



"[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).

## OPEN LETTER TO THE EUROPEAN STATES ON SAFETY AND PERFORMANCE SCHEME

Aix en Provence, 16<sup>th</sup> April 2010

Member States will have to vote during the next SSC (7<sup>th</sup> may 2010) on the implementing rule setting up a performance scheme in Europe (*Draft commission regulation laying down a performance scheme for air navigation services and network functions*).

The current proposal is simply **unacceptable**.

ATCEUC, represents 12500 Air Traffic Controllers in Europe. Our members support the setting up of a scheme aiming at improving ATM performances in Europe. But not at all cost. We have repeatedly mentioned our concerns to the various stakeholders involved in the drafting of that implementing rule. To no avail, up to now.

Safety must remain our first priority and our first performance. Despite general agreement from all parties on that issue, the facts are in clear contradiction with the statements. The proposed draft *de facto* sets up a performance scheme based only on capacity and cost efficiency. That cannot be accepted, even as a temporary measure.

Our members are committed to increasing the performances of the ATM system. But we refuse, and will oppose with all the means at our disposal the implementation of a system built without **concrete safety indicators** (such as measurement of runway incursions, or loss of minimal separation, see *ATCEUC position paper in Annex*). Those two basic and elementary indicators are the only tools we currently have to evaluate the safety level. And they could be easily implemented.

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ATCEUC solemnly calls upon the European Members States and to the European Commission to revise the draft proposal laying down a performance scheme. It is our common responsibility, and our mission to deliver a safer ATM system. Real safety indicators must be described in the regulation, and be compulsory.

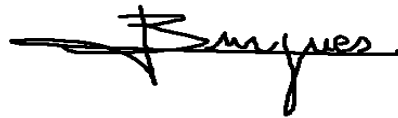
Now is the time to act. Europe is just about to adopt a inefficient (safety-wise) and potentially dangerous piece of legislation. It is up to the Single Sky Committee to prevent what could well lead to a massive breach of Safety. The problem can be easily solved.

An efficient and swift reaction is all it takes. Safety indicators. Clear, concrete, measurable. Now. In this draft regulation.

Yours sincerely,



Volker Dick  
ATCEUC President



François Burgues,  
ATCEUC Vice President