POLITIS STUDY
THE GROWTH OF AIR TRANSPORT AS SEEN BY THE POLITICAL ACTORS IN EUROPE
(2000-2006)

short English version of
LA CROISSANCE DU TRANSPORT AERIEN EN EUROPE
VUE PAR LES ACTEURS POLITIQUES

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This report explores the attention paid to air transport growth by European political groups, by answering the question: ‘how do political actors become aware of air transport growth and sustainability issues?’, in particular, are there two distinct problems, one being the traffic growth and the other its environmental effects? Or have these two merged into one single issue? When the issues have merged, what topics constitute the different facets of the problem? The study was performed using ‘official’ political products only.

Six political areas have been chosen to understand the level of this attention and what drives it in different political arenas: the UK, Germany, France, Italy, Spain and the European Institutions –in this short version, only UK and Europe are in full-. In each area, the report analyses 3 possible ways of political action and their interactions. First, the political parties’ programmes have been studied during and between important election periods. This provides a landscape of how political parties address this issue. Then, parliamentary debates have been explored with attention given to capturing the diversity of related topics used during the legislative processes. This allows understanding of how parliaments translate and discuss these topics. Finally, government projects have been surveyed and analysed to compare adopted public policies. This reveals how governments adopt and negotiate public policies.
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FOREWORD

The present EUROCONTROL Experimental Centre Note was devised within the Air Transport Evolution research thread. It is one of several exploratory studies that constitute the foundations of strategic research on air transport evolution. This thread aims to provide material to support the development, deployment and evolution of Agency policies and strategy with an ambition to facilitate informed decisions by policy makers within the Air Transport community.

At a time when air transport growth is sometimes being challenged in public opinion and when sustainability is increasingly important in Europe, understanding the place of air transport in the political landscape in Europe and in particular regarding sustainability is of increasing importance for the air transport actors.

In 2006, EUROCONTROL has commissioned an exploratory study to better understand the political landscape of air transport in Europe. The present document reports on the views of a wide variety of political bodies: political parties, governments, parliaments, in 5 European countries and in the European Institutions, and explore the drivers of those political bodies. It shows current trends on how the political scene(s) evolve in Europe regarding air transport evolution and highlights some influencing factors.

By publishing this work, the intention is to widen the understanding and increase the awareness in air transport about the political context in which decisions about air transport and its regulation are taking place in Europe.

Nadine PILON
EUROCONTROL
EXECUTIVE SUMMARY

How the political actors are made sensitive to the problem of air transport growth and the subject of sustainable development? Do they constitute one and the same problem? If so, what issues make up the various facets of this problem?

These questions have been the starting point of a comparative study of the sensitivity of the political actors to the problems associated with air transport growth. Six political fora were chosen, namely the United Kingdom, Germany, France, Italy, Spain and the European institutions:

- All the political programmes of the parties were studied at election time as well as in the normal course of a parliament. A sample of political parties was taken in each country to give a full overview of the electoral issues.
- Parliamentary debates were then examined separately with a view to grasping the diversity of the topics discussed in the course of legislative procedures.
- Lastly, government projects were summarised and analysed in order to compare the public policies pursued.

The main findings relate to the specificities of the air transport as a niche in European politics. The report shows that air transport is a relatively low-profile topic in most political arenas, and is addressed by a population of non-specialist political personnel. It also shows that the air transport political niche functions as a hollow-core, meaning that it is almost impossible for anyone to be aware of all what happens on the subject matter. In such a situation full of complexity and uncertainty, discussing and elaborating consensus solutions is not easy. Such complexity is illustrated in the UK by the difficulties of structuring the debate around the White Paper. The British debate around the White Paper can be seen has a tentative to work around this ‘hollow core’: efforts to overcome the fragmentation of interests regarding air transport by promoting a national debate involving all stakeholders imply initiatives, conflicts and very long debates potentially carrying political risks for the governments in charge. Confronted with such political risks, governments sometimes prefer to wait for and follow European initiatives on the subject.

The report finally shows how the European institutions and in particular the European Parliament have extended their competence over air transport and, while increasingly involving interest groups -between those who present the arguments of ecologists against nuisance and those of groups of public actors or industrialists, there is a whole range of negotiations and tensions-, the European institutions are progressively reshaping the evolution of this industrial sector. The process of reshaping the air transport industry has already started at the European level and decisions on new measures should be expected.
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1. INTRODUCTION AND SUMMARY OF RESULTS

1.1. INTRODUCTION

The Politis study is a comparative study of the sensitivity of the political actors to the problems associated with air transport growth. The question we would raise is the following: how are the political elite made sensitive to the problem of air transport growth and the subject of sustainable development? We might also ask ourselves whether this is really two questions - one about traffic growth, the other about its ecological repercussions. Or do they constitute one and the same problem? If so, what issues make up the various facets of this problem?

Six political fora were chosen with a view to establishing what drives this sensitivity and how developed it is in various institutions, namely the United Kingdom, Germany, France, Italy, Spain and the European institutions. In each forum, the report has attempted to identify three possible types of response and how they interact. First of all the political programmes of the parties were studied at election time as well as in the normal course of a parliament. They give an overview of the partisan method of responding to this political problem. Parliamentary debates were then examined separately with a view to grasping the diversity of the topics discussed in the course of legislative procedures. These debates reflect the parliamentary method of acting on and discussing these issues. Lastly, government projects were summarised and analysed in order to compare the public policies pursued. These constitute the government method of adopting and negotiating public policies.

This report comprises three parts, plus an annex with supporting documents. The first part is a summary of the results obtained and gives a comparative view of the position of air transport in the political landscape. The second part deals with the political treatment of the legislative dossiers concerning air transport for the period between 2000 and 2006. Particular attention was paid to parliamentary debates and government projects. The third part is devoted to a study of the programmes of the political parties. Since it is difficult to be exhaustive, a sample of political parties was taken in each country to give a full overview of the electoral issues. The material on which this survey is based is set out in the annex. The survey starts with a presentation of the method used. It goes on to present a sociography of the political actors analysed and wraps up with a bibliography, which is useful for determining the current state of research on this issue in the field of social sciences.

Some pointers might be useful in reading this report. The report does not in any way seek to classify the countries studied. The objective sought is rather to understand and come to terms with the current status of debates without suggesting that certain countries are lagging behind others.

Nor does this report take a stance on the involvement of the European institutions in air transport policy. It should not then be supposed that their involvement constitutes the model below [sic] which the States studied gravitate. On the contrary, this survey attempts to understand how certain sections of the political elite speak out on these questions, while others maintain a silence. Sometimes, politicians speak at the same time about the same problem without listening to one another. Elsewhere, only one set of politicians addresses the problem, without considering that other political actors are faced with a broadly similar problem (see the various policies on taxing aircraft fuel, for example).

Lastly, this report should not be read as an account of the expectations and interpretations of air transport reformers. Since the survey did not use interviews as a research tool, it can be no more than an account of the "official" stances on record, i.e. those which have been published and made available to the general public. Two categories of actor are therefore unlikely to feature in the report - those who lost out in these debates and procedures, and those who do not have access to instruments of communication.

1.2. OVERVIEW OF THE DEBATES IN EACH COUNTRY

The Politis report presents a triptych of the imbalance in the responses of public authorities to the issue of the sustainable development of air transport in electoral, parliamentary and governmental terms. It also highlights the degree of interaction between some of these fora and the clear interdependence between certain States and the European institutions. Two observations are particularly striking. Firstly, the interdependence between local campaigns, the development of political programmes and speeches made in parliamentary bodies on the subject of airport nuisance. Secondly, at European level, the interaction of certain governments with the European institutions in the development of national air transport deregulation programmes, the United Kingdom leading the way in this respect.
1.2.1. The Growth of Air Transport in Great Britain

Air transport has been constantly in the political spotlight in the United Kingdom over the last ten years. The main issues have been the reorganisation of civil aviation, the modernisation of air transport infrastructures and environmental protection.

Faced with the saturation of capacity at the major airport platforms, the Government launched a wide-ranging study culminating in the production in December 2003 of a White Paper on the future of air transport, the stated objective of which was to provide an overall strategy balancing the economic benefits of airport development, the social advantages associated with easy and accessible air transport, and the environmental impacts. The debates sparked by this White Paper were fuelled in the UK Houses of Parliament and, in the course of them, the Government's plans were heavily criticised.

A draft law, the Civilian Aviation Bill, launched in June 2005 to elucidate certain policies in the White Paper – clarifying and strengthening the measures to be taken by airports to deal with noise pollution, and setting out the powers of airports to enforce these measures - is still on the parliamentary agenda in 2006.

The terms of the debate on sustainable air transport development have thus been fixed in the United Kingdom today, and the direction that debate takes could well prefigure the course of discussions in the rest of Europe. In any event, all UK actors are demanding European and international coordination in order to make progress both on local issues (noise pollution, air quality, urbanisation and conservation) and global issues (essentially carbon gas emissions contributing to global warming).

The Labour party, faced with the growth of air transport, the need to increase airport capacity and the ensuing rise in protests against local and global nuisance, adopted an extremely active policy, which they termed a balanced approach, and which brought it a whole host of problems.

The Conservatives attacked the contradictions in the regulatory approach of the Labour Party, which they felt was incapable of arriving at stable decisions on airport capacity and coordinating public action in an overall policy encompassing land-use and transport. As regards the harmful effects of air transport growth, their recommendations hardly diverge from the White Paper, except that they highlight the confidence that can be placed in the free play of the economic actors in the sector.

The Liberal Democrats have really come to grips with the issues and want to see air transport actively contribute to the sustainable development of the sector, according to the polluter-pays principle. Adopting this policy, a mix of all the environmentalist themes, would in all likelihood result in a slowdown in the growth of this mode of transport.

Lastly, it should be noted that the three UK parties are all in favour of introducing European and international regulation of the environmental impact of air transport, specifically within the framework of the objectives of the Kyoto Protocol.

1.2.2. Air Transport Growth in Germany

The tangle of federal (Bund), regional (Länder) and local competences in the field of air transport, the different political balances at each of its levels (Bundestag/Bundesrat and Landtag) and the institutionalised presence of lobbies in the search for compromises which characterises the German decision-making system mean that Germany is making halting progress on the problems of air transport growth.

