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COMMISSION IMPLEMENTING DECISION (EU) 2025/1040

of 16 May 2025

on the inconsistency of certain performance targets included in the draft national and functional airspace block performance plans submitted by Belgium, Denmark, Germany, Estonia, Ireland, Greece, France, Latvia, Luxembourg, the Netherlands and Slovakia pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the fourth reference period of the Single European Sky performance and charging scheme

(notified under document C(2025) 2930)

(Only the Danish, Dutch, English, Estonian, French, German, Greek, Irish, Latvian and Slovakian texts are authentic)

THE EUROPEAN COMMISSION,

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

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

Having regard to Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky ([2]), and in particular Article 58(3) thereof,

After consulting the Single Sky Committee,

Whereas:

1. BACKGROUND

(1) Pursuant to Article 11 of Regulation (EC) No 549/2004, Member States are to draw up plans, either at national level or at the level of functional airspace blocks ('FABs'), including performance targets, for each reference period of the performance and charging scheme for air navigation services and network functions. Those plans are to include local performance targets which are consistent with the Union-wide performance targets for the reference period concerned.

(2) The Union-wide performance targets for the fourth reference period ('RP4', 2025-2029) were set out in Commission Implementing Decision (EU) 2024/1688 ([3]).

(3) All Member States have drawn up and adopted draft performance plans for RP4, which were submitted to the Commission for assessment by 1 October 2024. Following the verification of completeness of those draft performance plans, the Commission requested Member States to submit updated draft performance plans by 15 November 2024.

(4) The Commission's assessment presented in this Decision is based on the updated draft performance plans for RP4 submitted by Belgium, Denmark, Estonia, Germany, Greece, France, Ireland, Latvia, Luxembourg, the Netherlands and Slovakia ('draft performance plans').

([1]) OJ L 96, 31.3.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/549/oj.
([2]) OJ L, 2024/2803, 11.11.2024, ELI: http://data.europa.eu/eli/reg/2024/2803/oj.
([3]) Commission Implementing Decision (EU) 2024/1688 of 12 June 2024 setting Union-wide performance targets for the air traffic management network for the fourth reference period from 1 January 2025 to 31 December 2029 (OJ L, 2024/1688, 17.6.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1688/oj).

(5) The Performance Review Body ('PRB'), assisting the Commission in the implementation of the performance scheme, has submitted to the Commission a report containing its advice on the assessment of the draft performance plans.

(6) In accordance with Article 14(1) of Commission Implementing Regulation (EU) 2019/317 ([4]), the Commission has assessed the consistency of the local performance targets included in the draft performance plans on the basis of the criteria laid down in point 1 of Annex IV to that Implementing Regulation, and taking account of local circumstances where relevant.

(7) As regards the key performance area of safety, the Commission has assessed the consistency of the targets submitted by the Member States concerned regarding the effectiveness of safety management of air navigation service providers based on the criterion laid down in point 1.1 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has examined whether the proposed targets included in the draft performance plans provide for a level of effectiveness of safety management equal to, or higher than, the level of the Union-wide performance targets.

(8) As regards the key performance area of environment, the consistency of the targets submitted by the Member States concerned regarding the average horizontal *en route* flight efficiency of the actual trajectory has been assessed on the basis of the criterion laid down in point 1.2 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the proposed targets included in the draft performance plans have been compared to the relevant *en route* horizontal flight efficiency reference values set out in the European Route Network Improvement Plan of 2 July 2024, drawn up in accordance with Annex I to Commission Implementing Regulation (EU) 2019/123 ([5]) ('ERNIP'). That assessment was conducted taking account of local circumstances.

(9) As regards the key performance area of capacity, the consistency of the targets submitted by the Member States concerned regarding the average *en route* air traffic flow management ('ATFM') delay per flight has been assessed on the basis of the criterion laid down in point 1.3 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the proposed targets included in the draft performance plans have been compared to the relevant reference values set out in the Network Operations Plan of 2 July 2024, drawn up in accordance with Article 9 of Commission Implementing Regulation (EU) 2019/123. That assessment was conducted taking account of local circumstances.

(10) As regards the key performance area of cost-efficiency, the consistency of the targets included in the draft performance plans regarding the determined unit cost ('DUC') for *en route* air navigation services has been assessed on the basis of the criteria laid down in points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317. Those criteria consist of the DUC trend over RP4, the long-term DUC trend over the third reference period (2020-2024) ('RP3') and RP4 (2020-2029), and the baseline value for the DUC at charging zone level compared with the average value of the charging zones where air navigation service providers have a similar operational and economic environment.

(11) Where the *en route* cost-efficiency targets were found to be inconsistent with the criteria laid down in points 1.4(a), 1.4(b) and 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has further examined, in light of the justifications and evidence provided in the draft performance plans, whether a deviation could be deemed necessary and proportionate on the grounds of point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317.

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

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

(12) The Commission has complemented its assessment of the draft performance plans with a review of the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317. In respect of point 2.1(d)(vii) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that it has not conducted, as part of that review, a detailed analysis of the methodologies used by Member States for the allocation of costs between *en route* and terminal services in RP4. Therefore, the Commission has not drawn any conclusions, at this stage, in respect of the compliance of those cost allocation methodologies with points (e) and (f) of Article 15(2) Regulation (EC) No 550/2004 of the European Parliament and of the Council ([6]) and Article 22(5) of Implementing Regulation (EU) 2019/317.

2. FINDINGS CONCERNING BELGIUM, FRANCE, GERMANY, LUXEMBOURG AND THE NETHERLANDS

(13) Belgium, Germany, France, Luxembourg, the Netherlands and Switzerland have jointly drawn up and adopted a draft performance plan at the level of the Functional Airspace Block Europe Central ('FABEC').

(14) This Decision sets out the Commission's assessment of the draft performance plan of FABEC ('the draft FABEC performance plan') with regard to Belgium, Germany, France, Luxembourg and the Netherlands. As a third country subject to the performance and charging scheme pursuant to the Agreement between the European Community and the Swiss Confederation on Air Transport ([7]), Switzerland has been notified separately by the Commission of the findings resulting from the assessment of the draft FABEC performance plan ([8]).

