



"[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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OPEN LETTER TO THE EUROPEAN AVIATION INSTITUTIONS

Brussels, 4 March 2022

The dramatic events linked to the war in Ukraine are having a strong impact on the European and worldwide aviation ecosystem, in addition to the destruction and the loss of human lives.

The number of flights, the availability of airspace and the air traffic pattern itself are now completely different from any forecast done in the recent past. Those changes affect not only the countries bordering the warzone but the whole of European airspace.

While we support any initiative led by the European institutions to end the war, we have to highlight that despite the stress the ATM System is experiencing, ATM Services continue to be regularly provided to all aircraft.

As during the outbreak of the COVID-19 pandemic, it is again urgent to issue a Legislative Act that considers the war in Ukraine as a typical case of "Force Majeure" that inevitably leads to the suspension or radical amendment of the Performance Plans approved in the context of RP3, to ensure that affected ANSPs maintain the financial basis necessary to continue to provide their services safely and efficiently. The role of ATM Services will be once again fundamental in allowing a safe and quick recovery of the Ukraine and Eastern European Countries as soon as the war ends.

Some ANSPs barely managed to survive the impact of COVID-19 and all were affected. The war in Ukraine will stress even further their endurance and we must act collectively now to support them as a critical European infrastructure.

ATCEUC calls on you to act immediately to ensure the necessary financing of the European ANSPs and to consider the consequences for the future role of ATM this war in the Ukraine will be having.

ATCEUC remains at your disposal to support you in any way you may deem necessary.

Your sincerely,

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