The federal executive, playing on a relative political consensus at national level, has tried to push forward with a certain number of air transport measures but, particularly because of the complexity of the German system and the regional and local consensus the measures require, they have not as yet led to any significant legislative progress: the privatisation of the DFS was blocked by the President of the Republic in 2006 on the grounds that it was unconstitutional; the revamping of the 1971 law on noise pollution has misfired continually, despite the numerous draft laws presented; although the introduction of a scheme for national airport development was the subject of a number of in-depth discussions, it did not really lead to a plan comparable to the UK White Paper. These airport measures, which crystallise all the problems of air
transport growth, are making very slow progress through the political assemblies in the Länder; this can be illustrated by the example of the plan for a new Berlin Brandenburg International Airport, launched in 1996 and still pending.

There is no doubt in this context that European initiatives are eagerly awaited in order to spur on the German actors – on condition, of course, that they respect complex economic interests.

Germany’s Social Democrats, who were in power throughout the period studied, proceeded cautiously on all air transport issues.

In their desire to promote an integrated transport policy, they often worked in consensus with the Christian Democrats (DFS privatisation, campaign against noise pollution, airport infrastructure master plan, etc.). The Christian Democrats, who have been sharing power with the SPD since 2005, place particular emphasis on the need to defend national economic interests in a sector in full growth.

The Greens, whose general viewpoint is one of control of air transport growth, have not seen their principal hobby-horses come home in this area (tax on fuel and emissions, introduction of a full rate of VAT for European flights). Entering the opposition following 2005 may well make them less cautious than when they were government allies.

The two parties which formed the opposition throughout the period, the FDP and the PDS, are the ones which have the most entrenched positions on air transport growth, and their positions are diametrically opposed. The liberals of the FDP are spokesmen for the major economic actors in the sector and reject any measures which might restrict growth in the sector. The socialists of Linkspartei-PDS advocate a major realignment between the various modes of transport, to the detriment of an air sector which would be required to contribute more to the financing of alternative, less polluting infrastructures.

1.2.3. Air Transport Growth in France

The French political institutions have classed air transport as a sustainable development issue and now have to play a double game, the outcome of which is hard to predict.

On the one hand, they need to consolidate the French Government's role in European transport policy dynamics. It now seems that, as regards air transport growth, France has abandoned its once customary stance of protecting national companies (carriers and manufacturers), public servants (controllers and crew) and its own national, civil and military prerogatives.

On the other hand, this European impetus must not be allowed to thwart attempts to resolve local problems around airports. The competent ministries, central authorities and members of parliament (MPs) concerned are at the centre of campaigns against airport nuisance. Although the question of airport capacity seems to have quietened down since the abandonment of plans launched by the previous government for a third airport for Paris, noise and air quality have become burning political issues nationally and in certain areas, because of their importance as electoral issues in the constituencies affected.

Although these issues are discussed in parliamentary fora, this has not led to the drafting of legislative texts. On the one hand, MPs (both deputies and senators) can only work on secondary projects in air transport (like, for that matter, in other political domains) since the government has a monopoly on the introduction of draft laws. On the other hand, the fact that several bills (including one on noise pollution) were abortive, highlights the limited scope French MPs have for paving the way for the sustainable development of air transport.

In France, the parties which have the most to say about air transport growth, namely the Greens and the Communist Party, are not necessarily those which have the ear of the persons responsible in the Ministries or the parties most active in their constituencies. It is no surprise that the Greens push for more controlled air transport growth and the Communists for increased regulation in the sector by the public authorities.

The silence of the parties less sensitive to these matters, such as the UDF, the UMP and, to a lesser extent, the PS (which is again raising the project for a third airport in Paris), is as much down to their loyalty to
the authorities in place as to their lack of interest in these issues, which they are now ceding to the European Union.

In short, political interest in the sustainable development of air transport among the political parties in France is based on three vectors: being in opposition (at government and municipal level); being active locally in movements to combat airport nuisance; being ideologically opposed to State intervention.

1.2.4. Air Transport Growth in Italy

Set against a background of constant questions about air safety (the Linate accident in 2001) and the reorganisation of a sector experiencing problems (air transport reform, Alitalia's crisis, management of Milan and Rome airports, etc.), air transport growth questions were put on the back burner and the problems associated with the sustainable development of the aviation sector have never really reached the political agenda in Italy.

Only in the aftermath of the Linate accident (parliamentary, administrative and judicial inquiries) did the structural deficiencies and chronic problems of air transport in Italy come to light and the safety of Italian airspace become a constant theme of political debate. The accident led the government and MPs to legislate on the organisation of civil aviation in order to remedy the erosion of competences and responsibilities which had not been ironed out by the major reforms made by the previous parliament (1996-2001).

The other major political issue was Alitalia, the national airline, whose losses forced successive governments to initiate emergency plan after emergency plan. The debates, already extremely ideological on account of the airline being a public entity, were further exacerbated by a national confrontation between conservative in Milan and left leaning people in Rome about the inability to create a European hub (because it was proving impossible to choose between Rome Fiumicino and Milan Malpensa). This parochialist airport feud and the whole range of consequences it has had for the management of Italian airports is often cited as a prime example of the anarchy prevailing in what is still perceived as a strategic sector.

Forza Italia, leader of Silvio Berlusconi's conservative coalition until 2006, did not include air infrastructure as one of its Major Works. It took its time in reforming air navigation in Italy and its mistrust of the public sector led to what its opponents regarded as making up its policy as it went along through the national carrier crisis. It nevertheless seems clear that its ideological positions on the question of sustainable development and its Christian and liberal stance would not in future significantly impede the growth of this mode of transport in Italy. Its partners in government are saying little about the sector - Alleanza Nazionale tending to favour a compromise in the management of the Alitalia crisis, the Northern League defending tooth and nail the interests of the Milan airports under scrutiny.

The left leaning parties, voted into power in 2006 as part of the "Ulivo" coalition, seem to have extremely varying interests in aviation issues. The general approach of the new government is to support, through public intervention in a European framework, a policy of revitalising a sector considered strategic for the Italian economy and tourism. La Margherita, which took an active part in parliamentary work on air safety and the reorganisation of air transport, seems to be imposing its agenda on its partners (Democratici di Sinistra). It openly promotes a hub in Rome.

As far as the Greens are concerned, although they have not yet championed controls on the growth of air transport at national level, the twists and turns of the debates in the UK and the rest of Europe are monitored and communicated to activists and sympathisers.

1.2.5. Air Transport Growth in Spain

A consensus seems to have been established in Spain between the main political parties on the need to give robust encouragement to the development of air transport and increase airport capacity for the greater good of the economy, tourism and regional planning in the country. With this issue dominated by the extension of airport capacity, the Popular Party went ahead in particular with the Madrid-Barajas extension works, while the PSOE, in power since 2004, has been focusing on the enlargement of
airports in the south and on the islands, and the Catalan separatists of the CiU want to see Barcelona become a transoceanic hub.

The question of the nuisance associated with such development of the sector was raised by local campaigns against the Madrid Barajas airport and the environmental impact declarations prior to any new construction. Bolstered by European advances in the area, this seems to have entered the political arena through the inclusion in the programmes of the PSOE and, to a lesser extent, the PP, of an environmental perspective as regards air transport - now based more on consultation with the actors rather than on economic incentives.

The most marked difference between the Spanish parties in this area is probably a product of the partial regionalisation of the management of airport infrastructures, a campaign promise which the socialists are dragging their feet on owing to its complexity and on which the conservatives are very reticent, while the CiU and the other regional parties are relentlessly demanding that they be given control over a sector which they feel is crucial to their economic development and their penetration beyond national borders.

### 1.2.6. The European Union and Air Transport Growth

Between 1999 and 2006, the European institutions turned their attention to the issue of air transport, gently broached by the Commission and Council in the second half of the 1980s. Since this time they have all instigated numerous reforms. Initially, however, any reference to a common air transport policy within the Common Market was purely theoretical. Today it has become an inescapable reality, an area of Community competence employing recognised specialists.

During the same period, the theme of sustainable development, debated in the European Commission since 1992, informed this new common policy and led to a recognition of the issue mainly focused on the emission of pollutants and noise.

With the Single Sky Programme, it has become difficult to disassociate the issue of air traffic growth from the currently proposed ATM reforms. Within the European institutions, sustainable development is a global approach to air transport, in the same way as safety and the economic stability of companies in the sector.

However, given the specific nature of the European institutions, many uncertainties remain concerning the newly drawn-up regulations. This is because they are largely dependent on the interpretation given to them by the Member States and occasionally on the reluctance shown by some with regard to the involvement of the European Union in areas still thought of as coming under State sovereignty.

The "European political parties" have varied interests when it comes to the problems associated with the development of air transport.

On the right, the European Popular Party is fully behind the Single Sky project, which it supported every step of the way, but hardly addresses the question of the nuisance associated with the development of traffic. The centre right (ALDE) has expressed no views whatsoever on the matter.

On the left, the European Socialist Party, actively involved in the air transport issues being discussed in the Parliament, is calling for a new European Transport White Paper for 2010 in which sustainable development issues would be presented to meet the challenge posed by this "third industrial revolution".

The Greens are calling for a global strategy of sustainable mobility embracing air transport, but are doing nothing more concrete than calling for grass-roots action.
1.3. THE DRIVERS BEHIND THE POLITICAL PARTIES’ PROGRAMMES

Between 2000 and 2006, the electoral manifestos of the main political parties in the countries studied constitute very useful material key for examining the problems presented to the electorate. The study clearly shows that **air transport growth is not a universal theme in the parties’ election campaigns.** The Politis survey therefore covers what it is that causes such a theme to be included in the electoral campaign.

1.3.1. A Wide Range of Manifesto Pledges put to the Electorate

The table below sets out three main characteristics of the parties’ manifesto pledges.

<table>
<thead>
<tr>
<th>Specific programme or paragraphs on air transport growth</th>
<th>Mentions of air transport in the transport programme</th>
<th>Stances circulated in press releases</th>
<th>No clearly identifiable electoral pledge</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK Lib-Dems</td>
<td>Tories</td>
<td>Labour</td>
<td></td>
</tr>
<tr>
<td>FRA Greens</td>
<td>PS</td>
<td>PCE</td>
<td>UMP UDF</td>
</tr>
<tr>
<td>PPS PSOE CIU</td>
<td>PP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GER FDP</td>
<td>Greens</td>
<td>PDS CDU</td>
<td>SPD</td>
</tr>
<tr>
<td>ITA Margherita</td>
<td>Ulivo Greens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EUR PSE Greens</td>
<td>PPE</td>
<td>ALDE</td>
<td></td>
</tr>
</tbody>
</table>

First characteristic: these pledges made by the political parties are incomplete, wide-ranging and often superficial. **The ecological parties and certain left leaning parties are, however, more sympathetic to the issues associated with the sustainable development of air transport.**

Second characteristic: when faced with industrial problems or high-tech issues, **political parties have considerable difficulty in gathering reliable information, establishing their positions and developing programmes.** For many political organisations air transport is an isolate (a field which is difficult to grasp and come to terms with).

