Commission update proposal on Single European Sky (SES) II +
European airspace users views on the interim update of the
SES rules called Single European Sky 2+ (SES2+)

Participating associations

International Council of Aircraft Owner and Pilot Associations (IAOPA)

European Business Aviation Association (EBAA)

European Helicopter Association (EHA)

European Regions Airline Association (ERA)

Introduction

While the COVID-19 pandemic has heavily impacted aviation and has caused a severe drop in traffic demand, it is also an opportunity to "build back better" a more efficient, resilient, and sustainable European Air Traffic Management, aligned with the political goals and ambition of the European Green Deal and a Europe that it fit for the digital age. The long awaited SES II + update proposal, published by the European Commission on 22 Sept, is therefore welcomed.

IAOPA, EBAA, EHA and ERA have jointly reviewed the proposal, and we lay out below our initial response to the main elements contained in the SES2+ draft. Whilst we support many of the improvements laid out in the regulation, we encourage the European Institutions to address and work on the concerns raised. We stand ready to work together to ensure the regulation supports the entire the aviation value chain, the European regions and ultimately European passengers so that they receive the level of service and the financially and environmentally sustainable ATM framework they deserve.

On the Green Deal & modulation of charges

To align with the ambitions of the European Green Deal, the Commission investigates any possible option to mitigate and reduce aviation's carbon print. In the scope of the Air Traffic Management (ATM) reform (SES II+), it proposes to modulate en-route charges for 'an aircraft equipped with 'clean' technologies or burning sustainable aviation fuel could benefit at network level by being offered priority services, or reduced Air Navigation Services charges, whereas a 'polluting' aircraft would have to pay higher charges'.

While we recognise the need to reduce aviation's carbon print, we cannot support the modulation of charges.

SES II+ specifically addresses ATM and should focus on boosting ATM measures which contribute to this reduction. The full implementation of the SES will lead to a reduction of emissions due to increased efficiency of the network structure and improved co-ordination between Air Traffic Service providers, **therefore the focus should be on the delivery of the best ATM service.**

Other measures are already planned for mitigating the aviation's environmental impact and need to be carefully reviewed and discussed with the Airspace Users: (the revision of) European Emission Trading Scheme for aviation, the review of the fuel taxation directive and blending mandates at European level.

On the provision of services including CNS, AIS, ATM, MET and terminal ATS[1]

As stated in the Commission's proposal, the provisions of CNS, AIS, ATM, MET and terminal ATS services under market conditions has the potential to enhance cost-efficiency, lead to a mixture of different business models, and provide an opportunity for ATM IT infrastructure to lose its "speciality" niche tag. However, **the provision of these services should not lead to new monopolies being formed, it should not reduce the quality of service or deliver these services at an increased cost.**

 If well shaped, the provision of these services under market conditions can enable the emergence of new specialised service providers, for example SES wide communications or regional infrastructure providers.

Service providers should organise themselves **to achieve performance objectives based on operational harmonisation whilst avoiding new levels of fragmentation,** again without leading to monopolies. The provision of these services under market conditions is one of the options to achieve the ATM digital transformation.

A common understanding of obligations, requirements and benefits should be defined.
The SES II + should bring clarity on:

o   Definition of ATM data services and markets (size, structure, access);
o   Access to data, nature of the data (public or private);
o   Business models and market regulation.
o   Technical environment and infrastructure.

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[1] Communication Navigation Surveillance (CNS); Aeronautical Information Services (AIS), Meteorological Services (MET), Air Traffic Services (ATS)

- Roles and responsibilities of the new data providers, and their liability in case of incident / accident related to the use of the data;
- Security and cybersecurity aspects and certification requirements; this is vital in ensuring trust in the system;
- Interoperability and certification requirements. It should not lead to any new avionic equipage mandate. The system should be built on current onboard technologies. When fed by user requirements, the data set structure must be scalable.

On the independence of National Supervisory Authorities and Economic Regulator

We support the setting up of an independent SES-wide economic and performance regulator and the subsequent revision of the Performance Scheme to improve target setting and monitoring processes. We therefore support the approach for a new function for the Performance Review Body (PRB) to be executed by a Union body. We also support a greater independence of the National Supervisory Authorities (NSAs).

While we understand the option to integrate the new PRB under European Aviation Safety Agency (EASA) for economy of scale and with the proper separation, there is a lack of clarity regarding the governance structure. The draft Regulation amending Regulation 2018/1139 states that the Management Board shall establish an advisory body representing the full range of interested parties, which should be consulted prior to making decisions.

Airspace Users (AUs) are the end user, or final customer, and therefore the ultimate financier of the system. **Thus, AUs should have a fundamental role in the decisions taken to shape of the targets for Air Navigation Services (ANS).**

While our members are not keen to do micro-management, the consultation carried out for the setting up of the previous reference periods gave little consideration to AUs' point of views.

A robust governance structure needs to be defined and regulated ensuring that the operational/technical requirements and business needs of AUs are better reflected in the performance plans. Within that governance structure, checks and balances must be implemented to deliver the best results for the entire aviation ecosystem – with costs and milestones jointly agreed.

