

## **The Single European Sky Prospects for Ukraine**

*Particularities of the Single European Sky introduction were analyzed. Legal fundamentals were determined and investigated. The conclusion concerning the need to adapt national legislation to the European concerning the mentioned issue was made.*

On February 23, 2021, the President of Ukraine issued a decree withdrawing from the Agreement on Civil Aviation and the Use of Airspace, concluded on December 25, 1991, in Minsk, and the Agreement on the Use of Airspace, concluded on May 15, 1992, in Tashkent [1]. This once again focuses on the European-oriented course of development of our state, in the light of which the idea of the Single European Sky implementation gains new relevance.

The Single European Sky is an ambitious initiative to reform the architecture of European air traffic control to meet future capacity and safety needs [2].

The European Green Deal, but also new technological developments such as wider use of drones, have put digitalization and decarbonization of transport at the very heart of EU aviation policy. However, curbing emissions remains a major challenge for aviation. The Single European Sky, therefore, paves the way for European airspace that is used optimally and embraces modern technologies. It ensures collaborative network management that allows airspace users to fly environmentally optimal routes. And it will allow digital services which do not necessarily require the presence of local infrastructure [3].

There has been a sharp rise in delays to aircraft. This has major repercussions for users and places a substantial financial burden on airlines. Delays cost airlines between €1.3 and €1.9 billion a year. The delays are due to a combination of factors: insufficient capacity of the air traffic control system, adverse weather, problems of airports or within airline operations [2].

Most importantly, the urgent need to defragment the European ATM system was addressed through the implementation of FABs, but these have not brought about the desired results. The long and delayed process of FABs' application, as well as different technical developments between blocks, and even between countries within a single block, leads to the conclusion that the initiative has not provided united airspace based on operational needs [4, p.15].

For Europe to indeed be united, the Union needs to encompass the airspace and remove the fragmentation, which necessitates full interoperability including the European ATM Network (systems, constituents, and associated procedures) which should also extend to uniform and transparent charging and competition of the ANSP's (ATC's – away from some monopoly systems still employed by the Member States). Summarized the benefits far exceed any outstanding issues, which now need to be overcome, to realize the overall advantages: 1. Safety (Airspace events per flight-hour; Safety maturity of Regulators and ANSPs; Compliance (risk

assessment and mitigation) (ATM's); 2. Efficiency: 1). Economic (Financial cost-effectiveness); 2). Operational (Capacity/delays; Routing extension; Environmental impact; Airspace use and design); 3). Technical (Interoperability of ATM systems; Safety maturity of Regulators and ANSPs; Commonality of ATM systems [5, p. 227].

To secure safe and cost-effective air traffic management services, the Commission proposes actions such as: 1) strengthening the European network and its management to avoid congestion and suboptimal flight routes; 2) promoting a European market for data services needed for a better air traffic management; 3) streamlining the economic regulation of air traffic services provided on behalf of Member States to stimulate greater sustainability and resilience; 4) boosting better coordination for the definition, development and deployment of innovative solutions [3].

Efficient segregation of airspace within the FUA concept has been adversely affected by failure to report on actual usage of segregated airspace as required. States' lack of cooperation constrains the benefits to be gained from the concept. Moreover, it is predicted that the performance scheme's desired reduction in delays will not be achieved. Insufficient capacity planning and, once again, industrial actions are among the factors hindering efficiency [4, p.15].

Whilst the Member States still resist conceding any form of Sovereignty (or arguably subsidiarity) – they need to overcome protecting their own national interests, in terms of airspace unity, for in many ways the Member States are the ones disadvantaging EU carriers and the customers. The time may yet come when the EU Commission needs to further pursue action through the Treaty and enforce penalties for non-compliance, only then may we see the FAB in the skies above Europe become a reality [5, p. 227].

Lastly, the overall process of reforming European airspace within SES has been slow and delayed. This has been partly affected by a lack of cooperation and commitment from ANSPs and states to deliver the information needed and apply desired amendments. It has been noted that the program's various stakeholders have different interests and priorities, which also result in lack of cooperation [4, p.16].

The reform of the Single European Sky proposed by the Commission is based on four pillars: performance, single safety, new technologies and managing capacity on the ground. First pillar: regulating performance. The Commission proposes three measures under this pillar: Driving the performance of the air traffic control system; Facilitating the integration of service provision; Strengthening the network management function. Second pillar: a single safety framework. The Commission proposes to extend the competence of the European Aviation Safety Agency (EASA) to the remaining key safety fields: aerodromes, air traffic management and air navigation services. Third pillar: opening the door to new technologies. Europe must accelerate the development of its control system by implementing SESAR in order to increase safety levels and traffic control capacity. Fourth pillar: managing capacity on the ground. The Commission insists that investment is necessary to ensure that airport capacity remains aligned with air transport management capacity and to preserve the overall efficiency of the network.

It reiterates the measures proposed in the action plan for airport capacity, efficiency and safety in Europe [6].

The Single European Sky Implementation Document in Ukraine (LSSIP) is a list of declared commitments of national civil and military aviation authorities, air navigation service providers and airport operators to implement the European ATM Master Plan, and, in essence, is a strategic plan for the development of Ukraine's air navigation system [7].

The Single Aviation Area Agreement is similar to the Association Agreement and contains a large number of obligations. Ukraine will have to seriously review its legislation, rules on flight safety and consumer protection [8].

Structurally, the document consists of 6 parts, which contain the national structure of air traffic management, air traffic and capacity, recommendations for the ESSIP report, description of national projects, national coordination procedures and the status of implementation of ESSIP targets in Ukraine. LSSIP covers the following tasks: Improving the efficiency of airspace use; Improving safety on the runway; Introduction of a data exchange mechanism, tools and procedures to support landing approaches; Implementation of support for TCAS II version 7.1; Introduction of an electronic support system for air traffic controllers; Implementation of VoIP protocol in air traffic service system; Introduction of advanced air traffic flow management; Creation of an electronic database of relief and obstacles; Ensuring the proper quality of aeronautical data; Implementation of a standard message transmission protocol; Ensuring the interoperability of surveillance systems; Introduction of P-RNAV; Implementation of APV procedures; Implement measures to reduce risks for airspace users; LSSIP also includes targets for implementation by Kyiv Airport (Boryspil) [7].

Therefore, it is necessary to take a comprehensive approach to the issues of harmonization of the legislation of Ukraine on air transport with the norms of international and European Law. This should be done through further accession of the state to multilateral and bilateral agreements on the development of international air services, through the implementation of obligations arising from membership in international organizations, as well as in the preparation of relevant regulations. Today in Ukraine, insufficient attention is paid to joint research by scholars in the fields of law, economics and public administration on the harmonization of Air Law in Ukraine [9, p. 129].

## References

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