Third characteristic: **certain parties remain silent on the issue of air transport growth in the run-up to elections.** This policy deficit is not a feature of all types of political party. **The parties which support a government, or are presenting themselves at elections as the outgoing party, have the least to say about these issues.**
The following graph nuances the first table by defining relative positions.

<table>
<thead>
<tr>
<th>No programme on the subject</th>
<th>For &quot;a soft landing&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDF</td>
<td>PPE</td>
</tr>
<tr>
<td>AN</td>
<td>CDU</td>
</tr>
<tr>
<td>LABOUR</td>
<td>PP</td>
</tr>
<tr>
<td>ULIVO</td>
<td>For air transport growth</td>
</tr>
<tr>
<td></td>
<td>Margherita</td>
</tr>
<tr>
<td></td>
<td>PSE</td>
</tr>
<tr>
<td></td>
<td>PSOE</td>
</tr>
<tr>
<td></td>
<td>CIU</td>
</tr>
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<td></td>
<td>TORIES</td>
</tr>
<tr>
<td></td>
<td>FDP</td>
</tr>
</tbody>
</table>

**Specific air transport programme**

Figure 1-1: The positions of the parties by density of manifesto pledges and stance taken on air transport

Firstly, the ecology parties and anti-liberal left leaning parties (French communist Party, former Communists of East Germany - PDS) clearly support controlling air transport growth.

Secondly, the members of the social democrat family, especially when they are in power (Labour and SPD throughout the period, PSOE from 2004, Margherita and Ulivo from 2006), tend to tone down their ideological sympathy for sustainable development because they need to support the development of a sector which is considered strategic. This is particularly true in the case of Labour. The position of the French PS (which left power at the beginning of the period examined, in 2002) is probably indicative of a more left leaning view than is generally the case among the other social democrat parties.

Thirdly, the parties which consider themselves to be towards the centre of their respective political wings have widely varying stances on the problem. The low profile of the UDF in France contrasts with both the unusual position of the Liberal-Democratic party in the UK, the only party to have produced a policy paper specific to air transport (which they called "A soft landing"), and the resolutely pro-business stance adopted by the FDP in Germany.

Fourthly, the parties with regionalist agendas, such as the Catalans of the CiU and the Northern League for the Independence of Padania (LNP) are naturally in favour of the development of air transport in their region. From this perspective, the PDS, whose electoral heartland is primarily in the former East Germany, does not operate like a regionalist party.

Lastly, the conservative parties or the right generally have little to say on the issue, but most of them seem to place their trust in the actors operating in the sector to resolve between themselves the environmental issues associated with the rapid growth of this method of transport.
A second graph sheds further light on this general sketch and seems to highlight more clearly the left/right split on this issue.

*Distribution of the political parties according to their positions for and against regulation (taxes and technical standards) and their openness to the subject of sustainable development or their sympathy for the financial situations of businesses*

<table>
<thead>
<tr>
<th>Promoting taxes and technical standards</th>
<th>Promoting corporate growth of air transport</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIB-DEM</td>
<td>ULIVO</td>
</tr>
<tr>
<td>VERTS</td>
<td>Margherita</td>
</tr>
<tr>
<td>VERTS UE</td>
<td></td>
</tr>
<tr>
<td>PCF</td>
<td></td>
</tr>
<tr>
<td>GRUNEN</td>
<td></td>
</tr>
<tr>
<td>VERDI</td>
<td></td>
</tr>
<tr>
<td>PDS</td>
<td></td>
</tr>
<tr>
<td>PSE</td>
<td></td>
</tr>
<tr>
<td>PPE</td>
<td></td>
</tr>
<tr>
<td>SPD</td>
<td></td>
</tr>
<tr>
<td>LABOUR</td>
<td></td>
</tr>
<tr>
<td>PSOE</td>
<td></td>
</tr>
<tr>
<td>PS</td>
<td></td>
</tr>
<tr>
<td>ALDE</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Promoting sustainable growth of air transport</th>
<th>Promoting free-market regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>UDF</td>
<td>AN</td>
</tr>
<tr>
<td>UMP</td>
<td>CDU</td>
</tr>
<tr>
<td>AN</td>
<td>CiU</td>
</tr>
<tr>
<td>PP</td>
<td></td>
</tr>
<tr>
<td>FI</td>
<td></td>
</tr>
<tr>
<td>TORIES</td>
<td>LNP</td>
</tr>
<tr>
<td>LNP</td>
<td>FDP</td>
</tr>
</tbody>
</table>

*Figure 1-2: Distribution of the political parties according to their positions for and against regulation*

The right leaning and centre-right parties tend, with the exception of the Lib-Dems, to place their trust in the self-regulating capacities of the market, while the social-democrat parties tend, in order to reconcile sustainable development and air transport growth, to put their faith in the regulatory capacities of the States and, above all, the European Union.

In this respect, the positions of the three European “parties” (PSE, PPE and ALDE) in the upper part of the table are indicative of the regulatory impetus from Europe.

### 1.3.2. Why do Certain Political Parties have Positions on Air Transport Growth?

To answer this question, we first have to consider the four filters applied to the issues raised by the political parties in their debates and electoral programmes. It must first be remembered that the air transport issue is not imposed on the political parties. Historically, it is even clear that the parties have never suggested that the voters should choose their future representatives on the basis of the aviation policy they were going to pursue. The reasons for this are quite clear - aviation was a symbol of the State, a technical field of engineers and officials quite separate from any partisan squabbles. In the period 2000–2006, however, this issue is one of the publishable electoral issues.
Force of habit

The first filter involves what P. Bourdieu refers to as a **hysteresis effect**. This effect is observed when individuals continue to act without realising that the circumstances and environment have changed (as with drivers who are slow to adjust their road speed when leaving a motorway). Driven by force of habit, their beliefs and the theories they have assimilated, it is a difficult and gradual process for leaders of political parties to break free from their past thinking on transport policy, i.e. failing to look beyond the classic model of competition between rail and road. The programmes proposed by the UDF party in France and the PP in Spain are classic examples of hanging on to outmoded views. Other parties focus on another traditional approach with a long history: stigmatising public road transport as the main cause of pollution, noise and accidents. These two concepts, which have been a feature of political and economic debates for more than half a century, cause political leaders to present transport policy initiatives which take no account of the international dimension or of the implications for the world’s climate. There is an important element missing from these pat answers, namely the role to be played by the air (and also the sea and rivers) in the transport programmes put before the voters. Even when this effect does not filter out environmental problems, it can nevertheless sideline, ignore or silence European advances on transport policy and the rising profile of climate change.

The cultural hegemony of the political elite

A second force acts as a filter for certain political organisations - **their vision of the social order**. We have already stressed that ideological doctrine does not explain the emergence of this issue on the political agenda (it does, however, explain the wide range of solutions being called for). The most blurred vision, obscuring many of the issues associated with the sustainable development of air transport, occurs when the observer seeks an overview by looking down on society from on high (not, as we hear all too often, from below). Considering their take on the problem to be the only valid one, the huge implications of the issue are not evident to the elected representatives (or dawn on them too late). This top-down vision filters out issues which are too closely associated with any potential threats to the leisure society (expanding the use of aircraft for tourism). Issues too closely associated with a lifestyle which the politicians believe by extension to be shared by their electorate are similarly unmentionable (the aircraft as a means of transport for top executives). Issues which could initiate “uncomfortable” debates on the globalisation of economic trade (the development of air cargo to transport products on the shopping lists of certain households) are also left to one side. One party is particularly susceptible to this filter when drafting its manifesto: Labour. Other parties are similarly affected, but the wording of their manifesto pledges obscures their assurance.

This leads us to the core of another common political phenomenon: **the cultural hegemony of the powers-that-be**, who order society as they think it should be. A combination of filtering and failing to listen has the effect of tuning out issues such as falling property prices around airports, localised nuisance for certain populations, etc. They also cause the political elite to remain silent on the repercussions of air transport, which they habitually use and do not consider a topic open to debate.

The types of political parties and political programmes

The third filter in partisan debates involves **the three categories of political party which coexist in the countries observed**. The political sciences distinguish between **popular parties** and **elite parties**, with an intermediate category of **patronage parties**.

This is because political parties can be analysed in terms of their internal economy, i.e. their finances, manpower, division of labour and structure. The first two categories comprise the standard typology devised by Duverger in 1953. Popular parties can be distinguished from elite parties on account of their traditions and their recourse to activists "en masse". On the other hand, elite parties draw on the resources brought in by the organisation's leaders and by a socially different electorate. The third, intermediate, category, the patronage parties, was a term coined in the 1970s (see D. Gaxie's works in the bibliography), to denote organisations which promote the outsourcing of party activities to private companies or other organisations.
On the basis of this typology, there are two methods of producing electoral programmes. The first involves defining such programmes in terms of the relationship between the candidates and the grass roots. It has to be proven that the demands made by political activists are listened to and taken into account. If the political activists see no such proof, these parties fail and above all they fail because they do not manage to symbolically reward political activism (they are not listening). The French socialist Party is an example of this method, when it brings up local issues raised by its political activists on the national electoral scene. Ecologist parties (both in France and the UK) are another example of this – they use examples of activists exposed to aircraft noise to illustrate the difficulty of daily life in society.

The second method involves the localisation of these types of undertaking: in the long term, mass political undertakings are present in a great number of constituencies and the others are trying to overcome the related difficulties and costs. Taken together, these two trademarks of popular parties account for why these national political undertakings must address at national level the local problems of certain activists and why other such parties are among the few parties out in the field, learning about the problems encountered by these voters. As stressed in the section of this report dealing with the political parties, the Greens and the Communists often stage demonstrations and meetings on transport issues. Such campaigns are in practice the poor man's only weapon in attempting to raise the profile of an issue on the national scene.

