

EUROPEAN PARLIAMENT

# Working Documents

1982-1983

---

19 May 1982

DOCUMENT 1-211/82

REPORT

drawn up on behalf of the Committee on Transport

on improvement of the European system of air  
traffic control

Rapporteur: Mr W. ALBERS



At its sitting of 7 May 1981 the European Parliament referred the motion for a resolution tabled on 7 May 1981 by Mr Janssen van Raay and others pursuant to Rule 47 of the Rules of Procedure on improvement of the European system of air traffic control (Doc. 1-213/81) to the Committee on Transport.

At its meeting of 26 June 1981 the Committee on Transport decided to draw up a report: it appointed Mr Albers rapporteur at its meeting of 25 September 1981.

The Committee on Transport considered the draft report at its meeting of 29 April 1982 and adopted it unanimously.

The following took part in the vote: Mr Seefeld, chairman; Dame Shelagh Roberts, Mr Carossino and Mr Kaloyannis, vice-chairmen; Mr Albers, rapporteur; Mr Janssen van Raay (deputizing for Mr Baudis), Mr Buttafuoco, Mr Gabert, Mr K.-H. Hoffmann, Mr Junot, Mr Klinkenborg and Mr Lagakos.



The Committee on Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on improvement of the European system of air traffic control.

The European Parliament,

- A. having noted the final act of the diplomatic conference on the protocol amending the International Convention of 13 December 1960 on Cooperation for the Safety of Air Navigation (Eurocontrol Convention) (Brussels, 12 February 1981),
- B. having also noted the findings of the feasibility study on the possibilities of optimised air traffic control over the Benelux countries and the northern part of the Federal Republic of Germany,
- C. having regard to the ratification of the protocol, the procedure for which is already under way in the parliaments of the Eurocontrol member states,
- D. referring to the previous resolutions and reports on the improvement of the operation and control of air traffic (Doc. 49/78 and Doc. 106/79) but more particularly with regard to the latest report of the Committee on Transport (Doc. 1-274/80), and motion for a resolution 1-213/81,
- E. having regard to the report of the Committee on Transport (Doc. 1-211/82),
  1. Notes with disappointment that the Member States which are also responsible for the resolution on the amendment of the Eurocontrol Convention have not acted on the urgent appeal by the European Parliament to preserve Eurocontrol with its original powers and rights and have on the contrary, by concluding the new convention on Eurocontrol, started a process of renationalisation of air traffic control;
  2. Considers that such a development in the operation and control of air traffic in the Community must be regarded as a retrograde step since it will have an adverse effect as regards the rational and at the same time technically flawless control of air traffic, as the new demarcation of air space following its allocation to national control will not make optimal use of the already available control capacity at Eurocontrol possible, nor will it guarantee optimal traffic flows in the Community's airspace;

3. Calls on the Permanent Commission of Eurocontrol to take a positive view of the findings of the feasibility study carried out by the Agency on the optimisation of air traffic control in the airspace over the Benelux countries and northern Germany and also to make a positive decision on the future role of the Maastricht control centre;
4. Urges the parliaments of the Member States to reexamine the policy of the ministers concerned and to resist trends towards the nationalisation of air traffic control;
5. Expresses its satisfaction at the cooperation agreement concluded by the Commission with Eurocontrol and requests that in this connection a further concern should be the electronic industry's interests;
6. Expresses its disapproval of the fact that the Council did not deem it necessary to consult the Parliament on the directive of 16 December 1980 on future cooperation and mutual assistance between Member States in the field of air accident investigation;
7. Urgently calls on the Council to make every effort to prevent nationalisation of air traffic control and management;
8. Asks the Council to empower the Commission to develop an integrated air traffic system for the EC Member States and to look into possibilities of cooperation with third countries;
9. Instructs the Committee on Transport to continue its work in the field of air traffic control and safety and, to this end, to initiate and develop consultation with the appropriate parliamentary committees in the Member States;
10. Instructs its President to forward this resolution to the Commission, the Council and the national parliaments and governments of the Member States.

EXPLANATORY STATEMENTI. Introduction

1. On 10 May 1981 Mr Janssen van Raay and 10 other Members of the Group of the European People's Party tabled a motion for a resolution on improvement of the European system of air traffic control.
2. Mr Janssen van Raay saw a direct connection between this motion for a resolution and the report on the development of a coordinated European air traffic control system which he submitted as rapporteur for the Committee on Transport on 24 June and which gained wide support at the plenary sitting of Parliament on 10 July 1980.
3. In the resolution which was adopted on the basis of this report Parliament expressed the view that Eurocontrol must continue to carry out its operational tasks and that the Eurocontrol Convention which was due to expire in 1983 should be automatically prolonged unchanged so that at least the air traffic control centres of Eurocontrol at Maastricht and Karlsruhe could be maintained.
4. However, at its 55th meeting on 8 July 1980 in Brussels, the Permanent Commission of Eurocontrol agreed to take as a basis for its further activities the draft of a new legal act compiled by the Study Group of the civilian and military deputies for the members of the Permanent Commission.
5. On 20 November 1980 the Permanent Commission agreed to the provisional text of the protocol amending the Convention and decided on the signing of this protocol - subject to a few formal changes - during a Diplomatic Conference in Brussels on 12 February 1981.
6. At the same time the members of the Commission, as representatives of the governments of the Member States, unanimously declared that no use would be made of the possibility open to them of terminating the current Convention, provided that no substantial changes were made to the text of the approved draft protocol or to its annexes.

