



*"[air navigation control, [...]] is a task involving the exercise of public authority and is not of an economic nature, since that activity constitutes a service in the public interest which is intended to protect both the users of air transport and the populations affected by aircraft flying over them".
(Extract of decision C.364/92 of the European Court of Justice).*

**Report from ICB Institutional Sub-Group Meeting
Brussels, 26 April 2007
Klaus Berchtold-Nicholls**

1. Introduction

The problem of late distribution of documents being remains. Again some participating representatives stated they were unable to comment on or endorse certain documents for that reason. All Staff organisations were present, airspace users completely absent (due to a meeting with the HLG chair at the same time. The debate was very loaded and resulted in the ICB chairman offering his resignation to the HLG.

2. Discussion

- a. The debate on the paper on "Governance of the ATM system in Europe", prepared by ACI, CANSO, IATA (on behalf of all the users) and the ICB Chairman, took about two of the four hours of the meeting. General issues were raised (timeframe inadequate to read, coordinate internally and externally the paper to be able to comment) as well as detailed issues arising from the paper.

ATCEUC (all staff) and the manufacturing industry agreed on the total vagueness and ambiguity of the term "industry" in the different contexts in the paper, and how that makes it impossible to approve or reject certain parts of the text. ATCEUC particularly stressed that even knowing the exact part of industry doesn't necessarily facilitate approval of, e.g. transfer of responsibility for the running of CFMU services to industry (this would not be acceptable in the case of a commercial, competitive environment, for instance).

Other issues of debate mainly centred around the future role of Eurocontrol, where there was a growing consensus among the participants.

After several attempts by some players (especially CANSO) to salvage the paper as "roundabout" ICB position and several announcements from the chairman that he wouldn't be able to defend the paper as ICB

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position but would state with this HLG that there is no consolidated ICB position available, the latter proposal was finally accepted

- b. The other paper on the future role of Eurocontrol, with its much softer and slower approach, and less of a drastic make-over for the Agency wasn't debated as heatedly, although it clearly doesn't represent the wishes of a majority of the ICB members (here again ANSPs, Users, Airports again) either. The discussion at that point had become a bit skewed, a surprising mellowness towards past and present Eurocontrol work from a number of organisations showing through.
- c. Another surprise for CANSO emerged when ATCEUC (supported by the other staff organisations) largely approved of the CANSO paper on incentivising Service Provision (HLG6-4) while rejecting the IATA paper (HLG6 Economic Regulation). Reversely it was noted by the Chairman that the Users had lodged their rejection of the CANSO proposals as insufficient with him. The question in the CANSO paper (will these proposals be enough to avoid economic regulation?) was therefore solved quickly.
- d. Some issues were referred to the Airspace & Service Provision SG (to meet for the first time on 2May, I will attend), no other business, obviously also due to time constraints.
- e. The future of this SG and the ICB as advisory body for the HLG hinges on the discussions of the latter about the offer of CM to resign, and its reasons.

3. Conclusions

Even though the understanding of the different representatives and the work atmosphere continually improves, the ICB and its SGs might be about to be unravelled. It was commonly agreed as totally unrealistic to expect consensual endorsement on controversial issues from such a diverse group as the ICB, in a given timeframe of roughly four weeks from commissioning by the HLG to reporting.

The only context in which there was a differing opinion from ETF was when ANSP consolidation was mentioned (in a paper on Eurocontrol) and when the discussion touched the subject of possibly one ANSP for Europe. They are still stoutly defending that no ANSP consolidation is necessary, and doesn't have to happen at all. No surprise, but at least no direct attack on MOSAIC either.