement. The benefits to airspace users, in quantitative terms, should also be identified.

If a new major investment is not mandated by SES legislation, NSAs should further describe the performance impacts expected to result from the investment. The impacts should be identified at 'network' and/or 'local' level, unless the investment is 'non-performance' related (in which case it is considered not to have a direct performance impact). The aforementioned impact levels are defined below:

- **Network** – this category is associated with a performance impact at network level. This can be the case for investments related to the implementation of the ATM Master Plans which are not mandated by SES legislation or recommendations from the Network Manager.
- **Local** – this category is associated with a local performance impact per ANSP within the Member State concerned (e.g. a major investment that will have a direct impact on capacity provision by an ANSP).
- **Non-performance** – this category is associated with investments that will not have a direct impact on local or network performance (e.g. purchase of a new administrative building).

NSAs are advised to detail the level at which performance impacts are expected to be accrued. NSAs should explain, in quantitative terms, the impacts and benefits expected for the major investment within the four KPAs.

With regard to major investments mandated under the Common Project 1 (CP1) Regulation (Commission Implementing Regulation (EU) 2021/116 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), Member States are required to specify in the updated Excel template for draft RP3 performance plans the relevant ATM functionality associated with

¹¹ For example, [Commission Implementing Regulation \(EU\) 2021/116](#) (the Common Project One Regulation) and implementing rules relating to ATM interoperability.

each investment. Information on the consultation of users on all major investments and on the related feedback should be included in the ‘Stakeholder consultation’ section of the performance plan.

NSAs are advised to detail the level at which performance impacts are expected to be accrued. NSAs should explain, in quantitative terms, the impacts and benefits expected for the major investment within the four KPAs.

With regard to major investments mandated under the Common Project 1 (CP1) Regulation (Commission Implementing Regulation (EU) 2021/116 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), Member States are required to specify in the updated Excel template for draft RP3 performance plans the relevant ATM functionality associated with each investment. Information on the consultation of users on all major investments and on the related feedback should be included in the ‘Stakeholder consultation’ section of the performance plan.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Detail of new major investments	Table 2.1.2
Complementary information on investments	Annex E

5.3 Other new and existing investments

The draft performance plan should include a description and justification of the costs, nature and benefits of **other new and existing investments** in fixed assets over the reference period¹². This information should be outlined in table 2.1.3.1 of the Excel template for draft RP3 performance plans.

Furthermore, in table 2.1.3.2 of the Excel template, NSAs are advised to provide more detailed information on the main other new investments in fixed assets planned to be realised in the course of the reference period covered by the draft performance plan (e.g. the 10 most significant items in terms of costs) including the following elements:

- Identification (name) of the investment and Total value of the asset (CAPEX or contractual leasing value):** The NSA should specify the total value of each presented other new investment, expressed in local currency (and in nominal terms). It is important to note that the total value of an ‘other new investment’ is considered over the whole lifetime of the fixed asset concerned (i.e. not only in relation to the determined costs incurred during the reference period covered by the performance plan). The value should be inclusive of non-recoverable VAT and of any fees incurred for the purchase or leasing of the asset concerned.

¹² This refers to investments other than the new major investments, which should be detailed as indicated in the previous Section 5.2.

- **Value of the asset allocated to ANS in the scope of the performance plan:** If applicable, the NSA should deduct from the total value of the asset any share allocated to services provided outside of the scope of the draft performance plan.
- **Breakdown of determined costs per calendar year:** For each year of the reference period, the NSA should provide the determined costs related to the presented investment, expressed as a total of depreciation costs, cost of capital or leasing costs for all the charging zones in the scope of the draft performance plan.
- **Qualitative description of main other new investment:** A concise description of the fixed assets financed by the investment as well as of the purpose and expected benefits.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Other new and existing investments	Table 2.1.3
Complementary information on investments	Annex E

6 Local performance targets

This chapter provides supporting material concerning the establishment, as part of draft performance plans, of local performance targets relating to the KPAs of safety, capacity, environment, and cost-efficiency. This section also addresses the possible setting of additional targets by NSAs in accordance with Article 10(3) of Implementing Regulation (EU) 2019/317.

This section covers the following provisions of Annex II of Implementing Regulation (EU) 2019/317:

- Point 3.1: National performance targets or FAB performance targets in each KPA;
- Point 3.3: Additional information required to substantiate national performance targets or FAB performance targets;
- Point 3.4: Specific requirements concerning the breakdown of performance targets at the level of each ANSP, in respect of draft performance plans established at FAB level.

Furthermore, we have duly updated this section in respect of the exceptional measures relating to the revision of the local RP3 performance targets in accordance with Implementing Regulation (EU) 2020/1627.

The definition of measures to achieve the local performance targets and the related information required in the draft performance plan are covered separately in Chapter 0 of this document.

As a general principle, it should be recalled that performance targets are set in a forward-looking manner and therefore they should not, in the case of a performance plan revision, be amended retroactively for calendar years which have already ended.

6.1 Safety KPA

KPI on the Effectiveness of Safety Management

The local level Key Performance Indicator (KPI) on the Effectiveness of Safety Management (EoSM), referred to in point 1.1 of Section 2 of Annex I of Implementing Regulation (EU) 2019/317, reflects the minimum level of the EoSM to be achieved by ANSPs. This KPI measures the level of implementation of the following safety management objectives:

- safety policy and objectives
- safety risk management
- safety assurance
- safety promotion
- safety culture

NSAs should provide information on the level of EoSM, by indicating scores ranging from A to D, where 'A' represents the lowest score and 'D' represents the highest score and defined as below:

- level A : 'Informal arrangements', requirements have not been agreed at organisation level.

- level B: ‘Defined’, requirements are defined but not yet fully implemented, documented or consistently applied.
- level C: ‘Managed’, requirements are fully documented and consistently applied.
- level D: ‘Assured’, evidence is available to provide confidence that requirements are appropriately applied and generate positive outcome.

In respect of RP3, NSAs shall ensure consistency between the local safety performance targets and the corresponding Union-wide performance targets referred to in Article 2(1) of Commission Implementing Regulation (EU) 2020/1627. In case of inconsistency between local and Union-wide safety performance targets, NSAs are required to provide a detailed justification in the draft performance plan, under tab 3.1 of the Excel template.

In accordance with point 1.1 of Annex IV of Implementing Regulation (EU) 2019/317, consistency on EoSM is deemed to be achieved where the local target values are equal to or higher than the corresponding Union-wide targets.

Even though the RP3 Union-wide performance targets in the safety KPA only cover the final year of the reference period, Member States are required to include safety targets in their draft performance plan in respect of each calendar year, in accordance with the requirement set out under point 3.1 of Annex II of Implementing Regulation (EU) 2019/317. Those intermediate draft target values are essential in order to plan and appraise the planned performance improvements over the reference period in view of achieving the Union-wide performance targets.

As regards the draft RP3 performance plans to be submitted by Member States by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, the local safety performance targets for calendar year 2020 contained in the draft performance plans established in 2019 should not be revised, considering that the time period for their application has expired and that their implementation has hence become definitive leaving no possibility for retroactive adjustments.

The key principles for local target setting in respect of the EoSM KPI are presented below.

Key principles for local safety performance target setting

Local performance targets on the EoSM KPI shall be set at the level of ANSPs (point 1.1. of Section 2 of Annex I of Implementing Regulation (EU) 2019/317). Target values shall be calculated for the whole calendar year and for each year of the reference period. The target value shall be broken down per management objective. Target values shall be expressed as scores ranging from A to D, requirements to achieve each score are defined in [EASA’s Supporting Material – RP3 Safety \(K\)PI Part B](#).

The detailed methodology for the RP3 EoSM KPI and for setting the related local performance targets are detailed in [EASA’s Supporting Material – RP3 Safety \(K\)PI Part C](#). The abovementioned EASA Supporting Material has been published on the SES Performance website (<https://webgate.ec.europa.eu/eusinglesky/>).

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Safety KPA	Tab 3.1
Justifications for local safety targets	Annex O

6.2 Environment KPA

KPI on horizontal en route flight efficiency of the actual trajectory (KEA)

The local KPI on the horizontal en route flight efficiency of the actual trajectory (KEA), referred to in point 2.1 of section 2 of Annex I of Implementing Regulation (EU) 2019/317, is calculated as an average for all IFR flights within or traversing the local airspace¹³. This KPI is computed as the ratio between the length of the en route part of the actual trajectory and the achieved distance¹⁴.

For the purpose of this KPI, distance flown outside the circle of 40 nautical miles (NM) around the origin and destination airports is excluded from the calculation. Actual trajectories are measured on the basis of collected surveillance data.

In respect of RP3, NSAs shall ensure consistency between the local environment performance targets and the corresponding Union-wide performance targets referred to in Article 2(1) of Commission Implementing Regulation (EU) 2020/1627.

In accordance with point 1.2 of Annex IV of Implementing Regulation (EU) 2019/317, consistency is assessed by comparing the national performance targets or FAB performance targets with the en route horizontal flight efficiency reference values set out in latest version of the European Route Network Improvement Plan available at the time of adoption of the Union-wide performance targets. A detailed justification should be provided in the performance plan in case of inconsistency.

The key principles for local target setting in respect of the KEA KPI are presented below.

¹³ The local airspace is understood as the AoR of the ANSP.

¹⁴ Annex II Section 1 point 2.1(e) – achieved distance is a function of the position of the entry and exit points of the flight into and out of each portion of airspace for all parts of the trajectory. Achieved distance represents the contribution that those points make to the great circle distance between origin and destination of the flight.

Key principles for local environment performance target setting

In accordance with point 2.1 of section 2 of Annex I of Implementing Regulation (EU) 2019/317, the target values for the KEA KPI shall be expressed as an average and in percentage terms, reflecting the difference between the actual trajectories and the achieved distances in respect of flights traversing the local airspace in the scope of the draft performance plan. When calculating this average, the ten highest daily values and the ten lowest daily values are excluded from the calculation.

In accordance with the legal provisions referred to in the previous paragraph, local performance targets for the KEA KPI shall be set at national or FAB level, depending on which level the performance plan has been established. In respect of FAB performance plans, a further breakdown of the targets at level of each air navigation service provider is required, pursuant to point 3.3. of Annex II of Implementing Regulation (EU) 2019/317.

The targets are set for a whole calendar year and for each year of the reference period, in accordance with point 2.1(g) of section 2 of Annex I of Implementing Regulation (EU) 2019/317. In respect of the draft RP3 performance plans to be submitted by Member States by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, the local environment performance targets for calendar year 2020 contained in the draft performance plans established in 2019 should not be revised, considering that the time period for their application has expired and that their implementation has hence become definitive leaving no possibility for retroactive adjustments.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Environment KPA	Tab 3.2
Justifications for local environment targets	Annex P

6.3 Capacity KPA

There are two local KPIs applicable in the capacity KPA, for en route and terminal ANS respectively (in accordance with Annex I of Implementing Regulation (EU) 2019/317).

The local KPI on the average minutes of en route air traffic flow management (ATFM) delay per flight attributable to ANS, as referred to in point 3.1(a) of Section 2 of Annex I of Implementing Regulation (EU) 2019/317, expresses the difference between the estimated take-off time and the calculated take-off time¹⁵ allocated by the Network Manager. This KPI covers all IFR flights traversing the local airspace and all ATFM delay causes, excluding exceptional events as defined in Article 2(9) of that Regulation.

¹⁵ Calculated take-off time means the time allocated by the Network Manager on the day of operation, as a result of tactical slot allocation, at which a flight is expected to become airborne.

In respect of RP3, NSAs shall ensure consistency between the local en route capacity performance targets and the corresponding Union-wide performance targets referred to in Article 2(1) of Commission Implementing Regulation (EU) 2020/1627. In accordance with point 1.3 of Annex IV of Implementing Regulation (EU) 2019/317, consistency is assessed by comparing the national performance targets or FAB performance targets with the reference values set out in the latest version of the Network Operations Plan available at the time of adoption of Union-wide performance targets. A detailed justification needs to be provided in the draft performance plan in case of inconsistency.

