

Joint statement of the Visegrad Group on the amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)

and

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky

Visegrad countries: the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic welcome the overall aim of the proposed recast of SES 2+ ensuring a more flexible provision of air navigation services, fit for the operating environment of today and of the future.

However, it should be noted that the aviation sector has developed significantly since the first proposal for SES 2+ of 2013. Digitisation, drones, traffic growth, capacity constraints and the biggest crisis in the history of aviation caused by COVID-19 - this is now our new reality.

At the same time, we note that according to the amended SES 2+ proposal the scope of sovereign state functions could be narrowed through economic regulation, which is inappropriate, because the air traffic management (ATM) normally falls under the responsibility of the State exercising its official powers as a public authority, in line with the scope of the Chicago Convention. There is a risk of the 'privatisation' of certain decision-making powers within the context of the CDM process.

We, the Visegrad Group, believe that the original objectives of the SES initiative remain valid. The current reform of the legal framework should add to the simplification, should eliminate unnecessary complications of an already overly complex system.

As the Visegrad Group, we would like to draw attention to the lack of reliable impact assessment as well as clear formulation of the aims of the regulation accompanied by the suggested tools to achieve them and including the limited understanding of the full environmental impacts of aviation. The working document accompanying the amended SES 2+ proposal is insufficient in many areas and does not effectively take into account the impact of the above mentioned changes in aviation sector.

It is also of utmost importance that the SES initiative continues to contribute to improving the performance of the European ATM system in all its segments and areas as safety, capacity, cost-efficiency and environmental protection and does not focus only on economic regulation..

We support the main objectives of the amended SES2+ proposal regard to create a more resilient and sustainable ATM system in Europe. Innovative approaches could be developed to ensure the sustainable use of airspace.

We also support activities that increase the EU's commitment to infrastructure investments and new technologies, as digitisation is a driving force, ensuring the potential to manage airspace capacity in a more flexible manner. The Visegrad Group countries encourages the regulation, which aims at balancing the demand, capacity and prices of the ATM services.

On the other hand, the transfer of competence in respect of the economic regulation of air navigation service providers (ANSPs) to the EU level resulting in the exclusion of Member States and national supervisory authorities from financial supervision of ANSPs, would not represent a positive change.

The proposed solutions would affect not only the rights of Member States under the Chicago Convention, but may also affect the financial situation of ANSPs.

As the Visegrad Group, we have serious concerns about the creation of complex administrative structures.

There are serious doubts about the mandatory separation of the national supervisory authorities (NSA) from any public or private entity. The proposed new approach to the organization of the NSA and its financing sources is also a great concern because the proposed institutional framework and separation of competencies may result in additional administrative costs and may adversely affect airspace users.

Instead we suggest that the European Commission should try to focus on helping to remove the systemic obstacles of the cross-border service provision.

The proposed recast of the SES2+ proposal should address more clearly the role of Member States and all stakeholders, while respecting the principle of national sovereignty, and decision making should be exercised by the entities that hold ultimate responsibility.

The mandatory organizational separation of the provision of en-route and terminal air traffic services (ATS) will lead to the fragmentation of existing structures, which will then complicate the governance, monitoring, and supervision processes.

The Visegrad Group believes that careful analysis should be dedicated if the proposed independent European regulator, the Performance Review Body (PRB) within the European Union Aviation Safety Agency (EASA) will bring the envisaged benefits.

The Visegrad Group also wants to emphasize that in developing the secondary legislation the important role of Member States must be taken into account and the currently proposed scope of delegated acts is too excessive.

As the Visegrad Group, representing a considerable part of the European ATM network, we strongly believe that only close, fair and equal cooperation between all operational stakeholders, supported by a proper regulatory environment, can bring positive results and solutions for the whole aviation sector during the crisis and post-crisis time.