Assessment of the cost-efficiency targets ([9])

En route charging zone of Belgium-Luxembourg

(15) The *en route* cost-efficiency targets proposed for the *en route* charging zone of Belgium and Luxembourg for RP4, and the related baseline values, are as follows:

***En route* charging zone of Belgium-Luxembourg**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 94,14**	**EUR 104,26**	**EUR 104,94**	**EUR 106,08**	**EUR 106,14**	**EUR 104,43**	**EUR 103,83**

(16) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Belgium and Luxembourg at charging zone level of - 0,1 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

([6]) Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10, ELI: http://data.europa.eu/eli/reg/2004/550/oj).

([7]) OJ L 114, 30.4.2002, p. 73, ELI: http://data.europa.eu/eli/agree_internation/2002/309(2)/oj.

([8]) Commission Implementing Decision C(2025) 2923 of 16.5.2025 on the inconsistency of certain performance targets contained in the draft functional airspace block performance plan submitted by Switzerland pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the fourth reference period.

([9]) The cost-efficiency performance targets for the *en route* charging zone of France, included in the draft FABEC performance plan, were found by the Commission to be consistent with the corresponding Union-wide performance targets for RP4. Therefore, no related findings are set out in this Decision.

(17) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Belgium and Luxembourg at charging zone level over RP3 and RP4 of +1,1 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(18) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 104,26 of Belgium and Luxembourg, expressed in real terms at 2022 prices ('EUR2022'), is 10,8 % higher than the average baseline value of EUR 94,13 in EUR2022 of the relevant comparator group set out in Article 7, point (e), of Implementing Decision (EU) 2024/1688.

(19) It is necessary to examine whether the deviations referred to in recitals (16), (17) and (18) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviations from the Union-wide DUC trend and from the long-term Union-wide DUC trend referred to in recitals (16) and (17) are exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(20) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that Belgium and Luxembourg refer in the draft FABEC performance plan to the additional determined costs incurred over RP4 by the air navigation service providers ('ANSPs') skeyes and the Maastricht Upper Area Control Centre ('MUAC') in relation to measures needed for the achievement of the local capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

(a) the training and recruitment by skeyes and MUAC of new air traffic controllers ('ATCOs'), mainly to replace the ATCOs expected to retire during RP4, but also to accommodate the forecasted the traffic growth and support system modernisation;

(b) the acquisition and deployment by skeyes of a new air traffic management ('ATM') system in 2028, which will provide significant functional and technical improvements; the new ATM will replace the current ATM system of skeyes, which has been in use since 2009;

(c) the roll-out by skeyes of a new planning tool which will enable an automated rostering of ATCOs, resulting in optimised workforce management and associated operational gains;

(d) the development and implementation by MUAC of new tools and functions to support operations;

(e) the implementation by MUAC of structural improvements in airspace design and use;

(f) the construction by MUAC of a new building for the purpose of hosting a new operations room (OPS room) with supporting offices and facilities.

(21) Having regard to the evaluation made by the PRB, the additional costs reported by Belgium and Luxembourg for the capacity measures referred to in recital (20) are significantly lower in monetary terms than the observed deviations from the Union-wide cost-efficiency trends calculated by the PRB. Furthermore, the Commission observes that certain capacity measures invoked by Belgium and Luxembourg could be considered to be part of the normal operations of the ANSPs concerned or may not directly contribute to enhancing airspace capacity. Hence, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by Belgium and Luxembourg can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4. Therefore, the Commission notes that the observed deviations from the Union-wide cost-efficiency trends referred to in recitals (16) and (17) cannot be exclusively attributed to the additional costs deriving from the presented capacity measures.

(22) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Belgium and Luxembourg.

(23) Furthermore, the Commission notes that Belgium and Luxembourg have not presented in the draft FABEC performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.

(24) On the basis of the findings set out in recitals (15) to (23), the cost-efficiency performance targets for the *en route* charging zone of Belgium-Luxembourg should be considered inconsistent with the Union-wide performance targets for RP4.

En route charging zone of Germany

(25) The *en route* cost-efficiency targets proposed for the *en route* charging zone of Germany for RP4, and the related baseline values, are as follows:

***En route* charging zone of Germany**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 71,71**	**EUR 74,90**	**EUR 73,16**	**EUR 73,06**	**EUR 73,10**	**EUR 71,87**	**EUR 70,54**

(26) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Germany at charging zone level of - 1,2 % over RP4 is in line with the Union-wide trend of - 1,2 % over the same period.

(27) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Germany at charging zone level over RP3 and RP4 of - 0,2 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(28) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 74,90 of Germany in EUR2022 is 29,9 % higher than the average baseline value of EUR 57,66 in EUR2022 of the relevant comparator group set out in Article 7, point (a), of Implementing Decision (EU) 2024/1688.

(29) It is necessary to examine whether the deviations referred to in recitals (27) and (28) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviation from the long-term Union-wide DUC trend referred to in recital (27) is exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(30) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that Germany refers in the draft FABEC performance plan to the additional determined costs incurred over RP4 by the ANSPs DFS and MUAC in relation to measures needed for the achievement of the local capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

(a) the training and recruitment by DFS and MUAC of new ATCOs: in the case of DFS, that measure is planned to result over RP4 into an overall increase of over 10 % of the number of ATCOs in operations at the area control centres ('ACCs') of Bremen, Karlsruhe, Langen and Munich, in order to address the capacity shortages faced by those ACCs; for MUAC, the number of ATCOs in operations is planned to only slightly increase over RP4 but the intake of new ATCOs will remain significant in order to make up for the expected high number of ATCO retirements over that reference period;

(b) the acquisition and deployment by DFS of new ATM system functionalities for the ACC of Bremen and Munich; those functionalities are expected to result in operational improvements in the provision of ANS, including enhanced airspace capacity;

(c) the initiative by MUAC and DFS, in respect of the ACC of Karlsruhe, to set up two geo-redundant data centres capable of supporting and replacing each other, with the objective of strengthening the service quality of air navigation services;

(d) the participation of DFS, together with six other ANSPs, in a cooperation programme aiming at the development of a common future ATM system for the ANSPs concerned; DFS considers that the resulting new ATM system could be deployed at the ACC of Langen, not earlier than 2031, thus not within the timeframe of RP4;

(e) the deployment by DFS of the technical systems and software necessary to comply with the sub-functionality 'AF6 – Initial Trajectory Information Sharing' required under Commission Implementing Regulation (EU) 2021/116 ([10]);

(f) the implementation by DFS of changes in its surveillance system and of a new tool supporting a more efficient and dynamic sectorisation of airspace;

(g) the development and implementation by MUAC of new tools and functions to support operations;

(h) the implementation by MUAC of structural improvements in airspace design and use;

(i) the construction by MUAC of a new building for the purpose of hosting a new operations room (OPS room) with supporting offices and facilities.