The key principles for local target setting in respect of the en route ATFM delay KPI are presented below.

Key principles for local en route capacity performance target setting

In accordance with point 3.1(a) of Section 2 of Annex I of Implementing Regulation (EU) 2019/317, local targets on the en route ATFM delay KPI shall be set at national or FAB level, depending on which level the performance plan has been established. Those targets shall be set for a whole calendar year and for each year of the reference period. In respect of FAB performance plans, a further breakdown of the targets at level of each air navigation service provide is required, pursuant to point 3.3. of Annex II of Implementing Regulation (EU) 2019/317.

In respect of the draft RP3 performance plans to be submitted by Member States by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, the local en route capacity performance targets for calendar year 2020 contained in the draft performance plans established in 2019 should not be revised, considering that the time period for their application has expired and that their implementation has hence become definitive leaving no possibility for retroactive adjustments.

KPI on terminal ATFM delays

The local KPI on the average time of arrival ATFM delay per flight attributable to terminal and airport ANS, as referred to in point 3.1(b) of Section 2 of Annex I, is a measure of the ATFM delays at the destination airport. This KPI covers all IFR flights landing at the destination airport and all ATFM delay causes, excluding exceptional events as defined in Article 2(9) of Implementing Regulation (EU) 2019/317. There is no Union-wide capacity KPI applicable in respect of terminal ANS.

The key principles for local target setting in respect of the terminal ATFM delay KPI are presented below.

Key principles for local terminal capacity performance target setting

In accordance with point 3.1(b) of Section 2 of Annex I of Implementing Regulation (EU) 2019/317, the target values shall be expressed in terms of average minutes of ATFM delay per flight and shall be set for a whole calendar year, for each year of the reference period. Those targets shall be broken down into individual values relating to each airport in the scope of the performance plan, as this is required for monitoring purposes under point 3.1(g) of Section of Annex I of Implementing Regulation (EU) 2019/317. In respect of FAB performance plans, a further breakdown of the targets at level of each air navigation service provide is required, pursuant to point 3.3. of Annex II of Implementing Regulation (EU) 2019/317.

In accordance with point 3.5 of Annex II of Implementing Regulation (EU) 2019/317, Member States also have to describe and explain how the local terminal capacity performance targets contribute to the improvement of the performance of the European ATM network.

In respect of the draft RP3 performance plans to be submitted by Member States by 1 October 2021 in accordance with Article 3(1) of Implementing Regulation (EU) 2020/1627, the local en route capacity performance targets for calendar year 2020 contained in the draft performance plans established in 2019 should not be revised, considering that the time period for their application has expired and that their implementation has hence become definitive leaving no possibility for retroactive adjustments.

There are no Union-wide targets on terminal services in the capacity KPA and hence no requirement for consistency with Union-wide target. However, these targets will be subject to review by the Commission in accordance with point 2.1(b) of Annex IV of Implementing Regulation (EU) 2019/317. In setting the target, NSAs should therefore take into account the elements examined as part the review, which include the analysis of actual performance trends during the previous reference period as well as comparison of performance with similar airports. Similar airport can be understood as airports with equivalent traffic volumes (in terms of IFR movements), similar Air Traffic Control (ATC) operating conditions and a similar level of complexity of terminal airspace.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Capacity KPA (en route)	Tab 3.3.1
Capacity KPA (terminal)	Tab 3.3.2
Justifications for local capacity targets	Annex Q

6.4 Cost-efficiency KPA

KPIs on en route and terminal determined unit cost

In accordance with point 4.1 of Section 2 of Annex I of Implementing Regulation (EU) 2019/317, there are two local KPIs applicable in the cost-efficiency KPA, for en route and terminal ANS respectively. Those KPIs are calculated at charging zone level and expressed in terms of the en route determined unit cost (DUC) and terminal determined unit cost (DUC). In respect of RP3, NSAs shall ensure consistency between the local en route cost-efficiency performance targets and the corresponding Union-wide performance targets referred to in Article 2(1) of Implementing Regulation (EU) 2020/1627.

There is no Union-wide KPI on terminal ANS cost-efficiency and therefore no assessment of consistency of the local terminal cost-efficiency performance targets against Union-wide performance targets under point 1 of Annex IV of Implementing Regulation (EU) 2019/317. However, those local performance targets are subject to the review specified under point 2.1(c) of Annex IV of that Implementing Regulation. The key principles for local target setting in respect of the en route and terminal DUC KPIs are presented below.

Key principles for local cost-efficiency performance target setting

In accordance with points 4.1(a) and 4.1(b) of Section 2 of Annex I of Implementing Regulation (EU) 2019/317 respectively, the local targets on the en route DUC shall be set at en route charging zone level, while targets on terminal DUC shall be set at terminal charging zone level. Those targets shall cover all charging zones in the scope of the performance plan. The KPIs on the en route and terminal DUC reflect the ratio between the en route determined costs and the forecast traffic in the charging zone, expressed in service units, expected during each year of the reference period at local level. Those KPIs are calculated for the whole calendar year and are expressed in real terms and in national currency.

By way of derogation from Implementing Regulation 2019/317, exceptional measures for the revision of the local en route cost-efficiency targets for calendar years 2020 and 2021 have been set out in Implementing Regulation (EU) 2020/1627. In particular, Article 4(2) of Implementing Regulation (EU) 2020/1627 prescribes that the key performance indicator on the DUC for en route air navigation services at local level shall be defined, in respect of calendar years 2020 and 2021, as a combined value for those 2 years. Consequently, the aforementioned Article requires a single average DUC for calendar years 2020 and 2021 to be calculated, as a ratio between the total en route determined costs for those 2 calendar years and the total en route service units for those 2 calendar years, in respect of the charging zone concerned.

As indicated in recital (9) of Implementing Regulation 2020/1627, it is expected that the revised determined costs for the combined calendar years 2020 and 2021 reflect the additional uncertainty and take due account of the lower traffic volumes entailed by the circumstances of the COVID-19 pandemic. It is further stated, in recital (11) of that Implementing Regulation, that the revision of the local cost-efficiency targets for those two years should take due account of the actual costs incurred by air navigation service providers and Member States.

Clarification on the setting of determined costs in real terms

In accordance with Article 22(2) and 22(3) of Implementing Regulation (EU) 2019/317, determined costs shall be set prior to the start of each reference period (as part of the performance plan) in **real terms** and in **national currency**. The determined costs in real terms reflect the combination of the two components below:

- **determined costs set in nominal terms and converted into real terms** using the ‘forecast inflation index’ as defined in Article 2(11): this concerns the ANSP’s **operating costs** (staff, other operating costs and exceptional items, as well as the costs for exempted VFR flights);
- **determined costs set in nominal terms which are not corrected for inflation**. This is contrary to RP2, where all costs were corrected for inflation – in RP3, a subset of costs are not corrected for inflation for the calculation of the total determined costs in real terms (in item 5.3 of Reporting Table 1 in Annex VII) and of the DUC (in item 5.5 of Reporting Table 1). This concerns the ANSP’s **depreciation costs** and **cost of capital** (historical cost accounting) referred to in points (c) and (d) of Article 22(4), and the costs relating to **Member States, NSAs, qualified entities and Eurocontrol**, referred to in the third subparagraph of Article 22(1).

Baseline values

In accordance with point 3.3(c) of Annex II of Implementing Regulation (EU) 2019/317, the draft performance plan should contain substantiated information in respect of the **baseline values** used for performance target setting in respect of the local cost-efficiency targets. Those baseline values are to be calculated in accordance with point (a) of Article 10(2) of Implementing Regulation (EU) 2019/317.

In respect of the draft performance plans for RP3, the following details must be provided as part of the updated Excel template for draft RP3 performance plans:

- Baseline value for the determined costs and the DUC (calculated in real terms and in national currency) both in respect of calendar year 2019 (baseline value for RP3) and in respect of calendar year 2014 (baseline value for RP2). The baseline value in respect of calendar year 2014 is necessary specifically for the purpose of the assessment of local en route cost-efficiency targets by the Commission in accordance with the criterion set out in point 1.4 (b) of Annex IV of Implementing Regulation (EU) 2019/317, which examines the consistency of the long-term local DUC trend (over RP2 and RP3 combined) with the corresponding Union-wide DUC trend.
- Description and justification of adjustments to the local baseline values applied by the NSA, in comparison with the actual costs and actual service units recorded for calendar years 2014 and 2019. Those adjustments may be justified, for example, for the purpose of taking into account the change introduced in RP3 with regard to the method for the calculation of en route service units or, where applicable, a local level change in the cost-allocation methodology between en route and terminal charging zones.

Additional determined costs related to measures necessary to achieve the en route capacity targets

Where there is an inconsistency between the local cost-efficiency targets on en route DUC with the corresponding Union-wide targets in light of the assessment criteria set out in points 1.4(a) to (c) of Annex IV of Implementing Regulation (EU) 2019/317 and the NSA considers that such a deviation is necessary and proportionate pursuant to point 1.4(d)(i) of Annex IV of that Implementing Regulation (additional determined costs related to measures necessary to achieve the en route capacity targets), it shall provide further information and justifications in the draft performance plan in order to substantiate this observation.

The possible deviations under point 1.4(d)(i) of Annex IV of Implementing Regulation (EU) 2019/317 can be invoked in the circumstances where such a deviation is deemed necessary and proportionate in order to allow the achievement of the performance targets in the key performance area of capacity set at national level or the level of functional airspace blocks provided that the deviation from the Union-wide determined unit cost trend is exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity.

In this case, the NSA concerned has to demonstrate in the draft performance plan that the deviation is exclusively due to this reason, and this observation should be supported by detailed evidence and figures. Details should be presented in tab 3.4.6 of the Excel template for draft RP3 performance plans, including:

- Overall description of the measures necessary to achieve the en-route capacity targets for RP3, which induce additional costs.
- Detailed information on the additional costs of measures necessary to achieve the capacity targets for RP3, broken down per measure and per calendar year in respect of the charging zone concerned.
- Detailed information on the additional costs of measures necessary to achieve the capacity targets for RP3 by nature by ANSP, broken down per calendar year.
- Demonstration that the deviation from the Union-wide targets is exclusively due to the additional determined costs related to measures necessary to achieve the performance targets in capacity. More detailed documentation may be provided in annex to the draft performance plan (Annex R of the Excel template for draft RP3 performance plans – ‘Justifications for the local cost-efficiency targets’).

Restructuring measures

Where there is an inconsistency between the local cost-efficiency targets on en route DUC with the corresponding Union-wide targets in light of the assessment criteria set out in points 1.4(a) to (c) of Annex IV of Implementing Regulation (EU) 2019/317 and the NSA considers that such a deviation is necessary and proportionate pursuant to point 1.4(d)(ii) of Annex IV of that Implementing Regulation (additional determined costs due to restructuring measures necessary in accordance with Article 2(18) of

Implementing Regulation 2019/317), it shall provide further information and justifications in the draft performance plan in accordance with point 3.3(i) of Annex II of Implementing Regulation (EU) 2019/317.

The terms 'restructuring' and 'restructuring measures' in the context of the performance and charging scheme in RP3 should be interpreted in light of the definition of 'restructuring costs' set out in Article 2(18) of Implementing Regulation (EU) 2019/317 and displayed in the box below:

Article 2(18) of Commission Implementing Regulation (EU) 2019/317

For the purposes of this Regulation, the following definitions apply:

(...)

*(18) 'restructuring costs' means significant one-time costs incurred by air navigation service providers in the process of restructuring for **introducing new technologies, procedures or business models to stimulate integrated service provision, compensating employees, closing air traffic control centres, shifting activities to new locations, writing off assets or acquiring strategic participations in other air navigation service providers;***

(...)

As specified in Article 2(18), 'restructuring' refers to **measures implemented by one or several ANSPs**, which lead to **significant one-off costs** incurred by these providers. The underlying objective of such restructuring is to improve performance over time by enabling defragmentation of the industry and promoting synergies in service provision.

