

WILMER, CUTLER & PICKERING

Final Report on Airspace Management & Design

28 May 2001

STUDY APPROACH

- ◆ Functional approach
- ◆ Integrated “package”
- ◆ Consistency with international standards

KEY CHALLENGES FOR THE REGULATORY PROCESS

- ◆ Need to create a flexible Community process
- ◆ Need for structured cooperation between the EC & Eurocontrol
- ◆ Need to bring the military into the process

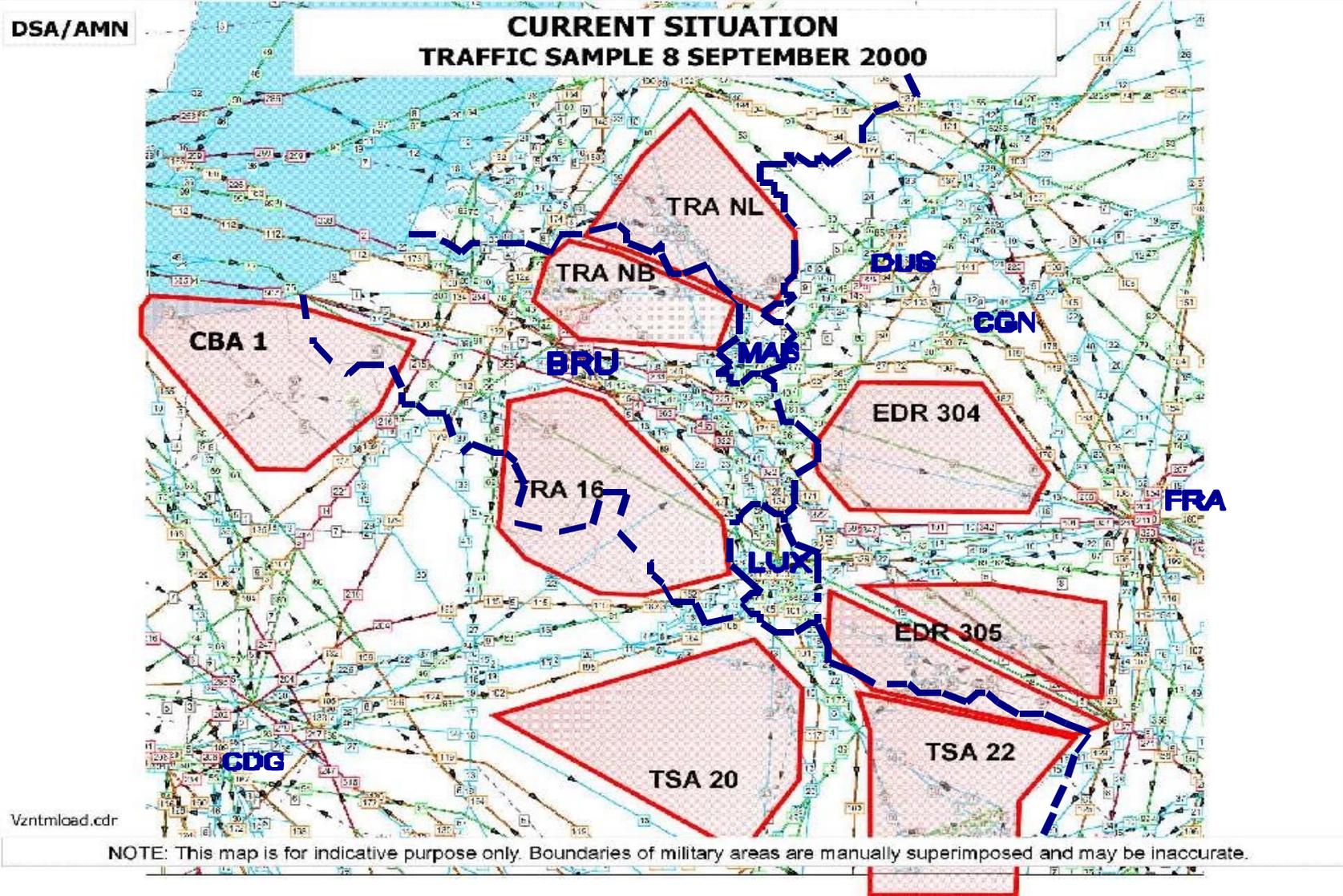
DESIGN AND CLASSIFICATION REQUIREMENTS

- ◆ UIR Europe
- ◆ Uniform airspace classification
- ◆ Sectorisation standards

CRITERIA FOR THE EUROPEAN ROUTE NETWORK

- ◆ Traffic demand-based design
- ◆ Great-circle routing and modern procedures
- ◆ European criteria for segregated airspace

