



*"[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).

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Brussels, 5 October 2020

Dear Madams and Sirs,

ATCEUC, the Air Traffic Controllers European Union Coordination, is a recognized European social partner in Civil Aviation sector acting on behalf of 34 ATCOs' (Air Traffic Controllers) and ATSEPs' (Air Traffic Safety Electronics Personnel) Unions from 26 different countries across Europe.

From the beginning, ATCEUC has been following the issuing of all the legislative acts regulating both technical and economic aspects of the European Air Traffic Management system.

It now appears, the European Commission intends to present the very same document for exceptional measures for the third reference period of the European performance and charging scheme for air navigation services that was not approved by the Single Sky Committee on September 15<sup>th</sup> and the Appeal Committee on October 12<sup>th</sup>.

This shows that the European Commission is not willing to listen to the arguments of States and ANSPs, let alone those of the representatives of the workers, the Social Partners, the Unions.

The current proposal still falls short of supporting the whole aviation sector and aims at supporting airlines only.

It is clear that in the current situation no ANSP can survive without some kind of funding by their owners/States. The EC knows and accepts this. Yet it fails to guarantee that public funding will remain within the ANSPs and will not be passed through to the airlines. Without such a guarantee, any funding of the ANSPs will only be another funding of the airlines, leaving the ATM sector underfinanced. The costs linked to safety, such as the ones to maintain a valid ATCO licence or the technical equipment, are fixed costs and can simply not be ignored, as these exceptional measures might suggest.

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**ATCEUC urges you to implement a solution where such funding is not passed through to the airlines but remains within the ANSPs to stabilize their financial health.**

ATCEUC still sees the danger of the EC setting artificial ambitious financial targets retroactively for the time already passed since January 1st 2020. To defend this position with some formal aspects is not acceptable. Since the EC is providing a regulation with exceptional measures, it can as well implement an exceptional measure for the treatment of costs in a timespan that has passed while the Commission was not able to adopt a performance plan on time.

**ATCEUC urges you to implement a regulation that accepts costs already incurred by the ANSPs from January 1<sup>st</sup> 2020 until that time when a performance plan is adopted by the EC, as the base for a calculation of charges.**

In addition, we would suggest to use this time of crisis to critically assess the whole concept of Regulation periods. We have seen in the past, that 5-year plans are not working; they were not working in the Soviet Union, they were not working in the German Democratic Republic and they are not working in the European Union.

ATCEUC sees an additional danger in the idea of using the draft performance plan from 2019 for the calculation of charges in 2022. It is obvious already now, that such charges will be way too low to cover the costs. If a performance plan is adopted in 2021, the charges for 2022 must be calculated with the correct and actual numbers for flights and costs. Otherwise, it is another subsidy for the airlines at the expense of the ANSPs. In addition, the increased carry-over for 2022 will be due in 2024, adding to the already higher charges then. For the ANSPs this would mean additional costs for financing the current operations, since recovery of the carry-overs from 2020/2021 will already be stretched over 5 to 7 years.

**ATCEUC urges you to vote for a Regulation using the actual figures for costs and traffic for the calculation of charges for 2022, as it is foreseen in Regulation 2019/317.**

ATCEUC is convinced that we have to take care of the whole aviation sector in this exceptional situation. Its recovery depends on every link in the chain.