

## **Minutes of the Eighth meeting of the Expert Group**

### **on the Social Dimension of SES**

**Friday 17<sup>th</sup> May 2013**

#### **The European Commission, Directorate E2**

- CANSO
- ATCEUC
- ETF
- IFATCA
- IFATSEA

#### **Apologies**

- ECA
- IFAIMA

#### **Welcome**

The meeting was chaired by the European Commission who welcomed all and thanked the members of the group for attending.

Minutes accepted with no amendments.

No further AOB topics were requested by the members.

#### **Target Setting for RP2: briefing and Q and A session**

Chairman of the Performance Review Body (PRB) kindly gave an oral presentation of the new consultation document for target setting in the second reference period, highlighting the logic used in some areas and responding to questions as he did so.

He stressed the importance of this work, of the need for dialogue and for this group to be involved in open and frank consultation. He further stressed that this is an initial consultation lasting until July (to avoid a commitment by the stakeholders over the summer break), but that the process in entirety would last until the Performance Plans for RP2 were delivered to the Commission mid-2014. The PRB will take the results of this consultation and generate a report which would be presented to the Commission in early September; the Commission will then offer its proposal to the Single Sky Committee for discussion in the Autumn, hopefully looking for their Opinion in December.

Comments from attendees included:

We challenge the validity of the SES High Level Goals on which this Consultation is based.

Has this document taken due consideration of the austerity measures being pursued in the Southern European Member States?

We are concerned that the Cabinet (at the recent Aviation Platform) continues to suggest that some States must look harder at their contribution to Performance Targets.

In Response the PRB reminded all that it was mandated to work in recognition of the Goals as they exist but were at liberty to offer their view of them and indeed had considered what

could be achieved realistically. He further noted that the PRB offers an 'overall objective' for RP2, and it would be the Member States who would offer individual contributions in response to that EU-wide need.

Members stressed that they had hoped for more Safety emphasis in RP2, but that still appeared to be lacking and was, in any case, at the FAB level and not the EU-wide level. The PRB noted that there were targets at both levels, and decisions had been made in very close cooperation with EASA; some areas, such as Just Culture, introduced difficulties with the individual State Judiciaries and that this topic needed more State-level attention before more could be asked. He noted that in this field, RP2 was to be more of a monitoring exercise, but that in this area and any other Performance issue, he and his colleagues in the PRB were absolutely open to closer dialogue and further individual meetings where requested.

Attendees also stressed the over-ambitious and non-realistic approach to targets and wondered when the currently proposed target ranges would be honed down into specific numbers; they too asked for a target on Just Culture. The PRB opined that the consultation process would allow the target windows to be narrowed once agreement was reached on what could be realistically achieved without putting the system at undue risk. He further reminded all that traffic volatility was a complication and presented a real challenge to the ANSPs, indeed the potential exists right now for 6 to 10 providers to fall within the >10% traffic variation figure and could trigger alert measures. PRB went on to summarise the process that the PRB had used to set the target ranges (full explanation is in the consultation document) and that they had considered all the factors discussed today.

Members questioned how PRB measures the level of investment made, and was needed, by ANSPs, and how that was balanced against the perceived need for greater capacity. PRB noted the existence of their extensive investment tracking mechanism, and that all data pointed towards the need for a further €1bn per annum over the period.

Some members noted that they did not like the use of the term 'minimum scenario' as it would lead people to look beyond those figures; they preferred the use of 'realistic scenario'. They went on to notify of a 'day of action' planned for 12<sup>th</sup> of June, and that this activity was the result of, *inter alia*, activities such as the push for greater performance, the SES 2+ proposals and an apparent lack of Commission acknowledgement of the importance of the Human Factor in these programmes. They added that the aim of the Performance Scheme included the need to generate 'stability and predictability' for the Airlines, and this was achieved through the Reference Periods; but how would the same be achieved for the ANSPs? They too needed to be able to plan for investment and resource.

Some attendees thanked the PRB for their work, noting that they would try to contribute constructively but that it appeared as though there was a lack of a coherent vision between the Commission, the Member States and the industry leaders; they felt that the level of expectation needed to be realistic.

PRB Chairman thanked the Group for their attention and in anticipation of their contribution to the consultation – he re-stated his offer to meet with all those who wanted clarification on these issues.

## **Update by European Commission on the process for SES 2+**

The Commission updated the Group on the progress of this important topic. The Commission proposal was in the process of being adopted by the College and was, in parallel, undergoing translation. The Commission was looking for possible transmission to the Council and Parliament by the middle of June to allow their considerations to begin before the summer. If a first-reading agreement could be achieved, then the final text could be published in the Official Journal by the first quarter of 2015.

Attendees noted that it was difficult to comment when they had had no sight of the material, but their views were cast by what they knew to date; they do not support the Commission's line that SES 2+ is 'a tidying exercise', nor do they support the enforced position of 'competition for the market in ancillary/support' activities – they noted that the possibility already existed under current legislation.

They also added that they did not believe that further legislation on FABs would make them any more efficient or compliant and that they were at a loss as to why there was a drive to go beyond functional separation of NSAs and the State. They would struggle to convince their members that SES 2+ was a good thing when they felt they had not been consulted – this in part led to the decision for their day of action on June 12<sup>th</sup>. They questioned the credibility of this group and what its contribution to real consultation was; it was of little value to come to Brussels when they had no prior sight of papers to be discussed to enable positions to be formed.

Other members fully supported this position noting that hosting such a discussion when no material had been made available for consultation showed a total lack of respect towards this group.

It was noted that in their view SES 2+ had not been properly consulted; they acknowledged the broad (but not deep) consultation held at the end of 2012, but opined that this should have kicked-off a more substantial involvement of stakeholders, to follow the pattern that had been set for SES I and II. This position was supported by all Group Members.

The Chairman reminded all that once the work was in the Parliament and Council, then their processes would allow for further contribution through lobbying, and that Members were encouraged to do so.

### **AOB**

No remarks.

### **Next meeting**

To be confirmed, but suggestion is for Friday September 13<sup>th</sup> 2013 – 1030-1400 at Rue de Mot; Group members to confirm availability by return.