(31) Having regard to the evaluation made by the PRB, the additional costs reported by Germany for the capacity measures referred to in recital (30) are significantly lower in monetary terms than the observed deviation from the Union-wide long-term cost-efficiency trend calculated by the PRB.

(32) Furthermore, the Commission observes that certain capacity measures invoked by Germany could be considered to be part of the normal operations of the ANSPs concerned or may not directly contribute to enhancing airspace capacity. Hence, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by Germany can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4. Therefore, the Commission notes that the observed deviations from the long-term Union-wide DUC trend referred to in recital (27) cannot be exclusively attributed to the additional costs deriving from the presented capacity measures.

(33) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Germany.

(34) Furthermore, the Commission notes that Germany has not presented in the draft FABEC performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.

(35) On the basis of the findings set out in recitals (25) to (34), the cost-efficiency performance targets for the *en route* charging zone of Germany should be considered inconsistent with the Union-wide performance targets for RP4.

En route charging zone of the Netherlands

(36) The *en route* cost-efficiency targets proposed for the *en route* charging zone of the Netherlands for RP4, and the related baseline values, are as follows:

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

***En route* charging zone of the Netherlands**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 86,52**	**EUR 104,60**	**EUR 103,51**	**EUR 103,61**	**EUR 106,50**	**EUR 106,28**	**EUR 105,95**

(37) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of the Netherlands at charging zone level of +0,3 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(38) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of the Netherlands at charging zone level over RP3 and RP4 of +2,3 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(39) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 104,60 of the Netherlands in EUR2022 is 11,3 % higher than the average baseline value of EUR 94,01 in EUR2022 of the relevant comparator group set out in Article 7, point (e), of Implementing Decision (EU) 2024/1688.

(40) It is necessary to examine whether the deviations referred to in recitals (37) to (39) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviations from the Union-wide DUC trend and from the long-term Union-wide DUC trend referred to in recitals (37) and (38) are exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(41) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that the Netherlands refers in the draft FABEC performance plan to the additional determined costs incurred over RP4 by the ANSPs LVNL and MUAC in relation to measures needed for the achievement of the local capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

(a) the training and recruitment by LVNL and MUAC of new ATCOs, mainly to replace the ATCOs expected to retire during RP4, but also to accommodate the forecasted the traffic growth and support system modernisation;

(b) the improvement by LVNL of its ATCO training facilities and simulators, in order to increase training capacity and output;

(c) the upgrade by LVNL of its ATM system, which is foreseen to enable future improvements in airspace capacity;

(d) the development and implementation by MUAC of new tools and functions to support operations;

(e) the implementation by MUAC of structural improvements in airspace design and use;

(f) the construction by MUAC of a new building for the purpose of hosting a new operations room (OPS room) with supporting offices and facilities.

(42) Having regard to the evaluation made by the PRB, the additional costs reported by the Netherlands for the capacity measures referred to in recital (41) are significantly lower in monetary terms than the observed deviations from the Union-wide cost-efficiency trends calculated by the PRB. Furthermore, the Commission observes that certain capacity measures invoked by the Netherlands could be considered part of the normal operations of the ANSPs concerned or may not directly contribute to enhancing airspace capacity. Hence, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by the Netherlands can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4. Therefore, the Commission notes that the observed deviations from the Union-wide cost-efficiency trends referred to in recitals (37) and (38) cannot be exclusively attributed to the additional costs deriving from the presented capacity measures.

(43) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of the Netherlands.

(44) Furthermore, the Commission notes that the Netherlands have not presented in the draft FABEC performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.

(45) On the basis of the findings set out in recitals (36) to (44), the cost-efficiency performance targets for the *en route* charging zone of the Netherlands should be considered inconsistent with the Union-wide performance targets for RP4.

Review of the measures for the achievement of safety targets

(46) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the measures for the achievement of the safety targets included in that plan.

(47) On the basis of the review referred to in recital (46), the Commission notes that the draft FABEC performance plan includes measures for the achievement of the safety performance targets with a view to meeting the Union-wide targets in 2029. However, the Commission notes that, despite those measures, the intermediate targets for years 2025 to 2028 presented by Luxembourg and the Netherlands for the ANSPs ANALUX and LVNL respectively, are abnormally low. Such low intermediate targets are not justified in light of the actual performance of those ANSPs in RP3 and the measures presented for achievement of those safety targets for RP4.

(48) Therefore, the Commission considers that Luxembourg and the Netherlands should address the findings set out in recital (47) by improving the targeted safety management levels for years 2025 to 2028 for the ANSPs ANALUX and LVNL respectively, including by putting in place additional measures if necessary.

Review of the measures for the achievement of environment targets

(49) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the measures for the achievement of the environment targets included in that plan.

(50) On the basis of the review referred to in recital (49), the Commission has strong doubts as to whether the measures presented by Belgium, Germany, France, Luxembourg and the Netherlands for the achievement of the environment performance targets of FABEC are adequate to enable those targets to be effectively reached. Having regard to the PRB's findings, the Commission observes, in particular, that the measures presented by France in respect of the ANSP 'DSNA' are insufficient to enable the targeted flight efficiency improvements in RP4.

