



PRESIDENCY PAPER FOR THE RESTRICTED SESSION

High Level Conference of Transport Ministers on Single European Sky *Towards an innovative ATM network for growth, integration and competitiveness* (Rome, 6-7 November 2014)

Introduction

The way towards an innovative air traffic management network for growth, integration and competitiveness for European citizens and businesses needs a strong technological pillar and an enhanced legislative framework.

TECHNOLOGICAL PILLAR

Improving performance strongly depends on the evolution of SESAR technology. Enhancements in the efficiency and productivity of air traffic management go through the development of SESAR, its R&D activities, ATM Master Planning, Deployment and Network management.

In the coming weeks the Deployment Manager will become operational and within the new framework, the Network Manager will be reinforced in terms of governance and tasks to be carried out.

The European Aviation Safety Agency also needs to be fully active in the field of ATM/ANS to support such development.

LEGISLATIVE FRAMEWORK

The Italian Presidency included the SES 2+ initiative as a priority item in its agenda and the Aviation Working Party has been working intensively on the legislative framework for the Single European Sky. The Presidency has kept a pragmatic approach on the horizon and focused on the following key areas:



I. Functional Airspace Blocks

In relation to functional airspace blocks (FABs), 18 Member States are currently involved in infringement proceedings related to the FABs implementation. So far, the Presidency's approach has been to build a facilitating environment where the FABs can become a reality and to concentrate on bridging the existing gap of understanding between the Commission and Member States. The pillars of the Presidency's compromise are:

- to emphasize the operational dimension of FABs through the establishment of a voluntary operational plan by the Member States, describing the actions undertaken for the implementation of the FABs;
- to create a framework for the participation of industry as a key partner in the FABs. The flexibility created by industrial partnerships is aimed at maximising the performance of the FABs and improving the performance of the European Air Traffic Management Network (EATMN) as a whole, even beyond the FABs' dimension;
- to clarify the text, giving a single interpretation to the key FABs concepts. Therefore, the implementation of the FABs could continue on a renewed and solid basis, with a clear legal background.

II. Performance scheme

On the performance scheme, the Presidency has so far worked with the objective of overcoming the rigidity of the performance scheme, and introduced more dynamism and flexibility in the process of setting EU-wide and local performance plans and implementing them. Therefore, the text establishes a dialogue between the stakeholders concerned, a justified revision of the performance plan and clearer provisions related to the independence of the Performance Review Body, as well as detailed rules on the proper functioning of the performance scheme.



III. National supervisory authorities

The independence of the supervisory functions from service provision in the field of air navigation services would ensure a high level of safety and appropriate oversight: this independence can be achieved through a legal separation of activities, or through an alternative effective separation. The Presidency is working toward solutions which are able to bring along the adequate financial, managerial and staffing independence, but are at the same time adapted to the existing administrative systems and ownership structures of Member States.

IV. Support services

The objective of safe, cost-efficient, high-quality, socially acceptable and internationally compliant air navigation services is a common goal to all. The unbundling of certain, so-called support air navigation services, and subjecting them to market conditions may not necessarily yield this desired outcome. The potential consequences of such a fundamental change would need therefore to be closely examined before any such rule could become general across the Union. Having these overall concerns in mind, the Presidency has worked towards an approach which clarifies that the application of market principles would be possible for the provision of support services on a voluntary and reciprocal basis. Moreover, the proposed Presidency compromise text sets the ground for a possible future competitive approach, which would be assessed through a study to be carried out by the Commission on the overall impact of the competitive provision of support services in the air navigation field.

CONCLUSIONS

The Presidency, together with Member States, has been working intensively on the legislative framework, the SES 2+ proposals. The negotiations have been held in a difficult context due to the current infringement procedures related to the implementation of the FABs.

Despite this difficult context and the most sensitive key topics mentioned above, thorough analysis and discussions have taken place. Common ground has been identified on the most crucial points, and a clear text legal text has been developed. The Presidency is convinced that the progress of the dossier is at hand, and commends the important advances the Member



States and Commission have made in moving forward this important and challenging file in a constructive spirit.

Reaching an agreement on the text in the December Council would demonstrate the commitment of Member States to progress on the SES initiative (e.g. on the FABs' implementation) to the Commission, the European Parliament, the stakeholders and to the public opinion.

While most of the text is now close to agreement, some difficult issues still remain open, in particular related to the required independence of the supervisory authorities, to the provisions on support services, to the provisions on the use of en-route charges to finance specific EASA activities, and to functional airspace blocks, the latter being also linked to the ongoing infringement procedures.

However it is apparent that progress on these last issues is hampered by the lack of mutual trust between the Member States and Commission. Re-establishing that trust is a key enabler for sending a positive message at the December Council and for the following steps. Therefore the Presidency considers that a clear signal from the Member States and the Commission about possible solutions to meet half-way in the spirit of a constructive compromise on these remaining issues, would contribute to re-establishing that mutual trust and ultimately speed up the implementation of the Single European Sky legislation to the benefit of the entire European aviation industry.