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## REPORT

on the Commission communication to the Council and the European Parliament - The creation of the single European sky  
(COM(1999) 614 – C5-0085/2000 – 2000/2053(COS))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Sir Robert Atkins



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## PROCEDURAL PAGE

By letter of 6 December 1999, the Commission forwarded to the Council and the European Parliament its communication “The creation of the single European sky “(COM(1999) 614 – 2000/2053(COS)).

At the sitting of 18 February 2000 the President of Parliament announced that she had referred the communication to the Committee on Regional Policy, Transport and Tourism as the committee responsible and to the Committee on the Environment, Public Health and Consumer Policy and the Committee on Industry, External Trade, Research and Energy for their opinions (C5-0085/2000).

The Committee on Regional Policy, Transport and Tourism had appointed Sir Robert Atkins rapporteur at its meeting of 26 January 2000.

It considered the Commission's communication and the draft report at its meetings of 22 March 2000, 18 April 2000 and 23 May 2000.

At the last meeting it adopted the motion for a resolution by 45 votes to 0, with 3 abstentions.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Helmuth Markov, Emmanouil Mastorakis and Rijk van Dam, vice-chairmen; Sir Robert Atkins, rapporteur; and Pedro Aparicio Sánchez (for Giovanni Claudio Fava), Elspeth Attwooll, Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Martin Callanan, Carmen Cerdeira Morterero, Luigi Cocilovo (for Luigi Cesaro), Thierry Cornillet (for Francis F.M. Decourrière), Alain Esclopé, Markus Ferber (for Guido Viceconte), Jacqueline Foster (for Sérgio Marques), Mathieu J.H. Grosch, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Karsten Knolle (for Francesco Musotto), Dieter-Lebrecht Koch, Brigitte Langenhagen (for Dana Rosemary Scallon), Giorgio Lisi (for Raffaele Fitto, pursuant to Rule 153(2)), Arlene McCarthy (for John Hume), Erik Meijer, Rosa Miguélez Ramos, James Nicholson (for Margie Sudre), Juan Ojeda Sanz, Josu Ortuondo Larrea, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Samuli Pohjamo, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Marieke Sanders-ten Holte (for Paolo Costa), Gilles Savary, Agnes Schierhuber (for Ari Vatanen), Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Hannes Swoboda (for Günter Lüttge), Ioannis Theonas (for Alonso José Puerta), Helena Torres Marques (for Danielle Darras), Maurizio Turco, Joaquim Vairinhos, Mark Francis Watts and Jan Marinus Wiersma (for Demetrio Volcic).

The opinion of the Committee on Industry, External Trade, Research and Energy is attached. On 22<sup>nd</sup> March 2000, the Committee on the Environment, Public Health and Consumer Policy decided not to deliver an opinion.

The report was tabled on 26 May 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### **European Parliament resolution on the Commission's communication to the Council and the European Parliament “The creation of the single European sky” (COM(1999) 614 – C5-0085/2000 – 2000/2053(COS))**

*The European Parliament,*

- having regard to the Commission's communication (COM(1999) 614 – C5-0085/2000<sup>1</sup>),
  - having regard to its resolutions of 17 January 1997 on air traffic management - freeing Europe's airspace<sup>2</sup>, 16 November 1995 on congestion and crisis in air traffic<sup>3</sup>, 27 September 1994 on air traffic control in Europe<sup>4</sup> and 18 September 1992 on saturation of airspace and air traffic control<sup>5</sup>,
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0141/2000),
- A. whereas transport safety is of foremost and paramount importance and whereas many factors such as airport capacity, flight operation procedures, increased airspace usage and air traffic control restrictions could threaten safety standards,
- B. whereas the EC Treaty states that improving transport safety is one of the main objectives of the common transport policy,
- C. noting that over 80% of air accidents take place during take off or landing phases emphasises the increasing importance of action to improve safety in and around airports as air traffic increases,
- D. whereas successive processes of liberalising air transport have not been accompanied by the requisite changes in the way in which European air space is organised;
- E. considering that the Community should address the cause of air transport delay as a whole, thus including the development of airport and runway capacity, airline planning, passenger behaviour, airport infrastructure,
- F. having regard to the fact that the percentage of 15 minute + delays in European airspace has risen from 12.7% in 1991 to 30.3% in 1999 and is set on a rising scale for the foreseeable future,
- G. considering the current estimated shortage of some 1,000 Air Traffic Controllers in the

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<sup>1</sup> OJ C, not yet published.

