

13th June 2006
ICB/11/3

INDUSTRY CONSULTATION BODY

**[Draft] ICB Comments on the proposed
Regulatory Approach for the
PERFORMANCE REVIEW MANDATE**

The ICB adopted a formal position on the Performance Review Mandate at ICB/8. This paper, developed from material provided by CANSO, provides additional comments on the draft regulatory approach proposed by Eurocontrol.

1 Purpose

The ICB adopted a formal position on the Performance Review Mandate at ICB/8¹. This paper, developed from material provided by CANSO, provides additional comments on the draft regulatory approach² proposed by Eurocontrol.

2 Comments on Regulatory Approach

2.1 The scope is too broad

- Many areas have been added to those proposed in the mandate; areas such as access and equity, environment, global interoperability, participation by the ATM community, predictability, quality of service and ATM security are not appropriate. This is due to the lack of underlying data and immaturity of the Key Performance Indicators (KPI).

2.2 The proposed new centralized supervisory body is not supported

- ANSPs are of the opinion that the EC and the National Supervisory Authorities (NSA) are sufficient means of enforcement and oversight.

2.3 The collection of data should be duly justified and present an added value

- In many cases the need to collect the data is not evident; in many performance areas, mature indicators are not yet established and it is therefore important to keep a high level of flexibility with regard to the definition of KPIs and data requirements.
- The suggestion to make collection of all detailed operational data mandatory does not present any added value, since the use of data is not demonstrated.
- The proposals do not take into account the specific role of the NSAs in terms of oversight of the ANSPs.
- The proposals do not take into consideration the Article 18 of the Service Provision Regulation which specifies that “NSAs shall not disclose information of confidential nature”.
- In some areas data is owned by the ANSPs and valid for exchange of best practices but not appropriate for reporting to public authorities (for example quality management practices).
- Some data is commercially sensitive, such as figures on capacity, since there is a competitive environment of airports, airlines, and in some cases also for ANS provision in airports.

2.4 The definition and use of KPIs should be decided by the SSC

- The ANSPs consider that it should not be left to the Performance Review Commission to establish KPIs in all these fields.

¹ Reference: ICB Response to Performance Review Mandate, ICB/8/4 Revision 1, 9th December 2005

² Reference: Draft Regulatory Approach for Performance Review, Eurocontrol, May 2006.

2.5 The IR should not include the reporting for the NSAs

- The proposal mixes the processes of planning, supervision and reviewing.
- It mixes the reporting requirements that ANSPs have with their NSAs.
- It does not take into account the distinction between performance review and safety oversight.

3 Conclusion

The ICB is requested to consider the information presented in this paper and endorse it as a formal position.