MILITARY AREAS



MILITARY NEEDS & AIRSPACE AVAILABILITIES

- ◆ European standards for FUA
- ◆ Cooperative ATS provision
- ◆ Partnership of Air Defence

PARTNERSHIP OF ASM & ATFM

- ◆ Joint commitment to minimise loss of capacity
- ◆ Strengthened operational mandate of CFMU
- ◆ Europe-wide coordination with users & airports
- ◆ Developing CDM

MAIN INEFFICIENCIES OF THE ATFM SYSTEM

Structural weaknesses

- Insufficient ATFM Mandate
- Inefficiencies of current traffic priority rules
- Fragmentation of Airspace/responsibilities
- Capacity management difficulties

Information management issues



ATFM Operations



PRECONDITIONS FOR FUNCTIONAL AIRSPACE BLOCKS (FABS)

- ◆ European functionality standard
- ◆ Mooting national land border criteria for delimiting UACs
- ◆ European provider (and staffing) qualification
- ◆ Economic incentives

OPTIONAL PATHS FOR ESTABLISHING FABs

- ◆ Option 1: Regional cooperation
- ◆ Option 2: Joint franchising
- ◆ Option 3: Joint delegation/Eurofranchising

ATTRIBUTES OF OPTIONS THAT ESTABLISH FABs

| THE OPTION REQUIRES | OPTION 1 | | OPTION 2 | | OPTION 3 | |
|---|---------------|------------------|---------------|------------------|---------------|------------------|
| | <i>Yes/No</i> | <i>Authority</i> | <i>Yes/No</i> | <i>Authority</i> | <i>Yes/No</i> | <i>Authority</i> |
| Privatising the provider(s) | <i>No</i> | | <i>No</i> | | <i>No</i> | |
| Establishing separate regulator | <i>No</i> | | <i>Yes</i> | States/ER | <i>Yes</i> | ER |
| Reorganising upper airspace into FABs | <i>Yes</i> | States | <i>Yes</i> | States | <i>Yes</i> | ESC |
| Establishing minimum safety and performance standards | <i>Yes</i> | States | <i>Yes</i> | ER/States | <i>Yes</i> | ER |
| Conducting provider selection process | <i>Yes</i> | States | <i>Yes</i> | States | <i>Yes</i> | ESC |
| Conducting competitive franchise selection | <i>No</i> | | <i>Yes</i> | States | <i>Yes</i> | ESC |
| Conducting regulatory review of selection | <i>No</i> | | <i>Yes</i> | ER | <i>Yes</i> | ER |

For Yes answers, the Authority that makes the decision or provides oversight is indicated.

Note: ER = European Regulator, i.e., the European Commission with Eurocontrol working cooperatively.
ESC = European Selection Committee.