The living conditions of the voters

The last influence on the actors in the electoral debate is how to anticipate voters' expectations. As we have already underlined, in their attitudes to air transport growth the political parties (with the exception of the Greens and the regionalists) are not normally split along ideological lines. When confronted with local problems (noise and airport expansions), their positions are not dictated by right/left splits. This can be explained only if we understand the background. In the process of addressing the air transport issue, elected representatives discover that they also have to address the problems of European integration, State reform, privatisation, etc. These three issues alone divide the parties of government over the ten-year period in the countries studied (see the social democratic parties in France, Germany and the UK). Taking a global view of air transport is therefore a problematic, perilous and risky exercise, since it involves taking a stance on these three aspects which divide the political parties. That leaves the two "most comfortable" issues, which allow the parties to fulfil the expectations of the largest number of voters: noise and pollution. One example of such anticipation is the attention paid by the national leaders of certain political parties to local campaigns. The French PS is the classic case of a political party which universalises certain local problems: split on Europe and State reform, marked by government management of certain air transport issues, it is an electorally possible and profitable ploy to pay attention to the living conditions of voters. Given the high profile of ecological issues on the European political landscape, political parties can no longer be counted on to ignore the problem of air nuisance.

1.3.3. How Can an Issue be forced onto the Public Agenda?

Campaigns centred on Roissy, London and Madrid broke the silence in certain political parties by involving elected representatives and turning them into the champions of the problems associated with air transport within the general staffs of their parties. The electoral stakes being high, the representatives unaffected by the hysteresis effect cannot remain unsympathetic in their political work to questions relating to the sustainable development and growth of air transport. In principle, this applies to all elections, except local elections, which are not as affected by such issues. It is thus in constituencies affected by airport nuisance that campaigns start and some of the issues involved are discussed in Parliament, but without causing any new legislation to be drafted.

The emergence of air transport growth as a political issue has had the following effects on campaigns and elections. First of all, the constituency has become both the public forum for discussing problems and the focus for demonstrations and campaigns. The elected representatives (mayors and presidents of local executives) must therefore deal with this issue or risk losing future elections. For the voters, this means that air transport has become a focus of these new forms of local collective action by NIMBYs ("not in my backyard"), as demonstrated by the cases in France and the UK set out below.

To conclude this summary of air transport as viewed by European political parties, it must be remembered that the national electoral debate focuses attention in areas where local campaigns involve elected representatives on the problems of airport nuisance. Secondly, it must be understood that this electoral debate does not respect the traditional ideological splits (see the two graphs plotting these positions).
Lastly, by way of a projection, we must expect a new reality: it is no longer a viable option for parties to fail to address sustainable development in an action plan for air transport.

1.4. THE FACTORS DICTATING THE AMENABILITY OF MPS1 TO AVIATION ISSUES

The big surprise here is a factor which is absent - no prior training for elected representatives in the field of air transport. Neither their professional careers, nor their higher studies, nor their previous political offices have predisposed them to study these issues and become specialists. The constituency is the only frequent variable explaining the effort they invest. Those from constituencies exposed to air nuisance have recently discovered "on the job" the technical, economic and social aspects of the problem. This is a textbook case which contradicts several studies on the specialisation of parliamentary work and many critics highlighting problems associated with parliamentary systems.

For all that, this initial lack of knowledge is offset by recourse to intellectual and human resources, allowing work which is intensive but which gives unequal coverage to the problem concerned. This has two major consequences. First of all, these representatives, who have few contacts in the sector (limited relationships with people who can sometimes be biased), nevertheless consider them sufficient to encompass all the problems and actors concerned. This illusion of overall knowledge then contributes to the emergence of hollow cores around air transport, which further break down into ultra-specialised niches which are relatively independent of one another. The most structured cases are the networks which have formed around the issues of airport noise and airport infrastructure building programmes (new runways and new sites).

<table>
<thead>
<tr>
<th></th>
<th>French MPs N=44</th>
<th>UK MPs N=30</th>
<th>Spanish MPs N=14</th>
<th>MEPs N=15</th>
<th>German MPs N=32</th>
<th>Italian deputies N=19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>91</td>
<td>83.3</td>
<td>71.5</td>
<td>70</td>
<td>97</td>
<td>100</td>
</tr>
<tr>
<td>Women</td>
<td>9</td>
<td>16.7</td>
<td>28.5</td>
<td>30</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Average age</td>
<td>+57</td>
<td>58</td>
<td>55.8</td>
<td>+52</td>
<td>+53</td>
<td>54.8</td>
</tr>
<tr>
<td>Member of a previous parliament</td>
<td>31.8</td>
<td>11</td>
<td>28.5</td>
<td>38</td>
<td>75</td>
<td>42</td>
</tr>
<tr>
<td>Former minister</td>
<td>11.3</td>
<td>5</td>
<td>14.2</td>
<td>23</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Local representative</td>
<td>100</td>
<td>63</td>
<td>28.5</td>
<td>38</td>
<td>72</td>
<td>-</td>
</tr>
<tr>
<td>Right</td>
<td>57 UMP</td>
<td>26.6 Tories</td>
<td>42.8 PP</td>
<td>30 PPE</td>
<td>50 CDU-CSU</td>
<td>57.8 incl. 31.5 Forza Italia</td>
</tr>
<tr>
<td>Left</td>
<td>29.5 PSS</td>
<td>40 Labour</td>
<td>21.5 PSOE</td>
<td>46 PSE</td>
<td>31 SPD</td>
<td>36.8 incl. 26.3 Ulivo</td>
</tr>
<tr>
<td>Centre right</td>
<td>9 UDF</td>
<td>16.6 Lib Dem</td>
<td>13 ALDE</td>
<td>12.5 FDP</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>4.5</td>
<td>16.8</td>
<td>35.7</td>
<td>8 Greens 3 UEN</td>
<td>6.5 Greens</td>
<td>5.4 Greens</td>
</tr>
</tbody>
</table>

This body of speakers getting involved in air transport matters can be described as follows. Overall, they are political novices (except in Germany), having recently arrived in politics. There are few parliamentary

1 The method and results by country are set out in the Annex.
grandees - former ministers, former presidents of parliamentary committees. They are older than the average and the majority are male. Lastly, as locally established representatives they were not prepared by their education or professional careers for transport questions prior to entering politics (with rare exceptions). Because of this common shortcoming, elected representatives seldom apply to their parliamentary work skills acquired from previous studies or professions. Their expertise is acquired on the job, thanks to their parliamentary staff and by transferring their heterogeneous and exogenous skills.

With the exception of a few engineers and air enthusiasts (e.g. private pilots), such specialists are beginners who are informing themselves about these issues for two reasons. Either because their constituencies are affected by the (economic, social or ecological), repercussions of air transport or because their positions in their political groupings are such that they are appointed to competent(?) committees or are tasked with parliamentary reports. Chance plays a significant role in the award of such portfolios, which have no allocated owners in parliaments. For these people, such an opening is an opportunity to initiate their political specialisation in an area which often affects their constituencies. Wackermann (1998, p. 421) states that the first campaigns against transport infrastructure projects based on ecological considerations were those mounted against the excesses of the motorway policy in Germany in the 1970s. Since the 1980s, such campaigns have gone beyond the traditional confines of transport policy (road, followed by rail, then air) and have become campaigns to defend the environment and the quality of life. In short, any map of Europe showing the locations of airport structures and aircraft industry sites is a good indication of where elected representatives will be likely to embrace the issue. Furthermore, a map just of approaches to major European airports (Paris, London, Madrid) shows not only the distribution of aircraft noise but also the distribution of elected representatives involved with this issue.

France: an example of dual constraints placed on MPs

Put simply, the situation of the MPs examined from this perspective is that they are squeezed from both sides since on the one hand they are bound by European projects and on the other hand they have to take account of local campaigns against airport nuisance. In political and ideological terms, their position is that their fear of electoral defeat is matched only by their fear of the economic repercussions of European liberalism.

But this sketch works only for MPs who are themselves convinced that the problems and issues raised by air transport are important (see survey presented in section 3 concerning the sensitivity of MPs in France to environmental problems). The Politis survey sheds light on the matter, stating that MPs are most likely to be made sensitive to the significance of air transport growth when the issues are local ones. We want to stress that elected representatives adopt the prevailing view in their constituency although any such conviction is seldom directed by anything other than electoral strategy. We feel that this suggestion is an avenue to be explored in an extension to this study.

The parliamentary agenda

If we now turn our attention to the content of the output, that produced by parliamentary assemblies is often substantial, with variations in the subjects and the scope of the issues, depending on how topical they are, the extent of the institutional powers granted, the authority of the leaders and the agenda set by the government.

In national Parliaments, the concept of sustainable development as applied to air transport is not always the same and embraces a whole range of issues which are not treated in the same way in the countries observed (traffic capacity, ecological problems, noise). It is clear that only the UK Parliament comprehensively identifies the subject of sustainable development in air transport. The parliamentary bodies are thus split into two groups, one working intensively on the subject (the United Kingdom) and another which is less active (Spain and Italy) or where the work is almost completely dependent on the executive (France).
Table 1-3: Percentage distribution by centre of interest of documents on air transport examined and/or produced by parliamentary committees (2000-2006).

<table>
<thead>
<tr>
<th></th>
<th>Sustainable development of air transport</th>
<th>Expansion of capacity (airports and navigation)</th>
<th>Organisation and safety of ATM</th>
<th>International agreements and European policy</th>
<th>Security</th>
<th>Socio-economic aspects</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>portion relating to noise</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>39.5%</td>
<td>8%</td>
<td>23%</td>
<td>15.5%</td>
<td>3.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>GER</td>
<td>32%</td>
<td>30.5%</td>
<td>13.5%</td>
<td>16%</td>
<td>11.5%</td>
<td>15.5%</td>
</tr>
<tr>
<td>FRA</td>
<td>12%</td>
<td>-</td>
<td>25%</td>
<td>4.5%</td>
<td>43%</td>
<td>5%</td>
</tr>
<tr>
<td>ITA</td>
<td>5%</td>
<td>2%</td>
<td>11.5%</td>
<td>53.5%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>SPA</td>
<td>13%</td>
<td>5%</td>
<td>28.5%</td>
<td>25.5%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>EUR</td>
<td>28%</td>
<td>12%</td>
<td>8%</td>
<td>8%</td>
<td>44%</td>
<td>8%</td>
</tr>
</tbody>
</table>

The competent parliamentary structures are the standing parliamentary committees. These are the main fora for debating these issues. Almost all assemblies have a committee competent for air transport. The most striking element, however, is the way the debate is becoming highly personalised. Unlike in the USA, the situation in European Parliaments is that the elected representatives are still the core units and main actors in the political process, not the parliamentary enterprise or parliamentary group. In all these fora, it is the elected representatives, with their personal knowledge and skills, who determine how these issues are handled. Parliamentary committees in the UK are the sole exception, since they have highly qualified external advisers. These persons are neither elected representatives nor parliamentary officials.

