

Analysis of main changes introduced by SES II

Commission's 4 pillars

- **FIRST PILLAR: REGULATING PERFORMANCE**
- **SECOND PILLAR: A SINGLE SAFETY FRAMEWORK**
 - **EASA**
- **THIRD PILLAR: OPENING THE DOOR TO NEW TECHNOLOGIES**
 - **SESAR Master Plan => ATM Master Plan**
- **FOURTH PILLAR: MANAGING CAPACITY ON THE GROUND**
 - **Airports**



Proposal for a
**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

amending :

- **Regulations (EC) No 549/2004 (framework),**
- **(EC) No 550/2004 (service provision),**
- **(EC) No 551/2004 (airspace)**
- **and (EC) No 552/2004 (interoperability)**



Framework regulation

Art 1 : Objectives

Sustainable development & performance improvement
are added to the objectives of SES

Framework regulation

Art 2 : definitions

ATM Master Plan is added to the other definitions

FAB definition is modified : it underlines that establishment of FAB is regardless of existing boundaries and “*where related ancillary functions are optimised and / or integrated*”

Framework regulation

Art 4 : NSA

The Member States may now nominate their NSA jointly or individually.

The new wording reinforces responsibility by the Member States for NSAs to be independent and to have adequate resources



Framework regulation

Art 6 : ICB

ICB competence is no longer limited to “technical aspects”

Framework regulation

Art 8 : Implementing rules (this is the “comitology” procedure via the SSC, decision 1999/468/EC)

It gives a larger margin of maneuver to the Commission to take initiatives leading to “implementing rules”, including without giving mandates to Eurocontrol.

Framework regulation

Art 10 : Consultation of stakeholders

The stakeholder “*airspace users*” is modified into “*all groups of airspace users*”

Good point for us :

“*Consultation of stakeholders shall cover...and will include mechanisms for appropriate involvement of the specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC31*”

Framework regulation

Art 11 : Performance scheme

The Commission takes now in hands (it was previously the PRU/PRC) this task which is more developed than in SES I, but performance data are NOT clearly defined. On which areas will they focus??

Correctives measures such incentives, disincentives, over or under recoveries are envisaged.

It is clearly stated that the PRC may not be the future “*performance review body*”.



Service Provision regulation

Art 2 : Tasks of NSAs

Here again reinforcement of the responsibility by Member States



Service Provision regulation

Art 4 : ESARRs

The Commission has no longer the obligation to transfer ESARRs into the EC legislation but only to include ESARRs “relevant provisions” into the implementing rules.



Service Provision regulation

Art 8 : designation of ANSPs

Member States will no longer have the possibility to refuse to designate “foreign” ANSPs on the grounds of their national legislation.

Service Provision regulation

Art 9a : FABs

This article has been moved from the Airspace regulation to the Service Provision regulation.

Modifications to the old wording of the article include:

- The new objectives set up in Art 1 of the Framework regulation (environment & performance)
- A deadline end of 2012 for establishment of FABs
- Responsibility by Member States to cooperate to ensure compliance with this article

The Commission intends to develop IR (implementing rules) for FABs



Service Provision regulation

Art 14 : charging scheme

The new wording insists on cost efficiency for provision of service and efficiency of flights.

Service Provision regulation

Art 15 : charging scheme

It restricts even more cross subsidy between en route services and terminal services.

It gives now the possibility to the Commission to use charges for common projects (such as ATM Master Plan) but also for assisting some airspace users or some ANSPs.



Service Provision regulation

Art 18a : new paragraph

It states that within 4 years the Commission will order a prospective study on the conditions for application of market principles in the CNS, meteo and aeronautical information.



Airspace regulation

Art 2 : division level

This article is deleted, i.e. : FL 285 is no longer the separation between lower and upper airspace.



Airspace regulation

Art 3 : EFIR

As a consequence EUIR is replaced by EFIR (single European Flight Information Region)



Airspace regulation

Art 3a : new article on aeronautical information

The Commission, in cooperation with Eurocontrol, takes in charge availability of electronic aeronautical information.



Airspace regulation

Art 4 : Rules of the air and airspace classification

The Commission will, through implementing rules, incorporate ICAO standards and RP into rules of the air and will harmonize the application of ICAO airspace classification.

Airspace regulation

Art 6 : network management and design

“The ATM network shall allow optimum use of airspace and ensure that airspace users can operate preferred trajectories, whilst allowing maximal access to airspace and air navigation services” ...

“Member States shall entrust Eurocontrol with the performance of air traffic flow management as specified in an I R...”



Interoperability regulation

Art 6a : new article on “alternative verification of compliance”

It implies that a certificate issued in accordance with new regulation 216/2008 is considered as a declaration of conformity.



Interoperability regulation

Art 9 : revision of annexes

The Commission will be able to revise some of the annexes through Implementing rules (SSC)

Some of the annexes are amended to take into consideration the ATM Master Plan.