(51) Therefore, the Commission considers that FABEC should put in place additional measures for the achievement of its environment targets for RP4, for example, through the effective implementation of free route airspace and the implementation of cross-border free route airspace with additional neighbouring Member States.

Review of the measures for the achievement of capacity targets

(52) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the measures for the achievement of the *en route* capacity targets included in that plan.

(53) On the basis of the review referred to in recital (52), the Commission has strong doubts as to whether the measures presented by Belgium, Germany, France, Luxembourg and the Netherlands for the achievement of the *en route* capacity performance targets of FABEC are adequate to enable those targets to be effectively reached. Having regard to the PRB's findings, the Commission observes, in particular, that the measures presented by Germany in respect of the ANSP 'DFS' are insufficient to effectively meet the traffic demand expected in RP4.

(54) Therefore, the Commission considers that FABEC should put in place additional measures for the achievement of its *en route* capacity targets for RP4, for example, in respect of the training and recruitment of additional ATCOs, a more efficient use of resources, and cooperation arrangements between air navigation service providers.

Review of the capacity targets for terminal air navigation services

(55) In accordance with point 2.1(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the capacity performance targets for terminal air navigation services set in respect of the airports referred to in Articles 1(3) and (4) of that Implementing Regulation. It was found that those targets give rise to concerns.

(56) In respect of Belgium, the Commission notes that the proposed terminal capacity targets for RP4 lead to a significant deterioration of the average arrival ATFM delay per year compared to RP3. Indeed, the proposed RP4 targets are set at 0,94 minute per flight, except for year 2027 for which a target of 2,00 minutes per flight is proposed, whereas the actual performance recorded in 2024 was 0,28 minute per flight. Furthermore, it was found that those terminal capacity targets result in a significantly worse level of average arrival ATFM delay per flight for Brussels airport than the level of performance of similar airports identified by the PRB.

(57) In respect of the Netherlands, the Commission notes that the average arrival ATFM delay recorded in the last three years of RP3 were at a high level, reaching 3,50 minutes per flight in 2024. The proposed terminal capacity targets for RP4, although an improvement compared to RP3, result in a significantly worse level of average arrival ATFM delay per flight for Amsterdam Schiphol airport than the level of performance of similar airports identified by the PRB.

(58) Therefore, the Commission considers that Belgium and the Netherlands should further justify the terminal capacity targets for RP4 in light of the observations set out in recitals (56) and (57), or should revise downwards those targets.

Review of the cost-efficiency targets for terminal air navigation services

(59) In accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft FABEC performance plan by reviewing the cost-efficiency performance targets for terminal air navigation services set in respect of the airports referred to in Articles 1(3) and (4) of that Implementing Regulation. It was found that those targets give rise to concerns.

(60) In respect of the terminal charging zone of Belgium, the Commission notes that the proposed cost-efficiency targets lead to a DUC trend of - 0,8 % over RP4. However, it was found that the average DUC for RP4 for the terminal air navigation services at Brussels airport is estimated to be higher, by a significant margin, than the median DUC of the similar airports identified by the PRB.

(61) In respect of the terminal charging zone of Germany, the Commission notes that the proposed cost-efficiency targets lead to a DUC trend of - 0,8 % over RP4. However, it was found that the average DUC for RP4 for the terminal air navigation services at the airports of Munich, Hamburg, Dusseldorf and Cologne-Bonn is estimated to be higher, by a significant margin, than the median DUC of the relevant group of similar airports.

(62) In respect of the terminal charging zone of the Netherlands, the Commission notes that the proposed cost-efficiency targets lead to a deteriorating DUC trend of +0,4 % over RP4. Furthermore, it was found that the average DUC for RP4 of terminal air navigation services at Amsterdam-Schiphol airport is estimated to be higher, by a significant margin, than the median DUC of the relevant group of similar airports.

(63) Therefore, the Commission considers that Belgium, Germany and the Netherlands should further justify their terminal cost-efficiency targets for RP4 in light of the observations set out in recitals (60), (61) and (62), or should revise downwards those targets.

Review of the *en route* and terminal capacity incentive schemes

(64) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has reviewed the incentive schemes included in the draft FABEC performance plan for the purpose of supporting the achievement of capacity targets ('capacity incentive schemes'). It was found that the capacity incentive schemes for RP4 established by Belgium, France, Germany, Luxembourg and the Netherlands for *en route* and terminal services give rise to concerns.

(65) The Commission notes that the *en route* capacity incentive scheme of FABEC and the terminal capacity incentive schemes of Belgium, France, Germany and the Netherlands, as established in the draft FABEC performance plan, comprise a maximum financial disadvantage amounting to merely 0,50 % of determined costs. Having regard to the expert advice provided by the PRB, the Commission considers that that the maximum financial disadvantages for those incentive schemes do not comply with Article 11(3), point (a), of Implementing Regulation (EU) 2019/317, which requires such incentive schemes to have '*material impact on revenue at risk*'.

(66) Therefore, Belgium, Germany, France, Luxembourg and the Netherlands should revise the capacity incentive schemes referred to in recital (65) so that the maximum financial disadvantages stemming from those incentive schemes are set at a level having a material impact on the revenue at risk, as required by Article 11(3), point (a), of Implementing Regulation (EU) 2019/317. In the Commission's view, that revision should lead to a maximum financial disadvantage equal to or higher than 1 % of the annual determined costs.

3. FINDINGS CONCERNING DENMARK

Assessment of the cost-efficiency targets

(67) The *en route* cost-efficiency targets proposed by Denmark for RP4, and the related baseline values, are as follows:

***En route* charging zone of Denmark**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**DKK 466,58**	**DKK 543,10**	**DKK 529,76**	**DKK 521,41**	**DKK 515,34**	**DKK 506,93**	**DKK 500,26**
	EUR 62,74	**EUR 73,02**	**EUR 71,23**	**EUR 70,11**	**EUR 69,29**	**EUR 68,16**	**EUR 67,26**

(68) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Denmark at charging zone level of - 1,6 % over RP4 outperforms the Union-wide trend of - 1,2 % over the same period.