Table 1-4: Academic backgrounds of specialised MPs

<table>
<thead>
<tr>
<th></th>
<th>France</th>
<th>United Kingdom</th>
<th>Germany</th>
<th>Italy</th>
<th>Spain</th>
<th>European Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduates in arts and social sciences</td>
<td>63.6</td>
<td>75</td>
<td>74</td>
<td>85.8</td>
<td>73</td>
<td>91.7</td>
</tr>
<tr>
<td>Graduates in sciences or engineering</td>
<td>36.4</td>
<td>25</td>
<td>26</td>
<td>14.2</td>
<td>27</td>
<td>8.3</td>
</tr>
</tbody>
</table>

The consequence of this situation as regards parliamentary competence is that no intellectual discipline is applied to this field, exposing it to cyclical effects (dramatic reactions in the wake of accidents) as well as to scientific debates and ideological approaches.

A wide range of legislative approaches

The overview provided by the Politis survey allows us to divide the parliaments examined into four separate models.

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2 See Whiteman (1995) for a study of the parliamentary teams working on the development of slots in Congress.
Model 1 - **The European Union** was the last forum to address these issues, but is now in charge in certain areas. The way it handles these issues, a blend of sustainable development and air transport regulation, is original.

Model 2 - **The United Kingdom** is another model case, where the entire subject is discussed and where a non-ecologist party has taken account of the environmental aspects of the issue.

Model 3 - **France and Germany** are both, for different reasons, waiting for European initiatives on certain aspects of the issue. This provides France with a justification for not entering into a debate on the problems, which appear to have no political solutions. Germany is waiting for opportunities to free up its system.

Model 4 - **Spain and Italy** are two examples of parliaments which formulate the problems differently. Spain approaches the issue solely from the perspective of airports. Italy has just one angle of approach - how to safeguard air transport in Italy.

In all four of these models, however, all the institutions are now confronted with a new "scientific" perception of the problem: **air transport is one of the factors contributing to global warming and air pollution.** Moreover, certain parliaments, including the European Parliament, have very recently put air transport at the top of the list of contributing factors.

To wrap up this summary of the various parliaments, it should be borne in mind that **in all the institutions studied, it is only the governments that have the initiative on these issues.** This does not mean that MPs are stripped of their powers to discuss the issues and make changes. It does, however, imply that they cannot force onto the agenda a subject which the ministers concerned have not previously developed.

**1.5. THE CONSTRAINTS OF GOVERNMENT WORK**

The six political fora studied were chosen to cover all levels of State involvement in the management of air transport operators. In 2003, the European Commission wanted to establish where deregulation would be least problematic. At that time it differentiated between countries where the sector was a State activity (controlled, regulated or managed by the State) and those where it was a private activity (assigned or transferred to private actors). France constituted the first level, since the operators are a State department under hierarchical and budgetary control. Spain, Germany and Italy were at the level where the State is the shareholder in operators whose budget was free from State interference, but whose company chairmen had to submit accounts to the public authorities. Lastly, Great Britain was the polar opposite of France, involving a mixed shareholding (private and public) of companies independent from the State. This study shows that the criteria used in this approach do not explain the involvement of the political elite, the positions they defend and the political work they carry out on the problems associated with the sustainable development of air transport.

To acquire a proper understanding, we have to consider the main actors in the political fields analysed. They are made up of networks of a small number of specialists who cannot on their own have a command of all the technical, social and political dimensions of the issues under discussion. This causes a "hollow core" to form around the air transport sector, with certain subjects being niche subjects discussed by just ten or so individuals.

**1.5.1. The New Model of Government of Air Transport by Niche**

Public policy specialists are unanimous - from the 1990s, networks of interest groups superseded the "sub-government" configuration (triangular relationship between specialised MPs, administrative agencies and the interest groups concerned) in pluralist democracies.

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3 For a presentation of the BBP-ATM survey, the source of the five levels, see Curchod et alios 2004.

The theoretical models

The sub-government theory involved the formation of alliances around one or more issues between senior officials, elected representatives and representatives of groups, through a shared perception of the public interest. The legislative work brought about the formation of autonomous political fora. All the political actors nevertheless had a shared perception of the political consensus required and tacitly agreed to exclude outsiders.

At the beginning of the 1970s, which saw the arrival of environmental protection organisations and the formation of single-issue networks, broadened the political scene, causing the groups on the scene to proliferate and their fields of action to expand. The concept of issue networks (for communication between the people running the groups, government officials, MPs, journalists, experts and academics) highlights the fact that as long as the issue is a political one, networks will form through interactions between these individuals, for whom the experts are figureheads.

In this connection, the American political economist W. Browne stresses the fact that in some cases several "niches" are formed by groups around a specialist issue, which means that these actors are isolated and less influenced by traditional political and media pressures. This tends to encourage certain conservatism. V. Gray and D. Lowery take this a step further, indicating how the political structure can contribute to the formation of such niches. The scarcity of specialist representatives and the small number of committees competent in specific areas cause niches to form where the groups in place have few competitors, conflicts are few and far between and the opposing parties are almost always the same. The conclusion to be drawn from this ecological theory is that in order to be politically effective, groups invent niches for themselves in order to establish a monopoly to the detriment of their alter egos.
A move towards the interplay of interest groups

A final model shows that the proliferation of outsiders and public interest groups since the 1970s has fragmented the fora created in the era of sub-government. This **hollow core problem** (John P. Heinz, Edward O. Laumann, Robert L. Nelson, Robert H. Salisbury, 1993) highlights the phenomena surrounding the **deconstruction of public-action sectors**. Fora to which the various actors are attracted form differentiated communication networks, which bring together group players, the government officials concerned, elected representatives, journalists and scientific experts, with no one able to take centre stage. The image is that of a sphere, surrounded by interconnections between the actors involved. Few of them have relations with all the actors and not many manage to communicate with all branches of the network. The conclusion is unavoidable - unless an institutional platform is created specifically for the purpose, nobody can hear all the arguments being presented.

The key terms of this new concept are first of all **complexity** (these triadic networks mean that power cannot be hijacked by a small group), secondly **fragmentation** (the groups present cannot act everywhere and, when present, must cooperate with the other groups to make their arguments heard), and lastly **uncertainty** (it is by no means certain that the ideas of the leader will win out).

To paint a precise picture of the niches which have formed, **we must consider the interest groups in place and the relations they have cemented with the public authorities**. As things stand, it transpires that issues such as **airport noise and airport building projects are both sectoral niches** (residents associations are involved only on these air transport issues) and hollow cores. For example, the actors involved in the European institutions are not always connected to those campaigning within a State. Another example of this phenomenon is, when addressing the third airport in France, the great difficulty experienced in getting all the interested parties together, even with the introduction of technologies to promote participatory democracy.
The consequences of the invention of air transport niches

This analysis of the various models was needed to understand the background to the current political debates on the growth of air transport. The issue networks are first of all expanded to accommodate environmental protection organisations and organisations defending "national" interests (airlines and controllers), but also with the creation of other organisations, e.g. associations campaigning against airport nuisance. Following on from this initial wave of new actors, we should add the experts who also take their place in such networks by supplying them with theories (see the use made of Guillaume Faburel's studies by MPs in France) or by criticising the arguments of the traditional actors (see, also in France, the differences of opinion between certain researchers, such as Jean-Baptist Stuchlik, and ATCO representatives). Lastly, we should consider the stretching of these connections which, starting in the European Union, are leading to the formation of local issues which elected representatives are forced to address.

The fact that air transport is structured into issue networks means that it is impossible for the political actors to be informed on all factors under discussion at the same time. Even an institutional platform along the lines of the public debate launched for the proposed third airport did not manage to bring together all the actors concerned by the problem. Some interpret this as an example of how difficult it is to govern contemporary societies, but it is more important to draw practical conclusions.

The first, considering the history of air transport, is that the traditional actors in the sector (company executives, senior civil servants and civil servants) have not forfeited all their prerogatives but no longer have a monopoly on the formulation of rules to be complied with and are now interdependent (a counterexample being "State patrons" - airlines which until the end of the 1970s were directly involved in the development of aeronautical programmes).

The second is the counterpart to this change, namely that strategic uncertainty is spreading, since not knowing the positions of the new actors makes it difficult to anticipate their "moves".

The third and final conclusion lies in those notorious sectoral niches and the tight cordons they throw around some issues, and is that the noise specialists are not necessarily the ones who get involved in debates on the status of ATCOs. The political difficulty here is how to ensure regulatory consistency in a sector where actors do not systematically anticipate the effects of their actions on the other niches. Furthermore, the emergence of mutually incompatible demands within the niches makes any such consistency most improbable. This fact can be demonstrated simply by comparing the demands made in the niche of campaigns against noise (e.g. putting a stop to night flights) with the demands made by charter airlines in the tour operator niche (obtaining low-cost time slots).

The beginnings of a politicisation of expertise on sustainable development issues

Experts are a necessary part of the development of public policies and the imposition and discussion of political problems. Yet their characteristics vary from one political fora to the next, which demonstrates how their authority is constituted in different ways. We therefore wanted to identify the qualifications required to certify their expertise, their professional and social backgrounds (job and life history), their ability to overcome their shortcomings (technical knowledge for some and political knowledge for others) as well as how they are viewed by the press and political fora. The debates have, however, now taken a new turn. The role of air transport in the problems of sustainable development can no longer be contested; it is a question of quantifying and identifying its extent.

"International" data are often bandied about to defuse such arguments and are introduced into national debates (with the counter-arguments they provoke). Certain NGOs have therefore been commissioned by political parties to support a given argument. Their politicisation is not therefore always the result of a conscious and consistent strategy. Debates on these figures have nevertheless changed how the problem is perceived, placing air transport squarely in the nuisance category. Thus, regular publications of ATAG, IATA and Airbus stress the figures on the environmental impacts of air transport. The following three fields are concerned. With regard to CO₂ emissions, the contribution of air transport is fixed at 2-3% (2.4% in 2002). Following follow-up surveys carried out by SAS, this contribution is considered comparable to other modes of transport, but opponents now view air transport as a means of transport which is between two and
ten times more harmful than surface transport. As for the greenhouse effect, a 1% ceiling was estimated by pro-transport organisations, but since the arrival on the scene of ecologist organisations, the share to be allocated to air transport is considered to be higher than the other modes of transport because the pollutants are emitted at altitude. Opponents put the figure at between 4 and 9% (European Federation for Transport and Environment, 2006). Lastly, the cost of this pollution is estimated to be between 0.18 cents and 1.09 of the indicator adopted (tonne/passenger/km).

