



*"[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 16 Meeting
Brussels, 30 May 2007
Klaus Berchtold-Nicholls**

1. Introduction

The meeting didn't have as extensive an agenda as previous ones. Main reason is that the "contribution phase" for the High Level Group (HLG) has run out.

2. Discussion

- a. The minutes of the last meeting were accepted with minor editorial changes.
- b. Main discussion point was the ICB contribution to the HLG which has been declared by the HLG as finished. The HLG will present a draft final report that will focus on the ten main recommendations for the future of European ATM.
This draft report will not be distributed to the stakeholders, the ICB chairman will decide for himself whether there are contentious issues that the respective stakeholders might wish to comment on.
This means that we will only be allowed to comment on the published final report, unless we are able to secure the draft (due 11 June) before finalisation and presentation to Commissioner Barrot on 3 July..
ICB Chair proposed to take up the final report for discussion in the Inst. SG meeting on 19 July.
All suggestions by Industry and CANSO to distribute the draft to all stakeholders for individual comment failed.
- c. Second biggest discussion point was SESAR. The Commission has concerns about the ability of the consortium to deliver high quality D3 (that would include a consensus among the stakeholders). At this point they hope at least for a consensus on what the main alternatives for the future concept of operations, architecture and technology of the overall system could be.
Some stakeholders (notably AEA) claimed that consensus cannot be the primary aim, "consensus can also be harmful to quality".

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The deadline for delivery of D3 is 29June, we have to be ready to state our criticism most clearly before that, and have it clearly documented.

- d. The next agenda item was work of the Airsp. and Serv. Prov. SG. Comments were made and confirmed on the unfortunate organisational start of the SG work. M. Desseaux (CANSO) was proposed and accepted as Co-Chairwoman of the group and despite the inability of Chairman G. Martis to attend, the date for the next meeting was confirmed as 28June under the chair of Desseaux. ICB chair commented that the HLG is dealing with de-fragmentation and FABs and generally stated that those involved should not get held up in areas where political decisions are at work mainly.
- e. EC (Chris North) reports on the Single Sky Committee: there is concern about the existing mandate concerning airspace classification; this should either be extended to lower airspace, or a new mandate should be issued for this. Some states have difficulties in adopting ESARR 6. The HLG had requested SSC input on FABs. There is an informal arrangement that an ICB delegation can be invited to SSC sessions where helpful. The SSC might also request input from the ICB on specific issues where deemed helpful.

3. Conclusions

The meeting had few papers to discuss, the main work item, ICB input to the High Level Group has come to an end as the HLG has declared this phase over. There was strong and extended debate over the consultation of stakeholders between the circulation of the draft HLG final report (which will not be circulated among ICB members, only among HLG members; date due 11 June) and the official release of the final report to Commissioner Barrot (due 3July). **There is a need to find out the 10 recommendations on which the report will focus between the two dates and comment clearly before 3July. ICB Chair will only consult specific stakeholders if he identifies a recommendation as controversial, otherwise there will be no formal consultation.**

There was much debate about SESAR D3 which is to be delivered until 29June. **We will have to comment clearly and strongly before.**

The next AS/SP SG meeting is scheduled for 28June (I will be unable to attend, due to other commitments for that complete week), the next Inst SG meeting for 13July, the next ICB plenary (ICB17) for 19July. ICB18 is pre-scheduled for mid to end September, without firm date yet.