



*"[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).*

Aix en Provence Sunday November 12th

Attending for ATCEUC Volker Dick and François Burgues.

This 26th Provisional council was held in Eurocontrol Brussels on the 9th and 10th of November.

As usual, it started with an introduction from the president David Mc Millan. The budget has been approved during the closed session in the morning, election of the new president and vice-presidents were held. .New president of the PC for the next two years is the DGCA of Sweden
Lithuania was welcomed as a new member of Eurocontrol.

IATA complained about the budget, the fact that they have not been properly consulted and that more transparency was needed.

The president confirmed that they were present in the different meetings and that most of their views have been taken on board otherwise the budget wouldn't have been reduce by 2 %.

Item 9 DG report.

Traffic grew of 4.4% this summer when the provided capacity grew only of 3.3% that did not have a real impact but has to be taken very carefully for the next years.
The summer was ok even if the target of 1 min delay per flight was not reached but if we consider the increase of traffic, the results then are the same as last year.
The World cup has been well handled but other unpredictable elements like the alert in London or the war in Lebanon put some troubles and generated some unexpected delays.

Item 10 Final report of the enlarged PCPB on the roadmap towards the future ATM.

We have noted a lot of interventions from states saying that the document was excellent and had to be approved.

Turkey had some reservations about the transfer of "power" from NSA to EASA.
They said that there should be an equal number of non EU states and EU states in the PCC which was not accepted by the PC president.

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A need to clarify the role of the ANSB was expressed by ANSPs this was answered by adding in the last paragraph of chapter 3 of annex 3 that ANSB and PCC will have the right to contribute to each body.

Italy said that some activities were not clearly defined and that there is the need to update the document.

France stated that CFMU had to remain independent which was in line with the proposal we made.

We reacted on the future of CFMU and on the way we could bring our expertise to the different bodies (see statements at the end).

The EC welcomed the report. The 2 main reasons for their acceptance were that it contained concrete recommendations that will improve the governance of Eurocontrol and that a timeframe was clearly defined.

Then the EC introduced the "high level group" (previously called "the wise men group") that will have to reflect and advise the EC on some key issues;

- pursue the simplification of the organisation of the SES;
- to improve the efficiency and performance of the ATM system while ensuring the highest safety standards.;
- unify the current fragmented regulatory field under the Community framework

ATCEUC wrote a letter to the Vice-President of the Commission and Commissioner in charge of Transport Jacques Barrot and requested its participation to this high level group. The commission launched the group and you will be forwarded the documents related to it.

The roadmap was then approved.

Item 11: summer situation.

As usual, the report concentrated on delays and on the fact that en-route delays did not meet the target of 1 minute per flight.

The main delay attribution causes are:

- ATC Capacity
- Weather
- Aerodrome Capacity
- ATC staffing

There is a need to react quickly and to use CFMU to mitigate those problems.

Capacity is responsible for 45% of the total delays and airport delays for 15%.

In that report it has never been mentioned that 77% of the airport delays were due to local turn-around (check-in, late boarding...) a sector where airlines can clearly and at a very low cost and without any safety problems reduce the delays...

In conclusion, even if the target for en-route delays was not met, the results are said to be OK

Item 12: Capacity and DMEAN

This paper deals with the PC goals and key performance objectives to match capacity and air transport growth, towards the economic optimum in delays.

It was identified that between May and September 2006 the European ATM capacity only grew by 3.3%. While during the same period the ATM delay without weather and

other exceptional events(technical failures, industrial actions, etc.) related delays, the average en-route delay per flight was around 1.1 minutes.

For 2007 local efforts should concentrate on:

- Flexible use of staff and sector opening schemes
- Increased involvement in network ATFCM actions
- Increased reliability of ATC systems
- Improved airspace design solutions agreed at network level
- Development and full implementation of realistic capacity plans

Item 13: problems of code allocation.

The main remarks came from the fact that Mode S was not yet implemented so it was proposed a 3 phases rezoning of the yet existing code allocation areas from 2008 to 2011.

It was of course reminded that the implementation of this temporary solution that could release the capacity of code allocation for at least the next 10 years should not hamper the states to continue and even accelerate the work done to implement mode S.

ITEM 14 SAFETY UPDATE

After the aircraft accidents in 2001 and 2002 the PC established the AGAS (High level European Action Group for ATM Safety) AGAS proposed a European Strategic Safety Action Plan (SSAP) starting in Feb 2004 and completed at the end of January 2006.

Despite current traffic growth, safety performances are continuously improving. A safety road map for the future is presently developed by the Agency. A remark was made by Great Brittan that Just Culture has not been implemented in most of the member states and that performance indicators should be in place for safety as well. CANSO wanted to know which department of EUROCONTROL would be working on such KPIs. Answer from SRC: it will be a collective joined up exercise from SRC and PRC who will be reporting directly to the PC on a regular basis.

ITEM 15 ATM SECURITY

A workshop on ATM Security will be held at EUROCONTROL HQ in co-operation with NATO on 5 December 2006

The agency proposes to develop an ATM Security Roadmap. Great Brittan doesn't approve the roadmap and wants to wait for the outcome of the workshop. Duplication and certainly triplication of work should be avoided. CANSO states that Security is a state responsibility and that the costs should not be on the account of the user charges. France is supporting the comments made by GB. Italy fully supports the roadmap on Security and asks "why are we still discussing we need to come to practical solutions". Turkey supports the comments fro GB.

NL supports Italy as well as Germany. The DG states that the costs will be less than 1% of the EUROCONTROL budget as stated in the WP under point 5. The chairman proposes to change the recommendations. All accepted.

ITEM 16 SRC report

SRC work programme: An ESARR Implementation Monitoring and Support Programme (ESIMS) should provide SRC with relevant information about developments at European level. Attachment "A " shows such a form. The question

was raised by France whether the state has to be named. ICAO stressed that similar forms were used in the rest of the world and that it would look strange that in Africa the states will be named while in Europe the information about the state would not be given. The form should not be used to blame an individual state but to offer help if there are problems in implementing ESARR's. The Commission said that ESARR's should be transposed in Committee law.

The question was raised whether Military providers should be certified as well. Too many legal problems.

ITEM 17 PRC reports

Evaluation of SES impact on ATM performance

Legal and cultural issues in relation to ATM safety occurrence reporting in Europe.

ITEM 18 CMIC report

A report submitted by the chairman of CMIC (Civil/Military interfaces standing Committee)

ITEM 19 Cost effectiveness Planning Process

Implementation of the cost-effectiveness planning. Real en-route unit costs according to that plan cumulatively decreased between 2004 till 2010 by 15%

ITEM 20 Report on EAD

The contract on EAD services will have to be renewed. A call for tender was launched by the Agency and will be completed by November 2006

ITEM 21 Outstanding requests for approval by correspondence

No outstanding items

ITEM22 Date PC 27

Next meeting 03 May 2007