

# Public consultation in view of a simplification, clarification and modernisation of the Single European Sky legislation (SES II +) and alignment of SES and EASA rules

## Objectives of the consultation

As recalled by the White Paper on transport policy, adopted by the Commission on 28 March 2011, the completion of the Single European Sky (SES) framework on air traffic management (ATM) is one of the key elements for achieving a single European transport area. SES aims to improve the overall efficiency of the way in which European airspace is organised and managed. This includes a decrease in costs, an improvement of safety and capacity and a reduction of the impact on the environment.

The regulatory framework of the four SES regulations is intertwined with the development of the European Aviation Safety legislation, the latter legislation comprising a number of tasks entrusted to the European Aviation Safety Agency (EASA). The two regulatory frameworks need to be developed further in parallel towards a comprehensive and consistent EU aviation system that provides for a competitive, efficient, clear and proportionately regulated environment for the airspace users to operate in.

The development of the SES and EASA rules is based on five interrelated pillars addressing: performance, safety, technology, human factors and airports. The experience gained with the first package of legislation (SES I) which entered into force in 2004 and the second one (SES II) since 2009 has shown that the principles and direction of the SES initiative are valid and warrant a continuation of their implementation. The current regulatory framework has indeed provided a consistent and stable environment supporting the evolution of the ATM sector. However as individual initiatives – such as SESAR or the performance initiatives – are pushing progress further, the basic Regulations require regular technical updates and modernisation to better support the implementation work and to cater for issues stemming from technological and regulatory developments. These updates should in particular address solutions for improving the performance of air navigation services and secondly rectifying where possible and necessary the institutional set-up.

After two rounds of new initiatives, the time has also come for a simplification, to improve the usability of the Regulations and a general alignment of the existing regulations with other recent Regulations to make the SES and EASA rules better adapted for future use. The objective SES 2+ is therefore to promote a speedier implementation of SES clearly building upon already established principles.

The objective of this public consultation is for the Commission to receive stakeholder input in view of the possible simplification, clarification and modernisation of the SES legislation.

### Glossary of abbreviations

AIS: Aeronautical Information Services

ANSP: Air Navigation Service Provider

CNS: Communication, Navigation and Surveillance services

EAA: (possible future) European Aviation Agency

EASA: European Aviation Safety Agency

Eurocontrol: European Organization for Safety of Air Navigation

FAB: Functional Airspace Block  
 ICAO: International Civil Aviation Organization  
 MET: Meteorological services  
 NSA: National Supervisory Authority  
 PRB: Performance Review Body  
 SES: Single European Sky  
 SESAR: SES ATM Research programme

Questions marked with an asterix \* require an answer to be given.

## 1. Respondent Information

### 1.1 Identification

If you are speaking on behalf of an organisation, note that as part of the European Transparency Initiative, organisations are invited to use the register of interest representatives to provide the European Commission and the public at large with information about their objectives, funding and structures ([http://europa.eu/transparency-register/index\\_en.htm](http://europa.eu/transparency-register/index_en.htm)).

If you are a registered organisation, your contribution will be considered as representing the views of your organisation. If your organisation is not registered, your contribution will be considered as an individual contribution. You have the opportunity to register now by clicking on the above link.

1 I speak on behalf of \* (choose one):

	Myself
X	An individual organization
	An association representing other organisations

1.1.2 Can you please identify which organization or association you represent? \*

*Force ouvrière : French union representing all workers, including ATM sector. We represent more than 1600 employees at the French Direction Générale de l'Aviation Civile (DGAC) (17,5% of staff)*

1 Please indicate if your organization is registered in the Transparency Register of the European Commission \*

	Yes
	No

1 Please enter your registration number in the Transparency Register and check the validity of your entry via the search function in the Transparency Register.

Please note that invalid entries will by default be regarded as unregistered.

1.1.5 Your job title

*National Secretary*

1.1.6 Your name and first name \*

*Lenoir Michel*

1.1.7 Please indicate a contact email address? \*

*fosnna@aol.com*

1.1.8 Please select the stakeholder type? \* (choose one)

	Airport Operator
	Airline
	Other civil airspace user
	Military
	Air Navigation Service Provider (ANSP)
	National Supervisory Authority (NSA)
	Ministry
	Trade Union
	Manufacturing Industry
	Internal Organisation
X	Representative and/or professional association
	Other

1.1.9 Which other?

*Max 250 characters*

## 1 Confidentiality

Contributions received to this consultation, together with the identity of the contributor, may be published by the Commission, unless the contributor objects to the publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case, the publication may be published in an anonymous form.