(69) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Denmark at charging zone level over RP3 and RP4 of +0,8 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(70) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 73,02 of Denmark in EUR2022 is 19,9 % higher than the average baseline value of EUR 60,91 in EUR2022 of the relevant comparator group set out in Article 7, point (f), of Implementing Decision (EU) 2024/1688.

(71) Furthermore, the Commission notes that Denmark has not presented any justifications for the deviations referred to in recitals (69) and (70) on the grounds of additional determined costs related to measures necessary for the achievement of capacity targets or restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317. Therefore, the assessment criteria set out in points 1.4(d)(i) and (ii) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Denmark.

(72) On the basis of the findings set out in recitals (67) to (71), the cost-efficiency performance targets for the *en route* charging zone of Denmark should be considered inconsistent with the Union-wide performance targets for RP4.

4. **FINDINGS CONCERNING ESTONIA**

Assessment of the cost-efficiency targets

(73) The *en route* cost-efficiency targets proposed by Estonia for RP4, and the related baseline values, are as follows:

***En route* charging zone of Estonia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 38,12**	**EUR 54,69**	**EUR 50,46**	**EUR 52,95**	**EUR 54,37**	**EUR 54,54**	**EUR 55,69**

(74) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Estonia at charging zone level of +0,4 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(75) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Estonia at charging zone level over RP3 and RP4 of +4,3 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(76) The Commission notes, however, that Estonia has lost, as a consequence of Russia's war of aggression against Ukraine, a significant share of the overflights which it historically used to serve. That traffic reduction continues over RP4 to considerably impact the cost-efficiency performance of the ANSP of Estonia and has, in particular, a negative effect on the long-term DUC trend of Estonia calculated over RP3 and RP4 combined.

(77) It is therefore necessary and appropriate to examine, for the purpose of the assessment criterion referred to in recital (75), whether Estonia would meet the Union-wide long-term DUC trend in the absence of the circumstances referred to in recital (76).

(78) To that end, the Commission has recalculated Estonia's long-term DUC trend over RP3 and RP4 in light of the estimated structural loss of traffic for Estonia as a consequence of the war in Ukraine, measured in *en route* service units. That recalculation results in an adjusted long-term DUC trend for Estonia of - 2,4 %, which outperforms the long-term Union-wide DUC trend of - 1,0 %. Therefore, it is concluded that Estonia fulfils the assessment criterion referred to in recital (75) after taking into account the effect of the significant traffic reduction resulting from the war in Ukraine.

(79) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 54,69 of Estonia in EUR2022 is 5,2 % higher than the average baseline value of EUR 52,00 in EUR2022 of the relevant comparator group set out in Article 7, point (d), of Implementing Decision (EU) 2024/1688.

(80) Furthermore, the Commission notes that Estonia has not presented any justifications for the deviations referred to in recitals (74) and (79) on the grounds of additional determined costs related to measures necessary for achievement of capacity targets or restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317. Therefore, the assessment criteria set out in points 1.4(d)(i) and (ii) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Estonia.

(81) On the basis of the findings set out in recitals (73) to (80), the cost-efficiency performance targets for the *en route* charging zone of Estonia should be considered inconsistent with the Union-wide performance targets for RP4.

5. **FINDINGS CONCERNING GREECE**

Assessment of the capacity targets

(82) The *en route* capacity targets proposed by Greece for RP4, expressed in minutes of ATFM delay per flight, and the corresponding reference values from the Network Operations Plan of 2 July 2024, are as follows:

Greece	**2025**	**2026**	**2027**	**2028**	**2029**
Targets in the key performance area of capacity, expressed in minutes of *en route* ATFM delay per flight	**0,69**	**0,50**	**0,19**	**0,16**	**0,16**
Reference values	0,34	0,25	0,19	0,16	0,16

(83) The Commission observes that the capacity targets proposed by Greece for the years 2027, 2028 and 2029 are equal to the corresponding national reference values. However, the proposed capacity targets are significantly higher than the reference values in respect of years 2025 and 2026.

(84) The measures for the achievement of capacity targets presented by Greece include the training and recruitment by the ANSP of a high number of new ATCOs, amounting over RP4 to an overall increase of 35 % of the number of full-time equivalent ATCOs in operations at the ACC. Furthermore, the ANSP plans to deploy a new ATM system, upgrade its radar network, implement airspace reorganisation measures and improve its air traffic flow and capacity management procedures.

(85) Based on the evaluation made by the PRB, the Commission notes that certain relevant capacity enhancement measures outlined in the Network Operations Plan of 2 July 2024 are not included in the draft performance plan of Greece. This may result in a capacity gap during RP4, including in years 2025 and 2026 for which the proposed capacity targets are higher than the corresponding reference values.

(86) Greece states in its draft performance plan that the capacity targets for calendar years 2025 and 2026 could not be set in line with the reference values included in the Network Operations Plan of 2 July 2024 because of the more optimistic growth of air traffic predicted in the October 2024 STATFOR traffic forecast. Greece explains that the ANSP incurred delays in RP3 in the implementation of its RP3 investment plan and in the recruitment of ATCOs, which has resulted in operational constraints at local level. Greece invokes, in particular, the technical limitations related to the legacy systems currently in use by the ANSP, which are planned to be replaced or modernised only later in the course of RP4.

(87) However, in the light of the assessment criteria set out in point 1.3 to Annex IV to Implementing Regulation (EU) 2019/317, the Commission considers that the information and evidence provided by Greece in its draft performance plan, including in respect of relevant local circumstances, do not justify the proposed significant deviations of the capacity targets for years 2025 and 2026 from the corresponding reference values. The Commission takes the view that it would be possible for Greece to put in place additional measures to improve its capacity targets for those years in order to mitigate the negative effects of the delayed recruitment of ATCOs and the non-realisation of planned investments in RP3.

(88) On the basis of the findings set out in recitals (82) to (87), the capacity targets of Greece should be considered inconsistent with the Union-wide performance targets for RP4.

