

# **Wise Persons Group Report on the future of the Single European Sky: Views of the FABEC States – Contribution to the discussions on the future of Single European Sky**

## **1 Introduction**

The report of the Wise Persons Group (WPG) has presented a number of recommendations on the future of the Single European Sky (SES). The civil and military aviation authorities of the States of the Functional Airspace Block Europe Central (FABEC) recognize the importance of SES and acknowledge the current and future challenges of the European ATM system, such as the evolution of traffic demand linked with airspace capacity constraints, the emerging of novel, possibly disruptive technologies and new entrants such as unmanned air vehicles or higher airspace operations.

The FABEC States welcome the WPG report as a valuable contribution to the urgently needed discussion on the future of SES and the challenges of the European ATM system. Operating at the core area of European airspace the FABEC States express their willingness to actively engage in this discussion. Underlining the importance of active involvement of all stakeholders the FABEC States welcome the high-level conference on 12 September in Brussels, organized by Finland's Presidency of the Council and the Commission, and acknowledge the benefit of the initiative to come to a joint ATM stakeholders declaration.

As a contribution to the discussions on the future of SES, the FABEC States would like to take the opportunity to express their views on the recommendations of the WPG report. It can be assumed that these recommendations – if implemented – will have an impact on the Member States and their ANSPs, on the future functioning of FABEC as a core part of the European airspace, and therefore more fundamentally, on how the European ATM system will be organized and managed in the future.

Recognizing that formal processes govern the adoption of official EU Council positions, but that no such position was called for so far, the FABEC States, invited at the SES high level conference, wish to share their views, without committing themselves to future regulatory and other solutions before any technical discussions with States and a formal consultation thereafter will have taken place. The FABEC States offer their support to Finland's Council Presidency to initiate a policy debate amongst the EU Member States, Norway and Switzerland on the future of SES.



## 2 Views on the recommendations

Generally, the FABEC Member States authorities fully support the general vision for an European ATM system in 2035 that should:

- focus on the different and diverse customer needs for aviation services and environmental goals, whilst preserving national and collective defense capabilities,
- be safe, secure, seamless, scalable and resilient, building inter alia on the development and deployment of digital ATM services for civil and military airspace users and passengers in support of reaching those goals.

In the following, comments are structured along the recommendations of the WPG report, in their order of appearance.

### Recommendation 1<sup>1</sup> and 2<sup>2</sup>

The FABEC Member States acknowledge the growing importance of the Network Manager in supporting the ATM network and a network-centric approach. With the recently revised Network Functions Implementing Regulation 2019/123, the NM roles and tasks have been developed and strengthened. Recommendations 1 and 2 foresee a further extension and concentration of the existing tasks and responsibilities, with the NM acting as an Airspace Manager, a Capacity Manager and an Infrastructure Manager, being endowed with executive powers for all functions. These executive decisions could have wide-reaching consequences, not only on the airspace of a Member State (its organization, capacity, traffic flows, affecting security and defense actions), but also on its infrastructure (CNS, planning and operation of airport infrastructure with a local impact).

On the recommendation to attribute a more central role to the NM and its governing body, the Network Management Body (NMB), FABEC Member States are of the opinion that the role of the Member States should be considered adequately in a further evolved SES system, as they are owners of their airspace and therefore have clearly defined roles, responsibilities and accountabilities. According to the ICAO Chicago Convention, specifically pursuant to article 1 and 28 thereof, Member States have complete and exclusive sovereignty over their airspace, which implies that they need to be in a position to exercise the ultimate decision making powers within their airspace, in order to safeguard public order, public security and defense matters. This is also recognized by the current SES framework regulation especially Commission Regulation 2005/2150 and taken into consideration in Implementing Regulation 2019/123.

