

DE-LINKING ACTIVITIES

Workshop on Organisational Set-up and Institutional Frameworks
for Civil Aviation Authorities

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Content

→ Real successful cases



European level of functional independence

Functional independence refers to the ability of an aviation authority to exercise its regulatory, supervisory, and certification functions without undue interference from political power, economic power, or the operators it regulates.

This independence is essential to ensure operational safety, transparency, and public trust.

European level of functional independence

To evaluate the level of functional independence of a civil aviation authority from the State to which it belongs, structural, regulatory, and operational criteria have been followed that allow each entity to be classified within a scale of 1 to 4.

European level of functional independence

Legal framework and institutional status

Level 4 (High independence): The authority is constituted as an autonomous agency by law, with its own legal personality, independent budget, and the ability to issue technical regulations.

Level 3 (Moderate independence): The authority depends on a ministry (usually transport), but has legally recognized technical and operational autonomy.

Level 2 (Significant dependence): The authority is part of a ministry or government department without legal or budgetary autonomy.

Level 1 (No independence): No cases were identified in the EU at this level, as all member states must comply with ICAO and EASA requirements.

European level of functional independence

- **Separation between regulatory and operational functions**

It was assessed whether the authority that regulates also operates airports, air navigation services, or conducts accident investigations. The clear separation of functions is a key indicator of independence.

- **Technical decision-making capacity**

It was evaluated whether the authority can issue certifications, suspensions, or sanctions without prior political approval.

European level of functional independence

- **Budget and resources**

It was considered whether the authority has control over its budget and whether its income comes from regulated fees or the general state budget.

- **Appointment and removal of directors**

It was analyzed whether the directors are appointed by the government, through a public competition, or by an independent council, and whether there are guarantees against arbitrary removal.

- **Transparency and accountability**

The existence of public reports, external audits, and parliamentary or citizen control mechanisms was assessed.

European level of functional independence

Level 4 – High functional independence

- ✓ Autonomous agency with legal personality
- ✓ Own budget
- ✓ Full technical capacity
- ✓ Clear separation of operational functions
- ✓ Indirect or technical supervision

Level 3 – Moderate independence

- ✓ Part of a ministry but with recognized technical autonomy
- ✓ Partially managed budget
- ✓ Limited technical decision-making capacity
- ✓ Direct supervision but with internal controls

European level of functional independence

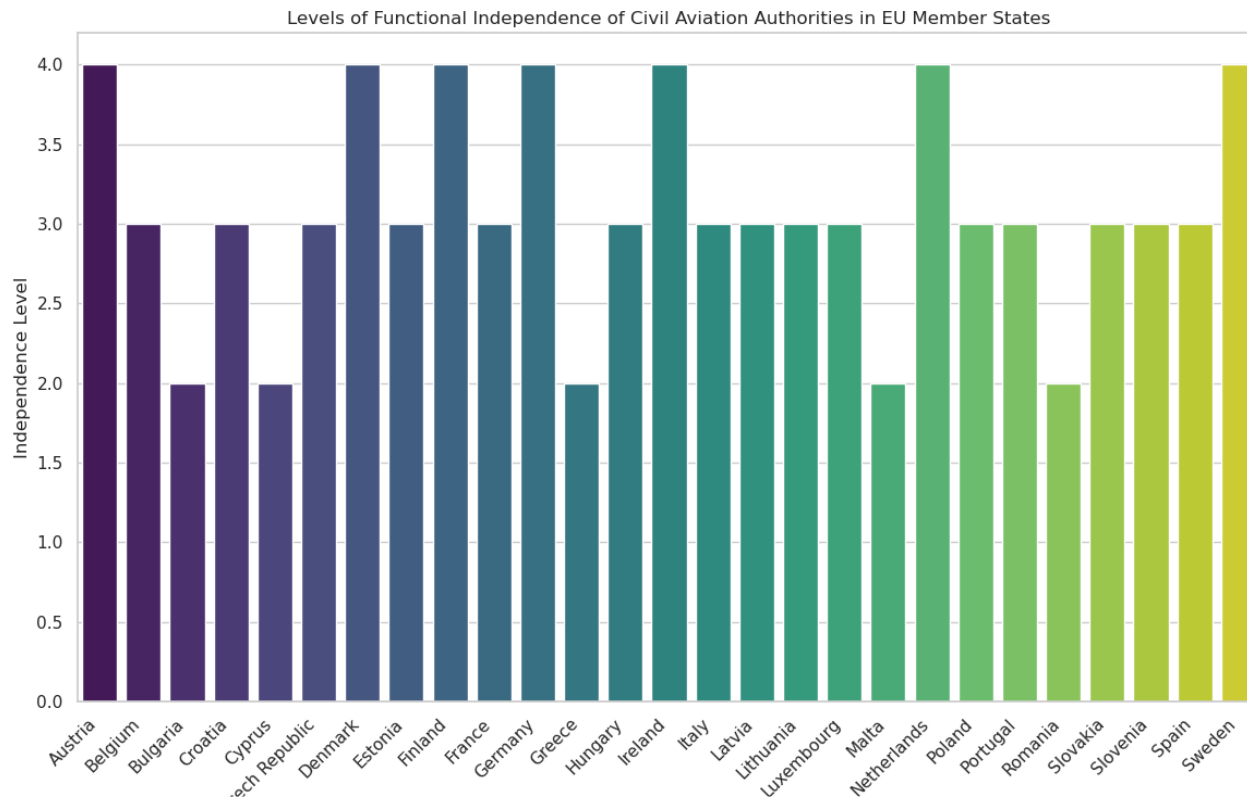
Level 2 – Significant dependence

- ✓ Integrated into a ministry
- ✓ No budgetary autonomy
- ✓ Decisions subject to political approval
- ✓ Operational and regulatory functions not separated

