



*"[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).*

ICB SESAR Sub-group 26th January 2006

Attending for ATCEUC Francois Burgues

Presentation of the amendments of CANSO and IATA on the proposal of the COUNCIL REGULATION on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR).

All the changes proposed by IATA and CANSO were studied in prevision of the presentation of the amended version to ICB 9 on the 7th February for approbation.

CANSO mainly proposed small changes that were nearly all accepted and few debated.

In the entire document, IATA refuses the idea of a levy to finance SESAR arguing that they already pay through Eurocontrol. ETF said that if there was no levy, at anytime, airlines might decide not to give extra-money to continue the project and that it might end suddenly. This argument was rejected by IATA.

In article 4, IATA proposed to give the "industry" the right of veto but this amendment was rejected and it was preferred the idea explaining that in certain specified domains even if the Industry didn't have the majority of vote they will be considered as deciders.

This article will be reworded using the paragraph of the ICB last letter to Mr CALLEJA.

The ICB SESAR sub-group requests also that the Joint-Undertaking becomes the owner of the Master plan.

It was decided that the ICB will have to lobby to make sure that the changes requested will be taken into account.

Meeting with the commission.

The chairman of the ICB informed the commission that the ICB will use its "lobby power" to make the regulation change according to its ideas to which the commission answered that SESAR was an industry led program and that it will obviously follow the recommendations of the Industry. The control is in the industry hands and the EC will surely ask for reports but will not interfere.

About Eurocontrol, the EC asked to the ICB to what extent should they be used and that the EC couldn't afford to see Eurocontrol duplicating the work done by the experts in the SESAR program so that a close cooperation will be needed.

Following the letter to Mr CALLEJA, the Members states have started to have doubts on the implementation of the SESAR program and the wishes of the Industry and some of them are today a bit reticent to continue to fund the program.

The commission was very clear on this saying that the ICB has a very important role to play to reassure MS and that the definition phase must come up with a clear and realistic plan.

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Following this we understand the power given to the Industry but also its role in the future of SESAR.

The commission so request the ICB to write a letter (it will be drafted by Monday) with a clear message of their policy and proposals, correcting also some misunderstanding that remain in suspension. This letter has to be written quickly before ICB 9 to enable the EC to discuss on the main ideas and come with an answer for ICB 9 taking the risk that it is refused by the ICB since the proposal was made by the sub-group and not by the ICB itself.

At least it was evoked the participation of the FAA to some meetings on SESAR coming from a “supposed” exchange between Europe and USA that seems to work only in that direction; it was so asked to the EC to inform itself.