Assessment of the cost-efficiency targets

(89) The *en route* cost-efficiency targets proposed by Greece for RP4, and the related baseline values, are as follows:

***En route* charging zone of Greece**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 28,84**	**EUR 25,04**	**EUR 24,67**	**EUR 24,01**	**EUR 24,95**	**EUR 26,40**	**EUR 25,72**

(90) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Greece at charging zone level of +0,5 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(91) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Greece at charging zone level over RP3 and RP4 of - 1,3 % outperforms the long-term Union-wide trend of - 1,0 % over the same period.

(92) The Commission notes that the baseline value for year 2019 presented by Greece in its draft performance plan includes cost adjustments amounting to EUR 19,5 M of additional costs expressed in EUR 2022. According to the PRB's analysis, those adjustments were not part of the 2019 baseline value set in Greece's performance plan for RP3 and have not been adequately justified by Greece in its draft RP4 performance plan.

(93) It is therefore necessary to examine, for the purpose of the assessment criterion referred to in recital (91), whether Greece would meet the Union-wide long-term DUC trend in the absence of the adjustments in respect of the 2019 baseline value, referred to in recital (92).

(94) To that end, the Commission has recalculated Greece's long DUC trend over RP3 and RP4 by using the baseline value for 2019 included in Greece's RP3 performance plan, instead of the adjusted baseline value included in Greece draft performance plan for RP4. That recalculation results in an adjusted long-term DUC trend for Greece of +0,1 %, which underperforms the long-term Union-wide DUC trend of - 1,0 %. Therefore, it is concluded that Greece does not fulfil the assessment criterion referred to in recital (91).

(95) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the 2024 baseline value for the DUC of EUR 25,04 of Greece in EUR2022 is 39,2 % lower than the average baseline value of EUR 41,19 in EUR2022 of the relevant comparator group set out in Article 7, point (c), of Implementing Decision (EU) 2024/1688.

(96) Furthermore, the Commission notes that Greece has not presented any justifications for the deviations referred to in recitals (90) and (91) on the grounds of measures for the achievement of capacity targets or restructuring measures within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317. Therefore, the assessment criteria set out in points 1.4(d)(i) and (ii) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Greece.

(97) On the basis of the findings set out in recitals (89) to (96), the cost-efficiency performance targets for the *en route* charging zone of Greece should be considered inconsistent with the Union-wide performance targets for RP4.

Review of the measures for the achievement of environment targets

(98) In accordance with point 2.1(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of the draft performance plan of Greece by reviewing the measures for the achievement of the environment targets included in that plan.

(99) On the basis of the review referred to in recital (98), the Commission has doubts as to whether the measures presented by Greece for the achievement of its environment performance targets are adequate to enable those targets to be effectively reached. Having regard to the PRB's findings, the Commission observes, in particular, that Greece has not committed, in the draft performance plan, to the implementation of several relevant measures set out in the ERNIP.

(100) Therefore, the Commission considers that Greece should improve the measures for the achievement of its environment targets for RP4 presented in the draft performance plan, including by committing to all the operational measures set out in the ERNIP and expediting the implementation of cross-border free route airspace.

6. **FINDINGS CONCERNING IRELAND**

Assessment of the cost-efficiency targets

(101) The *en route* cost-efficiency targets proposed by Ireland for RP4, and the related baseline values, are as follows:

***En route* charging zone of Ireland**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 27,59**	**EUR 27,29**	**EUR 28,61**	**EUR 29,72**	**EUR 29,75**	**EUR 29,84**	**EUR 30,14**

(102) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Ireland at charging zone level of +2,0 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(103) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Ireland at charging zone level over RP3 and RP4 of +1,0 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(104) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 27,29 of Ireland in EUR2022 is 4,0 % lower than the average baseline value of EUR 28,43 in EUR2022 of the relevant comparator group set out in Article 7, point (b), of Implementing Decision (EU) 2024/1688.

(105) It is necessary to examine whether the deviations referred to in recitals (102) and (103) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviations from the Union-wide DUC trend and from the long-term Union-wide DUC trend referred to in recitals (102) and (103) are exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(106) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that Ireland refers in the draft performance plan to the additional determined costs incurred over RP4 by the ANSP AirNav Ireland in relation to measures needed for the achievement of the local capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

(a) the training and employment of additional ATCOs in operations in order to handle the expected traffic increase during RP4;

(b) the employment of additional air traffic safety electronics personnel in order to support the delivery of capital investment projects, in particularly the planned implementation of a new ATM system during RP4;

(c) the employment of additional overhead support staff in order to release ATCOs from non-operational tasks and increase ATCO productivity;

(d) the acquisition and deployment of a new ATM system, which will provide significant functional and technical improvements; the new ATM will replace the current ATM system of AirNav Ireland, which has been in use for 17 years; in connection with the new ATM system, AirNav Ireland also plans to implement a new contingency ATM system and to extend its ACC buildings for the purpose of proving and testing facilities of the new ATM system;

(e) the upgrade of radar infrastructure in use, in particular by replacing technical components which have reached their end of life;

(f) the acquisition of equipment and tools to support the resilience of operations.

(107) Having regard to the evaluation made by the PRB, the additional costs reported by Ireland for the capacity measures referred to in recital (106) would cover in monetary terms the observed deviations from the Union-wide cost-efficiency trends calculated by the PRB. However, according to the PRB, Ireland does not face major capacity-related issues, the resolution of which would require significant additional costs in RP4.

(108) Furthermore, the Commission observes that certain capacity measures invoked by Ireland could be considered to be part of the normal operations of the ANSP concerned or may not directly contribute to enhancing airspace capacity. Therefore, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by Ireland can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4.

(109) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Ireland.

(110) Furthermore, the Commission notes that Ireland has not presented in the draft performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.

(111) On the basis of the findings set out in recitals (101) to (110), the cost-efficiency performance targets for the *en route* charging zone of Ireland should be considered inconsistent with the Union-wide performance targets for RP4.