<sup>2</sup> OJ C 33, 3.2.1997, p. 112

<sup>3</sup> OJ C 323, 4.12.1995, p. 92

<sup>4</sup> OJ C 305, 31.10.1994, p.24

<sup>5</sup> OJ C 284, 2.11.1992, p. 170

European Union and the lack of investment in ATC systems,

- H. whereas the ever-increasing demand for transportation by air, expected to double over the next decade, will place unprecedented pressure on air traffic management,
  - I. having regard to the mobility of and economic, financial and social costs caused to EU citizens by aircraft movement delays,
  - J. having regard to the detrimental extra costs to tourism, business & commerce and the environment caused by airspace congestion,
  - K. having regard to the effects on employment and job satisfaction within the aviation industry,
  - L. having regard to the fact that Eurocontrol is unable to manage the improvements and changes required to remedy this state of affairs,
  - M. having regard to the fact that the military claims vast areas of air space for its own use,
  - N. having regard to the proposals enunciated in “ATM Strategy for 2000+<sup>6</sup>” being insufficient to improve the position beyond the levels of 1997/98,
  - O. whereas the Commissioner responsible for this issue has instituted a High Level Group to develop and advise the Commission on necessary policy changes,
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- 1. Welcomes the Commission's Communication as a major contribution to dealing with the saturation of airspace;
  - 2. Believes however that the creation of the single European Sky on the basis of appropriate common rules and a separation of functions should not stand in the way of the public service duties of air traffic control and should leave Member States the choice of status for the operators providing it;
  - 3. Urges the Council of Ministers to take the political decision that the Commission should develop a single sky over a single market to provide the optimum use of European airspace, whilst maintaining the principle of subsidiarity whenever practicable and possible, as well as equal access to the airspace for all users;
  - 4. Emphasises the request in its resolutions of 18 November 1999<sup>7</sup> and 13 April 2000<sup>8</sup> on the Intergovernmental Conference for the Treaty of Amsterdam to include provisions for the creation of a single European Air Traffic Control;
  - 5. Makes it clear that this request calls for the transfer to the European Union only of regulatory powers in respect of air traffic control and that the European Air Traffic Control of the European Union should, in accordance with the European Economic Area, be open to participation by other European States;
  - 6. Considers that air transport has to be seen as a linked system of operators, airports and air traffic management services, in which all components are directly inter-dependent and that only by analysing the whole chain can the airspace capacity problems be dealt with;
  - 7. Considers that the Commission, should represent the interests of EU Member States on

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<sup>6</sup> Eurocontrol, November 1998

<sup>7</sup> Not yet published

<sup>8</sup> Not yet published

the Council of Eurocontrol and should work in conjunction with all Eurocontrol Member States to reform and re-establish Eurocontrol as a Regulatory and Technical Authority;

8. Believes that Eurocontrol should therefore be divested of its obligation to service provision and that immediate steps be taken to liberalise the provision of Air Traffic Services by inviting the aviation industry to participate in and tender for such provisions and calls therefore on the Member States to:
  - pool regulative competences for air traffic control within the framework of this reformed Eurocontrol,
  - develop progressively a liberalised and fully operational internal market in the provision of air traffic services throughout the European Union's airspace and that of neighbouring European States;
9. Considers that urgent consideration should be given to renewing and renovating the technical infrastructure to support the necessary improvements in ATM methodology and that high priority be given to the interoperability of new technology, and to the launching of European-scale research and technological development initiatives with the support of the Commission and European industry to develop smart airtransport systems relating to flow, information and communications management, such as Galileo;
10. Considers that the Body that creates the regulations should be separate from the Body that applies or enforces such regulations and that there should be provision for appeal against the latter by those affected;
11. Considers that there should be objective and independent criteria by which improvements and success are judged and incentives offered for the achievers but there should be no reduction in maintenance or operational safety standards;
12. Considers that there should be a scale of penalties without a downgrade in safety, proper enforcement and effective sanctions against airlines and service providers who break the rules; and that there should be a mandatory system of confidential and voluntary incident and accident reporting system and database with the aim of improving the situation rather than incurring extra costs;
13. Considers that passengers should be compensated for unjust delays and that their rights in these cases should be clear and known;
14. Calls on the Commission to urge national governments, who currently allow domestic industrial disputes to disrupt air traffic, to address this issue as a matter of urgency;
15. Calls on the Council to take the necessary measures to ensure that air traffic control decisions are actually applied by all Member States signatory to the Eurocontrol Convention;
16. Considers that the Council of Ministers should urge the Commission to utilise Paragraph 2.1.1. of Annex 11 of the Chicago Convention – which specifies that any state, by mutual agreement and under Article 28, may invite another state to manage air traffic in part or the whole of its airspace – to maximise the efficient use of European airspace;
17. Urges the Council of Ministers to commit themselves to an urgent review of the delineation, protection and use of military airspace and demand the adoption of civil air transport practices by military transport, wherever possible, and whenever use is made of civil air corridors;