The categories of measures which are eligible under restructuring costs are defined in Article 2(18), as highlighted in the box above. Those measures may be of an operational, technological, organisational or financial nature. They should lead to permanent, structural changes in respect of the service provision. The phrase 'one-time' in Article 2(18) should be interpreted in a way that restructuring costs are so-called initial costs and are typically incurred at a specific point in time. However, depending on the case, they can be incurred over one or several years. Ongoing costs of operations do not classify as one-time costs. Also, one-time costs should not mean that if in the future another genuine restructuring project appears, the restructuring costs cannot be filed again. The phrase 'significant' follows an examination of the following ratios:

- restructuring costs as a percentage of total costs compared to a base scenario (without the restructuring costs) during the applicable time period,
- the size of the restructuring costs per service unit during the applicable time period;
- the absolute amount of restructuring costs.

In assessing the consistency of the local en route cost-efficiency targets with the Union-wide targets, the Commission considers restructuring measures under the assessment criterion stipulated in point 1.4(d)(ii) of Annex IV of Implementing Regulation (EU) 2019/317. By virtue of this criterion, restructuring costs (within the meaning of Article 2(18) of that Implementing Regulation) may justify a deviation from Union-wide targets where it has been found that the deviation is exclusively due to those restructuring costs and it has been demonstrated in the draft performance plan that the restructuring measures will deliver a net financial benefit to airspace user at the latest in the next reference period.

Restructuring costs may be included in a draft performance plan regardless of whether they are necessary to justify a deviation from the Union-wide DUC trends (RP3 trend and long-term trend). Accordingly, restructuring costs are always embedded in the different cost categories used for breaking down determined costs in accordance with Article 22(4) of Implementing Regulation (EU) 2019/317, i.e. staff costs, other operating costs, depreciation costs, cost of capital and exceptional costs.

NSAs should include in the draft performance plan sufficiently detailed information for the purpose of appraising whether the presented restructuring measures qualify under the definition set out in Article 2(18). In respect of draft RP3 performance plans, NSAs should provide the following elements as part of tab 3.4.5 of the Excel template for draft performance plans:

- A description of each restructuring measure or, where applicable, of a package of restructuring measures planned for RP3. This should include the detail of restructuring costs by measure. Where the restructuring measure is linked to one or several new major investments, these should be clearly specified with reference to the major investments presented in the 'Investments' section of the RP3 performance plan template.
- Overall description of how the restructuring measures make use of shared services, ATM data services and/or how the measures contribute to infrastructure rationalisation.
- Detailed information on the restructuring costs by charging zone.
- A justification of the restructuring measures and costs, in particular as regards the net financial benefit to airspace users in the next reference period referred to in point 1.4(d)(ii) of Annex IV.
- Information of the impact of the restructuring measures on the key performance area of safety, environment and capacity.
- Complementary information on restructuring measures and costs, through relevant complementary materials to be annexed to the draft performance plan.

Additional information concerning terminal cost-efficiency targets

In accordance with point 3.5 of Annex II of Implementing Regulation (EU) 2019/317, NSAs have to describe and explain in the draft performance plan how the local terminal cost-efficiency performance targets contribute to the improvement of the performance of the European ATM network.

Although there are no Union-wide performance targets for terminal air navigation services in the cost-efficiency KPA, the local terminal cost-efficiency performance are subject to the review referred to under point 2.1(c) of Annex IV of Implementing Regulation (EU) 2019/317. In setting those local performance targets, NSAs should therefore take into account the elements examined as part that review, which comprise:

- comparison with the en route DUC trend at local level;
- level and trend of actual performance during the reference period which precedes the reference period covered by the performance plan;
- at airport level, comparison of performance with similar airports.

Pursuant to point 3.3 of Annex II, draft performance plans also need to include **additional information** on:

- cost allocation between charging zones and between en route and terminal services;
- return on equity and cost of capital;
- pensions;
- interest rates.

In respect of the information required on these aforementioned elements, NSAs are advised to consider the elements outlined below:

Information on cost allocation

Pursuant to point 3.3(d) of Annex II of Implementing Regulation (EU) 2019/317, draft performance plans have to include additional information on cost allocation between charging zones and between en route and terminal services.

The requirement to provide this information is fulfilled by submitting the additional information required in points 2.1(a) and 2.1(c) of Annex VII. The information is to be provided together with Table 1 (i.e. the Reporting Table setting out the determined costs and contained in Annex VII).

To allocate determined costs to en route and terminal services, Article 22(5) sets out the scope of services that shall be included in the cost bases for terminal charges. In particular, this includes the aerodrome control services (TWR) as well as approach services (APP) within a certain distance from the aerodromes concerned, defined on the basis of operational requirements.

TWR services are provided from a tower ATS unit and their allocation to the relevant terminal charging zone is, in general, easily identifiable. Regarding APP services, the determined costs should be part of the terminal cost base to the extent that these services are serving inbound or outbound traffic of the aerodrome or aerodromes within this charging zone. It is advised that the following factors are considered when appraising the allocation of APP costs:

- **operational arrangements**, i.e. from which ATS unit the services are provided, and to what extent this unit also provides services which are not related to the terminal charging zone concerned (e.g. the APP services may be provided from the tower, from an ACC or from a joint ATS unit providing approach services in respect of several airports);
- **airspace structure**, i.e. the geographical scope of the terminal manoeuvring area (TMA) around the airport and the handover points between en route and approach sectors.

In accordance with the first subparagraph of Article 22(5), the **joint costs** incurred in respect of several charging zones are to be allocated in a proportional way between these charging zones, on the basis of a

transparent methodology. For example, overhead costs would be split between several terminal charging zones on a pro rata basis considering the traffic levels (expressed in terminal service units or in IFR movements) forecasted in each of the charging zones concerned. Other factors which can be considered comprise the following:

- ATCO hours
- Number of sectors
- Number of workstations
- Time of use of the equipment
- Number of radio channels
- Number of staff

Information on cost of capital

Pursuant to point 3.3(e) of Annex II of Implementing Regulation (EU) 2019/317, draft performance plans have to include additional information on the elements and parameters related to the cost of capital of the air navigation services.

This information is fulfilled by submitting the additional information required in point 2.1(i) of Annex VII. The information is to be provided together with Table 1 (i.e. the Reporting Table 1 Total Costs and Unit costs contained in Annex VII, setting out the determined costs).

In accordance with the fifth subparagraph of Article 22(4), the cost of capital is calculated by multiplying the value of the **regulatory asset base** (expressed as a monetary value) by a **pre-tax rate of return** (expressed as a percentage).

The **regulatory asset base** for any given year shall be the sum of the average net book value of fixed assets (and possible adjustments determined by the NSA) and of the average value of net current assets¹⁶ (excluding interest-bearing accounts) that are required for the provision of ANS (Article 22 of the Regulation). For the purpose of establishing the regulatory asset base, both assets in operation and under construction are taken into account.

The **pre-tax rate of return** shall be calculated in accordance with a weighted average cost of capital (WACC) methodology, i.e. as a weighted average of the interest rate on debts and of the return on equity. For air navigation service providers without any equity capital, this weighted average shall be calculated on the basis of a return applied to the difference between the total regulatory asset base and the debts.

The **interest rate on debt** is calculated as a weighted average taking account of the debt-based funding of the ANSP.

The **return on equity** is determined in light of the financial risk incurred by the ANSP. Specific consideration should be given to the (maximum) potential impact of risk sharing mechanisms associated with the performance and charging scheme:

¹⁶ Net current assets refer to the working capital of the ANSP (i.e. the operating liquidity used for day-to-day activities, and calculated as the difference between current assets and current liabilities).

- traffic risk sharing mechanism referred to in Article 27;
- cost risk sharing arrangements referred to in Article 28;
- incentive schemes referred to in Article 11.

Performance plans should include detailed information on the cost of capital, in particular on the following aspects:

- By virtue of point 3.3(e) of Annex II, NSAs are expressly required to describe and justify in their performance plans the return on equity applied, the gearing ratio, as well as the level and composition of the regulatory asset base used for the calculation of the cost of capital.
- Point 3.3(f) of Annex II encapsulates the requirement for Member States to outline the assumptions used in respect of interest rates for loans and to explain the weighted average interest rate on debt used to calculate the cost of capital pre-tax rate. This comprises the presentation of detailed information on loans including as regards amounts and duration.
- Detailed financial data on cost of capital including points 1.4, 3.1-3.8, and 3.11 of Reporting Table 1 contained in Annex VII.
- In accordance with Annex VII (Reporting Table 1 and point 2.1(i) in additional information section), the cost of capital has to be specified, and detailed in terms of assumptions used, in respect of each charging zone and entity concerned. NSAs should also describe the impact (if any) of pension-related assets and liabilities on the cost of capital.

Information on pensions

Pursuant to the first indent of point 3.3(f) of Annex II of Implementing Regulation (EU) 2019/317, draft performance plans have to include additional information on the assumptions underlying the calculation of pension costs comprised in the determined costs. NSAs are accordingly required to identify in the draft performance plan the determined costs of pensions for each calendar year of the reference period. Those determined costs should be broken down by activity, i.e. for en route services, terminal services (if applicable), and other activities (if applicable). The NSA should outline the methodology used to calculate the pension costs for the reference period concerned.

In presenting the assumptions underlying the pension costs as part of the updated Excel template for draft RP3 performance plans, NSAs should distinguish between the different pension schemes in place at local level, i.e. the State pension scheme(s), 'defined contribution' pension scheme(s) and/or 'defined benefits' pension scheme(s). The number of employees covered by each pension scheme should be expressly identified and broken down per staff category as appropriate. Where the employer contribution rates in any given scheme are not uniform for the various staff categories, the data and assumptions should be detailed separately for each staff category.

NSAs should describe the relevant national pension regulations and pension accounting regulations on which the presented assumptions are based. Where those regulations are expected to change during the reference period, the NSA concerned should outline which changes are expected and explain how these are estimated to impact the ANSP cost base over RP3.

NSAs should consider the cost risk related to the applicable pension schemes and describe actions to minimize this risk and mitigate the impact of any unforeseen costs that could potentially arise during the reference period.

For practical reasons, it is foreseen that tab 3.4.3 of the Excel template for draft RP3 performance plans should only include detailed information on the pension costs of the main ANSP or ANSPs¹⁷. Corresponding information regarding other entities is to be presented in Annexes A and B of the updated Excel template for draft RP3 performance plans, as part of the additional information provided together with the reporting tables for each charging zone in the scope of the draft performance plan.¹⁸

Information on interest on loans

Pursuant to the second indent of point 3.3(f) of Annex II of Implementing Regulation (EU) 2019/317, draft performance plans have to include additional information on the interest rate assumptions for loans financing the provision of air navigation services.

Accordingly, NSAs are advised to specify in the draft performance plan the loans which finance the costs arising from the provision of air navigation services. Only the loans which have a material impact on the ANSP's financial position should be identified. For each loan having a material impact, the NSA should provide the following details as part of tab 3.4.4 of the Excel template for draft RP3 performance plans:

- Face value (original amount) of the loan as stated in the loan contract
- Date of subscription of the loan
- Maturity date of the loan
- Type of loan (bank loan, bond, shareholder loan, other)
- Type of interest rate applicable to the loan (fixed/variable rate)

The following financial data should be broken down for each loan and for each calendar year of the reference period:

- Remaining balance at the end of the financial year
- Interest rate payable (expressed as %)
- Interest amount: planned cost of interest payments for the calendar year concerned

¹⁷ The main ANSP(s) is (are) those responsible, in particular, for the provision of ATS and representing the highest share of the total en route and terminal cost bases.