Since its first reports, ATAG has introduced three new fields. Firstly, noise pollution. Their figures for noise pollution are that 2% of the European population is exposed to a level higher than 60 dB. ATAG has also addressed the issue of air pollution by introducing ceilings for nitrogen oxides (NOx), aerosol particles, carbon monoxide (CO), volatile organic compounds (VOCs) and sulphur oxides (SOx).

A subsidiary subject was added recently, namely air transport's contribution to the occupation of natural areas, considered the least harmful of the changes caused by the infrastructures compared with those of rail and road.

1.5.2. Differences Between the Policies Followed

The main features common to the policies devised by the executives as regards the sustainable development of air transport are as follows.

Apportionment of competences between the States and Europe

The first demarcation line between the governments examined is how they deal with the local/global dichotomy. On the one hand there are the States which have separated activities which are part of their remit (the local repercussions of air transport such as the management of the adverse affects of airport structures) and those which have to be settled by supranational authorities (global impacts, such as air pollution). In these States, the most marked example being the United Kingdom, airport management is a good illustration of the doubts that arise. Airports, as structures which form part of air transport (overall vision), fall under the competence of the European institutions, but as enterprises operating in a territory, with their economic and ecological impacts, they must conform to locally adopted regulations.

In these debates, which are far from being concluded, it is particularly important to note that as regards aviation, the European position of certain governments is radically different from their stance in other Community domains. The positions they hold on the European budget, the euro or other subjects must under no circumstances be transposed to air transport. In plain language, the driving force of Europe is currently the United Kingdom, with France and Germany lagging behind.

All the States are more or less playing the game as far as European air transport policy is concerned, although their commitment varies, with the United Kingdom acting as the initiator of a whole series of demands, and the others now falling into line. Can we hope that the rotating presidency of the Council of the European Union will force the more reluctant States to take a stance on these issues? In 2003 the Italian presidency set the environment as a priority. Scrutinising the debates during this period, it is difficult to find tangible evidence of its European initiative to make the environment the driver of development (the stated ambition of the Italian presidency). Will the new German presidency, commencing in January 2007, follow the line adopted by the United Kingdom in 2005?

Harmonisation of political agendas

The political agendas are the second demarcation line. Some are more or less perfectly harmonised with the political agenda of the European institutions. The United Kingdom anticipates European issues and tries to put certain matters on the EU agenda. France has been harmonised since 1999, the date on which European Commissioner Loyola de Palacio set up the working group to examine air traffic problems by bringing together civil and military actors. The creation of the Autorité de contrôle des nuisances sonores aéroportuaires (ACNUSA), local campaigns against noise pollution, the prevarications surrounding the third
airport project and, lastly, the Sharm el-Sheikh accident on 3 January 2004 encouraged MPs to take an interest in the debates prompted by the ministerial proposals on air transport growth.

The other fora are obliged to harmonise when European directives have to be transposed into national law. Italy and Spain's approach to the issues is at odds with the orthodoxy in the rest of Europe. Their budgetary timetable and local issues (airports and accidents) have a much greater affect on shaping government activity.

Such harmonisation leads to a measure of interdependence between political fora. Over a four-year period, the European debates on the Single Sky resulted in stances being adopted in the European parliaments. There is, however, no multi-level governance on air transport growth. MEPs are unaware of local issues in certain constituencies and do not take them into account in their deliberations. Similarly, European projects on a given issue (e.g. SESAR) are not taken on board by territorial authorities. With the exception of the adoption of the EUROCONTROL Convention and, in the wake of the accidents during the summer of 2005, the regulation of October 2005 concerning the publication of dangerous airlines, work is still in progress on the apportionment of competences between national authorities and Europe. Here too, the principle of subsidiarity has not yet been systematically applied with any clarity and the question of apportionment of competences is still an issue which has to be addressed in many areas impacting the prerogatives of public powers and of military surveillance of the territory.

A pre-requisite is the status of environmental legislation

Thirdly, the air transport policies pursued vary depending on the legislative work done on environmental legislation over the last twenty years. A State's approach to the sustainable development of air transport is closely linked to the status of its legislation in force (on the atmosphere, water and the environment) and on its transposition of the recommendations of the World Summits on Sustainable Development. Acting as political precedents, such instruments (the first instruments on the atmosphere date from the end of the 1960s in the United Kingdom) must be remodelled to serve as a framework for other States which have to start by formulating the problem in government, then discussing it in Parliament (the law governing water in France has not still been adopted since 2005).

Another precedent also has an influence, namely the precedence and the political importance attaching to the Minister for the Environment and ecologist MPs (in Italy this portfolio is held by a mere Secretary of State). The countries covered in the Politis study have not yet standardised ecological questions, but here too, the European Union acts as a spur for States which are holding back in certain problem areas. This is the role of the Council of Ministers of the Environment, which meets four times a year. There is also the impact in the media and political arena of the European Commission's Sustainable Development Strategy for 2005-2010.

Lastly, the States analysed also differ according to whether or not they have already drawn up and implemented laws to combat the nuisance caused by other modes of transport (in most cases, road traffic).

Consulting the interest groups

Lastly, the policies pursued by the States should be set in the context of the complex relations maintained by governments with interest groups active in these areas. This factor is already the main influence on the political doctrines of the parties in power.

Between those who are more open to the arguments of ecologists against nuisance and those who are receptive to arguments put by groups of public actors or industrialists, there is a whole range of negotiations and tensions experienced by, imposed on or generated by those in charge of the transport portfolio.

There is no cause for invoking a cultural model which would further encourage such groups in the United Kingdom, Germany or Spain. This is also a game for three players - European actors (the institutions as well as the NGOs) being useful allies in national political struggles. Sometimes, this game is played especially slowly, as demonstrated by the German example.
Air transport in Europe: the characteristics of the hollow-core model

The United Kingdom is not just the State which widened the debate on the air transport issue. It is also the State which offered a platform to the actors concerned by the various aspects of air transport when preparing its White Paper. This means that the hollow-core phenomenon no longer fosters a lack of understanding or knowledge of a problem or item of information. It causes all the actors to converge in successive stages on the institutions, which examine the demands on record before starting the political process.

This working method, very close to the method in place at the European Commission since the 1960s, was not used in the other States, or foundered on the forms of participatory democracy tested in France on certain matters.

Apart from the United Kingdom, we are therefore faced with sectoral niches structured in coreless networks of interest. They have the characteristics set out below.

First of all, air transport is addressed politically in a range of ways in which the network of actors is not so wide. Nevertheless, in the case of all countries, the parties involved in the issues concerning airlines (national airlines and low-cost airlines alike) are not necessarily the parties which will be involved on air pollution or on air navigation. The hollow core phenomenon is created in the very space between these poles of expertise.

Secondly, in the case of Germany and Spain, it would appear that local management of certain airport issues is not fully controlled by the central powers.

Thirdly, in the case of all the fora studied, specialised MPs are far removed from business circles (a predominance of teachers, lawyers, public officials and journalists). As a result there is a weak connection between the parliamentary pole of these networks and the economic actors who are involved in air transport but are not integrated into this branch. The result is that the flows of information are problematic and slow.

To wrap things up, we should have a look at what the future holds. We opened this part of the summary with the results of the sociography of the actors, setting out the textbook case of air transport. Is this case set to last with the same characteristics? A probable scenario is that this sector, which recently emerged as an
issue on political agendas, should be restored to the political arena. These political specialists were novices, but this is no longer the case. They will use the skills they have acquired to develop and experiment with the techniques the elite use in their area of choice, namely "overlapping" or, in other words, multiplying positions of power and political stances in adjacent areas. Their social reach, at present limited, is likely to expand and help decompartmentalise the air transport sector, which should develop from its former status as an isolate to become an area in which the issues are more widely understood by non-professionals.

Now, although this scenario is probable, the consequences of the sector opening out in this way are impossible to predict. Everything depends on what course the political elite will take, the alliances they will forge, the fora in which they address the issues and put their case. Will they preach in the corridors of power? Will they put their case to international courts? Will they win the day in interministerial councils? Everything seems to point to a mystery which, as things stand in the political process we have studied, is impossible to shed light on. In the political battle currently raging, who will win the day in the States and in the European institutions? Which version of history will the eventual winners impose on the media and on the interest groups? The question of the sustainable development of air transport is largely dependent on the history which is still in the process of being made.
2. AIR TRANSPORT GROWTH IN BRITISH LEGISLATIVE WORK SINCE 2000

Air transport has been the subject of constant political attention in the United Kingdom over the last ten years: the reorganisation of civil aviation, the modernisation of the air transport infrastructure and the protection of the environment have been the main areas concerned.

Faced with the saturation of capacity at the major airport platforms, the Government launched a wide-ranging study culminating in the production in December 2003 of a White Paper on the future of air transport, the stated objective of which was to provide an overall strategy balancing the economic benefits of airport development, the social advantages associated with easy and accessible air transport, and the environmental impacts. The debates sparked by this White Paper were fuelled in the British Houses of Parliament and, in the course of them, the Government's plans were heavily criticised.

The Civil Aviation Bill, introduced in June 2005 to explain certain of the White Paper's themes – clarification and strengthening of the measures to be taken by airports to deal with noise pollution, explicit definition of airports' powers for enforcing these measures – is today still being passed back and forth between the two Houses.

The terms of the debate on sustainable air transport development have thus been fixed in Great Britain today, and the direction that debate takes could well prefigure the course of discussions in the rest of Europe. In any event, all British actors are demanding European and international coordination in order to make progress on both local issues (noise pollution, air quality, urbanisation and conservation) and global issues (essentially carbon gas emissions contributing to global warming).

2.1. SUSTAINABLE POLITICAL ATTENTION (2000-2006)

Air transport has been the subject of constant political attention in the United Kingdom over the last ten years. The reasons for this attention are regularly repeated in the introductions to the reports produced during this period by the Government and by Commons and Lords parliamentary committees.

The first reason is British insularity, since air transport would to such a large extent appear to guarantee the UK's place in the world (70% of visitors arrive by air, 40% of passengers transported between the European Union and North America pass through British airports in transit, and 20% of passengers on international flights pass through British airports in transit) and be an essential vehicle for exchange (not only for the business world but also for freight, since the monetary equivalent of 30% of the goods exported by the UK is exported by air). "Essential to the United Kingdom's economy and to our continued prosperity", air transport also makes a major contribution to the British economy (2% of GDP in 2001, 3% of exports, 200,000 direct and 600,000 indirect jobs).