The contributor may also object to the publication of his contribution, but should be aware that he may later be requested to provide justification in accordance with the exceptions provided under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents ([http://ec.europa.eu/transparency/access\\_documents/index\\_en.htm](http://ec.europa.eu/transparency/access_documents/index_en.htm)).

1.2.1 Do you object to the publication of your personal data and/or your contribution? \*  
(choose one)

X	The contribution may be published
	I object to the publication of my personal data (publication in anonymous form)
	I object to the publication of my contribution

## 2. Consultation on SES 2+

### 2.1 Achievement of SES objectives and impact

2.1.1 Please explain which impact the Single European Sky policy initiative has had on you (your organisation)?

*The main impact is a complete change of management: pressure on ATM operations and staff, externalisation and liberal oriented regulations.*

2.1.2 In your view, to which extent are the objectives of the Single European Sky initiative to improve the efficiency in organization and management of the European airspace already achieved? \* (choose one)

	No opinion
	Fully
	Mostly
X	To some extent
	Not at all

2.1.3 Please explain

*The Fabs and SESAR improved technical cooperation and interoperability between ANSPs*

2.1.4 You believe that the objectives of the Single European Sky initiative have not yet been fully achieved. Please indicate and further explain in which policy area(s) in particular the objectives are not met: \* (choose at least one)

	Performance Scheme
	Functional Airspace Blocks
	Organisation and use of airspace
	Charging Scheme
X	SESAR
X	Safety and security requirements
	Network Manager
X	Interoperability
X	Human Factor
	Other

2.1.5 Please specify "other"

Max 100 characters

#### 2.1.6 Comments

*While on paper, the SES provides a 5th pillar, in reality, human factors are not taken into account and social dialogue with staff representatives is absent from the implementation of the SES. Human Factors should be included in the new SES2+ regulation. Furthermore, we are extremely unfavorable to the introduction of market principles within the ATM, to maintain quality of service and safety chain.*

2.1.7 Please indicate, in which policy area of the Single European Sky initiative you consider it necessary that further work is being done: \* (choose at least one)

	Performance Scheme
	Functional Airspace Blocks
	Organisation and use of airspace
	Charging Scheme
	Airports
X	SESAR
X	Safety and security requirements
	Network Manager
X	Interoperability
X	Human Factor
	Other

2.1.8 Please specify "other"

Max 100 characters

#### 2.1.9 Comments

Same as 2.1.6.

Safety is the weakest area of the performance scheme.

Safety area must be reinforce and put at the same level of the other area, to balance the economical pressure with quantitative measurements & metrics indicators for the RP2, followed by metrics target (RP3?)

*The Just Culture has also to be promoted and ETF stress the EC to introduce a legislative initiative to implement JC on mandatory basis.*

2.1.10 In initial discussions with stakeholders some general objectives have been identified that may be addressed in this revision. Please provide your opinion on the relevance of addressing these general objectives for the success of the Single European Sky initiative.

	High relevance	Medium relevance	Low relevance	No opinion
2.1.10.1 Ensure the performance and efficiency of service provision *			X	
2.1.10.2 Ensure the technical modernization of X the ATM system *				
2.1.10.3 Improve the quality of legislation and its implementation *				X
2.1.10.4 Ensure the alignment of various policy initiatives *		X		

#### 2.1.11 Comments

*We need technical solutions to improve the capacity and safety, no introduction of market principles*

2.1.12 Furthermore in the discussion about the general objectives proposed above, some possible specific objectives and further operational objectives for revision of the SES initiative have been raised (See questions 2.1.12 to 2.1.19). Please provide your opinion on the relevance of addressing these specific and operational objectives for the success of the Single European Sky initiative.

In order to drive improved performance and efficacy of service provision, in terms of operational objectives, should we address?

