

COMMUNITY OBSERVATORY ON AIRPORT CAPACITY

Terms of reference

1. BACKGROUND

- (1) To avoid possible future lacks of airport capacity generated by the continuous growth of air traffic, the Commission adopted "an action plan for airport capacity, efficiency and safety in Europe"¹ with a view to increasing the output of the existing infrastructures and to optimizing the planning of new infrastructures, while raising safety standards and the environmental compatibility of airports at highest levels.
- (2) While recalling that airport planning and development are Member States competences, the Council² and the European Parliament³ endorsed the action plan and considered that coordination at Community level could really improve interoperability and capacity at European airports.
- (3) Exchange of data, experience and best practice shall therefore be furthered. To that end, the action plan lays down that the Commission will set up an Observatory made of Member States, relevant authorities and stakeholders, to exchange and monitor data and information on airport capacity as a whole. This Observatory will be the appropriate forum in which all qualified parties will have their views represented and discussed. It will therefore be in a position to establish balanced and consolidated opinions on the basis of this sharing and assessment of information and experience.

2. MISSION

- (1) The role of the Observatory is to advise the Commission on the implementation of the action plan for airport capacity, efficiency and safety in Europe. Without prejudice of its right of initiative, the Commission can also consult the Observatory on any matter relating to airport policy.
- (2) The Commission will seek notably the opinion from the Observatory on:
 - (a) Airport capacity assessment methodology.
 - (b) Integrated air-rail ticketing.
 - (c) Infrastructures planning processes.
 - (d) Intermodality at airports.
 - (e) Accessibility to airports.

¹ COM(2006) 819 final of 24.1.2007

² Council conclusions of 2.10.2007

³ EP Resolution of 11.10.2007

- (3) The Observatory will also be required to carry out:
- (a) A map of existing and planned infrastructures.
 - (b) A comprehensive inventory and assessment of the Community grants to the airport sector.
 - (c) A report on the airport capacity issue in Europe, on a regular basis.
- (4) The Observatory will also be required to give assistance and advice to the ATM network management function⁴.

3. MEMBERSHIP

- (1) To ensure appropriate representativeness as well as efficiency, the Observatory will be made up of representatives of:
- The Commission;
 - Member States;
 - Qualified organizations representing:
 - Airports;
 - Airport users;
 - Local authorities concerned;
 - Airport coordinators;
 - Environmental protection associations;
 - Associations of people living around airports;
 - The academic world;
 - Eurocontrol;
 - The SESAR Joint Undertaking.
- (2) The Commission will select and invite the relevant qualified organizations, and will also invite the Member States, Eurocontrol and the SESAR Joint Undertaking to appoint one member and one alternate member to the Observatory, and to notify the Commission of their names and contact details. When appointing their representatives to the Observatory, the bodies concerned will ensure that they have an appropriate seniority level and are competent to deal with the matters presented for consideration.

⁴ Function to be established by the second "Single European Sky" package to help services providers, airport operators and airspace users finding optimal "gate to gate" solutions from a European network perspective.

They will also ensure that their representatives have the appropriate mandate to speak and make decisions on their behalf.

- (3) Representatives of the academic world will be selected and appointed by the Commission on a case by case basis.
- (4) Observatory members will be responsible for ensuring, as far as possible, a full co-ordination with all actors in their respective body, to ensure that they are adequately informed and their input is properly represented in the Observatory.
- (5) The members and their alternates will remain in office until such time as they are replaced by their respective body.
- (6) There will be no remuneration, and the members and alternates will cover their own costs in the performance of their duties.
- (7) The composition of the Observatory will be published by the Commission.

4. STRUCTURE

4.1. Chairmanship:

- (1) The Observatory will be chaired by the Commission representative. The Chairperson's role will be that of an unbiased facilitator for a constructive and balanced dialogue between participants to achieve the Observatory objectives.
- (2) The Chairperson will be supported by a Deputy Chairperson who will replace the Chairperson in the event of him/her being prevented from attending to his/her duties. The Deputy Chairperson will be elected by a majority of the members of the Observatory. If both the Chairperson and the Deputy Chairperson are unable to attend the meeting, it will be chaired by the oldest member of the Observatory.
- (3) The terms of office of the Chairperson and Deputy Chairperson will cease at the end of their membership of the Observatory.

4.2. Working groups and experts:

- (1) As necessary, the Chairperson may set up working groups to consider specific issues. Each working group works under a rapporteur elected by the Observatory, and prepare draft opinions according to methods discussed within it. These draft opinions are intended for the Observatory.
- (2) The Chairperson, at the request of a member or on his/her own initiative, may invite to participate in the Observatory works any person with a specific competence for an item on the agenda. Such experts can participate only in the discussions of the item for which they were invited. Identically, delegations may bring experts who can only intervene when invited to do so by the Chairperson. There will be no remuneration for experts, and they will cover their own costs in the performance of their duties.

4.3. Secretariat and technical support:

The Commission will provide the Observatory and the working groups with the administrative, logistical and technical support if need be. A Commission official will act as Secretary of the Observatory.

4.4. Meetings:

- (1) The Observatory will hold at least two meetings a year, on written invitation by the Chairperson. Unless otherwise specified, the Observatory and its working groups will meet on the Commission premises.
- (2) The alternate member can attend a meeting of the Observatory or a working group only if the member is absent or unable to attend. Commission officials can take part in the meetings of the Observatory and the working groups.
- (3) The provisional agenda, together with the relevant working documents, will be proposed and sent by the Chairperson to the members of the Observatory not less than one month before the start of the meeting. Members may request the inclusion of an item on the agenda and submit documents to the Observatory through the Chairperson.
- (4) The Secretary will draw up the minutes of each meeting of the Observatory under the auspices of the Chairperson. They will contain a summary of the outcome of the meeting, and the opinions expressed on the items addressed. An attendance list will be attached.