¹⁸ Pension assumptions of other entities are to be presented in accordance with point 2.1(f) of Annex VII of Implementing Regulation 2019/317, as part of the additional information annexed to reporting tables.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Cost-efficiency performance targets	Table 3.4.1 (a) – en route Table 3.4.2 (a) – terminal
Baseline values for the determined costs and the determined unit costs	Table 3.4.1 (b) – en route Table 3.4.2 (b) – terminal
Detailed justifications for the adjustments to the baseline values	Table 3.4.1 (c) – en route Table 3.4.2 (c) – terminal
Justification for deviations under point 1.4 (d) of Annex IV	Table 3.4.1 (d) – en route
Main measures put in place to achieve the targets for determined unit cost (DUC) for terminal ANS	Table 3.4.2 (d) – terminal
Main measures put in place to achieve the targets for determined unit cost (DUC) for en route ANS	Table 3.4.1 (e) – en route
Findings of the verification by the NSA (under Art. 22(7) of IR 2019/317) of the compliance of the cost base for charges with the requirements of Article 15(2) of Reg. 550/2004 and Article 22 of IR 2019/317, and where applicable identification of corrections applied to the cost base as a result of this verification	Table 3.4.1 (f) – en route Table 3.4.2 (e) – terminal
Pension assumptions	Tab 3.4.3
Interest rate assumptions for loans financing the provision of air navigation services	Tab 3.4.4
Restructuring costs	Tab 3.4.5
Additional determined costs related to measures necessary to achieve the en route capacity targets	Tab 3.4.6
Reporting tables and additional information	Annex A – en route
Reporting tables and additional information	Annex B – terminal
Complementary information on baseline values	Annex F
Complementary information on cost allocation	Annex M
Justifications for local cost-efficiency targets	Annex R
Pension assumptions ¹⁹	Tab 3.4.3
Interest rate assumptions for loans financing the provision of air navigation services ²⁰	Tab 3.4.4

¹⁹ The details concerning pension assumptions for the main ANSPs are to be provided in the body of the performance plan, whereas information on the assumptions for the other entities are to be detailed in the Additional Information to the Reporting Tables – point 2.1(f) of Annex VII of Implementing Regulation (EU) 2019/317.

²⁰ The details concerning interest rate assumptions for the main ANSPs are to be provided in the body of the performance plan, whereas information on the assumptions for the other entities are to be detailed in the Additional Information to the Reporting Tables – point 2.1(i) of Annex VII of Implementing Regulation (EU) 2019/317.

6.5 Additional local KPI(s) and targets

Article 10(3) of Commission Implementing Regulation (EU) 2019/317

The performance plans may contain additional performance targets set on the basis of the key performance indicators referred to in Article 8(4). Those targets shall support the achievement of the performance targets referred to in Article 9(3) and in point (a) of paragraph 2 of this Article.

NSAs may wish to set additional local key performance indicators (KPIs) and associated targets in accordance with Articles 8(4) and 10(3) of Implementing Regulation (EU) 2019/317. Additional local KPIs may be set in addition to the KPIs set out in Annex I Section 2 of that Implementing Regulation.

For the targets relating to such KPIs, a description and explanation should be made as to how these targets support the achievement of the Union-wide and local performance targets as defined in Article 9(3) and point (a) of Article 10(2). These targets may relate in particular to the area of civil-military cooperation and meteorological service provision.

Together with the targets for each additional local KPI for every year of the reference period, the NSA should provide the following information as part of tab 3.5 of the Excel template for draft RP3 performance plans:

- Identification of the key performance area concerned and of the level at which the additional KPIs are applied (e.g. charging zone, ANSP or national level);
- Description and rationale: definition of the additional KPI and of the related KPA, explanation on why the additional KPI has been introduced and what is its role in supporting the achievement of the targets in the four KPAs as defined in Sections 6.1 to 6.4 above (e.g. if the additional KPI provides a mechanism by which the ANSP is incentivised to deliver optimal flight paths, to reduce aircraft fuel burn);
- Formula, metric and parameters: explanation on the principles for the calculation (or formula) of the additional KPI;
- Data sources: description of the relevant data sources that have been used to feed the formula for calculating the additional KPI.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Additional KPI(s) / Targets	Tab 3.5
Complementary information on additional local KPI(s) and targets	Annex J

7 Measures

This chapter covers the measures put in place as part of the draft performance plan for the purpose of achieving the local performance targets.

In accordance with point 3.2 of Annex II of Implementing Regulation (EU) 2019/317, the draft performance plans have to include adequate information concerning the main measures put in place at national or FAB level with a view to achieving the performance targets set in the four KPAs. In respect of the draft RP3 performance plans, NSA are advised to present the measures separately for each KPI in the relevant tabs.

The measures should include (but not be limited to) operational, technological, organisational and/or financial measures. As far as possible, the estimated impact of the planned measures should be quantified in order to highlight their contribution to the achievement of the relevant targets. NSAs should also indicate the planned timeline for the implementation of each measure. Measures already initiated in the previous reference period, and which will continue to have a material impact on ANS performance in the reference period covered by the performance plan, should also be outlined. The information should include updated benefit estimates (including based on early deployments). Detailed descriptions and justifications of those measures may be annexed to the draft performance plan.

It should be noted that those measures are to be examined by the Commission in conjunction with the review of the local performance targets under point 2.1(a) of Annex IV Implementing Regulation (EU) 2019/317.

The non-exhaustive list below provides generic examples of possible measures at local level in the KPAs of environment, capacity, and cost-efficiency. Detailed descriptions are required in the performance plan in respect of the main measures put in place (or to be put in place) at local level.

Environment KPA

- Implementation Free Route Airspace (FRA) and cross-border FRA.
- Improvements in the implementation of Flexible Use of Airspace (FUA) and of civil-military airspace structures, including through cross-border cooperation.
- Improvement of Terminal Manoeuvring Area (TMA) structures
- Implementation of Continuous Climb and Descent Operations
- Improvements in ATS route design, including in respect of the night route network.
- Cross-border operations
- Any other measures contributing to ENV performance

Capacity KPA

- Recruitment of additional Air Traffic Controllers (ATCOs) / Air Traffic Safety Electronics Personnel (ATSEP)

- Measures foreseen to address impact of retirement of ATCOs / ATSEP
- Reconfiguration / re-sectorisation of airspace to deliver higher capacity
- Implementation of new ATM systems or functionalities
- Implementing flexible rostering system
- Implementing dynamic management of sectors
- Implementing of digitalisation and cross-border projects
- Network-level measures coordinated by the Network Manager that deliver capacity benefits for the network²¹
- Enhanced civil-military coordination
- Any other capacity enhancement measures

To substantiate the measures put in place to achieve the local capacity targets, the NSAs concerned should provide numerical data relating to the planned number of ATCOs over the reference period covered by the performance plan.²² The following data should be provided as part of the updated Excel template for draft RP3 performance plans:

- Number of additional air traffic controllers (ATCOs) in operations (OPS) planned to start working in the OPS room (expressed as FTEs – full-time equivalents)
- Number of additional ATCOs in OPS planned to stop working in the OPS room (FTEs)
- Number of ATCOs in OPS planned to be operational at year-end (FTEs)

Cost-efficiency KPA

- Structural measures related to the organisation and/or management of ANS, which lead to enhanced cost-efficiency of service provision.
- Measures to improve productivity
- Measures related to the optimization of support services (e.g. overhead, training) including through cooperation, consolidation or outsourcing arrangements.
- Measures to maximize the value for money of investments
- Measures to mitigate any negative cost risk related to the pension liabilities of the ANSP
- Measures to optimize the financing costs of the ANSP
- Any other measures contributing to cost-efficiency of ANS

²¹ These measures should be presented even where the impact on capacity performance is negative at local level, given that these measures provide a positive contribution at network level by reducing the overall ATFM delay generated.

²² This forward-looking data should be presented with a breakdown per ACC and in accordance with the data provision requirements F7, F8 and F9 set out in the ‘Eurocontrol Specification for Economic Information Disclosure’ (Edition 3.0 of 4 December 2012), which is applicable by virtue of point 2.1(a) of Annex VI of Implementing Regulation (EU) 2019/317.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Measures to achieve safety targets	Table 3.1.1 (c)
Measures to achieve environment targets	Table 3.2.1 (c)
Measures to achieve en route capacity targets (including provision of ATCO-related data)	Table 3.3.1 (c) Table 3.3.1 (d)
Measures to achieve terminal capacity targets	Table 3.3.2 (c)
Measures to achieve en route cost-efficiency targets	Table 3.4.1 (e)
Measures to achieve terminal cost-efficiency targets	Table 3.4.2 (d)
Detailed descriptions and justification of local performance targets and related measures	Annexes O, P, Q and R

8 Interdependencies and trade-offs between KPAs

This chapter concerns the identification and consideration of interdependencies as part of the local performance target setting process, and their presentation in the draft performance plan.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 3.6.

Description and explanation of the interdependencies and trade-offs between the key performance areas, including the assumptions used to assess those trade-offs.

8.1 Principles

Given the strong links observed between the KPAs and the resulting trade-offs in terms of performance, these interdependencies should be duly identified and taken into account in setting the local performance targets in accordance with recital (17) and point 3.6 of Annex II of Implementing Regulation (EU) 2019/317.

As pointed out in recital (17) of that Regulation, the assessment of interdependencies should be done 'having regard to the overriding safety objectives.' This entails that the level of ANS safety required under the EU legislation should not be subject to trade-offs under any circumstances. This does not preclude that interdependencies may arise between safety and the three other KPAs, but these have to be effectively managed so as not to compromise the required level of safety.

Interdependencies between all the KPAs should be evaluated in the draft performance plan in accordance with the provisions of point 3.6 of Annex II of Implementing Regulation (EU) 2019/317. A consideration of interdependencies at local level should aim to set the appropriate balance between local performance targets in the various KPAs, identifying the impact of interdependencies on the performance in each KPA over the reference period concerned, and foreseeing possible mitigation measures for dealing with any potential negative impacts. The interdependencies between the KPAs and the related trade-offs should be discussed with ANSPs and AUs as part of the local consultation process on draft performance plans.

For FAB-level plans, it is also advised that individual ANSP contributions in respect of the trade-offs between the KPAs are assessed collectively to ensure consistency and to guard against any negative impact when combined.

8.2 Specific information required

NSAs should provide, in the performance plan, specific information as regards the interdependencies and trade-off between the **safety KPA and other KPAs**. In this respect, NSAs should in particular:

- identify the safety implications related to the implementation of local targets and the associated measures;

- describe how they plan to mitigate any potential safety impacts;
- present the main assumptions used to assess the interdependencies between safety and the other KPAs;
- outline the relevant metrics, other than those indicators described in Implementing Regulation (EU) 2019/317, used to ensure that targets in the KPAs of capacity, environment and cost-efficiency are not degrading safety;
- consider whether the targets allow for trade-offs in operational decision making to manage resource shortfalls in order to preserve safety performance;
- explain how they / the Member State(s) have appraised the level of ANSP’s financial and personnel resources that is needed to support safe ATC service provision.

Additionally, NSAs should detail the interdependencies and trade-offs on the one hand **between capacity and environment**, and on the other hand between **cost-efficiency and capacity**. The specific information to be provided may include (but not be limited to) the following elements:

- Overview of the effects of initiatives to provide more direct and efficient flights (e.g. Free Route Airspace) on capacity provision.
- Overview of how new and existing investments are expected to contribute to improvements in the KPAs of environment and capacity.
- Overview of the relationship between capacity (reduction of delays and/or accommodation of traffic increases) and cost-efficiency, and relationship of costs with operational considerations (including hiring of new ATCOs).
- Overview of the measures foreseen to mitigate any negative trade-offs between KPAs.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Interdependencies and trade-offs between safety and other KPAs	Table 3.6.1
Interdependencies and trade-offs between capacity and environment	Table 3.6.2
Interdependencies and trade-offs between cost-efficiency and capacity	Table 3.6.3
Other interdependencies and trade-offs	Table 3.6.4
Complementary information on interdependencies	Annex S

9 Cross-border initiatives, SESAR implementation and change management actions

This chapter addresses the procedural aspects related to the implementation of cross-border initiatives and SESAR.

9.1 Cross-border initiatives

Planned or already implemented cross-border cooperation initiatives

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 4.1.

Description of the cross-border cooperation initiatives implemented, or planned to be implemented, at the level of air navigation service providers to improve the provision of air navigation services. Identification of the performance gains enabled by those initiatives in the various key performance areas.

