



**COUNCIL OF  
THE EUROPEAN UNION**

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**INFORMATION NOTE**

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From: European Commission

To: Council

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Subject: Single European Sky - FABs implementation: steps undertaken by Member States  
to meet the deadline of December 2012

- *Information from the Commission*

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Delegations will find annexed an information note from the Commission on the above mentioned subject, which will be dealt with under "Any Other Business" at the meeting of the Council (**Transport**, Telecommunications and Energy) on 16 June 2011.

**Information note from the Commission****Single European Sky****Implementation of FABs: steps undertaken by Member States to meet the deadline of December 2012****1. INTRODUCTION**

On the basis of the Single European Sky (SES) legislation Member States are obliged to “take all necessary measures in order to ensure the implementation of functional airspace blocks” (FABs) by 4 December 2012. Based on a number of concrete requirements, Member States should increase cooperation and seek integration of air navigation service provision, where appropriate, through the structured framework offered by the establishment of FABs. FABs should be established with a view to ensuring that national airspace boundaries do not reduce the efficiency of air traffic flows and air traffic services provision in Europe.

The establishment of FABs should enable the defragmentation of European airspace and the subsequent improvements in performance for the European air traffic management and air navigation services. Together with the performance framework and the network functions, the establishment of FABs will be key to the success of the Single European Sky, ensuring that Europe will be able to accommodate the forecasted growth in traffic in a sustainable manner.

With the amendment to the SES legislation in 2009<sup>1</sup> the requirements linked to FABs was modified and aligned to meet the performance objectives of the package. The establishment of FABs is therefore one of the enabler to attain the targets set under the performance scheme. The FAB definition was modified, focusing more on the service provision within defined blocks of airspace. In addition the artificial division level between upper and lower airspace was removed and new elements were attached to the list of requirements for the FABs to fulfill. Furthermore, a deadline for Member States to take all necessary measures to establish FABs was set on 4 December 2012.

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<sup>1</sup> Regulation (EU) No 1070/2009.

The Commission has issued FAB Guidance Material and an implementing Regulation on the information requirements linked to the consultation before establishment of FABs and the demonstration of their compliance with the requirements of the SES legislation. A FAB systems coordinator, Mr Jarzembowski, has been appointed and he is actively approaching Member States to facilitate the FAB establishment processes.

Through the Budapest Charter<sup>2</sup> Member States agreed to, inter alia, accelerate the establishment of FABs, foster closer cooperation at all levels in the FABs and develop effective cooperation with their neighbouring FABs and third countries.

## **2. PROGRESS OF FAB ESTABLISHMENT**

Currently two FABs (UK-Ireland FAB and Danish-Swedish FAB) have been formally established and are operational where based on the governance structures of the FAB cooperation, deliverables contributing to performance improvements are being implemented.

Seven more FAB initiatives are in various stages of the establishment process and based on the reported information and developments in the FAB initiatives, it seems likely that all the FAB initiatives will be able to sign and potentially ratify the FAB State Level Agreements in order to meet the December 2012 deadline, provided that the political support of the States remains strong.

Member States have approached the objective of increased structured cooperation through FAB establishment in different ways. Without implying any particular approach, the creation of FABs could be characterised in four different phases, feasibility, definition, development and implementation (see annex). This allows the classification of various FABs initiative according to their progress in meeting the deadline set by the legislator as indicated in annex.

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<sup>2</sup> [http://ec.europa.eu/transport/air/events/doc/2011\\_03\\_03\\_atm/2011\\_03\\_04\\_budapest\\_charter.pdf](http://ec.europa.eu/transport/air/events/doc/2011_03_03_atm/2011_03_04_budapest_charter.pdf)

**It appears that Member States lag behind with the implementation of FABs. Member States have called for acceleration of the Single European Sky in the Council. The time is now for Member States to show leadership and resolution to solve remaining difficulties in the establishment processes. They must respect the 2012 deadline and push for the establishment of FABs as an essential milestone of the implementation of the Single European Sky. The Commission will continue to closely monitor the progress of FABs with a reinforced interest as the 2012 deadline approaches.**