18. Considers that a Plan of Emergency Action should be developed and refined for immediate use in the event of an international crisis (such as the Balkan conflict );
19. Calls on the Commission to oblige national governments to take seriously the grave concerns of the aviation industry with regard to radio frequencies, which are in short supply. Without these frequencies no technological progress to cope with predicted growth in air transport is possible. Most technologies capable of improving the Air Traffic Management (ATM) problems in Europe depend in one way or another on the electronic transmission of data. Modern navigation by satellites, communication between the flight deck and the ground (via satellite), air to air collision avoidance systems, automatic landing systems all need undisturbed and reliable radio frequencies;
20. Calls on the Commission to evaluate the possible short term measures that are available to alleviate the cause of delays, such as addressing the issue of horizontal and vertical separation;
21. Considers that all these proposals should be developed and implemented by December 2000, if not sooner.
22. Urges the Council of Transport Ministers to act upon the above proposals at their meeting on June 16<sup>th</sup> 2000;
23. Considers that such proposals for ATM are properly developed in conjunction with those for a European Aviation Safety Authority so as to ensure the very highest standards of aviation safety are maintained;
24. Instructs its President to forward this resolution to the Commission, the Council, the Member States, the European Civil Aviation Conference and Eurocontrol.



## **EXPLANATORY STATEMENT**

### **Your Rapporteur's Opinion**

Before producing his opinion your Rapporteur has visited and discussed these matters with various representatives of the industry, including airlines, airports, travellers, journalists and Eurocontrol itself. There is no doubt that this is the single most important issue confronting aviation at present, especially in the developed world. Everyone wants action and the sooner the better.

### **Assessment of "Creating a Single European Sky"**

The description of the present state of affairs in Air Traffic Management within European Airspace is clear and wide-ranging. There is an obvious appreciation of the rising difficulties and the implications for those concerned. All the more disappointing, therefore, that there is a distinct lack of urgency in or serious commitment to resolving the problems and a somewhat diffident approach to those stumbling-blocks that really will need addressing if the situation is to be improved.

### **Your Rapporteur's Proposals**

The statistics on congestion within European airspace are beginning to be well-known but bear repetition. In the simplest of terms, a delay is defined as anything over 15 minutes. The percentage of delays to aircraft movements in EU airspace has risen from 12.7% (1991) to a horrendous 30.3% (1999). There is every indication that this trend is still on the rise and getting worse.

The effects on our citizens are numerous, whether they be business people, tourists or anyone else. The costs to industry, business and commerce are high. The detrimental effects upon the environment, the quality of life of those working within the aviation industry and the sheer inconvenience to everyone who uses an aircraft is incalculable.

Over-riding all this is the paramount importance of safety. Aviation remains – so far – the safest mode of travel but congestion inevitably equals danger. Unless action is taken to remedy the situation, there is an increasing possibility of a serious accident.

Despite various attempts, Eurocontrol, the pan-European Agency responsible for managing the airspace over EU Member States as well as non-EU States, has failed to cope with the exponential increase in aircraft movements which has resulted from cheaper travel, more airlines and more passengers

The most recent, produced within the last year or so, is ATM2000+, predicated on maintaining congestion at 1997/98 levels - in themselves crisis years.

This inadequate scheme has still not been implemented and is unlikely to make any difference in real terms. Add to that the inability to operate a "single sky" because of sovereignty

considerations – despite the Chicago Convention – military movements, state control and a Regulator/Service Provider/Enforcer all rolled into one and you have a recipe for inertia, protectionism and resistance to change.

The Chicago Convention, on which most Air Traffic Management has been based for many years, provides an option for States, by mutual consent, to invite other States or their agencies to manage their airspace. This facility (Paragraph 2.1.1. of Annex 11) should be used more often and to greater effect.