NSAs are required to outline the planned, or already implemented, cross-border initiatives at ANSP-level that aim at enhancing ANS performance. NSAs are advised to quantify, where possible, the expected performance gains enabled by such initiatives in the four KPAs (e.g. based on conducted cost-benefit analyses) – qualitative justification is also advised. Where no relevant cross-border cooperation initiatives have been identified, NSAs should state this explicitly in the relevant section of the performance plan.

Investment synergies enabled by cross-border collaboration

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 2.2.(c)

The information referred to in point 2.1 shall include in particular: (...)

(c) detail of synergies achieved at the level of functional airspace blocks or, through other cross-border cooperation initiatives as appropriate, in particular in terms of common infrastructure and common procurement.

NSAs should specifically describe, in accordance with point 2.2(c) of Annex II of Implementing Regulation (EU) 2019/317, how the presented cross-border cooperation initiatives, including at FAB-level or through industrial partnerships, have delivered synergies in terms of realized or planned investments. Reference should in particular be made to common infrastructure and common procurement initiatives, where applicable.

It should also be noted that point 2.1(g) of Annex IV of Implementing Regulation (EU) 2019/317 foresees that the Commission may review to what extent draft performance plans demonstrate performance benefits and synergies enabled by cross-border collaboration.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Summary of investments ²³	Table 2.1.1
Planned or implemented cross-border initiatives at the level of ANSPs	Table 4.1.1
Investment synergies achieved at FAB level or through other cross-border initiatives	Table 4.1.2
Complementary information on cross-border initiatives	Annex N

9.2 SESAR implementation and change management

SESAR implementation

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 4.2.

Description of recent and expected progress in the deployment of SESAR common projects referred to in Article 15a of Regulation (EC) No 550/2004, as well as of change management practices in relation to transition plans in order to minimise any negative impact of changes on the network performance.

NSAs are required to describe the recent and expected progress in the deployment of SESAR common projects, in particular how their implementation contributes to performance improvements at local level.

NSAs are advised to provide in the draft performance plan an overview of the status of implementation of the six ATM functionalities as set out under Article 3(1) of [Commission Implementing Regulation \(EU\) No 2021/116](#) (the Common Project One). Recent and expected progress should be considered in light of the deployment schedules defined in the SESAR Deployment Programme.

Change management practices

In accordance with Article 10(2)(i)(ii) of Implementing Regulation (EU) 2019/317, NSAs should detail the change management practices and transition plans for the entry into service of major airspace changes or for ATM system improvements during the reference period concerned. In this context, change management should be understood as referring to measures taken to manage the organisational, operational and technological changes associated with the planned technological improvements.

Appropriate change management practices should be defined at local level, on a case-by-case basis and considering the specific issues faced. Examples of such practices (provided here on an indicative basis, without prejudice to actions to be set up at local level) may include:

²³ Synergies should be described in relation to the new major investments listed under Section 2 of the performance plan template.

- Defining a clear change management programme for the ANSP(s) and other stakeholders affected by the change;
- Assessing the changes and impacts to functional systems and considering any formal evaluation and risk assessment that may be required;
- Ensuring that a safety support assessment is carried out for the equipment, procedural and human elements being changed, and the interfaces and interactions being changed;
- Ensuring that training support is provided for all affected parties, to prepare the workforce for handling new types of tools and working methods;
- Ensuring that the change process is being continuously measured and monitored.

It is advised that NSAs refer to the relevant change management provisions of [Commission Implementing Regulation \(EU\) 2017/373 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight](#).

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Deployment of SESAR Common Projects	Tab 4.2
Change management	Tab 4.3

10 Traffic risk sharing parameters

The traffic risk sharing mechanism is set out in Article 27 of Implementing Regulation (EU) 2019/317, in accordance with the general principles specified in Article 11(1) and (2) of that Implementing Regulation. This mechanism determines how surpluses and losses, due to deviations from the traffic forecast (expressed in service units) established in the performance plan, are shared between the ANSP(s) concerned and AUs during the reference period.

This chapter provides supporting material regarding the information and justifications required in the performance plan as regards the traffic risk sharing parameters to be applied.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 5.1.

In respect of each charging zone concerned, description of the defined values of the traffic risk sharing parameters applicable in accordance with Article 27:

a) identification of the applicable range referred to in Article 27(2) and of the traffic risk sharing keys referred to in Article 27(3);

b) in the event that the national supervisory authority adapts the values of the parameters of the traffic risk sharing mechanism referred to in point (a) in accordance with Article 27(5):

i) justification of the defined values of the traffic risk sharing parameters;

ii) description of the consultation process of airspace users and air navigation service providers on the setting of the values of the traffic risk sharing parameters and of the outcome of the consultation.

Article 27 enables some flexibility for NSAs in respect of the traffic risk sharing arrangements applicable at local level over the reference period. NSAs may either decide to apply the **default traffic risk sharing mechanism as defined in Article 27(2), (3) and (4)**, or they may decide to **adapt** the values of the traffic risk sharing parameters laid out in Article 27(2) and 27(3), subject to the conditions set out in Article 27(5).

Accordingly, in accordance with point 5.1 of Annex II of Implementing Regulation (EU) 2019/317, NSAs need to specify in their performance plans the values of the traffic risk sharing parameters that they have chosen to apply in respect of each charging zone in the scope of the draft performance plan.

It is important to note that the values of traffic risk sharing parameters defined in Article 27(4) are not adaptable by NSAs and thus apply regardless of whether the NSA concerned has decided to adapt the values referred to in Article 27(2) and 27(3).

10.1 Selection of default values

Where an NSA decides to apply the default values of the traffic risk sharing parameters in accordance with Article 27(5) of Implementing Regulation (EU) 2019/317, it should specify this in the draft performance plan and thereby confirm that:

- The range (so-called ‘dead-band’) within which additional revenue or revenue losses due to traffic variations are borne in full by the ANSP concerned is set at **±2%** of the service unit forecast established in the performance plan, in accordance with **Article 27(2)**.
- The traffic risk sharing keys specified in **Article 27(3)** apply in respect of additional revenue or revenue losses stemming from traffic deviations **beyond the dead-band referred to in Article 27(2) but not exceeding 10% of the service unit forecast**. Hence, **70% of additional revenue** received for traffic in excess of 2% of the service unit forecast (and up to 10% of the service unit forecast) is to be returned to AUs, whilst the ANSP is able to recover **70%** of a revenue loss incurred in excess of 2% of the service unit forecast (and up to 10% of the service unit forecast).
- The traffic risk sharing keys specified in **Article 27(4)** apply in respect of additional revenue or revenue losses due to actual traffic deviating from the service unit forecast by **more than 10%** (i.e. exceeding **110%** of the service unit forecast or being lower than **90%** of the service unit forecast). Any additional revenue beyond this limit is passed on in full to airspace and any revenue loss is fully recovered from airspace users.

Where the default values referred to above are applied, the NSA concerned is not required to provide any additional elements or justifications in the performance plan – the confirmation that these default values have been selected is sufficient.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Traffic risk sharing	Table 5.1
Additional information on the parameters for traffic risk sharing	Annex G

10.2 Adaption of default values

Where an NSA decides to adapt the values of the traffic risk sharing mechanism in application of Article 27(5) of Implementing Regulation (EU) 2019/317, the adapted values shall be presented in the performance plan together with the additional elements and justifications required under point 5.1(b) of Annex II of that Implementing Regulation.

Where applicable, the performance plan shall expressly indicate adapted values regarding the following elements:

- The **scope, in percentage terms, of the dead-band referred to in Article 27(2)** within which additional revenue or revenue losses due to traffic variations (versus the forecast) are borne in full by the ANSP concerned;
- The **traffic risk sharing keys referred to in Article 27(3)**, as regards additional revenue or revenue losses stemming from traffic deviations beyond the dead-band referred to in Article 27(2).

As explained earlier, the traffic risk sharing parameters set out in Article 27(4), which concern traffic deviations beyond 10% of the service unit forecast, are not subject to any possible adaptation.

Any NSA opting for the adaptation of traffic risk sharing values shall include in its performance plan the information required to verify that the specific conditions set out in Article 27(5) have been met, namely:

- It is necessary to demonstrate that AU representatives and the relevant ANSP(s) **have been consulted** on the adjusted values of the traffic risk sharing parameters, as foreseen in Article 27(5)(a). The NSA shall therefore provide in the performance plan a description of the relevant consultation and of its outcome – this information should be included in the updated Excel template for draft RP3 performance plan (section 1.3 on stakeholder consultation).
- The performance plan should contain a **calculation of the risk exposure of the ANSP** resulting from the adjusted values for traffic risk sharing. As point (b) of Article 27(5) does not allow the risk exposure to be lower than under the default traffic risk sharing parameters, the risk exposure for any given year shall not be lower than 4.4% of the ANSP’s determined costs.
- Justification is needed in respect of the adjusted values chosen. In particular, the NSA should explain in the performance plan how they have taken into account the **variation of ANS costs** at local level in connection with the provision of capacity under different traffic scenarios. Article 27(5)(c) specifically requires NSAs, in setting the adjusted values, to consider the variation of the costs of capacity provision by the ANSP concerned as a result of variations in traffic. The NSA should provide in the performance plan the relevant information that has been considered in this respect, including the conclusions of any relevant analysis conducted by the NSA itself or by external experts. As appropriate, related materials should also be annexed to the draft performance plan.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Traffic risk sharing	Table 5.1
Additional information on parameters for traffic risk sharing	Annex G

11 Incentive schemes

This chapter provides supporting material regarding information and justifications required in the draft performance plan as regards the incentive schemes to be applied by the Member State(s) concerned. The incentive scheme for the KPA of capacity is based on the provisions of Articles 11(1) and 11(3) of Implementing Regulation (EU) 2019/317. In accordance with Article 11(1), incentives shall apply to both en route and terminal ANS and shall remain in place during the entire reference period covered by the performance plan.

Financial incentives in the capacity KPA are mandatory pursuant to Article 11(3) of Implementing Regulation (EU) 2019/317. These incentives are linked with the local capacity targets set for en route and terminal services, expressed in average minutes of ATFM delay per flight attributable to ANS. Furthermore, Member States are allowed to introduce financial incentives in the KPA of environment or for the achievement of the additional performance targets referred to in Article 10(3). The setting of **additional incentives** is governed by Article 11(4). Where applied, these additional incentives also have to be presented in the performance plan.

In addition, NSAs are required to consult stakeholders on the incentive schemes comprised in the draft performance plans. In accordance with Article 10(4), this consultation shall cover ANSPs, AUs' representatives and, where relevant, airport operators and airport coordinators.

The exceptional measures for RP3 laid down in Implementing Regulation (EU) 2020/1627 include a derogation from Implementing Regulation (EU) 2019/317 in respect of incentive schemes in the key performance area of capacity. Article 3(3)(a) of Implementing Regulation (EU) 2020/1627 prescribes that the revised draft performance plans for RP3 to be submitted by Member States by 1 October 2021 shall not include financial incentives on capacity targets for calendar years 2020 and 2021. Accordingly, tab 5.2 of the updated Excel template for draft RP3 performance plans, which covers incentive schemes in the capacity KPA, only encapsulates calendar years 2022, 2023 and 2024 (whilst the columns for 2020 and 2021 have been deactivated).

11.1 Incentive schemes in the capacity KPA

Article 11(3) of Implementing Regulation (EU) 2019/317 sets the principles for incentives on capacity but also leaves considerable discretion to Member States as regards the design of the incentive scheme and its implementing arrangements. The basic principles for these incentives include:

- The impact of incentives has to be **'material'** in terms of the revenue at risk – in order for incentives to be effective in terms of driving the desired outcomes, it is necessary that they have a potentially significant financial impact on the incentivised entity (i.e. the ANSP);
- Incentives have to be **'proportionate to the level of ATFM delay'** – this entails that the level of bonuses and penalties stemming from the incentive schemes ought to be commensurate with the actual performance of the ANSP concerned in terms of ATFM delay as compared with the applicable **pivot value**, which is the value used for the purpose of calculating the financial

advantages or disadvantages stemming from the mandatory incentive scheme in the capacity KPA, and set by the NSA in accordance with Article 11(3)(c) of Implementing Regulation (EU) 2019/317.