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<sup>1</sup> *Confirm and strengthen EUROCONTROL's Network Manager role by providing with the necessary executive powers to manage the ATM network, including by managing European capacity and infrastructure based on standardised technology, while ensuring clear division of responsibility between the Network Manager and ANSPs.*

<sup>2</sup> *Fully integrate airports into the network on the basis of linking the Network Operations Plan and Airport Operations Plans, using the extensive Collaborative Decision Making.*

Careful consideration should be given on whether “executive” powers would be entrusted to the NM and how the NMB as its governing body should be constituted. If the role of the NM is to be increased, regulatory or institutional solutions or mechanisms need to be found in order to involve Member States, so they are in a position to exercise their international and national responsibilities and to safeguard their strategic interests with regard to capacity, military mission effectiveness, airspace and infrastructure decisions.

### **Recommendation 3<sup>3</sup>**

The FABEC Member States authorities recognize the potential of digitalization, automation and virtualization as a means for transforming and modernizing ATM.

With regard to the implementation of a "Digital European Sky" the report suggests that the FABs should no longer be mandatory, particularly in view of the fact that other forms of industrial cooperation and partnership between ANSPs have successfully evolved. In this respect, the FABEC Member States would like to express that the added value of FABS should not be underestimated and that cooperation between neighboring countries is benefitting the network.

FABEC has proven to be an important enabler for a strengthened cooperation between its Member States, NSAs and ANSPs, without preventing cross-FAB cooperation. Their ANSPs (civil and military), by enhancing their working relations, make considerable efforts to develop and manage a portfolio of activities that contribute to achieving an optimized performance in the areas relating to safety, environment sustainability, capacity, military mission effectiveness and flight efficiency. Equally, Member States (both from the civil and military side) and ANSPs successfully work together when it comes to developing and implementing the on-going and planned initiatives, such as the enhanced NM measures for summer 2019. Furthermore, many measures proposed by the Airspace Architecture Study, such as an optimised airspace organisation, airspace re-configuration, cross-border Free Route Airspace or dynamic sectorisation are best organized by neighbouring ANSPs/Member States, possibly within the existing structures of a FAB.

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<sup>3</sup> *Implement a Digital European Sky based on an agreed roadmap building on the recommendations described in the Airspace Architecture Study, managed by the Infrastructure Manager, ensuring resilience of the system.*

**Recommendation 4<sup>4</sup>**

FABEC Member States understand that ATM data service providers (ADSPs) eventually will provide new business opportunities through the creation of a more dynamically distributed system of ATS data provision. However, the evidence that ADSP should be organized under market conditions will need to be assessed carefully when defining a respective future framework. As a matter of principle, while the exchange of data is fully supported, a separation of ANSPs and ADSPs should not be made mandatory as the business models and the cooperation between ANSPs and ADSPs could differ according to needs and the operational environment (i.e. a limited number of ANSPs providing/sharing ATS data among themselves). In any concept, several (regulatory) issues will need to be addressed appropriately, such as the ownership, quality, availability, reliability, continuity, security, and the integrity of data and the sensors providing it, the management, and safeguards of military (sensitive) data and the financial arrangements for data provision. This said, whoever would be the data provider, a permanent and free access to all data shall be guaranteed for military in order to ensure surveillance and security of national airspace.

**Recommendation 5<sup>5</sup>**

The principle that public funds are best used when indispensable and where they bring most added value is supported. Nevertheless, this generic statement should also encompass the needs of specific stakeholder categories (e.g. General Aviation or the military) for funding in case of investments in technology or systems that benefit to most of the civil aviation, but have a negative business case for those stakeholders.

**Recommendation 6<sup>6</sup>**

A further evolution of ATCO licensing rules is supported, also in terms of the development of European training standards, including when novel concepts such as ATCOs becoming ATM system managers become of age, and when a more digital and automated ATM environment allow for less sector centric operations respectively for ATCOs to provide services outside their sector.

The high-level roadmap indicates for Recommendation 6 (annexed to the WPG report) a close cooperation of ANSPs (civil and military), EASA and EDA, however does not foresee a role for EUROCONTROL as currently the major pan-European organization for

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<sup>4</sup> Create a new market for ATM data service providers as recommended by the Airspace Architecture Study

<sup>5</sup> Use the performance and charging scheme to support the digitalisation of air traffic services, and public funding to support deployment only where necessary from a network perspective.