Your Rapporteur has been impressed by the willingness to listen and to act on the part of Commissioner Palacio. In setting up the High Level Group of Ministers, she has demonstrated a firm understanding of the need for urgent action. She must be radical, she must be innovative, she must be resolute. She must impress upon the Council of Transport Ministers that this problem will not go away, will get worse and needs firm decisions, always, of course, in wide consultation with Member States. There has never been a stronger need for political direction in European aviation. Conversely, there has never been less need for single or state control of air service provision. The logic of those statements means that there should be a division of responsibilities and that Eurocontrol should only be a Regulator and Provider of Technical Expertise. The international aviation industry is ready, willing and able to participate in the provision of air traffic services. That will offer improvement in infrastructure, competitive pricing and extra value to airlines and their customers. The Regulator, who should be separate and distinct from the creator of the necessary regulations, would maintain, apply and enforce the regulatory and safety framework and his decisions should be open to appeal by those affected.

Your Rapporteur believes it to be essential that there should be rewards for the achievers and enforceable penalties for the rule-breakers. This implies measurable improvements and a rolling database of standards, successes and failures. Without them there will be no change in operations and no incentive to offer a better service.

One of the concomitants of the above is an urgent and detailed review of the use of military airspace. Some Member States manage this usage efficiently and rarely cause difficulties for civil air transport movements. Others delineate large areas and demand the use of civil air corridors with less care and attention. Inevitably there will be justifiable concerns about national security implications for each Member State but provided a measure of flexibility is built into a reformed ATM System, these should not be insuperable in themselves. They could, however, be used as an excuse to delay such reform and the issue must be addressed in a sensitive enough manner to prevent this happening. There must be consultation and persuasion in equal part for, without a sensible resolution of this problem, most of the methodology and infrastructure improvements will fall. It is imperative that the Council of Transport Ministers and the Commission addresses these points.

So also must there be an effective Emergency Action Plan, to be implemented during an international crisis. The delays exacerbated by events such as the Balkan conflict must be reduced in a future emergency.

Your Rapporteur's final conclusions relate to the need for urgent remedial action. The problem will only get worse and political leadership is required NOW. The Council of Ministers have the opportunity to make progress with the Communication at the meeting of

Transport Ministers on June 16<sup>th</sup>. If they grasp the nettle, the proposals enunciated in “Creating a Single European Sky” together with those referred to in this report will effect change. This chance must not be lost.

19 April 2000

## **OPINION OF THE COMMITTEE ON INDUSTRY, EXTERNAL TRADE, RESEARCH AND ENERGY**

for the Committee on Regional Policy, Transport and Tourism

on the communication from the Commission to the Council and the European Parliament on  
the creation of the single European sky  
(COM(1999) 614 - C5-0085/2000 – 2000/2053(COS))

Draftsman: François Zimeray

### **PROCEDURE**

The Committee on Industry, External Trade, Research and Energy appointed François Zimeray draftsman at its meeting of 24 February 2000.

It considered the draft opinion at its meetings of 23 March and 18 April 2000.

At the latter meeting it adopted the conclusions below by 29 votes to 2.

The following were present for the vote: Carlos Westendorp y Cabeza, chairman; Nuala Ahern, vice-chairman; François Zimeray, draftsman; Gordon J. Adam (for Glyn Ford), Konstantinos Alyssandrakis, Alexandros Baltas, Felipe Camisón Asensio (for Alejo Vidal-Quadras Roca), Giles Bryan Chichester, Claude J.-M.J. Desama, Concepció Ferrer, Christos Folias, Jacqueline Foster (for Dominique Vlasto), Pat the Cope Gallagher, Michel Hansenne, Malcolm Harbour, Peter Liese (for Peter Michael Mombaur), Caroline Lucas, Linda McAvan, Eryl Margaret McNally, Marjo Tuulevi Matikainen-Kallström, Elizabeth Montfort, Angelika Niebler, Reino Kalervo Paasilinna, John Purvis, Alexander Radwan (for Werner Langen), Imelda Mary Read, Christian Foldberg Røvsing, Paul Rübig, Gilles Savary (for Harlem Désir), Jaime Valdivielso de Cué and W.G. van Velzen.

### **SHORT JUSTIFICATION**

The progressive liberalisation of the air transport market in Europe in the 1980s stimulated diversification to produce an ever broader and ever more competitive service offering. Airports, airlines and aircraft builders accordingly adapted to the new environment and today offer services previously unheard of. However, this development has not been accompanied

by sufficient modernisation of air traffic control, which remains dependent on the division of air space into 15 separate zones.