Secondly, the development of air transport is a response to strong social aspirations: the democratisation of this means of transport, caused in particular by the emergence of low-cost airlines and cheap flights in a European context where the sector is being progressively liberalised, reflects citizens' desire to travel (50% of British people flew at least once in 2001).

Lastly, the sector's continued growth (almost all traffic figures have quadrupled since 1970, and may well increase tenfold by 2015) has regularly obliged politicians to tackle this issue.

- Starting with the very broad area of the necessary modernisation of British transport infrastructure, this leitmotif of New Labour campaigns since 1997 has above all been reflected in aviation terms by the restructuring of the organisation of air traffic control (see the Transport Act 2000) and by the nagging question of the expansion of airport capacity, in particular in the South-East, with all the problems associated with noise and other forms of environmental pollution (see the 2003 White Paper entitled "The Future of Air Transport" and the Civil Aviation Bill 2005).
- Next, in the equally broad area of environmental protection, the emergence since the middle of the 1990s of the issues of global warming and sustainable development have translated in political terms into strong commitments by the Blair Government relating to the Kyoto Protocol and energy questions, reflected for the aviation sector in the 2003 White Paper and currently kept alive by the debate surrounding the Civil Aviation Bill.

There is no room in this study for further consideration of the air traffic control reform of the early 2000s, except to emphasise that it was highly politicised. The aim of the aviation-related part of the Transport Act 2000 was to revise the 1982 Civil Aviation Act with a view to deregulation: an independent regulatory body (the Civil Aviation Authority) was introduced and the service provider (National Air Traffic Services) was partially privatised. This complex operation, from which NATS emerged heavily in debt, did not instantly enjoy the success expected by the Labour Government. The downturn in the sector from summer 2001 onwards forced the Government to recapitalise the provider; it was not until spring 2003 that an agreement was found by officially enshrining the stake in NATS of the main British airport manager (the British Airports Authority).

In the meantime, both the decision to privatise and its multiple repercussions were at the centre of an inferno fuelled by British MPs\(^5\) and widely reported by the national press, which saw here a repeat of the highly controversial privatisation of the railways (another Railtrack).\(^6\) Moreover, the Government regularly ran into the ideological opposition of part of its own majority, which found reneging on campaign pledges hard to accept ("Our skies are not for sale", Tony Blair had explained in 1997) and had no qualms about voting against the plan on occasion, with the support of the Liberal Democrats (by 112 votes to 90 in the Upper House in October 2000). This political crisis greatly helped to weaken Stephen Byers, Alistair Darling's predecessor at the Ministry of Transport.

In parallel with this reorganisation of air traffic control, the saturation of capacity at the major airport platforms (especially around London) forced the Government to launch a wide-ranging study on the matter;\(^7\) it thus forced the question of the sustainability of air transport growth (both local noise-, air- and urbanisation-related pollution and global pollution, with emissions contributing to climate change) to the forefront of parliamentary debate, via airport policy.


The latter is still under consideration: after rejection by the Lords in March 2006, it was sent back to the Commons for its third reading, at which there is no guarantee that the majority will be able to succeed in the context of the weakening of the Blairite leadership, since the debate's key points (a noise quota for night flights and the powers to be given to airport managers to organise consultation procedures and punish those who break the rules) could quite easily drive MPs to privilege the interests of their own constituencies over the customary party discipline.

The aim of the Department for Transport's White Paper was to provide a strategic framework for the development of airport capacity: the stated ambition was to provide an overall strategy balancing the economic benefits of airport development, the social advantages associated with easy and

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5 See, for example, the acerbic criticisms made by the House of Commons Transport, Local Government and the Regions Committee in one of its Reports, dated July 2002 (Eighteenth Report, on National Air Traffic Services' Finances), or those of the House of Commons Committee of Public Accounts in December 2003 (Forty-eighth Report: The Public Private Partnership for National Air Traffic Services Ltd).
6 This was because NATS's financial crisis was compounded by a technical crisis (a proliferation of spectacular control-system failures in 2002).
7 The previous large airport strategic framework dated from 1985 (the Airports Policy White Paper).
8 The White Paper "sets out a strategic framework for the development of airport capacity in the United Kingdom over the next 30 years, against the wider context of the air transport sector. It does not itself authorise or preclude any particular development, but sets out a policy framework which will inform decisions on future planning applications, and against which the relevant public bodies, airport operators and airlines can plan ahead. It sets out the conclusions of the Government, and of the devolved administrations where appropriate, on the case for future expansion at airports across the country. In doing so, it takes account of all relevant factors, including views expressed in an extensive consultation exercise which attracted over 500,000 responses."
accessible air transport, and the environmental impacts, so as to allow the actors better anticipation by
giving them a coordinated national view of transport strategy and its probable choices.

This White Paper is the result of a consultation process which was launched in July 2000 and brought
together more than 500,000 responses. This comprised the following: a limited national consultation the
results of which were published in April 2001 ("The Future of Aviation"); a series of regional consultations on
the various options envisaged, the reports on which were spread between July 2002 and February 2003; a
series of exhibitions, information and meetings with the public in the vicinity of the airports concerned;
seminars, conferences and discussions with those involved on the use of possible financial instruments to
take better account of aviation's environmental impact.

The analyses and proposals of the White Paper are based first of all on a whole series of texts produced
in the meantime by the Ministry, in particular, to name only the most general:

- UK Department for Transport, Guidance to the Civil Aviation Authority on environmental objectives
  relating to the exercise of its air navigation functions, January 2002;
- UK Department for Transport, Aviation and the environment: Using economic instruments, March 2003;
- UK Department for Transport, Control of noise from civil aircraft: The Government's conclusions,
  December 2003.

Its analyses and proposals are also in dialogue, in a more or less critical manner, with the reports of the
specialised parliamentary committees: the Environmental Audit Committee and the Transport Committee
in the Commons, and Sub-Committee B of the European Union Committee in the House of Lords. The
reports at issue are essentially the following:

- Royal Commission on Environmental Pollution, The environmental effects of civil aircraft in flight,
  November 2002;
- House of Commons Environmental Audit Committee, Ninth Report, Budget 2003 and Aviation, July
  2003;
- House of Commons Transport Committee, Aviation, July 2003;
- House of Commons Environmental Audit Committee, Seventh Report, Aviation: Sustainability and the
  Government response, June 2004;
- House of Commons Environmental Audit Committee, Eleventh Report, Aviation: Sustainability and the
  Government's second response, September 2004;

It can thus be seen that significant parliamentary activity has been devoted to the notion of sustainable air
transport growth over this period, and the least that can be said is that this activity does not always spare
the Government's positions as presented in the December 2003 White Paper.

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9 Three committees have successively been in charge of air transport: working backwards in time, the
Transport Committee from 2002, the Transport, Local Government and the Regions Committee from 2001 to
Within the scope of the Commons' activity, mention should be made of the European Scrutiny Committee's
Seventh Report, partly relating to the Single European Sky, and its Eleventh Report, partly relating to the
creation of EASA), which are not directly relevant to our theme of sustainable development.
10 Since Sub-Committee B of the European Union Committee deals both with the Trans-European Networks
(Energy and Transport – Liberalising the transport market in the EU and harmonising safety standards for
road, rail, air and maritime transport) and with the Internal Market, it was deliberating during the period of
international and European issues (the Single Sky, EASA, EUROCONTROL, air services agreements with
the United States, etc.).
11 An examination of the actions of interest groups with regard to the Government and Parliament is beyond
the scope of this study. Whether industry representatives (for example, the Airport Operators Association,
the Royal Aeronautical Society, etc.), associations (for example, Friends of the Earth, the Campaign to
Protect Rural England, Stop Stansted Expansion, etc.), think-tanks (for example, the Institute for Public
Policy Research, which in 2003 produced a very well-documented report entitled The sky's the limit –
Policies for sustainable aviation) or parliamentary study groups (for example, the Aviation Group,
Sustainable Aviation, Airport for the South-East, Noise Reduction, etc.), they are clearly active and
influential, and they shape and fuel the debates.

The Paper starts by making an observation: the exponential growth of air traffic poses airport capacity problems which must be solved otherwise the UK economy will be harmed. Any increase in this capacity, however, requires a corresponding effort to reduce and mitigate the impacts of air transport and its development. The document thus calls for an exercise of balancing a number of objectives, which are as follows: a) the vital need to increase capacity; b) the need to respond to the growing desire to travel by air; c) the reduction of airports' impact on those living near them and on the environment; d) the need for air transport prices to reflect the costs incurred by its environmental and social impacts; e) optimisation of current capacity before new infrastructure is planned; f) respect for the interests of those affected by airport development; g) the need to give the various actors more certainty in prediction and planning without setting in stone predictions which are by nature fallible.

This way of considering the issue is very close to that upheld by the Commons Transport Committee's July 2003 Report on aviation, which puts even more emphasis on the unavoidability of the new infrastructure. Noting that the United Kingdom's commanding position could be weakened by a lack of decisions on the construction of new infrastructure, it first of all points out the context in terms of the competition: if nothing is done, there is a major risk that the infrastructure already planned at Schiphol, Charles de Gaulle and Frankfurt could absorb part of the air traffic passing through London's airports. The Committee's Report also underlines the indefensible character of any form of the status quo, stating that a lack of new construction would have even worse environmental impacts. In brief, it summarises the challenge as follows: to increase capacity while "minimising the impacts".

The general recommendations of the two documents are thus related: for the Transport Committee, the issue is to make better use of existing capacity, expand current airports on a case-by-case basis and reject the construction of major new airports "on greenfield sites"; according to the White Paper, better use must be made of existing infrastructure and, since it is impossible not to increase airport capacity, the environmental impacts must be taken into account in future arrangements, in order to build sustainable growth.

The White Paper incessantly invokes the idea of a balanced approach. One might, however, ask oneself whether this balance is in fact neutral.

This is because the seven objectives to be balanced are not on the same normative level: the first two concern a state of affairs the denial of which would be catastrophic (recognition of the vital need to increase capacity; a response to the growing commanding position could be weakened by a lack of decisions on the construction of new infrastructure); the third and fifth refer to an organisational and technical effort to contain the social and environmental impacts (the reduction of airports' impact on those living near them and on the environment; optimisation of current capacity before new infrastructure is planned); the aim of the fourth, sixth and seventh is to impose new regulations (on the prices charged for air transport, which must reflect the costs incurred by its environmental impacts; on respect for the interests of those affected by airport development; and on the need to give the various actors more certainty in prediction). This shows to what extent this approach, which must be seen as a continuation of the existing situation, has been largely unsatisfactory to those in favour of a more sustainable review (political ecology).