### **3. MILITARY INVOLVEMENT**

Despite that military activity is not regulated by the Single European Sky, the importance of their interaction in the processes redefining the civil use is undisputable. SES legislation imposes responsibilities on Member States to appropriately address civil-military cooperation through the implementation of the concept of flexible use of airspace. For a well-functioning utilisation of the airspace as a common resource, the appropriate involvement of the military as a partner for the FAB establishment processes is equally important. The military should see the FAB establishment as well as a possibility of having access to more appropriate training areas through the creation of cross border areas allowing adjustments to existing national areas improving the situation for the civil use of airspace.

**Military involvement seems so far rather limited, indirect and lacks transparency. It continues to rely on existing national arrangements rather than on new, more ambitious FAB arrangements.**

### **4. FABs AND THE PERFORMANCE SCHEME**

The Performance Scheme established through the implementing Regulation (EC) No 691/2010 encourages close cooperation between their national supervisory authorities with a view to establishing a performance plan at functional airspace block level rather than individually at national level. The obligation on Member States to aggregate the performance targets showing consistency at functional airspace block level with the European Union-wide targets, will stimulate and facilitate the process for the next reference period.

**The Commission would have expected that Member States would see the benefits of producing joint plans and targets in established FABs and can only regret that the opportunity at this initial stage is not fully embraced.**

## **5. FABs AND NETWORK MANAGER**

As the activities and responsibilities of the Network Manager is activated on the basis of the implementing Regulation on network functions just adopted, the responsibility for the overall performance of the network will be attributed to Eurocontrol working together with Member States to ensure an appropriate response and coordination between initiatives at Member State/FAB level. Member States and stakeholders shall if possible come with consolidated inputs per FAB to the Network Manager.

A fundamental achievement of the Network Functions will be the ability to ensure that route network optimisation is achieved and implemented in a coordinated manner. Of course, to the extent that pre-coordination is already done between FABs as part of their internal process, the Network Manager will monitor and will be less likely to intervene. The Network Manager will have a Network Management Board with operational stakeholders. For Air Navigation Services, representation per FAB is foreseen.

**Based on the existing and planned structures for FABs establishment and operation, they remain focused on internal FAB arrangements with no concrete initiatives for FAB interfaces at State level, despite the concrete obligation to ensure inter-FAB cooperation. Member States should opt for the development of joint FAB performance plans and targets as it will facilitate meeting the EU wide performance targets. The implementation of network functions will allow reconciling performance achievements at local level with those at FAB level. Still it is important that own performance achievements are not obtained at the expense of others.**

## **6. FABs AND SESAR - TECHNOLOGY DEPLOYMENT IN LINE WITH THE ATM MASTER PLAN**

Currently there are significant differences on the level of implementation by States of technological improvements within the same FAB initiative. The coordinated implementation of operational improvements identified in the European ATM Master Plan, is an area where tangible synergies should be achieved through the FAB cooperation.

Member States are urged to recognise the importance of synchronised deployment of key technological improvements critical for network performance and to ensure that the shared political endorsement of the European ATM Master Plan is followed by coordinated investment plans for their implementation by the air navigation service providers.

**Member States are urged to recognise the importance and contribute to the synchronised deployment of key technological improvements critical for network performance.**

## ANNEX

### Phases for the establishment of FABs

**Feasibility phase:** This first phase typically consists in a detailed feasibility study in order to provide a set of initiatives and alternatives for cooperation amongst all partners. According to SES legislation, Member States are required to establish FABs that satisfy certain requirements aiming for improving capacity and efficiency, supported by a safety case and justified by a cost-benefit analysis.

**Definition phase:** The institutional aspects related to the establishment of a FAB are very complex and must be addressed at the earliest occasion, specifically during the Definition Phase. The major areas usually addressed during this phase relate to operational, technical, military, legal/institutional/organisational, economic/financial and social aspects. The economic and charging mechanism within the FAB touches upon the States' fiscal regime and economic interest of involved air navigation service providers and airspace users, while it should support the operational improvements created by the FAB. Therefore, the economic model has to be developed and agreed during this phase.