Level 1 – No functional independence

- ✗ No cases have been identified in the EU at this level, as all member states must comply with ICAO and EASA requirements

European level of functional independence



European level of functional independence

Country	Legal Status	Supervisory Ministry	Budget Autonom	tical Inde	Operational Separatio	pendence Level	Notes
Austria	Autonomous Agency	Ministry of Transport	High	High	Yes	4	High autonomy and budget control
Denmark	Autonomous Agency	Ministry of Transport	High	High	Yes	4	High autonomy and budget control
Finland	Autonomous Agency	Ministry of Transport	High	High	Yes	4	High autonomy and budget control
Ireland	Autonomous Agency	Ministry of Transport	High	High	Yes	4	High autonomy and budget control
Netherlands	Autonomous Agency	Ministry of Inf. and Water	High	High	Yes	4	High autonomy and budget control
Sweden	Autonomous Agency	Ministry of Transport	High	High	Yes	4	High autonomy and budget control

Country	Legal Status	Supervisory Ministry	Budget Autonom	tical Inde	Operational Separatio	pendence Level	Notes
Croatia	Autonomous Agency	Ministry of Transport	Moderate	Moderate	Yes	3	Moderate autonomy, some budget c
France	Government Department	Ministry of Transport	Moderate	Moderate	No	3	Moderate autonomy, part of governr
Germany	Government Department	Ministry of Transport	Moderate	Moderate	No	3	Moderate autonomy, part of governr
Spain	Government Department	Ministry of Transport	Low	Moderate	No	3	Moderate autonomy, part of governr

European level of functional independence

Country	Legal Status	Supervisory Ministry	Budget Autonom	Financial Independence	Operational Separation	Independence Level	Notes
Belgium	Government Department	Ministry of Transport	Low	Moderate	No	2	Limited autonomy, part of government
Bulgaria	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Cyprus	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Czech Republic	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Estonia	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Greece	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Hungary	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Italy	Government Department	Ministry of Transport	Low	Moderate	No	2	Moderate autonomy, part of government
Latvia	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Lithuania	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Luxembourg	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Malta	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Poland	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Portugal	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Romania	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Slovakia	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government
Slovenia	Government Department	Ministry of Transport	Low	Low	No	2	Limited autonomy, part of government

AESA Initiatives to improve Independence

Management Contract (Law 40/2015)

The **management contract** is a **multi-year agreement** between a Spanish state agency and the relevant ministries.

It is the main tool that governs the agency's operations under a model of **greater autonomy, transparency, and results-oriented management**.

AESA Initiatives to improve Independence

Main Objectives of the Management Contract

- 1. Define Strategic Goals:** Establish the objectives to be achieved and the results expected during the contract period.
- 2. Plan Implementation:** Outline the necessary plans and projects, including timelines and performance indicators.
- 3. Resource Allocation:** Specify the human, material, and financial resources required to meet the objectives.
- 4. Performance Monitoring:** Set mechanisms to evaluate outcomes and ensure accountability of executive and managerial staff.
- 5. Adaptability:** Include procedures for annual updates or modifications to the contract.
- 6. Financial Responsibility:** Address how to manage potential budget deficits and the responsibilities arising from them.

AESA Initiatives to improve Independence

Key Advantages

- **Autonomy and Flexibility:** Agencies operate with greater independence, allowing for more agile and efficient management.
- **Result-Oriented Management:** Focus on achieving measurable outcomes rather than just following procedures.
- **Accountability:** Clear responsibilities and performance-based evaluation enhance transparency.
- **Better Public Service Delivery:** Encourages innovation and continuous improvement in public services

AESA Initiatives to improve Independence

Management Contract Challenges

1. Bureaucratic Inertia

Despite the goal of flexibility, many agencies still operate within rigid administrative frameworks, making it difficult to implement agile and results-oriented management.

2. Lack of Political Continuity

Frequent changes in government or political priorities can disrupt long-term planning and the continuity of management contracts.

3. Insufficient Autonomy

Although agencies are designed to be autonomous, in practice they often face limitations in budgetary and human resource management, reducing their effectiveness.

AESA Initiatives to improve Independence

Management Contract Challenges

4. Performance Evaluation Difficulties

Defining clear, measurable, and realistic performance indicators is complex. Moreover, the lack of robust evaluation mechanisms can hinder accountability.

5. Resistance to Change

Internal resistance from public employees or unions can slow down the adoption of new management models and performance-based culture.

6. Legal and Regulatory Complexity

The coexistence of traditional administrative law with the new management model creates legal uncertainty and implementation difficulties

AESA Initiatives to improve Independence

Performance Evaluation of an NAA

1. Compliance with the annual Inspection Plan
2. Compliance with response times in licensing and approvals obligations.

Manpower Plan

Surveillance obligations --→ 20 %

Licensing -----→ 40 %

Rest of activities-----→ 40 %

Thank you for your attention



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