	High relevance	Medium relevance	Low relevance	No opinion
2.1.12.1 Improving the governance of the performance scheme *			X	
2.1.12.2 Improving the functionality of function airspace		X		

blocks and other co-operation arrangements *				
2.1.12.3 Finding new (e.g. market based) tools to motivate better performance *			X	

2.1.13 Comments

*Market tools will create more fragmentation, social problems, and don't fit with safety.*

2.1.14 The need to ensure the technical modernisation of the ATM system requires tackling the specific objective of ensuring the SESAR program is successfully implemented. In terms of operational objectives this could take the form of addressing following areas. What is your assessment of their relevance?

	High relevance	Medium relevance	Low relevance	No opinion
2.1.14.1 Ensuring stakeholder confidence and commitment in the programme *	X			
2.1.14.2 Ensuring the technical rulemaking is optimally supporting SESAR deployment		X		

2.1.15 Comments

*Max 4000 characters*

2.1.16 The need to improve the quality of legislation and its implementation requires tackling the specific objective of clarifying and strengthening the rulemaking system. In terms of operational objectives this could take the form of addressing following issues.

What is your assessment of their relevance?

	High relevance	Medium relevance	Low relevance	No opinion
2.1.16.1 Improvements in			X	

the consistency and focus of new rules through redefined institutional arrangements and planning processes *				
2.1.16.2 Ensuring coherent oversight and enforcement of rules *			X	

### 2.1.17 Comments

*Too many changes of rules and regulations in a few years with creation of fabs, atco licensing, EASA extension field of competency, performance scheme... Managers and staff need a break to assimilate the changes and adapt to new challenges*

2.1.18 The need to ensure the alignment of various policy initiatives requires tackling the specific objective of focusing European ATM rulemaking under a single consistent EU method. In more operational terms this objective could translate into following initiatives.

What is your assessment of their relevance?

	High relevance	Medium relevance	Low relevance	No opinion
2.1.18.1 Clarifying the roles of the various involved organisations *			X	
2.1.18.2 Ensuring their policies are decided through a single planning framework and that they all focus on a single agreed objective *			X	

### 2.1.19 Comments

*The role of the various involved organisations is well known from the stakeholders. No need of new rules.*

2.1.20 Do you think that the current policy objectives of SES could be achieved with less human or financial effort if the activities under SES were organised or regulated in a different way? \* (choose one)

	Yes
X	No
	No opinion

2.1.21 How should efficiency be improved?

*The goals of SES are ambitious. Therefore, it requires significant financial and human resources, both for implementation and for its future operations. Because of the cultural and organisational diversity of the various operational actors of the SES, coordination and cooperation between these actors is the key to success and efficiency in the long term.*

2.1.22 Comments

*Max 4000 characters*

2.1.23 Does the current SES system address your main concerns and needs, or would it be important to add further objectives to the legal framework or adjust the order of priorities? \* (choose one)

	Yes
X	No
	No opinion

2.1.24 Which objectives should be added or changed?

*Performance targets should be modified to be more realistic. Safety objectives must be considered first place BEFORE profitability*

2.1.25 Comments

*Same as 2.1.17*

2.1.26 Do you see scope for further reduction of the administrative burden for small and medium-sized enterprises? \* (choose one)

	Yes
	No
X	No opinion

2.1.27 How could that be achieved?

*If you mean "reduction of the administrative burden" as outsourcing services, defragmentation, and reduction of human resources, the answer is this is a wrong way.*

2.1.28 Comments

Max 4000 characters

2.1.29 During the work to implement SES Regulations, various discussions with the stakeholders have taken place in which the following "problem drivers" have been suggested in the current framework. (See questions 2.1.29 and 2.1.30)  
 Would you agree with the following often suggested "Problem Drivers" related to provision of air navigation services – performance issues in terms of efficiency and quality due to?

