

ICB recommendations on draft Implementing Regulation on Guidance Material for Common Projects

At ICB/46 the Commission requested an ICB position on this draft Implementing Regulation by 15th February 2013. An SDTF meeting was held on 17th January to discuss the draft legislation and a draft response was discussed further at ISG/50. This letter was agreed by written procedure and sent to the Commission on 15th February, noting the minority position of ASD (attached as an annex). The draft legislation received a positive vote from the SSC on 8th March.

ICB

Industry Consultation Body

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Mr Maurizio Castelletti
European Commission
DG Mobility and Transport (MOVE)
Head of Unit E2 - Single Sky & modernisation of Air Traffic Control
Rue De Mot 24
1040 Brussels
Belgium

8 March, 2013

Subject: Comments regarding draft Implementing Regulation on guidance material for common projects supporting the implementation of the European ATM Master Plan

Dear Mr Castelletti,

I am writing to provide comments from the Industry Consultation Body (ICB), on the Commission's draft Implementing Regulation on guidance material for common projects supporting the implementation of the European ATM Master Plan, distributed in November 2012. The recommendations provided are supported by all members of the ICB, with the exception of ASD whose comments have been delivered to the Commission alongside this letter.

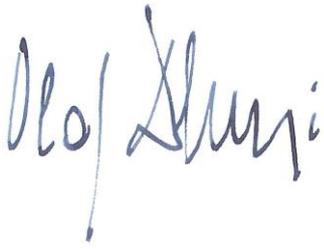
The ICB is grateful to the Commission for providing this draft to the ICB for comment and also for the question and answer session held with Mr Nicolas Warinsko and Mr Marco de Sciscio (DG-MOVE) at the ICB SESAR Deployment Task Force meeting on the 17th January 2013. This briefing provided clarity to some of the issues that stakeholders raised with the version of the document released in November 2012.

The ICB is, in general, very positive about the current draft of the Implementing Regulation and acknowledges the Commission's work to take account of previous input provided by the ICB. However, stakeholders have concerns at the way in which the "framework partnership" concept, as the legal tool for the establishment of the Deployment Manager, will work in practice. The industry is in particular concerned to ensure that the Deployment Manager is a single entity that enables a joint commitment to deployment actions. The ICB welcomes the intention of the Commission to offer stakeholders a workshop on how the framework partnership is to be implemented in the SESAR deployment context.

The industry is fully committed to the industry led governance for the management layer. We believe this is the best way of achieving network performance benefits through synchronised deployment of SESAR.

Our detailed comments are set out in the Annex to this letter. These comments refer to the first draft Implementing Regulation that was distributed in November. I would like to stress that the ICB supports this Implementing Regulation with the proposed amendments laid down in the Annex and looks forward to providing any additional input on this subject requested by the Commission.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Olaf Dlugi". The signature is fluid and cursive, with the first name "Olaf" and the last name "Dlugi" clearly distinguishable.

Olaf Dlugi,
ICB Chairman

A handwritten signature in blue ink, appearing to read "Kurt Andreasen". The signature is highly stylized and cursive, with a long, sweeping underline that extends to the right.

