



"[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).

www.atceuc.org

secretariat@atceuc.org

Open Letter to the Permanent Representations of the Member States to the EU and to the Members of the Single Sky Committee

Brussels, 29 April 2021

Dear Sir/Madam,

As you are aware, the Single Sky Committee has been discussing the third Reference Period (RP3) target revision, due to the COVID-19 pandemic and its effects on the aviation sector.

Since the European Commission has been unable to set any acceptable proposals for the majority of the Member States in SSC 78 or at the Informal SSC held on the 16th April 2021, these issues will now be discussed and decided at the Appeal Committee stage.

With this in mind, ATCEUC urges you to take into consideration the ["Professional Staff Organizations' Comment on Performance Review Body Advice on the Revision of Performance Targets for RP3"](#), signed by ATCEUC, ETF, IFAIMA, IFATCA and IFATSEA on the 12th March 2021, as well as [ATCEUC's open letter to the Single Sky Committee Members](#) sent on 22nd March 2021.

In addition, ATCEUC would like to highlight the following points:

1. Through ongoing media and lobbying campaigns, the airspace users' representatives have been linking the RP3 target revision process with the future of the Single European Sky (SES) and some imaginary economic benefits, with the Green Deal and with the reduction of CO2 emissions. This connection is false and they are only using this as a smoke screen to pursue their own interests.

In fact, in this Appeal Committee you must only address the RP3 target revisions and nothing else. Your decisions will determine whether the European ATM service will receive enough funding to be able to fulfil its

ATCEUC ASBL C/O MERITIUS, 431, Avenue Georges Henri, 1200 Brussels, Belgium (judicial area of Brussels)
VAT number BE 0684.488.814

ACV TRANSCOM / CSC TRANSCOM (Belgium) - ATCTUA (Ukraine) - ATCU (Serbia & Montenegro) - ATSR (Romania) - BATCU (Bulgaria) - BHATCU (Bosnia and Herzegovina) - BGATC (Belgium) - CATCU (Croatia) - CYATCU (Cyprus) - DATCA (Denmark) - FATCA (Finland) - GATCA (Greece) - GdF (Germany) - GLCCA (Luxembourg) - HelvetiCA (Switzerland) - IATCA ATC Branch Försa (Ireland) - ICEATCA (Iceland) - ITUATC (Serbia) - LATCA (Lithuania) - MATCA (Malta) - MATCU (Republic of North Macedonia) - NATCA (Norway) - SINCTA (Portugal) - SNCTA (France) - SPKTA (Albania) - SSKL (Slovenia) - TUEM (EUROCONTROL) - UnICA (Italy) - UNICON (Kosovo) - USCA (Spain) - VLNG (The Netherlands) - ZZKRL (Poland)



important duty on behalf of all the European States and their citizens or not. This process was ignited by the COVID-19 crisis and aims to adjust the ATM service charges in line with the current traffic outlook. On a different topic, the review of the SES2+ legal package is an ongoing work at the European Council as well as the European Parliament, to which ATCEUC has also produced quite a few comments in the recent past. If there is any connection between the two topics, ATCEUC would like to point out that the greater the cost-cutting imposed through RP3 (via the target revision you will be voting on in the Appeal Committee), the longer it will take for any reforms to be implemented in the European ATM system.

2. RP3 target revisions must take into account the data provided by EUROCONTROL on 23 March 2021, this data confirms that **"the costs of ATM became disconnected from traffic around 2008"**.

In fact, between 2008 and 2019, traffic has increased by more than 29% while ATM costs remained steady, indicating that the current ATM cost structure has already exploited all possible efficiency-gains while maintaining high levels of safety. Due to the Performance and Charging Scheme Regulation, the European ATM system is now infrastructural and not scalable through the observed traffic downturn of 2020 and 2021.

In this regard, European ANSPs have already made an extraordinary effort to provide safe infrastructural services to the European Aviation Ecosystem and imposing further cost reduction will hamper the pivotal goal of ATM as it is defined by the very same European Commission.

3. The decisions you are asked to make now will have an effect not only in the near future but in the medium-term too. The planning of resources, both Human and technological, that Air Navigation Service Providers undertake have a longer time horizon than a "5-year Reference Period". Reducing the financial revenues will impact on the availability of ATM services for a longer period, recreating what happened in the recent past with a "Capacity crunch" caused by the combined lack of ATM Professionals and outdated technologies.

4. The behaviour displayed by the European Commission in drafting a proposition that was strongly rejected by the Member States is clear evidence that they are neither pursuing the European Citizens' interests nor the Member States'. ATCEUC urges you to observe and to try to rationalise the European Commission's behaviour: in the informal SSC meeting held on 16th April, less restrictive cost-efficiency targets than the ones now up to vote in the Appeal Committee were rejected. For Recital 26 the European Commission suggested values from 94% to 97% between 2020/2021 and 2024 and those were rejected by the Member States representatives.



Now the European Commission proposes to the Appeal Committee values between 93% to 95% when those have already been rejected in the SSC 78, prior to the informal meeting, held in March 2021. Let us be clear: **The values on the table now are harsher to the ANSPs and to the Member States than those that were under scrutiny in the final stages of SSC 78 and the informal meeting held on 16th April.**

We remind you that, in accordance with international legislation Member States are each individually responsible for the provision of ATS services and they will be asked to explain any failure in fully providing them when the traffic returns to Pre-Covid levels. Voting for greater cost-cutting now may damage Member State's international reputations in the future.

5. During the SSC 78 InterFAB (the coordination group among the nine European Functional Airspace Blocks) delivered a presentation which addressed the many misconceptions around the ATM cost and revenue structure. These misconceptions are deeply rooted in the European Commissions' mindset towards the ATM sector and are translated into their proposals for the RP3 target setting. **ATCEUC urges you to not make that same mistake: ANSPs do not have profit or "economic surplus" as suggested by the PRB who invented the term.** Any difference between cumulated costs and actual costs (as stated by the European Commission in Recital 25) has already been foreseen in the Performance and Charging Scheme Regulation. It would be wrong to use that rationale as an excuse to impose further cost cutting in the non-profitable ATM sector as stated in Recital 25.

Please consider the above points carefully, ATCEUC respectfully asks you to uphold the results of the SSC meeting held on 24 March 2021 and to reject the Draft "Commission Implementing Decision setting revised Union-wide performance targets for the air traffic management network for the third reference period (2020-2024) and repealing Implementing Decision (EU) 2019/903".

ATCEUC President
Volker Dick

Air Traffic Controllers European Unions Coordination (ATCEUC) was created in 1989 and is currently composed of 32 professional and autonomous trade unions representing more than 14000 Air Traffic Controllers (ATCOs) and Air Traffic Safety Electronics Personnel (ATSEPs) throughout Europe. ATCEUC is part of the "European Union Sectoral Social Dialogue - Civil Aviation" in the air traffic management field and it is recognised as a full member of the ICB. ATCEUC with its experts participates in every work group where the voice of its Members can and have to be expressed: SESAR JU, TSG, EGHD, EASA STeB, EASC, ASPReT, ATM Partners and other workshops or programmes within the framework of EUROCONTROL and the European Commission.