NSAs have to adhere to the principles below when setting the parameters for the local incentive schemes on capacity. As specified in point 5.2(a) of Annex II of Implementing Regulation (EU) 2019/317, the information to be included in the draft performance plan in respect of incentive schemes in the capacity KPA encompasses in particular:

- **Mechanism for defining the pivot values**, i.e. the target values against which the financial advantages (bonuses paid by AUs to the ANSP) or disadvantages (penalties conceded by the ANSP to AUs) will be calculated;
- **Numerical parameters used for calculating bonuses and penalties;**
- In the case of FAB performance plans: **additional elements** concerning FAB-level dimension and requirements of incentive scheme.

Mechanism for defining the pivot values

NSAs shall indicate in the performance plans on which basis they intend to set the pivot values used for the purpose of the incentive scheme. In accordance with Article 11(3)(c) of Implementing Regulation (EU) 2019/317, NSAs may choose between the two options described below. It is important to note that the choice indicated by the NSA in its performance plan subsequently remains valid for the whole duration of the reference period and may not be amended during that reference period.

- **Option a) Pivot values are based on the performance targets**

The NSA may decide that the pivot values for each calendar year are to be **equal to the local performance target** set for that year. The incentive scheme will thus be articulated around the relevant capacity performance target values.

- **Option b) Pivot values are based on ‘modulated’ performance targets**

Alternatively, the NSA may decide, after consultation with AUs, to base the pivot values on annually ‘modulated performance targets’. In this case, the NSA shall define in its performance plan the **modulation mechanism** to be applied for this purpose, in accordance with the provisions of point 1 of Annex XIII of Implementing Regulation (EU) 2019/317.

In respect of *en route services*, the modulation mechanism of pivot values may consist of an annual adjustment of the local en route capacity targets informed by the reference values published in the November release of the Network Operations Plan of year n-1. The modulation may also consist in the limitation of the scope of the incentive scheme to delay causes related to ATC capacity, ATC routing, ATC staffing, ATC equipment, airspace management and special events with the codes C, R, S, T, M and P of the ATFCM user manual. It is possible for the NSA to apply either one or both these features in respect of the modulation mechanism.

In respect of *terminal services*, the modulation mechanism of pivot values may comprise an annual adjustment of the local terminal capacity targets on the basis of objective and transparent principles defined in the performance plan, so as to take account of significant and unforeseen changes in traffic. The modulation may also consist in the limitation of the scope of the incentive scheme to delay causes related to ATC capacity, ATC routing, ATC staffing, ATC equipment, airspace management and special events with the codes C, R, S, T, M and P of the ATFCM user manual. It is possible for the NSA to apply either one or both these features in respect of the modulation mechanism.

Numerical parameters used for calculating bonuses and penalties

NSAs shall present in the performance plans the numerical parameters of the incentive schemes underpinning the calculation of bonuses and penalties. In accordance with points 2.1(a), 2.1(b), 2.2(a) and 2.2(b) of Annex XIII of Implementing Regulation (EU) 2019/317, these numerical parameters are to be expressed as fixed percentages of the determined costs set for year n.

In defining these fixed percentages, NSAs should ensure compliance with the following requirements deriving from Article 11(3) of that Regulation:

- the maximum level of potential bonuses shall **not** exceed the maximum level of potential penalties;
- the level of potential bonuses may **not** exceed **2%** of the determined costs of any given year;²⁴
- a tolerance margin (or dead-band) is to be included as part of the incentive scheme – this has to be defined as a ‘**symmetric range**’ applied around the pivot value applicable for each year.

As stated in point 2 of Annex XIII of Implementing Regulation (EU) 2019/317, a ‘smooth sliding scale’ shall be set by the NSA for the purpose of calculating the annual bonus or penalty payment stemming from the incentive scheme. This scale will enable the calculation of bonuses or penalties depending on the actual performance of the ANSP versus the applicable pivot value, where the difference between the pivot value and the actual ATFM delay falls beyond the tolerance margin (or dead-band) referred to above. The scale will also determine the difference between the pivot value and the actual ATFM delay beyond which the maximum bonus or penalty applies.

It is advised that NSAs include graphs and/or tables in their performance plans for the purpose of illustrating the defined incentive scheme in terms of the formula and numerical parameters to be applied.

The setting of numerical parameters used for calculating bonuses and penalties is subject to consultation with AU representatives and ANSPs. Information on the outcome of the relevant consultation should be included in Section 1.3 of the updated Excel template for draft RP3 performance plans.

²⁴ The alert thresholds referred to in point (b)(iii) of Article 9(4) of Implementing Regulation (EU) 2019/317, which are established together with the adoption of the Union-wide performance targets, will apply in respect of all incentive schemes for the purpose of setting the upper or lower bound beyond which the maximum bonus or penalty applies, respectively. It should be noted that this parameter is not subject to adjustment.

Additional elements specific to FAB performance plans

Where the NSAs concerned have opted for the establishment of a performance plan at FAB level, they are required to set a capacity targets for en route services at FAB level pursuant to point 3.1(a)(iv) of Section 2 of Annex I of Implementing Regulation (EU) 2019/317.

Article 11(3)(g) of that Regulation prescribes additional requirements in respect of the definition and implementation of the incentive scheme associated with these FAB level en route capacity targets. Accordingly, the NSAs concerned should ensure that the incentive scheme set out in their FAB performance plan complies with the following principles which are additional to the general principles outlined in the sub-sections above:

- There shall be a **uniform incentive scheme** for all the Member States within the FAB, based on the same parameters and numerical values, and applied consistently across the FAB.
- There shall be **both national and FAB level pivot values** underpinning this incentive scheme. The FAB level pivot value shall be based either on the FAB-level target or the modulated FAB level target. The national pivot values shall derive from the breakdown of the FAB level targets in respect of each ANSP concerned. These ANSP-specific values shall be defined in the performance plan, without prejudice to a possible further modulation of these values where a modulated FAB target is applied for the incentive scheme.
- The NSAs of the Member States shall **jointly decide** on whether to base the applicable FAB level and national pivot values on the FAB performance targets or on modulated FAB performance targets. The possibilities for modulating a FAB level capacity targets are the same as with regard to national level capacity targets. As detailed in the previous sub-section, the modulation principles are set out in point 1 of Annex XIII. Where NSAs choose to modulate the FAB level targets, the same modulation mechanism shall apply similarly to all pivot values referred to above.

The NSAs concerned should provide the additional information required for the points above in an annex to the updated Excel template for draft RP3 performance plans. They should confirm the agreement within the FAB on the numerical parameters of the incentive scheme and in respect of any modulation mechanism to be applied.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Capacity incentive scheme – en route	Tab 5.2.1
Capacity incentive scheme – terminal	Tab 5.2.2
Parameters for mandatory capacity incentives	Annex I

11.2 Optional financial incentive schemes

In accordance with Article 11(4), NSAs may decide to establish optional incentives on local environment targets or on additional targets set in accordance with Article 10(3).

If an NSA decides to establish an optional incentive scheme for RP3, they should provide at least the following information as part of the performance plan:

- The KPA which the incentive applies to;
- The geographical scope which the incentive applies to (i.e. en route or terminal);
- A description of the incentive (including rationale);
- The parameters, formulas, metrics and data sources used to justify the application of the incentive;
- The maximum bonus and penalty for the optional incentive, noting that the aggregated financial advantage or disadvantage **shall not exceed 2% and 4% of the determined costs of year n respectively.**

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Optional incentive schemes	Tab 5.3
Complementary information on optional incentive schemes	Annex K

12 Implementing arrangements

This chapter provides supporting material for the identification of arrangements related to the monitoring and implementation of the performance plan in the course of the reference period.

Annex II of Commission Implementing Regulation (EU) 2019/317 – Template for performance plans, point 6

Description of the processes that the national supervisory authorities will put in place, in order to:

- (a) monitor the implementation of the performance plan;*
- (b) address the situation where targets are not reached during the reference period.*

12.1 Monitoring the implementation of the performance plan

As defined in Article 37(1) of Implementing Regulation (EU) 2019/317, NSAs are responsible for monitoring the implementation of the performance plan, in particular with a view to assessing whether the performance targets are met.

The NSA should include in the performance plan a description of the processes that will be put in place in order to monitor the implementation of the local performance targets and related elements contained in the performance plan. NSAs should report to the Commission the results of the monitoring in the preceding year on 1 June of each year of the reference period at the latest.

The NSA(s) concerned should ensure that robust processes and mechanisms are in place, at national level or within the FAB, for the purpose of collecting and assessing performance-related data and measure performance against targets. The NSA(s) should, in particular, make sure that the ANSP(s) subject to the performance plan establish the appropriate internal processes for the monitoring of performance in the four KPAs, and regularly report to the responsible NSA in accordance with the data provision and reporting requirements stemming from Articles 4 and 36 as well as Annex VI of Implementing Regulation (EU) 2019/317. The NSA should request further clarifications or details from the ANSP in respect of the reported data, where necessary.

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Monitoring the implementation of the performance plan	Table 6.1

12.2 Deviation from targets during reference period

If, over the duration of a reference period, an NSA finds that the local targets are not being met, or that there is a risk of them not being met, the NSAs concerned should define and apply a set of **appropriate measures**, which should aim to rectify the situation and achieve the targets set in the performance plan.

This should be communicated to the Commission in accordance with Article 37(1) of Implementing Regulation (EU) 2019/317).

Performance plans should thus contain a description of the measures foreseen to be put in place in the situation where performance targets are not reached during the reference period or there is a risk of them not being reached.

Examples of measures to address situations where targets are not met include (but are not limited to) the following:

- Enhanced consultation processes between stakeholders (e.g. ANSPs, airports and AUs);
- Actions enforcing identification and the promotion of best practices;
- Enhanced coordination between ANSPs and the Network Manager as regards to potential assistance required to deliver the desired level of services (i.e. using the comparison of ANS provision between Member States);
- Inclusion of performance monitoring as part of the annual oversight programme of the NSA authority, and inclusion of the related requirements in the framework of audits, assessments, investigations and inspections in accordance with point (b) of Article 5(1) of [Commission Implementing Regulation \(EU\) No 2017/373](#).

Mapping with updated Excel template for draft RP3 performance plans

Topic	Reference to updated Excel template for draft RP3 performance plans
Non-compliance with targets during reference period	Table 6.2

13 Revision of performance plan during the reference period

This chapter provides supporting material for the possible revision by a Member State, during the reference period, of one or more local performance targets contained in its performance plan (i.e. the final performance plan adopted in accordance with Article 16(a) or 16(b) of Implementing Regulation (EU) 2019/317).

Such revisions are governed by the legal provisions laid down in Article 18 of Implementing Regulation (EU) 2019/317.

13.1 Conditions

A Member State may revise one or more performance targets included in its performance plan subject to the specific conditions set out in Article 18(1) of Implementing Regulation (EU) 2019/317, which concern:

- The circumstances occurring during the reference period which can justify a possible revision;
- The assessment and acceptance by the Commission of the proposed by the Member State(s) concerned

Article 18(1)(a) of Commission Implementing Regulation (EU) 2019/317

1. During the reference period Member States may revise one or more performance targets contained in the performance plans and adopt performance plans which are amended accordingly, only where both of the following conditions are met:

(a) the Member State or Member States concerned consider that the intended revision is necessary and proportionate in light of the occurrence of one or more of the following situations:

(i) at least one of the alert thresholds referred to in point (b) of Article 9(4) is reached and the national supervisory authority or authorities concerned have assessed the situation and have shown that the resulting effects of reaching the alert threshold or thresholds cannot be sufficiently mitigated unless the performance targets are revised;

(ii) the initial data, assumptions and rationales, including on investments, on the basis of which the performance targets concerned were set are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan, and the national supervisory authority or authorities concerned have assessed the situation and have shown that the resulting effects cannot be sufficiently mitigated unless the performance targets are revised;

(b) the Commission has, based on a reasoned request by the Member State or Member States concerned, decided that:

(i) it agrees that the intended revision is necessary and proportionate in light of the occurrence of one or more of the following situations referred to in point (a);

(ii) the intended revised performance targets are consistent with the Union-wide performance targets, having assessed those targets on the basis of the criteria laid down in point 1 of Annex IV.