Kurt Andreasen,
ICB Vice Chairman
SDTF Chairman

Annex: Specific comments on the draft Implementing Regulation

Article	Recital – Item 4
Comment	The ICB proposes to remove “large scale” from the draft text.
Justification	To ensure the scope of industrialisation is inclusive of small scale and single industrialisation activities.
Article	Article 2 – Item 2(c)
Comment	The ICB proposes to remove “large scale” from the draft text and also to remove the text “ground and airborne manufacturers”.
Justification	To be less restrictive and to ensure, for example, that the aerospace industry is not excluded.
Article	Article 2 –New Definition
Comment	The ICB requests the inclusion of an additional definition that reflects the group of civil operational stakeholders that have financially invested in deployment.
Justification	The additional definition would allow the text to differentiate between all operational stakeholders that are affected by and should be consulted on a change and those stakeholders that will be required to fund the change.
Article	Article 2 – New Definition
Comment	The term synchronisation should be included in the list of definitions.
Justification	Synchronisation can have a number of different elements, amongst others temporal, geographical and technological. The achievement of synchronised deployment is the goal of SESAR deployment; an industry led Deployment Manager will deliver stakeholder buy-in and hence synchronisation.
Article	Article 4 – Item 6
Comment	The ICB request the Commission to clarify the link between the Network Strategy Plan and the Network Operations Plan in the draft text.
Justification	This clarification will help to avoid confusion, particularly given that the ATM Master Plan does not reference the Network Operations Plan.
Article	Article 8 – Item 2(g)
Comment	The ICB proposes that the draft text should state that the Commission should coordinate with both standardisation and certification bodies to facilitate industrialisation.
Justification	This change would help to ensure that the regulation is comprehensive.

Article	Article 9 – Item 1(d)
Comment	The ICB suggests that the draft text is amended to state that the Deployment Manager is responsible for the exclusion of conflicts of interest.
Justification	The regulation should aim to exclude conflicts of interest.
Article	Article 9 – Item 2
Comment	The ICB suggests replacing “Operational Stakeholders” with a new term reflecting the civil operational stakeholders that have financially invested in deployment. See also Article 2.
Justification	Operational stakeholders that have made investments have a special interest in deployment and should therefore comprise the Deployment Manager. The majority of the Deployment Manager should be civil ANSPs, Airport Operators and Airspace Users.
Article	Article 9 – Item 3
Comment	The ICB proposes the following change to the text: “The membership of the deployment manager shall <u>should</u> be representative in terms of: (a) categories of civil and military stakeholders; (b) investments in the ATM sector; (c) geographical coverage.”
Justification	The draft text may pose a risk to the selection of the Deployment Manager because the Commission may not be able to select a Deployment Manager if it does not include military representation. The proposed amendment would make the composition of the Deployment Manager less restrictive.
Article	Article 9 – Item 5
Comment	The ICB proposes that item 5 is deleted.
Justification	This article would mean that it would not be possible for entities to propose to be part of the Deployment Manager without knowing the implementation projects. The ICB suggest that this Item is unnecessary and could lead to a lack of investment.
Article	Article 9 – Item 11
Comment	The ICB proposes to ensure that the draft text states explicitly that the Commission will fund 100% of the Deployment Manager.
Justification	The financial support to the Deployment Manager needs to be stated more clearly, and this would not pose a risk as the Commission shall select the Deployment Manager and approve the Deployment Programme.

Article	Article 10 – Item 6
Comment	<p>The ICB proposes to state explicitly that third countries will not receive funding for projects outside of the scope of the CBA.</p> <p>The ICB proposes the following text for Item 6 and a new Item 7:</p> <p>Item 6 – “The Implementation level is open to third countries, provided that:</p> <ul style="list-style-type: none"> – the objectives are within the scope of the ATM Master plan; – they bring added value to the deployment programme.” <p>New Item 7 – “The implementation level may also associate other projects not included in the deployment programme, provided that:</p> <ul style="list-style-type: none"> – their objectives are within the scope of the ATM Master plan; – they bring added value to the deployment programme; – they don’t extend to include union funding.”
Justification	The proposed change would help to ensure that the CBA is not impacted by the funding of projects in third countries that are outside the scope of the CBA.
Article	Article 11
Comment	The ICB requests the Commission to add text to clarify that the Implementation Managers should act within their respective roles and competencies.
Justification	Clarification would ensure consistency across the Commission’s texts and with the role of the Deployment Manager.
Article	Article 13
Comment	There is a need to clarify that third countries would be eligible for funding from the Connecting Europe Facility, but not from the TEN-T fund.
Justification	Article 13 should be fully aligned with Article 10.
Article	Article 14
Comment	The ICB suggests that this Article requires additional explanation.
Justification	The article would benefit from additional explanation and clarification. The ICB are not currently in a position to provide a proposed amendment until following the publication of the final text of the Performance and Charging Scheme Regulations.