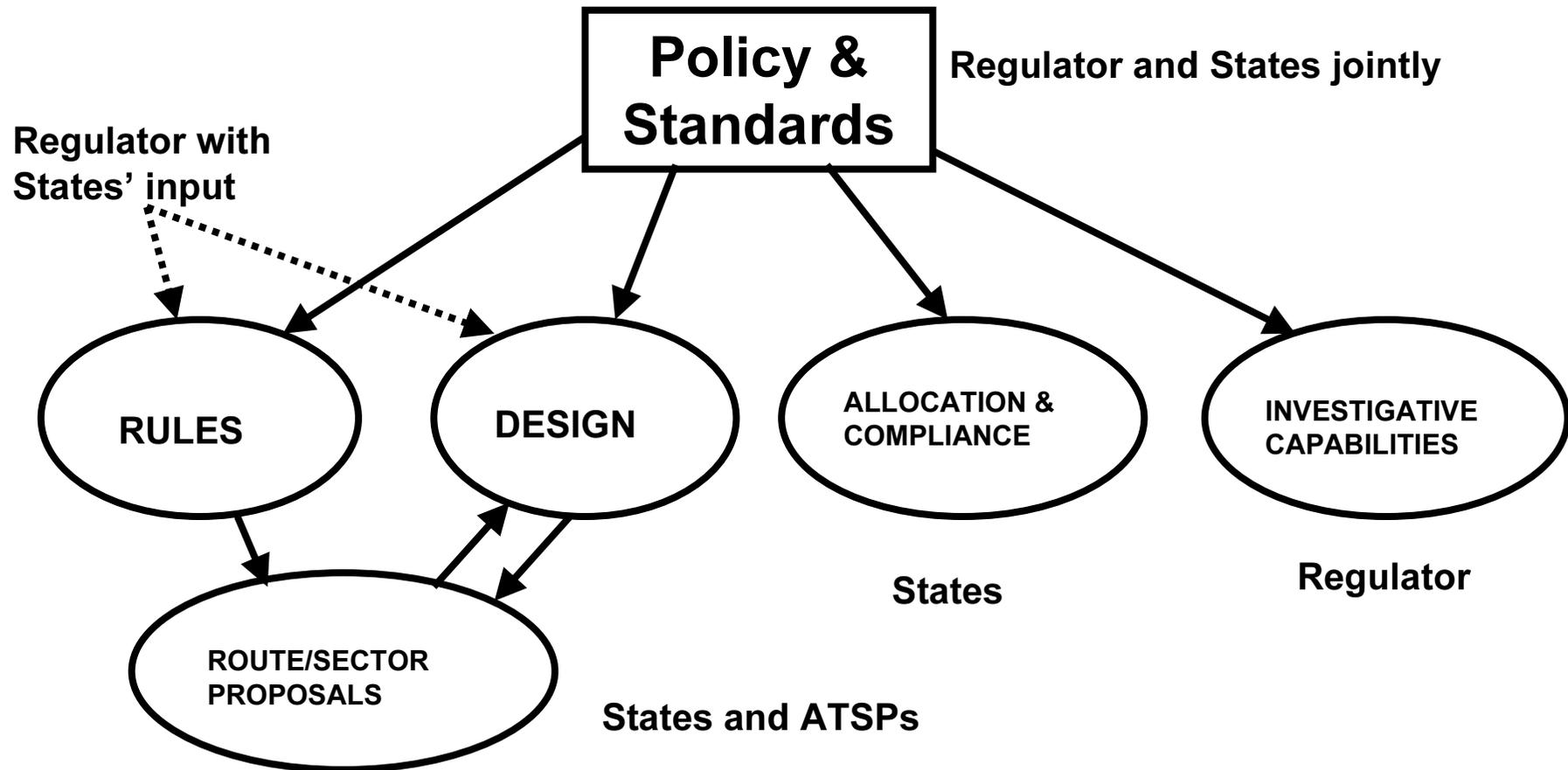
AIRSPACE REGULATORY PRINCIPLES

- ◆ Meet customers' needs
- ◆ Focus on European processes/outputs that deliver “added value”
- ◆ Achievable steps and in the right direction
- ◆ “Loose fit” and adaptive to further improvement
- ◆ Work with Eurocontrol/State structures
- ◆ Subsidiarity a guiding principle

AIRSPACE REGULATORY PRINCIPLES: KEY TESTS

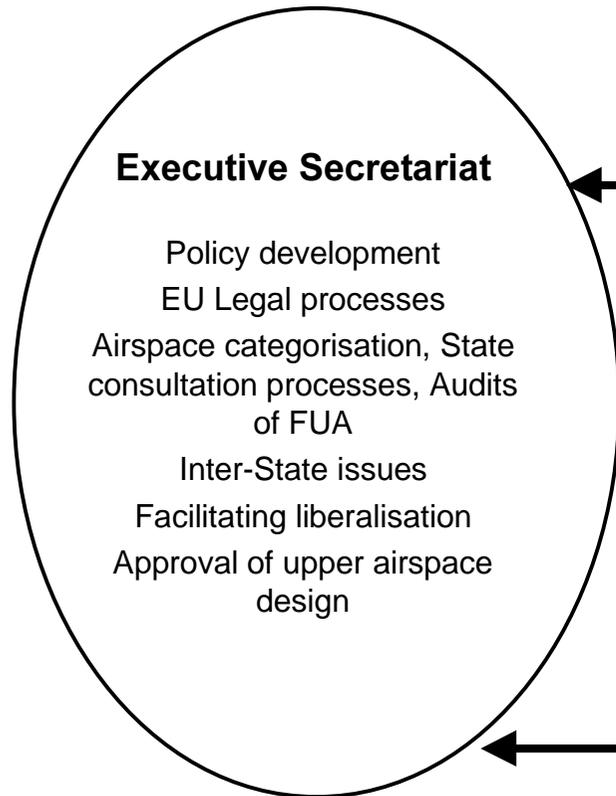
- ◆ Processes and structures that deliver real benefits?
- ◆ Clarity about ATSP/State/European-level roles?
- ◆ Assurance that ideas will work in practice?