	High relevance	Medium relevance	Low relevance	No opinion
2.1.29.1 Current performance targets are not sufficiently ambitious to be of interest to airspace users by offering improved reductions in cost and improvements in capacity *			X	
2.1.29.2 Despite the considerable advances made during SES development, there is still a tendency to support maintaining the status quo in service provision, instead of focusing more on the value-added created for			X	

airspace users *				
<p>2.1.29.3 Increased co-operation to seek synergies between the service providers is needed to bring benefits to airspace users both inside and outside functional airspace blocks (FABs). Working in isolation would keep the service providers from achieving their full potential as a network industry *</p>			X	
<p>2.1.29.4 The completion of the SESAR programme requires considerable investment decisions, which may be difficult to justify to airspace users, airports, ANSP's, militaries and other stakeholders that are facing increasing economic pressures and which may fear that the improvements</p>		X		

delivered by the performance scheme may be to some extent eaten up by the SESAR investments without full clarity on the timescale of return on investment *				
2.1.29.5 Links between the performance scheme, the FABs, the Network Manager and SESAR deployment need to be further reinforced *			X	

2.1.30 Would you agree with the following often suggested "Problem Drivers" related to issues with the institutional setup?

- A: No opinion
- B: Fully
- C: Mostly
- D: To some extent
- E: Not at all

	A	B	C	D	E
2.1.30.1 Due to the current economic crisis, the National Supervisory Authorities (NSAs) do not have the required resources to efficiently				X	

oversee the service providers and enforce SES rules *					
2.1.30.2 To ensure continued quality of the work, EASA's development towards a true single instrument of technical EU aviation regulation and oversight entity should be supported by appropriate rules for financing the necessary works *					X
2.1.30.3 Although good progress on reform has been made, within the limits of the existing Convention, Eurocontrol should use the 2013 rewrite of its Convention to take the reform process Forward. *					X
2.1.30.4 The scope of the					X

EASA System needs to be updated in line with recent technological and regulatory developments *					
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2.1.31 An often heard observation during implementation of SES2 has been that the institutional set-up, with its numerous actors and somewhat overlapping agendas is overtly complex and makes it difficult to proceed with reforms. Would you agree with this statement? (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

2.1.32 Please indicate your views on how it might be simplified

*There is no problem with the institutional set-up. It took time to create the euro as a single currency. It takes time to set up the Fabs, cooperation between states, between ANSPs. It takes time to implement SES regulations. This is not so much the simplification reforms that will guarantee success, but rather the establishment of coherent and realistic objectives for all, and decided with the agreement of staff.*

2.1.33 According to the above mentioned discussions and in the view of some stakeholders, the drivers described above appear to lead to certain core problems and effects in the current situation. (See questions 2.1.33 and 2.1.34)

Please provide your opinion on the relevance and accuracy of the following potential core problems for the success of the Single European Sky initiative.

Core problems and their effects related to provision of air navigation services – performance issues in terms of efficiency and quality due to the fact that:

	High relevance	Medium relevance	Low relevance	No opinion
2.1.33.1 Increasing the competitiveness of the air transport system requires			X	

continuous focus on ensuring that the performance targets remain sufficiently ambitious *				
2.1.33.2 Optimisation of service provision requires an increased focus on value added for airspace users and an increased willingness to flexibly change old business models *			X	
2.1.33.3 The FABs should be increasingly focused on functionality and flexible search for synergies, instead of rigid structures to ensure new efficiencies and economies can be realised *			X	
2.1.33.4 The often heard observation that issues with SESAR funding have led to a first mover disadvantage for airlines and ANSP's, with the effect that each party is tempted to postpone		X		

investment decisions and becomes reluctant to commit to binding timelines in SESAR may result on a slow-down of this crucial project *				
2.1.33.5 Whilst the individual initiatives on the performance scheme, the FABs, the Network Manager and SESAR deployment each are producing benefits, they could be further enhanced by linking them more closely together *			X	

2.1.34 Core problems and their effects related to issues with the institutional setup

	High relevance	Medium relevance	Low relevance	No opinion
2.1.34.1 The economic crisis has led to persistent resource problems in the National Supervisory Authorities (NSAs), which in turn has caused problems with		X		

ensuring sufficient oversight and sometimes even incomplete and inconsistent implementation of the various SES rules *				
2.1.34.2 Need for a better use of resources for EASAs drafting and oversight functions, linked to the absence of a single body for technical ATM regulation in the EU.*				X
2.1.34.3 Historical development has led to a multiplication of institutional structures at European level, with the effect that stakeholders are often unsure of which developments to follow. This also makes it more difficult for organisations such as EASA and Eurocontrol to fulfill their true potential by focusing on their respective strengths *			X	
2.1.34.4 We need to strive towards a more		X		

cohesive and user-friendly set of regulatory material, while making effective use of the know-how and competence of all organisations active in European ATM *				
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## 2.2 Policy Options

### 2.2.1 Alignment of SES and EASEA Rules and the creation of a European Aviation Agency (EAA)

2.2.1.1 Article 65a of Regulation 216/2008 calls on the Commission to address the overlap between the SES legislation and EASA legislation, in particular to ensure full alignment of the two frameworks.