Situations in which Member States may request the revision of local performance targets

The legal provisions laid down in Article 18(1) emphasise the exceptional character of any performance plan revision during the reference period.

Accordingly, a revision may only be considered if one of the following two situations have occurred in the course of the reference period:

- (1) At least one of the alert thresholds defined in the performance plan has been reached (Article 18(1)(a)(i) of Implementing Regulation (EU) 2019/317)
- (2) Basic elements of the performance plan have been rendered invalid due to unforeseeable circumstances (Article 18(1)(a)(i)(i) of Implementing Regulation (EU) 2019/317)

Article 18(1)(a)(i) refers to the situation where the alert thresholds set out in accordance with Article 9(4)(b) of Implementing Regulation (EU) 2019/319 have been reached. Those alert thresholds are defined as follows:

- 1) A percentage reflecting the difference between actual traffic measured in IFR movements in a given year and the traffic forecast set out in the performance plan;
- 2) A percentage reflecting the difference between actual traffic measured in service units in a given year as compared to the traffic forecast set out in the performance plan;
- 3) A difference (expressed as minutes of ATFM delay per flight) between the capacity reference values established in the seasonal updates of the Network Operations Plan and the corresponding values included in the latest version of the Network Operations Plan available at the time of drawing up the performance plan.

For RP3, the alert thresholds have been set in Article 5 of Implementing Decision 2021/981 setting the RP3 Union-wide targets and are as follows:

- With regard to traffic evolution, the alert threshold is reached when the actual traffic, recorded by Eurocontrol, deviates from the traffic forecast in the performance plan over a given calendar year by at least 10 % of IFR movements or by at least 10% of service units (Article 5(1)(a) and 5(1)(b) of Implementing Regulation (EU) 2019/317).
- With regard to the capacity reference values, the alert threshold is reached when the deviation between the initial reference values in the Network Operations Plan (at the time of drawing up the performance plan) and the updated reference values in a more recent version of the Network Operations Plan is:
 - At least 0,05 minute of en route ATFM delay in situations where 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
 - At least 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 in situations where the reference value is greater than or equal to 0,2 minute of en route ATFM delay.

Article 18(1)(a)(ii) applies in respect of unforeseeable circumstances which invalidate, to a significant and lasting extent, the initial data, assumptions and rationales (including on investments) used for the setting of performance targets.

In such case, the NSA or NSAs concerned is required to first assess whether the resulting effects could not be sufficiently mitigated by other means than the revision of performance targets. For this purpose, the NSA should request any relevant additional information from the ANSP and should conduct further analysis in order to examine the impact of different solutions.

Requests for revision

Member States have to formally request and obtain permission from the Commission in order to proceed with a revision of one or several performance targets during a reference period.

Any intended revision of a performance plan has to be first considered by the Member State(s) concerned in terms of necessity and proportionality. Accordingly, even where one of the conditions under Article 18(1)(i) or Article 18(1)(ii) (as presented above) is met, this does not entail that the Member State(s) concerned should by default request a revision of local performance targets.

Such a request should rather be submitted only after the Member State has duly reviewed the changed circumstances and concluded, based on adequate evidence and analysis, that the local performance targets have manifestly become obsolete or inadequate in light of the changed circumstances and that the revision of local performance targets is indispensable in order to remedy the situation.

In order to allow the Commission to conduct a comprehensive assessment of the request submitted by the Member State(s), the responsible NSA should present the conclusions of its own assessment of the situation in a transparent manner. More specifically, the NSA should describe the nature of the situation(s) which occurred in accordance with Art. 18(1)(a)(i) or (ii).

As regards the alert thresholds included in the performance plan, the NSA should present the corresponding figures as well as the magnitude of the effect that is caused by the unforeseen situation. As regards the initial data, assumptions and rationales, including on investments, as the basis for the performance targets included in the performance plan, the NSA should specify to what extent the latter have changed since the moment of the performance plan approval by the Commission.

It should be further noted that any revision of performance targets in the cost-efficiency KPA is also subject to stakeholder consultation in accordance with Article 24(2) of Implementing Regulation (EU) 2019/317. NSAs should foresee sufficient time to allow relevant stakeholders to provide feedback on the intended establishment of the revised determined costs included in the cost base for en route and terminal charges, new and existing investments, service unit forecasts and charging policy if one or several of those elements have undergone changes as part of the revision of performance targets (see Section 2.3 of this document).

Assessment of request for revision

The Commission will assess the consistency of the proposed revised local performance targets with the corresponding Union-wide performance targets in the same manner as in respect of draft performance

targets included the initial draft performance plan. This is because in both situations, the assessment criteria laid down under point 1 of Annex IV of the RP3 Regulation serve as reference.

Where the Commission finds that a revision of performance targets is indeed necessary and proportionate and that the proposed revised performance targets are consistent with the Union-wide performance targets, it shall adopt a decision notifying the Member States thereof within seven months from the date of the submission of the complete request for revision.

Implementing Regulation (EU) 2019/317 does not foresee a formal decision in case the Commission considers that the request does not meet the conditions set out in Article 18(1) of Implementing Regulation (EU) 2019/317. However, in such a situation, the Member State(s) concerned would be informed informally about the relevant findings and considerations, and a dialogue could be undertaken in order to further discuss the relevant matters.

13.2 Limitations to retroactivity

Article 18(2) of Commission Implementing Regulation (EU) 2019/317

(...)

2. Any revisions of performance targets adopted in application of this Article shall not apply retroactively.

The purpose of a revision of performance targets during an ongoing reference period is to ensure that the Union-wide performance targets can be still met over the course of the remaining period.

This forward-looking principle is reflected in Article 18(2) of Implementing Regulation (EU) 2019/317 which stipulates that the revision of performance plans shall not have a retroactive effect, i.e. calendar years which have already ended at the time of submission cannot be subject to a revision of performance targets. The revision can therefore only be requested in respect of the ongoing calendar year and/or subsequent calendar years at the time of submission of the request.

This principle applies not only in respect of local performance targets but also with regard to the traffic forecasts contained in the performance plan, which may not be revised in respect of calendar years which have already ended.

13.3 Specific situations requiring a performance plan revision

In addition to the situations described in Article 18(1)(i) and (ii), the following situations which require a revision of performance plans are referred to in Implementing Regulation (EU) 2019/317:

- Modification or establishment of terminal charging zones during the reference period (Article 21(5) of Implementing Regulation (EU) 2019/317);

Member States may decide at any point to modify or establish terminal charging zones during the reference period. As this constitutes a change to the initial data on which basis the performance targets were set, it requires a formal request by the Member State to revise the performance plan.

- Changes concerning services under market conditions during the reference period (Article 35(4) of Implementing Regulation (EU) 2019/317);

Where market conditions are revoked during a reference period in accordance with Article 35(4) of Implementing Regulation (EU) 2019/317, the Member State concerned should notify the Commission thereof and is required to revise its performance plan, in particular as regards the reapplication of cost-efficiency targets regarding the services concerned.

A. Annex

A.1 Glossary of key terms

Term	Source ²⁵	Definition
Actual cost	Article 2(1) of 2019/317	A cost actually incurred in a calendar year for the provision of ANS which are subject to certified accounts or, in the absence of such certified accounts, subject to a final audit.
Air Navigation Services	Article 2(4) of 549/2004	This term includes air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services
Air Navigation Service Provider	Article 2(5) of 549/2004	Any public or private entity providing air navigation services for general air traffic
Air Traffic Management	Article 2(10) of 549/2004	The aggregation of the airborne functions and ground-based functions (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations.
Airport coordinator	Article 2(3) of 2019/317	The natural or legal person appointed by a Member State to carry out the coordination duties at coordinated airports set out in Article 4 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports
Airport operator	Article 2(4) of 2019/317	Any legal or natural person who operates one or more aerodromes.
Airspace Users	Article 2(8) of 549/2004	Operators of aircraft operated as general air traffic.
Airspace users' representatives	Article 2(6) of 2019/317	Any legal person or entity representing the interests of one or several categories of airspace users.

²⁵ Unless otherwise stated, the definitions in this glossary are derived from either [Regulation \(EC\) No 549/2004](#) or [Commission Implementing Regulation \(EU\) No 2019/317](#).

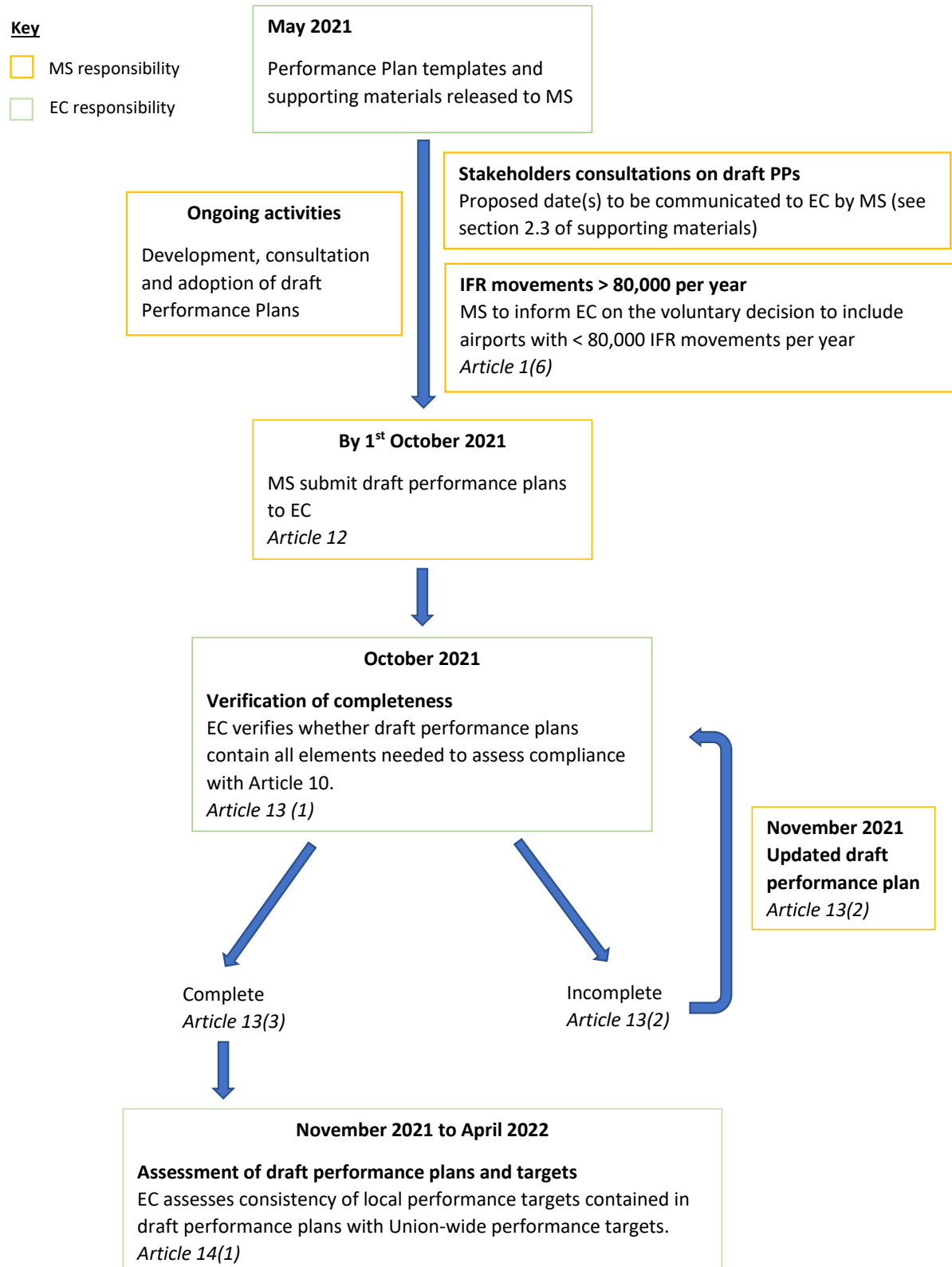
Term	Source	Definition
Alert threshold	Article 9(4)(b) of 2019/317	A threshold of numerical value (e.g. traffic forecast) beyond which Member States may request a revision of the performance targets contained in performance plans.
Area Control Centre	Article 2(7) of 2019/317	A unit providing air traffic services to controlled flights in its area of responsibility.
Asset	ICAO Doc 9161	A resource from which future economic benefits are expected to flow to the entity that owns or controls it.
Baseline values	Article 10(2)(a) of 2019/317	The values reflecting the starting point used for performance target setting in respect of en route cost-efficiency. Baseline values are calculated both in respect of the determined costs and the determined unit cost of the year preceding the start of the reference period. Baseline values apply at both Union-wide and local level.
Cost of capital	Article 22(4)(d) of 2019/317	It is calculated as the product of the sum of the average net book value of fixed assets in operation or under construction and possible adjustments to total assets determined by the national supervisory authority and used by the air navigation service provider and of the average value of the net current assets, excluding interest-bearing accounts, that are required for the purposes of providing air navigation services; and the weighted average of the interest rate on debts and of the return on equity. For air navigation service providers without any equity capital, the weighted average shall be calculated on the basis of a return applied to the difference between the total regulatory asset base and the debts.
Cross-border services	Article 2(41) of 549/2004	Any situation where air navigation services are provided in one Member State by a service provider certified in another Member State.
En route charging zone	Article 2(8) of 2019/317	A volume of airspace that extends from the ground up to, and including, upper airspace, where en route air navigation services are provided and for which a single cost base and a single unit rate are established.

