



Brussels, October 22, 2013

Statement of ATCEUC, CANSO and ETF
on the Commission proposal on the SES II+ package

1. General views

The European Social Partners – ESP – (CANSO, ATCEUC and ETF) support the aspiration of the Single European Sky (SES). However, there are different expectations with regards to the ultimate SES goal. This situation creates frustrations. A stable, shared vision, common to all stakeholders and political decision makers is necessary for a successful implementation of the SES.

The ESP see a high level risk of micromanagement at Commission/central level through the current SES II + proposal which cannot sufficiently satisfy different local needs. There is currently too much regulation. The aim shall be to reduce regulation through harmonisation and better /more effective regulations while clarifying the overall institutional framework in Europe. It is important to note that some time is needed to implement the SES II package in a more harmonised way.

Safety is paramount and should never be compromised for any services.

2. Performance scheme

The ESP recognise that the monopoly services provided by ANSPs require appropriate regulation. Such regulation needs to be built on a set of common European rules, implemented by the NSAs taking into account the local framework and requirements.

The changes proposed by the Commission lead to an imbalance. The modification proposed in Article 11 of the SESII + Package does not recommend a balanced approach and is not supported by the ESP. The Member States need to keep a decisive role in the adoption of the EU-wide and local targets. They have a major role in reconciling the wider EU perspective with the different local specificities.

For the ESP, the EU regulation defines the objectives, leaving the Member States to decide on the means to achieve them. They call for a better regulation, which means that:

- The Safety KPA should be developed at the same maturity level as other KPAs with the development of effective leading and lagging indicators that drive safety improvement within the industry
- Interdependency between the different KPAs should be taken into account.

The ESP remind that consultation of all stakeholders, including Social Partners, for adoption of the local performance plan is already included in the SES II regulation and needs to be effectively implemented in Europe.

3. Provision of support services

The possibility to separate the provision of some support services from the ATS provision has been in place since 2009 with the SES II package. ANSPs are well placed to make the appropriate decision on the best way to provide CNS, MET, training and AIS services (doing them in-house or outsourcing them) in consideration of the local circumstances. These services are closely linked to safety, the business case needs to include a safety case analysis. The ANSPs should keep the freedom to decide on how to organise their services. The ESP do not support the mandatory unbundling of support services as proposed in Article 10 of the SESII+ package.

In addition, this could have negative social consequence and create further social tensions.

4. Centralised services

The ESP support, in principle, the concept of centralised services but see the need to fully and transparently involve key stakeholders in the further development of the concept prior to any decision taking. Among the key topics which still need to be addressed, the ESP highlights the following:

- further analysis of the services
- investigation of different models for these centralized services
- robust CBA
- full impact assessment about the provision of the services centralized vs. decentralized,
- social impact assessment
- provision of a safety case for each of the proposed services,
- definition of the governance structures,
- funding and financing models.

Despite all activities and workshops no real progress can be observed in those key areas.

5. Relations with stakeholders

Consultation processes with airspace users have been introduced through SES tools. The ESP can support reinforced consultation mechanisms but investment plan decisions must remain with ANSPs.

Consultation with stakeholders should also include an effective social dialogue, which is not mentioned in Article 19. The Commission must work constructively with the social partners and should strengthen the consultation mechanism of the SES social expert group and the social dialogue committee.

6. FABs

The ESP welcome the recognition of other industrial partnerships, emphasizing the operational dimension of FABs, to further promote tools of cooperation thus helping in delivering ATM performance improvements.

The regulatory efforts of the European Commission should focus on creating the legal and institutional conditions of cooperation between ANSPs, and on the abolition of barriers which hinder cooperation. Therefore the ESP consider that the additional requirement to establish and implement FABs based on the "integrated provision of air traffic services" in Article 16, creates confusion and ambiguity on the FAB concept. As already agreed ESP support the bottom up approach for the setting up of the FABs.

7. Network Manager (NM)

The ESP support the extension of the role of the Network Manager to those services relating directly to network operations and also the evolution on the management of the network with a strengthened role for the industry. The reference to delegated acts with regards to NM tasks needs to be further defined and clarified.

These services shall be executed in an impartial and cost-effective manner and performed on behalf of Member States and stakeholders.

8. NSAs

The ESP support the need for strong, competent and adequately resourced NSAs to ensure the harmonised and successful implementation of SES. The ESP also support the cooperation of NSAs and the set up of processes that can support NSAs in performing their tasks.

Following the SES1 regulation, there is a mandatory separation between supervisory and service provision sides at functional level. The new wording will impose a structural separation. The ESP have jointly identified that it will be an issue in some member States.

9. Fifth pillar (The Human Factor)

In order to support a successful development of the four SES pillars (Performance, Safety, Technical innovation, Airport), the ESP requests that the Commission recognises formally the importance of the 5th pillar (The Human Factor) as the overriding enabler for change and consequently dedicate appropriate means to jointly find solutions together with the Social Partners.

10. European Aviation Regulatory Framework

The ESP support removing the regulatory overlaps and inefficiencies between the SES and EASA frameworks, also calling for a strong involvement and consideration of the ESP in the future regulatory activities.

The transfer of both interoperability and airspace elements will broaden the EASA role. However, EASA needs to adapt to deal with its wider scope. Changing its way of proceeding, consulting and strengthening the ATM staff expertise are essential prerequisites.

Conclusion

- The ESP are committed to improve the overall ATM system in the light of the current SES regulation. Some time is needed to implement the SES2 package in a more harmonised way. The SES high level goals as described in the ATM master plan are aspirational goals, visions.
- The Safety KPA should be developed at the same maturity level as other KPAs with the development of effective leading and lagging indicators
- The Member States need to keep a decisive role in the adoption of the EU-wide and local targets. They have a major role in reconciling the wider EU perspective with the different local specificities. The current framework is considered as appropriate to achieve performance improvements.
- The current SES 2+ proposal on the mandatory unbundling of support services is a not solution which enables addressing local and specific needs. Safety could be put at risk if the provision of supports services is not done appropriately, following a proper safety analysis. In any cases, safety is paramount and should never be compromised for any services.
- The consultation processes must integrate the ESP contribution
- For the ESP, the SES is only achievable through a shared vision, a common understanding and a good cooperation between all the stakeholders and in a close collaboration.