AUs are facing a deep decrease in revenues due to the crisis. The full recovery is not planned earlier than 2024. We therefore expect significant changes in the way the ANS performance plans are prepared and assessed by the new PRB with greater transparency and better consultation of the AUs, Greater independence in the new setup should exclude seeking approval from the Single Sky Committee.

The SES II + proposes to pass on the new PRB's cost to AUs through en-route charges, arguing that it will be marginal. **However, this is about assessing Air Navigation Service Providers ' performance plans. They should bear the cost of it.**

On the Common Information Services for unmanned aircraft

Appropriate cost containment measures across the industry is supported by all airspace users. We therefore acknowledge the aim of regulating the pricing of Common Information Services to contain the cost of traffic management of unmanned aircraft. Fairness is a must. Conventional, manned aviation should also benefit from a contained CIS cost, for the same level of service delivered.

We therefore recommend the application of the 'User Pay Principle', when any other specific mechanism exists (e.g. there is a consensus that General Aviation pays taxes on fuel and General Aviation's aircraft below 2000kg Maximum Take Off Weight, Visual Flight Rules and Instrument Flight Rules are exempted from any airspace user fees (except for approach and landing) in Europe.

We understand that each user should pay a proportionate price, being adapted to the level of service being used (without leading to inconsistent priority service due to paying lower cost).

Thus, when any new service is to be provided, an independent Cost Benefit Analysis must be conducted to determine the impact on the different users.

It is also essential to guarantee the quality, reliability, security, and latency of the data.

We support the need to integrate all unmanned vehicles and reform the system to enable the safe inclusion of new entrants (e.g. drones, high altitude balloon/vehicles etc). It should however be done in an equitable way, taking operational needs of all airspace users into consideration. *(e.g. The introduction of an obligation for conventional airspace users to be equipped with specific equipment to become U-space cooperative cannot be accepted)*

On the Charging scheme /Common unit rate

It is unclear how the application of a common unit rate would be achieved. Whilst we fully support efforts to encourage airspace users to flight plan in the most efficient manner, we do not believe that this concept would provide significant operational / environmental benefit and focus should remain on ensuring the delivery of those mature environmental initiatives such as CORSIA, revised EU ETS etc.

Without detailed proposals, a common unit charge cannot currently be supported.

On the Functional Airspace Blocks (FABs)

FABs were set up to steer cooperation among Member States and to drive performance, but they brought limited benefit. We support the proposal that FABs should no longer be mandatory. Member States' cooperation should be fostered in all possible areas to drive changes in the landscape of ATM service provision. Member States' cooperation and political commitment is key for reducing airspace fragmentation, for building resilience and flexibility in the system and for implementing the European Performance Scheme.

Member States should look to form industrial partnerships among service providers to offer specific services at the most optimum and cost-efficient level. Increased collaboration and horizontal integration can enable service providers to achieve wider geographical scope and economies of scale.

On Network Management

EUROCONTROL has been successfully managing the European network since July 2011 and has been reappointed as the Network Manager (NM) for the period 2020-2029. As Eamonn Brennan said, this is a '*clear recognition of the value we bring to the role'.* We recognise this added value. The Network Manager should be at the forefront for the delivery of network performance and should continue to be actively engaged in a managerial role to support and facilitate EU-wide decisions in the interests of the network. This will optimise performance and help achieve the 'benefit for all' approach.

The NM must serve the entire network, both large and small aerodromes.

While the associations see merit in broadening the Network Manager's functions along the lines of the Wise Persons Group Report as Airspace Manager, Capacity Manager and Infrastructure Manager, **this extension of competences must be based on a proper governance structure which would enable all Airspace Users to have a tangible influence**. Flexibility, scalability, and accountability must be ensured.

As previously noted, AUs are the end user, and therefore are the ultimate financier of the technology developed in SESAR 3. **We therefore request a governance structure to be defined and regulated in ensuring that the operational/technical requirements and business needs of all AUs are properly balanced and reflected in the Network Manager's work programme / areas of competence. Within that governance structure, principles for a real collaborative decision-making process must be defined, again with appropriate checks and balances with jointly agreed costs and milestones in the best interests of the Network as a whole**.

The SES II+ proposes to empower the NM with a leading role in capacity management, making the ANSP capacity plans mandatory. This should lead to less fragmentation, more resilience, flexibility, and enhanced cross-border capacity. **In case capacity level has been reached in a certain airspace, AUs should not be forced to fly in another airspace when there is still capacity (unless if compensated for doing so).** This would otherwise contradict the objectives to foster shorter routes and less CO_2 emissions .

While we support the NM to have a greater role in the infrastructure Manager, **EUROCONTROL should further pave the way for a proper CNS infrastructure evolution reflecting all airspace users' needs** (accelerate the deployment of Performance Based Navigation, boost the development of affordable Automatic Dependent Surveillance Broadcast solutions for all and resolve datalink implementation issues). As noted above, we support the uptake of digitalisation towards a more efficient ATM.

The level of onboard-equipment across our fleet of aircraft varies. Those willing to retrofit their aircraft sometimes face the unavailability of avionic solutions. The SES should support the industry in filling in this gap. We therefore see this as being an essential role of the 'Infrastructure Manager'.

Let's work together

We look forward to supporting the European Commission, and other policymakers in drafting inclusive policies and regulations that take into account the specificities all airspace users.

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