7. The signing in Brussels on 12 February 1981 of the final act of the diplomatic conference on the protocol amending the international Convention on Cooperation for the Safety of Air Navigation (the 'Eurocontrol' Convention) of 13 December 1960 meant in fact that the European Parliament's initiatives in the form of the Noè report of 20 April 1978 (Doc. 49/78) and the Noè report of 2 May 1979 (Doc. 106/79) based on the hearing held on 19 and 20 March 1979 in Paris, and the recent Janssen van Raay report of 24 June 1980 (Doc. 1-274/80) had made no impression on the intention of the ministers of the member states of Eurocontrol to return to the member states in 1983 the legal responsibility for carrying out civilian air traffic control at high altitudes which had been delegated to an international (European) organisation in 1963.

II. The significance of the motion for a resolution tabled by Mr Janssen van Raay and others

8. The question is whether in view of the great efforts of the European Parliament and the lack of willingness on the part of the responsible authorities to take any notice of the opinions of the European Parliament, there is any point in delivering another opinion.

9. Here it is important to identify the 'responsible authorities' and examine the situation as regards democratic supervision of the policy pursued.

10. It is also important to take into account the views of experts, aviation authorities, commercial pilots, military authorities and the people responsible for air traffic in the first place, the people who use aviation services, i.e. the passengers.

11. It is not too late to act since the national parliaments have still to approve (ratify) the amendment to the Convention.

III. The responsible authorities

12. Generally speaking, the Eurocontrol Permanent Commission comprises the ministers responsible for military and civil aviation.

13. Various of these ministers of the Eurocontrol member countries, the Federal Republic of Germany, France, the United Kingdom, the Netherlands, Belgium, Luxembourg and Ireland regularly take part in the meetings of the Council of



Transport Ministers and thus share responsibility for the development of the common transport policy as defined in the Treaty establishing the European Economic Community, Title IV - Transport.

14. The national aviation authorities play a predominant role in policy formulation in respect of Eurocontrol and in the Eurocontrol Committee of Management which is made up of officials from the national aviation departments.
15. Although the Eurocontrol Convention was signed by the member states, it has only been followed by Belgium, Luxembourg and the Federal Republic of Germany as regards the transfer of air traffic control over 6000 metres, without the national parliaments having been informed of this fact or having protested against it. Only at the end of 1979, and partly at the instigation of the European Parliament, were resolutions tabled in the German Bundestag and the Dutch Second Chamber to the effect that Eurocontrol should effectively be given its original tasks to perform and keep them.
16. On 6 December 1979 the Council took note of a memorandum on air traffic in which the Commission stated, in respect of air safety, that the Council has not yet acted on the proposal that air traffic control should be included in the list of priorities. Referring to the hearing organised by the European Parliament and the resolutions adopted (8 May 1979), the Commission said that it was in a better position to judge whether this matter should be resubmitted to the Council with a view to possible Community measures such as cooperation between the Community and Eurocontrol and other bodies (Supplement 5/79, p. 25).
17. On 6 October 1980 the Commission concluded a cooperation agreement with Eurocontrol.
18. During the years 1979, 1980 and 1981 the Council was occupied with various aspects of aviation, such as
  - aircraft noise emissions (directive of 20 December 1979)
  - passenger fares
  - interregional air services
  - express transport for light freight (recommendation of 13 July 1980).
19. This summary shows that the Council was during these years applying Article 84(2) of the EEC Treaty and deciding to what extent and under what procedure suitable provisions could be passed for aviation.
20. On 16 December 1980 the Council passed a directive on future cooperation and mutual assistance between the Member States in the field of air accident

investigation. This directive was passed without consultation of Parliament and indeed without taking the slightest account of Parliament's resolution on air traffic safety.

21. It must be concluded that the ministers responsible for future policy regarding Eurocontrol are also those responsible for the development of a common transport policy in the European Community, who have proved their readiness to use Article 84(2) of the EEC Treaty to make progress towards a Community aviation policy, but who in the case of Eurocontrol have totally ignored the opinions of representative bodies such as the European Parliament, the German Bundestag and the Dutch Second Chamber.