**Development phase:** In most cases there is a sliding transition from the definition phase to the development phase in more concrete preparations for the implementation of deliverables constituting the FAB arrangements in response of legal and performance objectives.

**Implementation phase:** This phase is based on the deliverables approved during the definition phase and is closely linked to the main developments in Europe in order to ensure consistency with the overall pan-European ATM system: the initiatives and activities of the Network Manager and the political endorsement of the European ATM Master Plan.

This would allow the grouping of the different FAB initiatives in the following manner, giving also the major milestones in the projects for 2010/11:

<b>FAB</b>	<b>Phase</b>	<b>Major Milestones achieved in 2010/11</b>
Danish-Swedish FAB	Implementation	<ul style="list-style-type: none"> <li>FAB Board decision detailing plan for future work for the national supervisory authorities, including the drafting of a common performance plan for the FAB.</li> </ul>
UK/Ireland FAB	Implementation	<ul style="list-style-type: none"> <li>A number of airspace and operational changes have been implemented in line with the 4-year rolling FAB Plan, endorsed by the FAB Management Board (ANSPs) and the FAB Supervisory Committee (NSAs).</li> </ul>
FAB Central Europe	Implementation	<ul style="list-style-type: none"> <li>The FAB CE State level agreement was signed 5 May 2011 marking the completion of the FAB CE Preparatory Phase and entry into the FAB CE Implementation Phase.</li> <li>Deliverables for the Implementation phase agreed in May 2010 by the CEO Committee (ANSPs): <ul style="list-style-type: none"> <li>The FAB CE Implementation Plan and its eight annexes</li> <li>Performance and Safety Assessment</li> <li>A Legal Analysis of possible vehicle for the ANSP Cooperation</li> </ul> </li> <li>Draft NSA Cooperation Agreement (November 2010)</li> </ul>
FAB Europe Central	Implementation	<ul style="list-style-type: none"> <li>The FABEC Treaty was signed on 2 December 2010. This Treaty shall enter into force by 2012 after ratification.</li> <li>Implementation of cross border airspace re-design: AMRUFRA (AMsterdam east sector, RUhr sector and Langen sectors surrounding FRAnkfurt).</li> <li>First real-time simulation for the new FABEC routes network.</li> <li>Agreement on cooperation for air traffic controller (ATCO) basic training (ANSP).</li> </ul>
BLUE MED FAB	Definition	<ul style="list-style-type: none"> <li>Operational/ technical gap analysis completed (ANSP). Delivery of several quick-wins: <ul style="list-style-type: none"> <li>Specific operational/ technical improvements with cost benefits.</li> <li>Completion of a revised route network catalogue (71 implemented, 121 active) aligned and within the scope of the European ATS Route Network Version 7.</li> <li>FAB model based on operational simulations completed.</li> </ul> </li> </ul>
South-West FAB	Definition	<ul style="list-style-type: none"> <li>CAA cooperation agreement signed.</li> </ul>

<b>FAB</b>	<b>Phase</b>	<b>Major Milestones achieved in 2010/11</b>
Baltic FAB	Feasibility	<ul style="list-style-type: none"> <li>• Establishment of common Polish-Lithuanian governance structures.</li> <li>• Feasibility Study completed.</li> <li>• Preparation of Implementation Plan started.</li> </ul>
Danube FAB	Feasibility	<ul style="list-style-type: none"> <li>• MoU signed at State level followed by MoUs between the ANSPs and NSAs.</li> <li>• Establishment of the Danube FAB Steering Committee (State level).</li> </ul>
NEFAB	Feasibility	<ul style="list-style-type: none"> <li>• Joint Statement of support signed in September 2010 at State Level.</li> <li>• Reorganisation of initiative after DK-SE withdrawal.</li> </ul>

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