NEWS FROM CANSO

CANSO, the Global Voice of Air Traffic Management, has welcomed the Royal Decree from the Spanish government in respect of the set-up of a new legal framework for the provision of air navigation services in Spain. CANSO at all times seeks to encourage collaboration, convergence and harmonisation in the provision of a safe and efficient Air Traffic Management, and supports its members wherever they seek to improve the air traffic system. In CANSO’s view according to a communiqué it issued on 8th February, this Decree provides a foundation for the delivery of ATM services that are better aligned to the needs of passengers and business both in Spain and elsewhere. This Royal Decree is a positive step forward and should help Spain to bring air navigation charges closer to the European average.

A summary of the Decree (translated from Spanish):

The high accrued deficit and the level of the air traffic fees - the highest in Europe due mainly to the high Air Traffic Controllers (ATCOs) costs - are putting at risk the financial sustainability of the company and the maintenance of its certificate according to the European Union Single European Sky (SES) Regulations. In addition, the inability to reach a new collective agreement with the ATCOs group after long standing negotiations since 2005, and the current economic crisis facing this sector has led the Spanish Government to take the initiative with the publication of a decree-law being approved by the Spanish Ministers Cabinet meeting at its session on 5th February 2010.

The decree, which aims to ensure continuity in the provision of ATS services in a safe and cost-effective manner, speeds up the pace of liberalisation in the sector and establishes for Aena an interim regime of three years governing the working conditions of its ATCOs.

With a view to gaining cost-efficiency, the new decree carries on a set of liberalizing measures by opening the provision of ATC and AFIS services at some Spanish towers through a concession scheme to certified providers. Liberalisation is also applied to initial training activities.

Aena will continue to provide en-route and approach air traffic control services in Spanish airspace. The Spanish Ministry of Development (Ministerio de Fomento) will be responsible for designating the certified service providers in charge of providing ATS services at the Spanish aerodromes. The designation of the tower ATS provider will depend on the proposal of the airport concessionaire who will
specify the services required (AFIS, ATC or both). In two months time, Aena will present to the Spanish Ministry the safety studies so as to identify in which Spanish aerodromes AFIS could be provided.

In the above context, the Spanish NSA (National Supervisory Authority), AESA, is entitled to certify new air traffic control service providers by urgency procedure as well as the current air traffic control training entities as AFIS training entities. Other complementary measures are to entitle AESA to approve as a matter of urgency training plans which allow for previous experience and knowledge validation so as to supply new licensed controllers in a shorter time.

The decree also provides for a gradual reduction of the Spanish en-route fee between year 2010 and 2012 so as to be, by 2013, at the average of the 5 main European air navigation service providers.

The new decree also establishes for Aena an interim regime of three years governing the working conditions of its ATCOs which returns devolved powers to Aena’s management. The main temporary measures for Aena’s ATCOs (that are applicable until a new collective ATCOs agreement is negotiated and in place) address working conditions aspects such as the increase of the amount of annual ordinary worked hours and the limitation of the number of overtime hours a year. Likewise, Aena will accommodate the leave policies to the needs of the service, in order to guarantee the continuity of a safe and cost-effective service provision.

The new decree provides for sanctions according to the Air Safety Law for both the air traffic service provider and its staff, when failing to comply with the established regulations. In particular, staff could be disciplined or dismissed should the breach affect the safety, the efficiency or the continuity of the service provision.