Department for Transport

Baroness Sugg
Transport Minister for Aviation, International and Security

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000
E-Mail: baroness.sugg@dft.gov.uk

Web site: www.gov.uk/dft

Dear Richard, Jenny,

7 March 2019

Air Traffic Management (EU Exit) SI

I am writing to provide some further information on the UK's arrangements for the provision of air navigation services in the event of a non-negotiated exit from the EU following questions raised in the debate on the above instrument on 25th February.

Impact of Pan-European function being removed

The UK's obligations to provide air navigation services (ANS) come from the Chicago Convention and Standards and Recommended Practices (SARPs) set out by the International Civil Aviation Organisation (ICAO). The UK will remain a contracting party in its own right to the Chicago Convention, with rights and obligations to ICAO SARPs. As EU States are also ICAO Member States, and have the same obligations, this will ensure interoperability on the provision of ANS.

Eurocontrol

The UK will continue to be a contracting party to Eurocontrol, an inter-governmental organisation of 41 European States including the EU 27. Eurocontrol provides coordination of operators across the European Air Traffic Management network to ensure that air traffic is safely managed against available airspace capacity. Although Eurocontrol is not an EU body, where it provides functions and services to EU States it is regulated by EU law. Eurocontrol is designated as the Single European Sky (SES) Network Manager and regulates the interaction with operators like airports and air navigation service providers in EU States. Although the UK is assured of continued access to Eurocontrol's services as a contracting party to its convention, we have saved the requirements in the relevant SES rules on the interaction between UK industry and the Eurocontrol Network Manager to ensure that our arrangements are equivalent to EU States.

Our Eurocontrol membership means that we will retain a mechanism for UK operators, particularly NATS, to coordinate with EU operators on air traffic management matters. NATS will also remain a member of CANSO (Civil

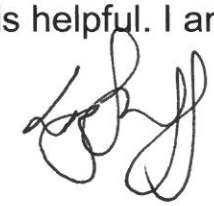
Aviation Navigation Services Organisation) which represents air navigation service providers covering 90% of the world's airspace.

Research, development and deployment of new technology
Single European Sky Air Traffic management Research (SESAR) is the technology programme within SES. It aims to develop and deploy new technology and operating concepts to increase the capacity of the European Air Traffic Management System as air traffic grows. The UK's level of participation in the SESAR programme remains a matter for the detailed negotiations on our future relationship. However, Eurocontrol participates in both the research, development and deployment work to represent the interests of its non EU member states and their industry. Therefore, if it is not possible to secure continued participation of UK industry, this might present a mechanism to continue some level of UK involvement. We firmly believe it is in the best interests of the UK and EU to maintain close cooperation on this matter.

With regards to funding for the deployment of SESAR technology, although UK industry will no longer be able to receive EU funding, the Government has committed to cover any loss of funding where agreements with the EU are not fulfilled as a result of EU exit. We are continuing to consider the need for future funding of UK airspace modernisation work including the deployment of new technology. The CAA has recently published a draft performance plan for the UK's air navigation services for 2020-2024 including a price control for NATS enroute services. This includes proposals for some contingency funding for technology deployment and airspace modernisation.

Costs of implementing the EU SESAR Pilot Common Project (PCP)
The PCP is an industry driven project and therefore the full costs of implementation are not known to EU Member States. However, the UK fully benefitted from available EU funding from the 2016 and 2017 Connecting Europe Facility Calls and UK industry was very supportive of the regulation setting out the requirements for the PCP when it was agreed in 2014. This project aims to deploy new technologies and operating concepts to improve the efficiency of air traffic management amongst key operational stakeholders. It only applies to key European hub airports that have a significant impact on the wider European network, with those particular airports being specified in the Annex to the EU regulation. This SI simply takes out the references to non-UK airports in order to fix the inoperability and retain a UK jurisdiction to the retained legislation.

I hope this further information is helpful. I am placing a copy of this letter in the library of both Houses.



BARONESS SUGG