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Government obliged to reconsider EU failure and new measures to deal with volcanic ash

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Problem

Ahead of UK Government Transport Minister, Charles Hendry, attending the EU Transport, Telecoms and Energy Council in Luxembourg on Thursday 24th June, the following observations should be noted:

1. Government ministers will be briefed by the Commission on the EU response to the consequences of the volcanic ash cloud for air transport in the aftermath of the eruption of a volcano in Iceland .
2. The International Air Transport Association (IATA) criticised the European response for the way they closed airspace because of volcanic ash from Iceland.
3. European Transport Commissioner Siim Kallas said “We have taken all assessments and valuations of costs from all the different stakeholders and we are working with a number between 1.5 and 2.5 billion euros” – that is £2.2 billion for the European aviation industry, grounded by the chaos.
4. The IATA chief, Giovanni Bisignani told, the BBC: “This is a European embarrassment and... a European mess” and that “the decision that Europe has made is with no risk assessment, no consultation, no co-ordination, no leadership”.
5. At the Extraordinary Council meeting in Brussels on 4 May 2010, two days before the UK General Election, the Transport, Telecommunications and Energy Council agreed to a new programme – even though there had been a massive European failure in managing the volcanic ash situation.
6. At the previous Council, attended by Lord Adonis, ministers adopted “conclusions on the EU response to the consequences of the volcanic ash cloud for air transport in the aftermath of the eruption of a volcano in Iceland.”
7. Ministers before the General Election agreed on the need “to develop without delay new methods for risk assessment and risk management and to establish binding limit values as regards the risks of volcanic ash clouds ...”
8. Ministers before the General Election agreed on the need “to fast-track key elements of the Single European Sky, including the appointment of a central network manager for the European airspace ...”
9. Ministers before the General Election agreed on the need “to develop an interlinked European transport system allowing to switch to other transport modes in an emergency.”

The Plan for a “Single European Sky”

10. Presented with a definite problem – the European Union, which failed to effectively manage the volcanic ash crisis and outfall, has simply answered with calls for further integration. In the aftermath of the eruption of Iceland’s Eyjafjallajokull volcano, the Commission took the opportunity to call for a harmonized approach to the EU’s skies. As European Commission transport spokesperson, Helen Kearns, said “There is simply not enough Europe here.”

11. At present, each EU Member State is responsible for its own airspace and the flight routes are determined by national authorities. Brussels has held the ambition of a ‘Single European Sky’ for a long time. Once land borders have been eliminated, the logical step for Brussels has been to eliminate the sky borders.

12. In 2004, Brussels adopted several regulations aimed at creating a ‘Single European Sky’ and reforming the current air traffic management system. However, as such regulations had not delivered the results expected by the Commission, a second package of legislation was adopted last year. The new regulations provided for the creation of “functional airspace blocks” (FABs), through which two or more Member States may agree to integrate their upper airspace and appoint a single service provider to control air traffic in that block. The plan is to reorganise the 27 national airspaces in nine European FABs by June 2012.

13. The main aim of the Single European Sky package II is to redesign the European sky according to traffic flows rather than national borders. Hence, it would put in place a single European system for air traffic and it would create a European network manager. The implementation of the Single European Sky II was due to come into force in 2012. However, the European Commission has used the momentum of the travel chaos caused by the Icelandic ash cloud to “fast-track” the Single Sky project.

14. The European Commission has stated that “The current crisis showed, if any proof were needed, the crucial importance of a better integration of the EU airspace through the Single European Sky (SES) initiative”, hence “the acceleration of its implementation should be given the highest political priority.” The Commission has proposed “concrete actions” to be taken as soon as possible in order to accelerate the full implementation of the SES.

15. On 4 May, at an extraordinary meeting, the EU’s transport ministers agreed “on the importance of giving the highest priority to the acceleration and anticipation of the full implementation of the Single European Sky.” According to the *EuropeanVoice*, José Blanco López, Spain’s minister of public works, has said that due to the ash cloud “We have made more progress in two weeks than we have in years,” towards more EU coordination, meaning harmonising rules on air-traffic. The Transport Council called upon “the European Institutions and the Member States to take urgently the appropriate decisions on a series of measures identified by the Commission.”

16. The European Commission has therefore received Member State approval to put in place the necessary measures to accelerate the full implementation of the SES. Most controversially, it has asked that a European network manager should be appointed before the end of 2010. This is a “crucial” point for the Commission as it believes if it “had been designated prior to the crisis, the situation would have been quite different.” According to the *EU Observer*, a European Commission official has said that “the power to issue binding recommendations would not impinge on Member State sovereignty over their airspace as the advice could be ignored. But a fine could be issued if it is then proven that ignoring the recommendation led to adverse consequences.” Siim Kallas has said “It was never supposed to be a super-national authority, but a co-ordination mechanism. The final decision will still rest in the hands of member states.” Nevertheless, it seems that the new EU authority would have the power to override Member State control over their airspace.

Conclusion

17. It is essential that the UK Minister for Transport should reject the EU Transport, Telecoms and Energy Council approval for seeking further control over European airspace, given its previous failure in this area, that further legislation be approved on an intergovernmental footing, and that decisions regarding passenger safety and the calculation of risks of volcanic ash clouds be properly assessed for the future.

18. Noting the previous Government’s response, it is a legitimate expectation to see that such situations should be effectively managed in Britain’s national interest.

Source:

<http://register.consilium.europa.eu/pdf/en/10/st09/st09280.en10.pdf>