4.5. Protection of information:

- (1) Without prejudice to the provisions of Article 287 of the Treaty establishing the European Community, the members of the Observatory, and their alternates, shall not divulge any information they obtain through their work in the Observatory or its working groups where the Chairperson informs them that a particular opinion or matter is confidential. In such cases, only members of the Observatory, or their alternates, and Commission representatives may attend meetings.
- (2) The Commission can publish any reports, opinions and proceedings of the Observatory that are not confidential in nature.

5. WORKING PROCEDURES

5.1. Work programme:

As far as possible, the Observatory will carry out its tasks in accordance with the work programme to be proposed by the Commission.

5.2. Document distribution and consultation:

- (1) All documents, data and information referred to in the working procedures will be provided in electronic form only, by e-mail. Correspondence with Observatory members or the Commission will be sent by e-mail as well.

- (2) All documents, data and information referred to in the working procedures will be available and accessible to the members of the Observatory through a dedicated web site set up by the Commission. They will be uploaded to the web site by the Chairperson.
- (3) The list of members and alternates, together with the corresponding contact details including e-mail addresses, will be maintained by the Secretariat.

5.3. Collection, sharing and processing of data and information:

- (1) The Observatory shall be the vantage point where data and information related to airport capacity as a whole are shared, monitored and assessed. It will therefore be the responsibility of each of the Observatory members to collect, inside or outside the bodies they represent, and according to their respective areas of expertise, all data and information relevant to the tasks to be carried out by the Observatory.
- (2) Data and information collected will be processed in such a way that they are:
 - (a) Accessible to each of the Observatory members.
 - (b) Properly monitored, maintained and updated if need be.
 - (c) Conveniently assessed and discussed within the Observatory.
- (3) When organizing the Observatory works, the Chairperson will ensure that:
 - (a) The Observatory has, or can have, at its disposal the data and information needed to properly carry out a task.
 - (b) The requirements of Points (1) and (2) are fulfilled.
 - (c) The data and information referred to in this Paragraph are duly taken into account and actually underlie the Observatory's works.

5.4. Issuing of opinions:

- (1) At the request of the Chairperson, or on the initiative of the majority of the members, the Observatory will provide the Commission with opinions on matters relating to airport policy. Opinions of the Observatory will notably be based on data and information collected, shared and processed in accordance with Paragraph 5.3. The Commission may set deadlines for the submission of any opinion that it requests from the Observatory.
- (2) To call for an opinion of the Observatory, the Chairperson will discuss with the rapporteur concerned to set out the issues at stake, which will include notably a clear definition of the task to be carried out by the Observatory, and a timetable for the completion of the task if need be.
- (3) The rapporteur will take responsibility for the drafting of the draft opinion by the working group concerned. Whenever appropriate, the Chairperson will call for comments by the other members of the Observatory on this draft. Once completed, the draft opinion will be sent to the Chairperson by the rapporteur.

- (4) The Chairperson will send the draft opinion to the members of the Observatory, and will include it on the provisional agenda for the next meeting, for decision. This meeting will take place minimum one month after the sending of the draft by the Chairperson.
- (5) The draft opinion will be discussed by the Observatory during its meeting, and amended accordingly with the aim of reaching consensus. If a consensus is not possible, the disagreements and reservations expressed will set out in writing and appended to the draft opinion.
- (6) The draft opinion as amended during the meeting, together with the appendix referred to in Point (5), will be sent to the Commission as opinion of the Observatory.
- (7) In issuing opinions the Observatory will, as far as possible, take into account the following:
 - (a) Compatibility with existing legal requirements, including Community law.
 - (b) Relevant ICAO Standards and Recommended Practices.
 - (c) Relevant findings and recommendations of air accident investigations.
 - (d) State of the art and best practices in aviation safety, air traffic management, airport operations and management, and environmental requirements.
 - (e) Up-to-date scientific and technological developments.

5.5. Ongoing tasks:

- (1) The Observatory will draw up and maintain a map of the Community airport network. This map will notably:
 - (a) Cover the whole of the territories of the Member States subject to the provisions of the Treaty.
 - (b) Encompass existing and planned airports.
 - (c) Be combined with the map of TEN-T⁵ networks (existing and planned) to accurately locate each Community airport with regard to major transport infrastructures, including rail and road networks.
- (2) The Observatory will make a comprehensive inventory and assessment of the whole Community grants to the airport sector since 2000. This study will encompass:
 - (a) All Community funds granted whatever the financial instrument.
 - (b) Funds directly allocated to airport projects as well as funds airports have indirectly derived benefit from, such as Community funds allocated to the financing of railways or roads to/from airports.

⁵ Trans-European Transport Networks

- (c) The effects of these grants on each airport concerned, on the airport sector as a whole, and in comparison with the objectives set out by the action plan.
- (3) The Observatory will issue on a regular basis a comprehensive report on the airport capacity issue within the Community. This report will notably:
- (a) Draw up the precise state of play and identify all challenges at stake.
 - (b) Underline trends and possible developments.
 - (c) Point out existing and potential problems.
- (4) At the request of the Commission, the Observatory will give assistance and advice to the ATM network management function to be set up by the Commission. This assistance will be asked for, and given, in accordance with the present working procedures and, if need be, pursuant to specific procedures to be agreed in due course.

6. REVISION AND DURATION

- (1) The Commission reserves the right to amend these terms of reference in the light of experience, and to review regularly the membership to ensure its continued validity.
- (2) The Observatory is set up for a period of five years ending on 31 October 2013.



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