7. **FINDINGS CONCERNING LATVIA**

Assessment of the cost-efficiency targets

(112) The *en route* cost-efficiency targets proposed by Latvia for RP4, and the related baseline values, are as follows:

***En route* charging zone of Latvia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 28,57**	**EUR 37,97**	**EUR 48,73**	**EUR 53,56**	**EUR 57,79**	**EUR 61,14**	**EUR 63,75**

(113) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Latvia at charging zone level of +10,9 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(114) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Latvia at charging zone level over RP3 and RP4 of +9,3 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(115) The Commission notes, however, that Latvia has lost, as a consequence of Russia's war of aggression against Ukraine, a significant share of the overflights which it historically used to serve. That traffic reduction continues over RP4 to considerably impact the cost-efficiency performance of the ANSP of Latvia and has, in particular, a negative effect on the long-term DUC trend of Latvia calculated over RP3 and RP4 combined.

(116) It is therefore necessary and appropriate to examine, for the purpose of the assessment criterion referred to in recital (114), whether Latvia would meet the Union-wide long-term DUC trend in the absence of the circumstances referred to in recital (115).

(117) To that end, the Commission has recalculated Latvia's long-term DUC trend over RP3 and RP4 in light of the estimated structural loss of traffic for Latvia as a consequence of the war in Ukraine, measured in *en route* service units. That recalculation results in an adjusted long-term DUC trend for Latvia of +1,3 %, which remains above the long-term Union-wide DUC trend of - 1,0 %. Therefore, it is concluded that Latvia does not fulfil the assessment criterion referred to in recital (114), even after taking into account the effect of the significant traffic reduction resulting from the war in Ukraine.

(118) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 37,97 of Latvia in EUR2022 is 32,4 % lower than the average baseline value of EUR 56,17 in EUR2022 of the relevant comparator group set out in Article 7, point (d), of Implementing Decision (EU) 2024/1688.

(119) Furthermore, the Commission notes that Latvia has not presented any justifications for the deviations referred to in recitals (113) to (117) on the grounds of additional determined costs related to measures necessary for the achievement of capacity targets or restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317. Therefore, the assessment criteria set out in points 1.4(d)(i) and (ii) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Latvia.

(120) On the basis of the findings set out in recitals (112) to (119), the cost-efficiency performance targets for the *en route* charging zone of Latvia should be considered inconsistent with the Union-wide performance targets for RP4.

8. **FINDINGS CONCERNING SLOVAKIA**

Assessment of the cost-efficiency targets

(121) The *en route* cost-efficiency targets proposed by Slovakia for RP4, and the related baseline values, are as follows:

***En route* charging zone of Slovakia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 56,20**	**EUR 60,11**	**EUR 62,58**	**EUR 61,85**	**EUR 61,12**	**EUR 59,71**	**EUR 58,34**

(122) Concerning the assessment criterion set out in point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the DUC trend of Slovakia at charging zone level of - 0,6 % over RP4 underperforms the Union-wide trend of - 1,2 % over the same period.

(123) Concerning the assessment criterion set out in point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term DUC trend of Slovakia at charging zone level over RP3 and RP4 of +0,4 % underperforms the long-term Union-wide trend of - 1,0 % over the same period.

(124) Concerning the assessment criterion set out in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 60,11 of Slovakia in EUR2022 is 70,0 % higher than the average baseline value of EUR 35,35 in EUR2022 of the relevant comparator group set out in Article 7, point (c), of Implementing Decision (EU) 2024/1688.

(125) It is necessary to examine whether the deviations referred to in recitals (122) to (124) may be deemed necessary and proportionate in accordance with point 1.4(d) of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the Commission has assessed whether the observed deviations from the Union-wide DUC trend and from the long-term Union-wide DUC trend referred to in recitals (122) and (123) are exclusively due to additional determined costs related to measures necessary to achieve the performance targets in the key performance area of capacity or to restructuring costs within the meaning of Article 2, point (18), of Implementing Regulation (EU) 2019/317.

(126) In respect of the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission notes that Slovakia refers in the draft performance plan to the additional determined costs incurred over RP4 by the ANSP LPS in relation to measures needed for the achievement of the local capacity targets ('capacity measures'). The presented capacity measures comprise the following main elements:

(a) the training and employment of additional ATCOs in operations in order to handle the expected traffic increase during RP4; this is planned to result over RP4 into an overall increase of over 10 % of the number of ATCOs in operations at the ACC of Bratislava;

(b) the implementation of a new ATM system, which is foreseen to enable future improvements in airspace capacity,

(c) infrastructure and buildings modernisation with a view of enhancing operational resilience.

(127) Having regard to the evaluation made by the PRB, the additional costs reported by Slovakia for the capacity measures referred to in recital (126) are significantly lower in monetary terms than the observed deviations from the Union-wide cost-efficiency trends calculated by the PRB. Furthermore, the Commission observes that certain capacity measures invoked by Slovakia could be considered to be part of the normal operations of the ANSP concerned or may not directly contribute to enhancing airspace capacity. Hence, it is not possible to conclude, without further detailed information and analysis, on whether the capacity measures presented by Slovakia can be, in their entirety, deemed necessary and proportionate for the achievement of the local capacity performance targets for RP4. Therefore, the Commission notes that the observed deviations from the Union-wide cost-efficiency trends referred to in recitals (122) and (123) cannot be exclusively attributed to the additional costs deriving from the presented capacity measures.

(128) Therefore, the criterion set out in point 1.4(d)(i) of Annex IV to Implementing Regulation (EU) 2019/317 should not be considered fulfilled in respect of Slovakia.

(129) Furthermore, the Commission notes that Slovakia has not presented in the draft performance plan any restructuring measures which would justify a deviation from the Union-wide DUC trend or from the Union-wide long-term DUC trend pursuant to the criterion set out in point 1.4(d)(ii) of Annex IV to Implementing Regulation (EU) 2019/317.

(130) On the basis of the findings set out in recitals (121) to (129), the cost-efficiency performance targets for the *en route* charging zone of Slovakia should be considered inconsistent with the Union-wide performance targets for RP4.

9. **CONCLUSIONS**

(131) In light of the foregoing, certain performance targets included in the draft FABEC performance plan submitted by Belgium, Germany, France, Luxembourg and the Netherlands, and certain performance targets included in the draft performance plans submitted by Denmark, Estonia, Ireland, Greece, Latvia and Slovakia, should not be considered consistent with the Union-wide performance targets for RP4.