Term	Source	Definition
Estimated take off time	Annex I Section 1, 3.1(b) of 2019/317	The forecast of time when the aircraft will become airborne calculated by the Network Manager and based on the last estimated off-block time, or target off-block time for those airports covered by airport collaborative decision-making procedures, plus the estimated taxi-out time calculated by the Network Manager.
Eurocontrol	Article 2(20) of 549/2004	The European Organisation for the Safety of Air Navigation set up by the International Convention of 13 December 1960 relating to Cooperation for the Safety of Air Navigation.
Exceptional event	Article 2(9) of 2019/317	Circumstances under which ATM capacity is abnormally reduced so that the level of ATFM delays is abnormally high, as a result of a planned limitation induced through operational or technical change, major adverse weather circumstances, the unavailability of large airspace parts either through natural or political reasons, or industrial action, and the activation of the European Aviation Crisis Coordination Cell (EACCC) by the Network Manager.
Fixed asset	ICAO Doc 9161	Tangible assets that are permanent in nature and generally held for a period of more than one year (normally buildings and equipment).
Functional Airspace Block	Article 2(25) of 549/2004	An airspace block based on operational requirements and established regardless of State boundaries, where the provision of air navigation services and related functions are performance-driven and optimised with a view to introducing, in each functional airspace block, enhanced cooperation among ANSPs or, where appropriate, an integrated provider.
IFR air transport movements per year	Article 2(10) of 2019/317	The sum of take-offs and landings performed under IFR, calculated as the yearly average over the three calendar years preceding the year in which the draft performance plan was to be submitted in accordance with Article 12.

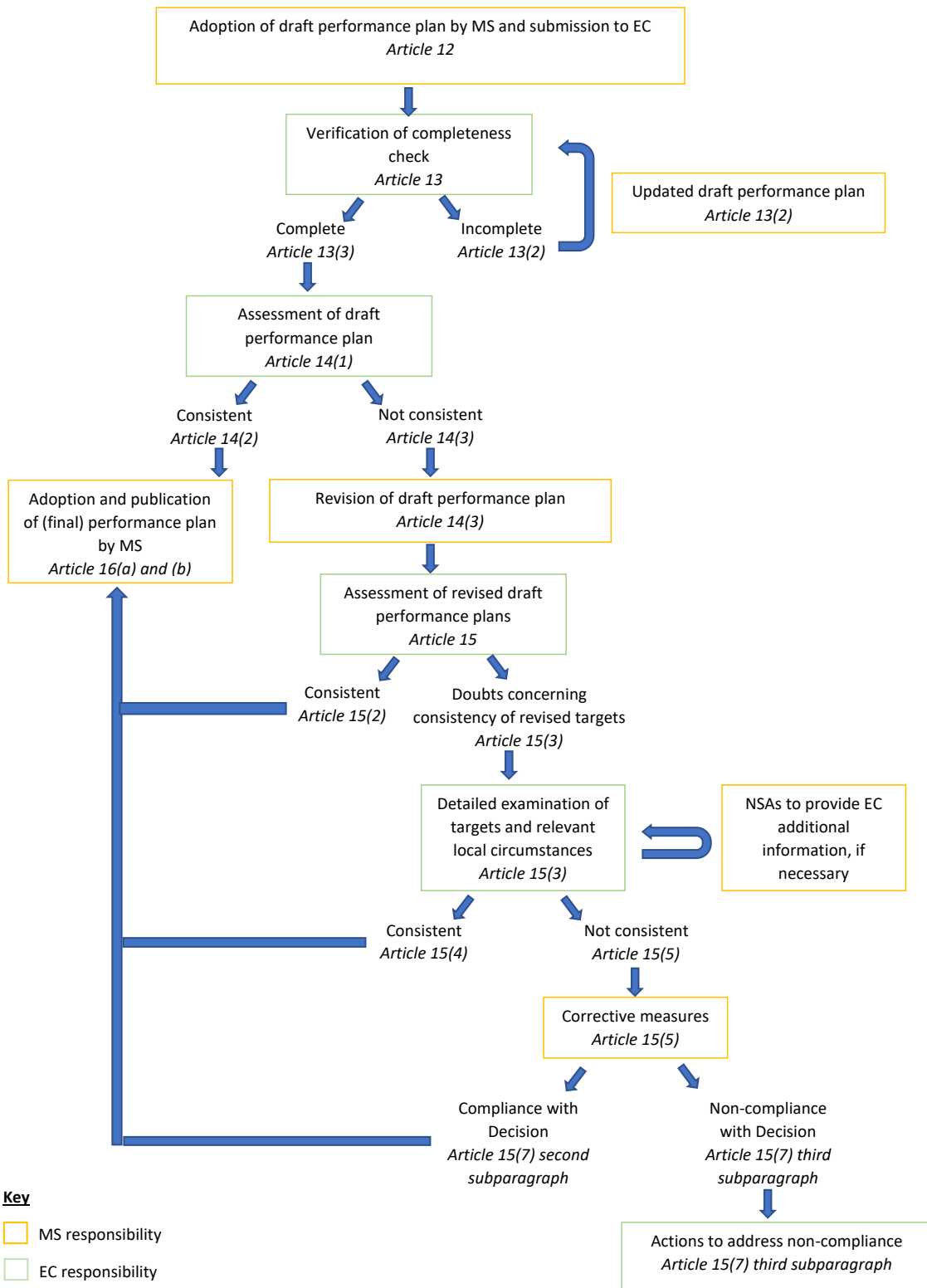
Term	Source	Definition
Key Performance Areas	Article 11(1) of 549/2004	A way of categorising performance subjects related to high level ambitions and expectations. In accordance with Article 11(1) of Regulation (EC) No 549/2004, Union-wide and local performance targets are set in the areas of safety, environment, capacity and cost-efficiency.
Key Performance Indicators	Article 8 of 2019/217	Indicators used for the purpose of performance target setting and monitoring of Key Performance Areas, at Union-wide and local level.
Major investment	Article 2(13) of 2019/317	Acquisition, development, replacement, upgrade, or leasing of fixed assets representing a total value over the whole lifetime of the assets greater than EUR 5 million in real terms.
New and existing investment	Article 2(15) of 2019/317	Acquisition, development, replacement, upgrade or leasing of fixed assets where depreciation costs, cost of capital, or in the case of leasing, operating costs, for that investment are incurred during the reference period covered by the performance plan.
Pivot value	Article 11(3)(c) of 2019/317	A value used for the purpose of calculating the financial advantages or disadvantages in the incentive schemes pertaining to the capacity KPA. The value shall be based on the performance targets at national level, or a modulated target in accordance with point 1 of Annex XIII of Implementing Regulation (EU) 2019/317.
Reference period	Article 2(16) of 2019/317	The period of validity and application of the Union-wide performance targets, as set out in point (d) of Article 11(3) of Regulation (EC) No 549/2004 and Article 7 of Implementing Regulation (EU) 2019/317.
Reference value	Article 2(17) of 2019/317	The value computed by the Network Manager of <i>en route</i> ATFM delay for each Member State and each FAB for the purpose of ensuring that the Union-wide <i>en route</i> ATFM delay target is met.

Term	Source	Definition
Restructuring costs	Article 2(18) of 2019/317	Significant one-time costs incurred by ANSPs in the process of restructuring for introducing new technologies, procedures or business models to stimulate integrated service provision, compensating employees, closing air traffic control centres, shifting activities to new locations, writing off assets or acquiring strategic participations in other ANSPs.
Terminal charging zone	Article 2(21) of 2019/317	An airport or a group of airports, located within the territories of a Member State, where terminal ANS are provided and for which a single cost base and a single unit rate are established.

A.2 Timeline for development and assessment of draft performance plans



A.3 Process to adopt 2021 draft performance plans for RP3



A.4 Application of indicators for monitoring (PIs) for terminal ANS

KPA	Indicators for monitoring (covering TANS at all airports included in the scope of the performance plan)	Indicators for monitoring (only applicable to TANS at airports with a minimum of 80,000 IFR air transport movements per year)
Safety	<ul style="list-style-type: none"> • The rate of runway incursions at airports located in a Member State (point (a) of Section 1.2 of Annex I of IR 2019/317) • The rate of separation minima infringements within the airspace of all controlling air traffic services units in a Member State (point (b) of Section 1.2 of Annex I of IR 2019/317) • The rate of runway incursions at an airport calculated as the total number of runway incursions with any contribution from air traffic services or CNS services (point (c) of Section 1.2 of Annex I of IR 2019/317) • The rate of separation minima infringements within the airspace where the air navigation service provider provides air traffic services (point (d) of Section 1.2 of Annex I of IR 2019/317) • Where automated safety data recording systems are implemented, the use of these systems by the air navigation service providers, as a component of their safety risk management framework, for the purposes of gathering, storing and near-real time analyses of data related to, as a minimum, separation minima infringements and runway incursions (point (e) of Section 1.2 of Annex I of IR 2019/317) 	
Environment	<ul style="list-style-type: none"> • Share of arrivals applying Continuous Descent Operation (CDO) (point (e) of Section 2.2 of Annex I of IR 2019/317) 	<ul style="list-style-type: none"> • Additional time in the taxi-out phase (point (c) of Section 2.2 of Annex I of IR 2019/317) • Additional time in terminal airspace (point (d) of Section 2.2 of Annex I of IR 2019/317)

KPA	Indicators for monitoring (covering TANS at all airports included in the scope of the performance plan)	Indicators for monitoring (only applicable to TANS at airports with a minimum of 80,000 IFR air transport movements per year)
Capacity	<ul style="list-style-type: none"> Percentage of IFR flights adhering to their ATFM departure slots at local level (point (a) of Section 3.2 of Annex I of IR 2019/317) 	<ul style="list-style-type: none"> Average minutes of air traffic control pre-departure delay per flight caused by take-off restrictions at the departure airport (point (b) of Section 3.2 of Annex I of IR 2019/317) Average time, expressed in minutes, of departure delay from all causes per flight (point (c) of Section 3.2 of Annex I of IR 2019/317)
Cost-efficiency	<ul style="list-style-type: none"> Actual unit cost incurred by users separately for en route and terminal air navigation services (Section 4.2 of Annex I of IR 2019/317) 	