#### IV. The Eurocontrol study on the air traffic control centre in Maastricht and some reactions to it

22. In June 1980 the Permanent Commission asked the Eurocontrol Agency to compile a feasibility study on possible ways of optimising air traffic control over the Benelux countries and the northern part of the Federal Republic of Germany.
23. In a 300-page report published in summer 1981 the Agency comes to the conclusion that centralisation would be operationally and technically possible, and that this is an economically feasible and even attractive idea which could be completed between 1990 and 1995 if preparatory work was started in 1982.
24. In a brief assessment of the study the civil aviation departments of the four states sharply criticize the technical and operational aspects, cost comparisons, social aspects and organisation and management: criticism which is for a large part refuted by the European public service union, Eurocontrol section.
25. On 19 November the Permanent Commission decided that the four countries should prepare a common standpoint for the next meeting in June 1982. A group of representatives from the national authorities was to be charged with this task under the responsibility of the ministers concerned.

#### V. Ratification procedure

26. The explanatory statement attached to the draft act for the approval of the Protocol on the amendment of the Eurocontrol Convention, signed in Brussels on 12 February 1981, explains that:
  - a number of Eurocontrol member states are unwilling to transfer control of their whole airspace to an international organisation since there were too

- many points at which this would impinge on purely national responsibilities;
- moreover in view of the high European salaries paid in the Eurocontrol organisation such a step would lead to a hardly justifiable increase in aviation charges;
  - the present Protocol embodies a difficult compromise between a wish to preserve Eurocontrol and the attitude of a number of Member States who did not wish to continue with the 1960 version of the Treaty.

## VI. Conclusions

27. After all the efforts Parliament has made since 1978 it is certainly important for Parliament to deliver a new opinion on the air traffic control system.
28. This opinion may carry some weight in the decisions to be taken on 29 June next by the Permanent Commission with regard to air traffic control above the Benelux countries and the northern part of the Federal Republic of Germany and the future role of the Maastricht air traffic control centre.
29. The opinion of the European Parliament can take support from public opinion in general and the opinion of many experts in particular, including commercial pilots, military authorities, IATA, and air traffic controllers and is partly determined by energy saving and cost economy measures, and the interests of the European electronics industry.
30. In view of what has happened in the past, national parliaments must be urged to monitor policy and exert pressure as forcefully as possible for Eurocontrol.
31. As regards the cost aspect, reference is made once again to the undisputed comment by Mr Combe during the debate on the Janssen van Raay report on 10 July 1980: 'A recent study showed that, for 1978, the average cost of national air traffic control services was 44 dollars per 100 flight kilometres while that of the Eurocontrol centres was only 32 dollars.'
32. With regard to the ratification procedure some caution is called for since a number of countries have made their continued membership conditional on amendment of the Convention.
33. Satisfaction can be expressed at the Eurocontrol-Commission cooperation agreement.
34. An urgent appeal must be made to the Council to give serious attention to the

development of a common transport policy, including a common aviation policy which certainly forms part of it, together with an integrated air traffic control and management system.

MOTION FOR A RESOLUTION

(DOCUMENT 1-213/81)

tabled by Mr JANSSEN VAN RAAJ, Mr VERGEER, Mr ALBER, Mr CROUX, Mr VAN AERSEN, Mr FUCHS, Mr K.-H. HOFFMANN, Mr DE KEERSMAEKER, Mr HELMS, Mr RINSCHÉ and Mr VON WOGAU on behalf of the Group of the European People's Party (Christian Democratic Group), pursuant to Rule 47 of the Rules of Procedure, on improvement of the European system of air traffic control

The European Parliament,

- having regard to the modification of the Convention on Eurocontrol decided upon by the governments of the Member States on 8.7.1970 in Brussels,
  - having regard to the ratification procedure commenced by the parliaments of the Member States of Eurocontrol,
  - having regard to previous resolutions and reports on the improvement of the coordination and control of air traffic (Doc. 49/78) and Doc. 106/79), and in particular the most recent report by the Committee on Transport (Doc. 1-274/80),
1. Notes with disappointment that the Member States which are at the same time responsible for the resolution to amend the Eurocontrol Convention have failed to take action in response to the European Parliament's urgent call for Eurocontrol to be maintained with its original powers and rights, and have, on the contrary, by concluding the new Convention on Eurocontrol, initiated a process of renationalization of air traffic control.
  2. Believes that such a development in the coordination and control of air traffic in the Community must be regarded as a retrograde step, since it is prejudicial to rational and technically viable air traffic control seeing that the new division of airspace subject to national control does not permit optimum use to be made of the control facilities already available to Eurocontrol nor can it guarantee an optimum flow of traffic in Community airspace.
  3. Considers, however, that a halt must be called to further division of the control of air traffic in the European Community under the amendment of the Convention, by bringing the powers and tasks of Eurocontrol under the field of application of the Treaty of the European Community so as to enable the European Parliament to exercise control over the management of air traffic in the interests of the citizens of Europe.

4. Calls on the parliaments of the ten Member States to delay ratification of the new Convention until a revised text of this Convention including the incorporation of Eurocontrol into the EEC is available; this text should take into account the need for efficient use of both the airspace in the European Community and air traffic control and aircraft fuel installations.
5. Instructs its President to forward this resolution to the national parliaments of the Member States and to the governments of the Member States.