(132) In accordance with Article 14(3), second subparagraph, of Implementing Regulation (EU) 2019/317, the Member States concerned are to submit their revised draft performance plans to the Commission within three months from the date of the adoption of this Decision, taking account of the recommendations put forward by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets listed in the Annex to this Decision, which are included in the draft functional airspace block performance plan submitted by Belgium, Germany, France, Luxembourg and the Netherlands, and in the draft national performance plans submitted by Denmark, Estonia, Ireland, Greece, Latvia and Slovakia, are inconsistent with the Union-wide performance targets for the fourth reference period ('RP4') set out in Implementing Decision (EU) 2024/1688.

Article 2

Greece shall revise its *en route* capacity targets for 2025 and 2026, expressed as the average minutes of *en route* air traffic flow management delay per flight, to make them consistent with the Union-wide performance targets in the key performance area of capacity set out in Article 4 of Implementing Decision (EU) 2024/1688.

Where the Network Operations Plan of 2 July 2024 drawn up in accordance with Article 9 of Commission Implementing Regulation (EU) 2019/123 recommends specific additional measures to improve capacity performance, account shall be taken of those measures when revising the capacity performance targets referred to in the first paragraph.

Article 3

Belgium, Denmark, Germany, Estonia, Ireland, Greece, Latvia, Luxembourg, the Netherlands and Slovakia shall revise downwards the cost-efficiency targets set for their *en route* charging zones, expressed as determined unit cost (DUC).

When revising their cost-efficiency targets, those Member States shall:

(a) ensure that the revised cost-efficiency targets are consistent both with the Union-wide DUC trend and with the Union-wide long-term DUC trend, referred to, respectively, in point 1.4(a) and (b) of Annex IV to Implementing Regulation (EU) 2019/317;

(b) reduce the level of determined costs accordingly, in particular in respect of calendar year 2029;

(c) use the latest traffic forecasts, expressed in service units, in accordance with Article 10(2) of Implementing Regulation (EU) 2019/317.

By way of derogation from the first paragraph, point (a), where the baseline value of the relevant *en route* charging zone fulfils the criterion laid down in point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Member State concerned shall ensure that the revised cost-efficiency targets are consistent at least with the Union-wide DUC trend or with the Union-wide long-term DUC trend.

Where a Member State invokes, in its revised draft performance plan to be submitted in accordance with Article 14(3), second subparagraph, of Implementing Regulation (EU) 2019/317, a deviation under point 1.4(d) of Annex IV to that Implementing Regulation, it shall ensure that such a deviation is substantiated with adequate information and justifications. In particular, the Member State concerned shall demonstrate that any measures invoked to justify a deviation from Union-wide cost-efficiency targets relate solely to additional operational resources or technical capabilities necessary to meet the capacity targets.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the French Republic, the Republic of Latvia, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Slovak Republic.

Done at Brussels, 16 May 2025

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission

ANNEX

Performance targets found to be inconsistent with the Union-wide performance targets for the fourth reference period

1. **TARGETS INCLUDED IN THE DRAFT FABEC PERFORMANCE PLAN SUBMITTED BY BELGIUM, GERMANY, FRANCE, LUXEMBOURG AND THE NETHERLANDS**

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Belgium-Luxembourg**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 94,14**	**EUR 104,26**	**EUR 104,94**	**EUR 106,08**	**EUR 106,14**	**EUR 104,43**	**EUR 103,83**

***En route* charging zone of Germany**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 71,71**	**EUR 74,90**	**EUR 73,16**	**EUR 73,06**	**EUR 73,10**	**EUR 71,87**	**EUR 70,54**

***En route* charging zone of the Netherlands**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 86,52**	**EUR 104,60**	**EUR 103,51**	**EUR 103,61**	**EUR 106,50**	**EUR 106,28**	**EUR 105,95**

2. **TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF DENMARK**

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Denmark**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**DKK 466,58**	**DKK 543,10**	**DKK 529,76**	**DKK 521,41**	**DKK 515,34**	**DKK 506,93**	**DKK 500,26**
	EUR 62,74	EUR 73,02	EUR 71,23	EUR 70,11	EUR 69,29	EUR 68,16	EUR 67,26

3. TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF ESTONIA

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Estonia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 38,12**	**EUR 54,69**	**EUR 50,46**	**EUR 52,95**	**EUR 54,37**	**EUR 54,54**	**EUR 55,69**

4. TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF GREECE

KEY PERFORMANCE AREA OF CAPACITY

Greece	**2025**	**2026**	**2027**	**2028**	**2029**
Targets in the key performance area of capacity, expressed in minutes of *en route* ATFM delay per flight	**0,69**	**0,50**	**0,19**	**0,16**	**0,16**

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Greece**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 28,84**	**EUR 25,04**	**EUR 24,67**	**EUR 24,01**	**EUR 24,95**	**EUR 26,40**	**EUR 25,72**

5. TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF IRELAND

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Ireland**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 27,59**	**EUR 27,29**	**EUR 28,61**	**EUR 29,72**	**EUR 29,75**	**EUR 29,84**	**EUR 30,14**

6. **TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF LATVIA**

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Latvia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 28,57**	**EUR 37,97**	**EUR 48,73**	**EUR 53,56**	**EUR 57,79**	**EUR 61,14**	**EUR 63,75**

7. **TARGETS INCLUDED IN THE DRAFT PERFORMANCE PLAN OF SLOVAKIA**

KEY PERFORMANCE AREA OF COST-EFFICIENCY

***En route* charging zone of Slovakia**	**2019 baseline value**	**2024 baseline value**	**2025**	**2026**	**2027**	**2028**	**2029**
Targets and baseline values in the key performance area of cost-efficiency, expressed as determined unit cost (in real terms at 2022 prices)	**EUR 56,20**	**EUR 60,11**	**EUR 62,58**	**EUR 61,85**	**EUR 61,12**	**EUR 59,71**	**EUR 58,34**