<sup>6</sup> Facilitate the transition towards the Digital European Sky by reviewing current licencing and training requirements for ATCOs, with full involvement of staff representatives.

ensuring/fostering civil-military coordination. The FABEC Member States therefore call upon the European Commission and EASA to implement close coordination between EDA and EUROCONTROL, reflecting the current institutional framework, not least in view of the role of EUROCONTROL in civil-military coordination.

### **Recommendation 7<sup>7</sup>**

While the FABEC Member States would welcome a less complex, respectively a more simplified economic regulation (performance and charging regulations at Implementing Rule level), such a simplification cannot imply that the role of Member States would be diminished or curtailed (see also comment on Recommendation 8). With regard to a possible future revision of the performance and charging scheme care should be given to identify the areas that would benefit from a decreased complexity, whilst fully recognizing the so far insufficiently accounted interdependencies between the key performance areas and allowing for the necessary flexibility for specific local circumstances. Any application of a market-driven approach should be justified in advance by demonstrating a positive impact with regard to performance.

### **Recommendation 8<sup>8</sup>**

The FABEC States authorities at this moment are concerned about the recommendation on establishing a body being “the European economic regulator”. As the economic regulation stands today, there is a balanced approach in terms of the roles and responsibilities between Member States on the one hand and the European Commission (including the supporting PRB) on the other hand when applying the performance and charging scheme.

Recommendation 8 suggests that controls and powers would be transferred to the European economic regulator, which would carry out a vast number of tasks, from elaborating new legislative proposals to adopting decisions (or decision proposals) on the performance (plans). While the FABEC States acknowledge that the advisory role to the Commission held by the PRB today still could be further supported by additional expertise, they express reservations at extending the EASA role to the degree considered in the report and beyond the limits currently set by the EASA basic legislation.

The Member States and their NSAs should keep their current role in elaborating the performance plans and related targets, being best placed to know in detail the local circumstances, including requirements and constraints of the ANSPs operating in their territory, and setting the subsequent unit rates yearly.

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<sup>7</sup> *Simplify and strengthen economic regulation, while relying on a market-driven approach wherever possible.*

<sup>8</sup> *Establish a strong, independent and technically competent economic regulator at European level.*

For the time being the SES environment, including national circumstances is not yet mature to a level where one could get closer to the idea of a European Economic Regulator.

### **Recommendation 9<sup>9</sup>**

The FABEC States in principle support the objective of enabling a seamless European en-route (upper) airspace from the perspective of the airspace users by means of a progressive implementation of technological and operational solutions, as described in the recently published Airspace Architecture Study. There is still great potential of optimizing airspace organisation and enhancing cross-border operations, which includes cross-FIR free route airspace and airspace re-configurations, supported by progressively higher levels of digitalisation and common ATM data services to deliver seamless air traffic services. Therefore, the FABEC States are committed to contribute to the progressive transition of the Airspace Architecture towards the so-called resilient and interoperable Single European Airspace System.

While a common route charge may have a positive impact on the behaviour of airspace users in terms of choosing their flight routes, it would imply a fundamental change in the current charging scheme. This idea requires a prior in-depth analysis of all the economic and practical impacts. Inter alia, the combined complexity of administering the common route charge and of impacts on the lower airspace en-route charges does not seem to correspond with the advocated simplification of the current system.

A common route charge also implies a strong economic interdependency that would have to lead to fundamental changes with likely far-reaching financial consequences on a local level. It would lead to a commonly managed determination of ANSPs' cost-efficiency. The FABEC States have reservations against such strong economic interdependencies between the different ANSPs (see comments to Recommendation 8) and believe that Member States continuously and individually have to play a central role when setting the determined costs of the charges of their ANSPs.

### **Recommendation 10<sup>10</sup>**

The FABEC States acknowledge that a market-based provision of tower services already became a reality in a few Member States. This being said, the statement in the considerations of Recommendation 10 that more market mechanisms necessarily improve efficiency to the provision of ATM services requires further evidence. More important, the issue of organizing the tower service provision should remain a national choice.

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<sup>9</sup> *Establish a Seamless European (Upper) Airspace System including a common route charge.*

<sup>10</sup> *Encourage airport to procure tower services through competitive tender or contract, where operationally feasible and positively impacting user.*