Should this area be addressed through a single policy framework, as in other areas of aviation (e.g. licensing or air operations) to ensure a single globally applied approach? \* (choose one)

	Yes
X	No
	No opinion

2.2.1.2 How should the governance be designed so as to:

- (a) Deliver best public interest and network benefits;
- (b) Properly involve industry stakeholders; and
- (c) Effectively manage different conflicts of interests?

*ATM services are under the responsibility of the States. Airlines and other industry stakeholders must not be involved in governance as this can lead to conflicts of interest incompatible with the guarantee of equal treatment between users.*

2.2.1.3 To which extent do you agree that it would be beneficial to ensure a more harmonised and co-ordinated approach in Air Traffic Management, covering both safety and interoperability, in particular with a view to the impending wave of technological innovations stemming from the SESAR initiative? \* (choose one)

X	No opinion
	Fully
	Mostly

	To some extent
	Not at all

#### 2.2.1.4 Comments

*Max 4000 characters*

2.2.1.5 An additional area raised is compliance monitoring and the need for more consistent and proportionate treatment across the different regulations. One possibility would be to move towards a more comprehensive technical "European Aviation Agency (EAA)" that would be able to oversee the entire technical aviation chain from airworthiness to air traffic management.

To which extent do you agree that the move towards a European Aviation Agency (EAA) could help in achieving the objectives of the Single European Sky initiative and the specific need to streamline and make more proportionate and balanced the application of aviation legislation in the EU? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

#### 2.2.1.6 Comments

*We don't know yet the field of competency of this new agency. For us, the Single Sky Committee represents the States and has a role to play in the SES process, in a quite democratic way. We don't agree with the idea to replace it by the EAA, in any case.*

2.2.1.5 Do you believe it should be a totally new entity, or should it be built on the existing foundation in EASA? \* (choose one)

	EASA
	New entity
X	No opinion

### 2.2.2 *Strengthening NSAs and improving ANSP governance*

2.2.2.1 Should we also look to strengthen the role and independence of the National Supervisory Authorities (NSAs)? Taking into account current budgetary issues, one way would be to improve co-operation between the NSAs, perhaps going to the European Aviation Agency (EAA) for overall co-ordinating and support role.

To which extent do you agree with this proposal? \* (choose one)

	No opinion
	Fully
	Mostly
X	To some extent
	Not at all

2.2.2.1 Comments

*Each State, via the NSA, must dedicate necessary resources for its public service obligation. We do not support an agency that would take over their role, except for cooperation between States and not with a view to address the lack of one or another*

2.2.2.3 An alternative solution could be to also task other organisations to support the NSAs through the provision of technical expertise and advice.

To which extent do you agree with this proposal? \* (choose one)

	No opinion
	Fully
X	Mostly
	To some extent
	Not at all

2.2.2.4 Comments

*The ANSP has the expertise to support the NSA*

2.2.2.5 Similarly, given that NSAs often have different interpretations of what constitutes compliance (e.g. on interoperability oversight), with consequences for a lack of coherence in compliance regimes between States, should the EU legislate to ensure that regulatory approval e.g. for new technology does not entail unnecessary duplicative checks elsewhere?

To which extent do you agree with this observation and proposal? \* (choose one)

X	No opinion
	Fully
	Mostly
	To some extent
	Not at all

2.2.2.6 Comments

*Max 4000 characters*

2.2.2.7 Should the EU require that all airspace user groups are to be involved in ANSP governance, in order to ensure focus on stakeholder value? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

#### 2.2.2.8 Comments

*This is a casus belli for us. Airlines and other industry stakeholders must not be involved in governance as this can lead to conflicts of interests incompatible with the guarantee of equal treatment between users.*

2.2.2.9 Should an ANSP be required to have governance structures that would allow for joint ventures or other forms of collaborative working? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

