



*"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).*

*Aix en Provence, Friday 29<sup>th</sup> August 2008*

## **SES II Sanctions European Sky II**

*Member States out of the loop. Providers under European Commission control.  
Financial sanctions as the ultimate tool.*

### **Air Traffic Controllers ignored again!**

ATCEUC is revolted by the attitude of the European Commission (EC). After a good start, and what looked like a useful preliminary meeting, the majority of European controllers who are represented by ATCEUC, to whom the EC did not even find useful to send its communication, have been completely excluded from any official consultation to the SES II.

### **Intolerable!**

This communication is so far from what we expected after the coordination meeting held in April that we have to comment on some unacceptable statements of this document.

### **Performance at all costs**

The introduction of a performance regulation as envisaged by the regulation will be detrimental to safety. The HLG recommended incentives to drive performance, deliberately omitting penalties.

A system setting incentives and penalties to drive performance and to stick to the optimal trajectory will lead to a race for results rather than for safety. Economic incentives in ATM are dangerous. If considered at all they must be global, and cover safety issues as well.

### **Flexible Management of resource? Politicians' language for Social Dumping**

The "more flexible management of resources" in this communication tends to promote a social dumping that cannot be accepted. We will not accept decisions based on dubious justification just to serve political interests or other lobbies connected with the airline industry. Therefore, any reallocation or flexibility of resources that might be envisaged for the future will only come true if all social aspects are fully considered.

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### **Air Traffic Controllers (ATCOs): the key players, disliked and side-lined!**

ATCEUC is disgusted by the tone employed in this communication to describe what is presented as shortcomings in their professional activity: ATCOs do not keep aircraft on their tracks for pleasure; much to the contrary, every day, all over Europe, controllers do their best to safely shorten the routes of the traffic they control. It is part of their job.

In the foreseeable future, this might be enhanced by new route structures through the real implementation of Functional Airspace Blocks (FAB) developed in cooperation with operational staff, but also by a strong will from the military side to cooperate and really increase the flexible use of airspace. Procedural harmonization and system interoperability will be among the key words to reach a less fragmented sky.

### **Ignorance and despise**

During the last five years, ATCOs have dramatically increased their efficiency, productivity and reduced their cost. They stayed well in line with the requirements set by the first package of SES while, at the same time, maintaining the highest level of safety. According to the PRR 2007 figures, since 2002 all the states have fulfilled the requested cost decrease of 2% per year, achieving 2.6% in 2006, while safety levels (when measured) increased in every field.

In parallel ATCEUC has worked to ensure that a large number of ATCOs get involved in the work towards a more efficient system through the different FAB initiatives.

The current Commission communication comes as a cruel reminder that no matter our efforts, the EC is neither prone to recognising them nor to encourage them. Much to the contrary: the more we give, the more the EC will try to squeeze out of us.

### **Central Flow Management Unit: Independence at all cost**

The independence of the CFMU must be protected and guaranteed, as it will also be the insurance for a just and efficient system. To turn it into a part of a profit-generating system will jeopardise its role as a safety-critical balancing tool.

### **Delays? ANSPs are not the biggest contributors**

Most of the capacity problems and delays highlighted in this communication are not attributable to ATC. Runway capacity is totally independent from ATC performance and again, we have to remind that the delays caused by the inefficiencies of airlines in operations, boarding and scheduling are generating around 80% of the total amount of delays. Figures that the EC should consider as well, although those figures are usually publicised by lobbyists.

### **ATCOs: they have done their homework**

ATCOs have managed to reduce delays by 2.8 % while traffic grew in the same time (2002-2007) by nearly 23% thanks to a strong personal involvement and the capability to adapt to new situations, thanks to systems assisting them in their routing tasks, and hardly as suggested by opening new sectors.

### **ATM Master Plan as a performance driver**

The trajectory concept at the heart of the ATM master plan is extremely ambitious. Some would even say unrealistic. Yet, it is supposed to help us increase our performance. ATCEUC would like to stress that performance targets can only be met with operational tools, not with sweet dreams.

### **Price capping as the ultimate solution**

Simple and pure promotion of price capping will not enhance cost-effectiveness. The reasons why this is constantly presented as the miracle solution is unclear to ATCEUC. But our members are probably too operations-minded to understand.

Looking at the costs of the only provider under these rules (NATS), one can easily see that they are higher than elsewhere when productivity is not (PRR 2007). But maybe airspace users prefer a structure that generates profits from the charges they pay.

### **The American Dream?**

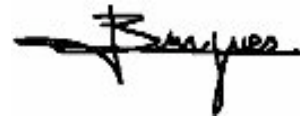
Once again the comparison with the US system is used to give weight to arguments even if it has been proved in the past that in many areas of high-density traffic (core area of Europe) this comparison was not valid and that the US figures were approaching the EU ones or at times higher...

### **Back to reality**

ATCEUC is very disappointed by the outcome of this second package so far, and we urge the commission to get back on the optimum trajectory of real and comprehensive consultation to avoid any back-firing from its over 12.000 controllers running this "ever so inefficient" system.



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