AIRSPACE FUNCTIONS AT A EUROPEAN LEVEL

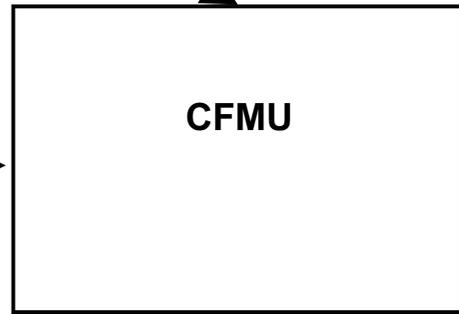
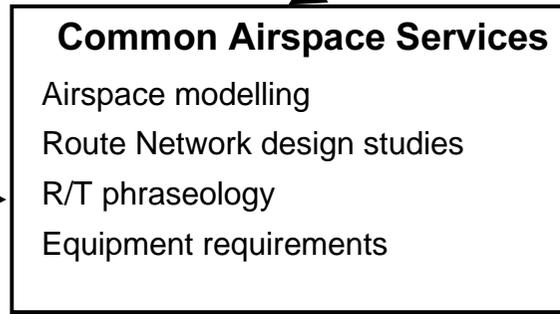
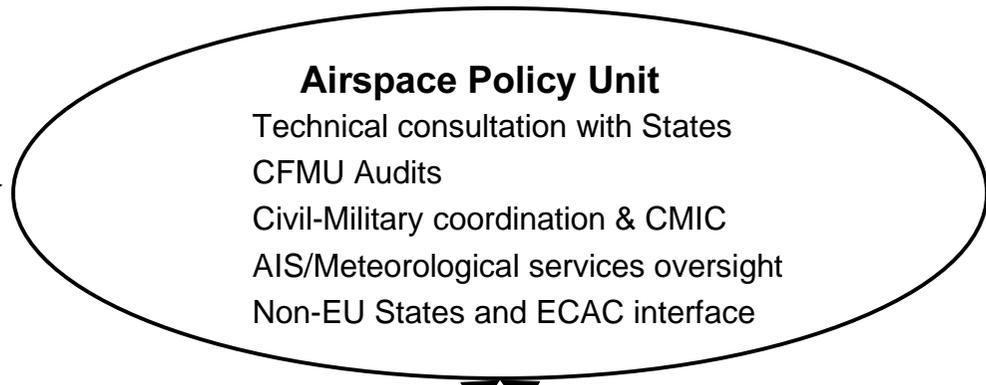


EUROPEAN COMMISSION & EUROCONTROL AIRSPACE STAFF/TASKS

EUROPEAN COMMISSION



EUROCONTROL



Regulatory Tasks

Services

Does not show reporting lines, processes or linkages to States/ECAC

REGULATORY SYSTEM

- ◆ Umbrella single European sky regulation (integrated “package” approach)
- ◆ Enabling regulation
- ◆ Commission implementing measures (regulations or directives)
- ◆ Commission decisions (e.g., route approval decisions)

EC & EUROCONTROL

- ◆ Memorandum of Understanding to define respective roles for airspace policy development and regulatory implementation
- ◆ Accession Protocol to define the EC's rights and obligations within Eurocontrol

CIVIL/MILITARY CO-ORDINATION (1)

- ◆ Integration of military in EC regulatory processes
- ◆ Development of joint military standards
- ◆ Co-ordination of civil & military airspace and air traffic control systems
- ◆ EC competence for military aspects of airspace regulation (red-button-facility)
- ◆ Safeguard clause in cases of national security emergencies
- ◆ Reactive system of reconfiguring airspace with civil and military arrangements to optimise available capacity

CIVIL/MILITARY CO-ORDINATION (2)

Options to remedy jurisdictional concerns:

- ◆ Deal with military aspects outside the EC framework
- ◆ Joint action under CFSP allowing Council legislation for military aspects
- ◆ Red-button-facility to remove specific measures from EC decision-making processes

All options should build upon existing civil/military arrangements in Eurocontrol

REVIEW & ENFORCEMENT

- ◆ Monitoring, review and reporting requirements
- ◆ Industry-specific inquiries
- ◆ Compliance review
 - States (review by Commission)
 - Non-state actors (review primarily by Member States and Commission review where necessary)

UMBRELLA REGULATION

- ◆ Single European sky principles
- ◆ Common single European sky procedures
 - (i) Framework for comitology and civil/military co-ordination;*
 - (ii) Red-button-facility; (iii) Process for formulation of common positions outside EC*
- ◆ Safeguard clause for national emergency situations
- ◆ Process for adopting enabling regulation

ENABLING REGULATION

- ◆ Establishment of a UIR Europe
- ◆ Enabling clauses
- ◆ ATFM
- ◆ Review
- ◆ Compliance review and enforcement
- ◆ Comitology