#### 2.2.2.10 Comments

*This is another casus belli for us. The Fab initiative is now on a pro-active and collaborative way. No need for further step.*

2.2.2.11 Should business plans of ANSPs be defined for a time period corresponding with the SES performance scheme reference periods (e.g. for the years 2015 to 2019), after consultation of stakeholders and made public on the basis of common provisions under EU law in order to increase transparency and accountability, in particular with regard to the consistency of the business plan with the deployment of the SESAR programme and the SES Performance Scheme? \* (choose one)

	No opinion
	Fully
	Mostly
X	To some extent
	Not at all

#### 2.2.2.12 Comments

### ***2.2.3 Improving the Network Manager governance and adjusting its role***

2.2.3.1 Should airspace users be given a strategic management role in the Network Manager e.g. on network co-ordination, planning and allocation? Or should their role remain at a purely consultative level? \* (choose one)

	No opinion
	Fully involved in strategic management role
	In a largely strategic role
	Some enlargement towards a strategic role, but mainly consultative level
X	Prefer current situation

2.2.3.2 Comments

*Airlines are consulted in many bodies concerning the ATM area, including the Network Manager. We'll not agree more than that (see2218).*

2.2.3.3 Should the functions of the Network Manager be beefed up to ensure it has sufficient overall level of impact on network operations? \* (choose one)

X	No opinion
	Fully
	Mostly
	To some extent
	Not at all

2.2.3.4 How?

*Max 4000 characters*

2.2.3.5 Comments

*Max 4000 characters*

2.2.3.6 Do you believe that a stronger involvement of a reformed Eurocontrol in SESAR deployment – on the basis of its network level picture of various local and regional development needs and changes - would be advantageous to achieving a timely and co-ordinated execution of SESAR plans? \* (choose one)

X	No opinion
	Fully
	Mostly
	To some extent
	Not at all

2.2.3.7 Comments

Max 4000 characters

## 2.2.4 A new set-up for the Performance Review Body (PRB) and strengthening of the SES Performance Scheme

2.2.4.1 The Performance Review Body (PRB) is central to the success of the performance scheme as its recommendations have a major impact on both the targets and the assessment of whether the targets have been achieved. Do you believe it should be given a more independent role than today? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

### 2.2.4.2 Comments

*We consider that the PRB has today a very powerful role concerning the definition of the performance scheme and the set up of the EU targets.*

2.2.4.3 Early experience has shown that a robust target setting and incentivisation process is vital to the success of the performance scheme. Currently, targets are set through a long process of iteration taking easily over 18 months.

To which extent do you agree with the views expressed by some stakeholders that the timescale of the current target setting process is problematic for implementation of the scheme? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

### 2.2.4.4 Comments

*We don't agree with the fact that "Early experience has shown that a robust target setting and incentivisation process is vital to the success of the performance scheme"  
This question is really too much oriented in a liberal point of view.*

## 2.2.5 Revitalisation of the FAB initiatives

For example in the SES implementation report by the Commission (COM(2011)731) it is observed that "it appears that the implementation of FABs is not proceeding as fast as it

should" and in various informal discussion with stakeholders, it has been highlighted that some Functional Airspace Blocks (FAB) initiatives are currently suffering from a lack of direction and implementation drive.

Early experience has shown that a robust target setting and incentivisation process is vital to the success of the performance scheme. Currently, targets are set through a long process of iteration taking easily over 18 months.

2.2.5.1 To which extent do you agree that a clearer and simpler performance oriented set of criteria for FABs should be introduced, together with a simpler and more efficient enforcement mechanism, in order to revitalise the FAB initiative? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

2.2.5.2 Comments

*No need for another one more plan. It's a hard way to implement a FAB, especially if it is built with more than 3 or 4 countries. Let's give some time to implement it. . It is not correct to say that ANSPs and ATM staff don't do the necessary efforts to achieve the FAB targets.*

2.2.5.3 In order to revitalise the FAB initiative it has been further discussed to allow for more industry led cooperation at service provider level through different forms like flexible alliances and cross-border mergers.

To which extent do you agree with this proposal? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

2.2.5.4 Comments

*The cooperation between Ansps already exists. It's a reality. No need for any extent.*

**2.2.6 SES territorial applicability**

Today the applicability of the Single European Sky legislation over high seas differs somewhat between the various Regulations and regions. This may cause some lack of continuity and suboptimal predictability in operations.