The consequences of this imbalance are ever more glaring: delays are increasing, in particular in summer, and the situation is unlikely to improve. Action should therefore be taken, albeit without affecting what is the priority of air traffic control, namely safety.

### **The case for a single sky**

In the first instance, these measures involve the creation of a genuine single European sky free of technical barriers imposed by the mushrooming of air traffic control centres and by the excessive constraints put on air corridors.

### **Introducing a minimum service and hiving off air traffic control functions**

Subsequently, also in the interests of efficiency, activities involving air traffic control, inspection, regulation and checks on quality of services should be split up. The last two areas would remain under the auspices of public authorities, whereas air traffic control could be carried out by public- as well as private-sector service providers (which, at all events, would be performing a public service). Accordingly, the Commission ought to prepare a study on guaranteeing a minimum service.

### **Involving all partners**

Thirdly, the Commission should involve all the partners concerned so as to ensure that the reforms put in hand are backed by as many players as possible. To achieve this, the Commission should draw up an impact study on the implications of these reforms for employment in the sector.

Lastly, it would be appropriate for the Council to give vigorous backing to these reforms by giving the requisite political backing to the organisation responsible for introducing them.

## **CONCLUSIONS**

The Committee on Industry, External Trade, Research and Energy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following points in its motion for a resolution:

- A. whereas successive processes of liberalising air transport have not been accompanied by the requisite changes in the way in which European air space is organised;
- B. whereas safety must constitute the priority in air traffic management, in particular in this context of sustained growth in traffic;

- C. whereas, in European air space, delays exceeding 15 minutes have increased from 12.7% in 1991 to 30% in 1999 and that proportion will inevitably continue to rise in the foreseeable future;
1. Approves the Commission communication in that it makes a significant contribution towards providing improvements for air traffic management problems;
  2. Takes the view that the establishment of a single European sky without national borders is a prerequisite for modernisation of air transport in Europe, so as to allow high-quality services to be offered to consumers;
  3. Believes that the priority given to safety dictates that air traffic control must be carried out in optimum conditions, having regard to the state of the art, and whatever the status of the service provider;
  4. Considers that, wherever technically feasible without impairing safety, air traffic service provision or elements of it should be opened up to competition and that where the disciplines of market forces cannot be applied, for technical or safety reasons, strict economic regulation is needed;
  5. Stresses that activities involving air traffic control, inspection, regulation and checks on service quality should be split up, the last two activities, by their very nature, coming within the remit of public authorities;
  6. Calls on the Commission to carry out a feasibility study for a minimum air traffic control service in Europe in order to ensure continuity of public service in all circumstances;
  7. Calls on the Commission to study the environmental impact of an increase in air traffic, in particular on the greenhouse effect;
  8. Recommends that the Commission study the feasibility of establishing the basis of a European industrial policy in the air control sector, with a view to improving the performance of control information systems;
  9. Calls on the Commission to involve all the relevant bodies in this debate; acknowledges that long term employment prospects will be much more secure in a reformed efficient system;
  10. Calls on the Commission to involve all the relevant partners in this debate; also calls for a study to be drawn up on the impact of air traffic control reform measures on employment;
  11. Calls on the Council to take the necessary measures to ensure that air traffic control decisions are actually applied by all Member States signatory to the Eurocontrol Convention.
  12. Because of the limitations of the current Instrument Landing System (ILS), calls on the Commission to encourage national governments to persuade airports where appropriate to consider the installation of the Microwave Landing System (MLS)

which can increase landing rates during bad visibility and fog, and thereby reduce congestion and disruption;

13. Calls on the Commission to oblige national governments to take seriously the grave concerns of the aviation industry with regard to radio frequencies, which are in short supply. Without these frequencies no technological progress to cope with predicted growth in air transport is possible. Most technologies capable of improving Air Traffic Management (ATM) problems in Europe depend in one way or another on the electronic transmission of data. Modern navigation by satellite communication between the flight deck and the ground (via satellite), air to air collision avoidance systems, automatic landing systems all need undisturbed and reliable radio frequencies;
14. Calls on the Commission to urge national governments, who currently allow domestic industrial disputes to disrupt air traffic, to address this issue as a matter of urgency;
15. Calls on the Commission to evaluate the possible short term measures that are available to alleviate the cause of delays, such as addressing the issue of horizontal and vertical separation.