2.2.6.1 To which extent do you agree with the proposal to extend selected parts of the SES legislation also to the parts of ICAO North Atlantic (NAT) region that are under the responsibility of SES States, in order to bring the application of SES under the same principles there, as is already the case in the High seas located ICAO European and African regions and under the responsibility of EU Member States? \* (choose one)

	No opinion
	Fully
	Mostly
X	To some extent
	Not at all

2.2.6.2 Comments

*This is under the responsibility of the States*

**2.2.7 Revising the charging scheme to support performance of service provision**

Today, the link between charges and desired policy objectives is relatively weak and hence the Commission services have considered strengthening this link by creating financial incentives for a more efficient use of the available infrastructure as well as to incentivise investment in SESAR on-board equipment by the airspace users. The airspace users would thus derive a financial benefit from avoiding congested pieces of airspace and/or investing in equipment that helps resolve those problems.

2.2.7.1 To which extent do you agree that the introduction of "congestion charging" could help overcome capacity problems and ultimately lead to a more efficient use of the existing infrastructure and airspace in those parts of European airspace most congested today? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

2.2.7.2 Comments

*This solution is not appropriate to the situation*

2.2.7.3 To which extent do you agree that the user charges should be modulated to give incentives for users to invest in SESAR on-board equipment? \* (choose one)

	No opinion
	Fully
	Mostly

	To some extent
X	Not at all

#### 2.2.7.4 Comments

*We don't support any modulation of charges in this case. The introduction of penalties for users that didn't equip their aircraft with SESAR on-board equipment should be more appropriate.*

2.2.7.5 Currently regulatory activities of national authorities are to some extent funded through the route charges system (user charges). This has helped secure necessary financing for independent oversight and safety work.

To which extent do you agree with the proposal to similarly organise the funding of regulatory activities at EU-level in particular where the EU-level is performing activities previously performed nationally (mainly EASA activities in the ATM field)?  
\* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

#### 2.2.7.6 Comments

*We fear a transfer of those charges from national level to EU level and we fear less resources for NSAs that really need it for the moment.*

### **2.2.8 Introducing market principles in air navigation service provision**

The main air navigation services are considered to be what are in economic terms called natural monopolies. This means that the current level of technology and/or the nature of their services make it either impossible or uneconomical to require multiple competing providers in one piece of airspace.

To simplify the organisation of service provision, the current regulations also allow for bundling various ancillary services together with the core services, so that they too de facto become designated monopolies and are no longer subject to normal public procurement or competition rules. In most States this has led to a situation, where a single service provider provides most, if not all, services. Due to the natural monopoly nature of the core services, the SES performance scheme was created to address the need for performance improvements in them. However there are some ancillary services (e.g. Meteorological (MET) or Communication, Navigation and Surveillance (CNS) services), where the application of market principles could be considered as an alternative (or additional) means of improving efficiency and of allowing these services to take responsibility of their own destinies.

2.2.8.1 To which extent do you agree that a way forward could consist of introducing separation of these ancillary services from the core bundled ANSPs and opening up the market for them? \* (choose one)

	No opinion
	Fully
	Mostly
	To some extent
X	Not at all

#### 2.2.8.2 Comments

*This is another one casus belli for us. The present regulation gives the opportunity to each member state to choose how it wants to manage its services. We are totally opposed to mandatory unbundling of ancillary services.*

*There is no evidence that it improves profitability. But it is certain that it will weaken the security chain.*

*We fought this idea in the SES1 and 2. We are ready to start again. Nothing on the operational level can justify such an extent, which will have serious consequences.*

*And we are fed up that the commission tries each new regulation to pass this article...*

#### Useful links

Europa page about this Public Consultation:

[http://ec.europa.eu/transport/air/consultations/2012-12-13-sestwoplus\\_en.htm](http://ec.europa.eu/transport/air/consultations/2012-12-13-sestwoplus_en.htm)

Single European Sky:

[http://ec.europa.eu/transport/air/single\\_european\\_sky/single\\_european\\_sky\\_en.htm](http://ec.europa.eu/transport/air/single_european_sky/single_european_sky_en.htm)