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12 The manager of this traffic, BAA, is accused in passing of a monopolistic position and of inflexibility: "The shortage of capacity in the South East is largely the result of the dominant position of BAA. It is ineffective and inappropriate to have a single private sector operator controlling such a large part of our aviation infrastructure. If the Government is wedded to the idea of maintaining BAA in its current form, it must undertake a thorough review of the way in which it is regulated. The regulatory system should align BAA's airports development policy with Government policy including regional development, access and associated environmental objectives. The Government must not assume that extra capacity in the South East should be provided by BAA. In our view it would be more appropriate to break up its monopoly" (from the opening Summary of the Report).

13 The White Paper, for its part, uses the expression "manage and mitigate".

14 It does this, moreover, with reference to ICAO.

15 The following quotation comprises the comparison of these objectives with those of the previous White Paper on airports (1985): "a) To foster a strong and competitive British airline industry by providing enough airport capacity where it is needed; b) To minimise the impact of airports on the environment generally; and to ensure that land use planning and conservation policies take fully into account both the development needs arising from airports and the environmental consequences; c) To make the best use of existing
It is also interesting to note that among the fifteen or so statistics reproduced in the White Paper's "Key Facts" section (traffic, destinations, economic weight), only one concerns the environment (noise) and, unlike all the others, the statistic shows a downward trend (the population disturbed by noise around the four major airports (Heathrow, Gatwick, Stansted and Manchester) has, according to this statistic, fallen from 570,000 in 1990 to 300,000 in 2002), as if the balance to be corrected was already being corrected.

Not even the description of the White Paper's purpose is neutral: The neutrality of the title ("air transport") quickly disappears once one reads further. An examination of the terms used within the small number of pages of the Executive Summary to designate the referent being studied reveals that the occurrences of "air transport" (5%) give way to terms with flattering connotations, such as "air travel" (15%) or "aviation" (15%). In a similar way, these three terms disappear behind "airport capacity" and "airport development" (65% between them). Certain critics claim that this is as good a way as any to recognise that sustainable air transport development is reduced to airport development in the White Paper.

The first criticism does in fact relate to the very notion of sustainable development as proposed by the Government. The Transport Committee's Report, which avoided using the term, points out the vague nature of this concept: "The Secretary of State was however, unable to explain what a sustainable aviation policy actually meant: "When I talk about these things I usually make the point time and again that there is a balance between people's needs, their desire to travel and making sure we preserve the environment in which we live and generally improve conditions. They are obviously things on which a balance has to be struck, there is not a scientific answer which says, "That is right, that is wrong." It is a matter of judgement. My judgement and your judgement might be the same, they might be different". We do not believe that this fuzzy approach has provided a transparent basis on which to carry out the consultation" (author's emphasis).

For certain groups (in particular associations at the forefront of the struggle), the Government has cynically emptied the notion of all content by reducing it to this strange balance in which the environment gets the leftover scraps ("mitigating the impacts") and economic interests get the lion's share. The same argument capacity and to provide new capacity only when this is economically justified; d) To encourage the use and development of regional airports so that they meet the maximum demand they can attract; e) To support the leading position of Heathrow and Gatwick among the world's major international airports and interlining centres; f) To encourage enterprise and efficiency in the operation of major airports by providing for the introduction of private capital; g) To ensure that all UK airports continue to maintain the highest standards of safety in accordance with internationally accepted rules and standards". A comparison of these 1985 objectives with those of the 2003 White Paper shows both the issue's great continuity ((a), (b) and (c) reappear in the White Paper) and its new rhetorical slant: the accent is slightly less techno-economic, slightly more socio-environmental.

16 What is at issue in these questions of nomenclature quickly becomes clear in the discourses of associations whose aim is to oppose New Labour's "pro-airport spin". For example, according to West London Friends of the Earth, "Air transport is a better expression than aviation because it avoids the glamour associated with the word aviation. Air transport is already a mass activity and it is growing at such a rate that it threatens our local and global environment." 17 To define this notion, the White Paper relies on the four criteria proposed in a previous White Paper, entitled A better quality of life: a strategy for sustainable development in the United Kingdom (May 1999); these four criteria are reproduced in Guidance to the Civil Aviation Authority on environmental objectives relating to the exercise of its air navigation functions (January 2002), pp. 6-8, as follows: a) maintenance of high and stable levels of growth and employment; b) social progress which recognises the needs of everyone; c) prudent use of natural resources; d) effective protection of the environment.

18 For example, for West London Friends of the Earth: "In the wider environmental arena, the government [sic] was also losing its green credentials. The promises of 'Sustainable Development' were quietly given up when it was realised these might conflict with the desires of big business. Sustainable Development, which was to be instrumental in protecting our planet and its people from catastrophes such [sic] global warming, has been cynically subverted by the government. It was quietly re-defined, without any announcement, debate or consultation thus: "striking a balance ... between the social and economic benefits and any environmental effects". What this means in practice is that the environment can be traded off for (alleged) economic benefits. A far cry from the heady days of the World Summit at Rio in 1993 or even from Labour's election win in 1997."
can be found at the start of the Environmental Audit Committee's (extremely critical) Report entitled *Budget 2003 and Aviation*: "In emphasising economic and social objectives for airports, the Department for Transport is placing a lower priority on environmental objectives and is focussed more on mitigating the environmental impacts rather than avoiding them where possible" (author's emphasis).

The Environmental Audit Committee's critique, however, goes further. First of all, it points out the "bias" of the Government consultation: it feels that the traffic growth hypotheses selected to justify the increasing of airport capacity ("passenger numbers will increase by 4% every year for thirty years and [...] fares will decrease by up to 40% over the same period") are exaggeratedly optimistic and that the economic benefits expected from that growth, which have not, it claims, been the subject of recent studies, are overvalued and partial, leading to a misrepresentation of the various opinions envisaged by the White Paper.

It then accuses the Government of having made no break whatsoever with the traditional "predict and provide" approach, despite its denials and the text's environmental window-dressing. According to the Committee, this approach amounts to adjusting supply to fit demand and thus excluding any genuine limits in terms of new capacity. By predicting a substantial future demand (the equivalent of a new Heathrow every five years from now until 2030), the Government feels able to promote the equivalent airport growth instead of playing its role as an arbitrator. The Government's inability to decouple air transport growth from general economic growth, to the detriment of the environment and future generations, is clearly expressed by the Committee in its refusal to draw the parallel between air transport and road transport: "In the case of roads, the Government does seem finally to have accepted the need for some form of congestion charging or road pricing framework. Yet the Secretary of State for Transport entirely refused to accept that, in the case of aviation, congestion may need to be dealt with in a similar way. We were astonished that he denied there was any parallel in this respect between road transport and aviation. He re-iterated his opposition to "pricing people off planes" and the frequency with which he used this phrase reinforced our perception that the Department for Transport is little interested in sustainability. In our view the Government should aim to decouple growth in air travel from economic growth—as it has been attempting to do for roads. To achieve this, it must be willing to use a range of fiscal and other policy instruments to manage behaviour. This might go well beyond the need to incorporate cost externalities—as indeed the Government has accepted in the case of waste." (Author's emphasis)

In conclusion, therefore, the Committee finds the White Paper's recommendations on the location of the new capacity, in particular at London's airports, far from adequate and even unfounded: "We regard the absence of concise, transparent, and strategic integrated appraisals as a major weakness in the consultation analysis of the overall economic impact on the UK of the aviation sector, and in particular an analysis of the growth in aviation which is proposed. In the absence of a robust evaluation, we are astonished at the overt bias the Department for Transport has displayed by emphasising so consistently the economic benefits of aviation. It is disturbing, for example, that the consultation document quotes figures for the positive economic benefits of tourism but entirely fails to mention that there is an overall substantial negative balance of £15 billion. [...] The net present value associated with the increase in the cost of aviation emissions amounts to minus £18 billion. Including this amount would entirely wipe out the economic case for an expansion in runways and result in substantial net deficits for almost all options the Department for Transport has put forward. Expansion could therefore only be justified if the Department could demonstrate substantial wider economic benefits—which it has not attempted to do."

19 The fact that the Report is critical can be illustrated simply by picking out the words "concerned", "astonished" and also "disappointing", which pepper the Report's recommendations (see below).
20 Of its 16 members, however, ten are Labour while four are Conservative and one is Liberal Democrat: Peter Ainsworth MP (Conservative, East Surrey) (Chairman); Gregory Barker MP (Conservative, Bexhill and Battle); Harold Best MP (Labour, Leeds North West); Colin Challen MP (Labour, Morley and Rothwell); David Chaytor MP (Labour, Bury North); Helen Clark MP (Labour, Peterborough); Sue Doughty MP (Liberal Democrat, Guildford); Paul Flynn MP (Labour, Newport West); Mark Francois MP (Conservative, Rayleigh); John Horam MP (Conservative, Orpington); John McWilliam MP (Labour, Blaydon); Elliot Morley MP (Labour, Scunthorpe); Malcolm Savidge MP (Labour, Aberdeen North); Simon Thomas MP (Plaid Cymru, Ceredigion); Joan Walley MP (Labour, Stoke-on-Trent North); David Wright MP (Labour, Telford).
21 "It is disappointing that neither the Treasury nor the Department for Transport have conducted any recent analyses of the overall economic impact on the UK of the aviation sector, and in particular an analysis of the growth in aviation which is proposed. In the absence of a robust evaluation, we are astonished at the overt bias the Department for Transport has displayed by emphasising so consistently the economic benefits of aviation. It is disturbing, for example, that the consultation document quotes figures for the positive economic benefits of tourism but entirely fails to mention that there is an overall substantial negative balance of £15 billion. [...] The net present value associated with the increase in the cost of aviation emissions amounts to minus £18 billion. Including this amount would entirely wipe out the economic case for an expansion in runways and result in substantial net deficits for almost all options the Department for Transport has put forward. Expansion could therefore only be justified if the Department could demonstrate substantial wider economic benefits—which it has not attempted to do."
22 These fundamental criticisms, moreover, reappear later in the programme of the Liberal Democrats, the only party to have formalised an aviation policy, heavily based on the Committee's work (A soft landing: creating a sustainable market in aviation, Aviation Policy Paper (November 2005)); see below, section 2.5.
23 According to certain MPs, this benefits aviation consumer lifestyles — second residences in Malaga, shopping weekends in Prague, family ties in Sydney, Karachi or Bombay, etc.
documents. The Department's failure in this respect conflicts with its own guidance. As a result, it is impossible to assess the overall benefits of different degrees of expansion—or the relative benefits and disbenefits of regional expansion vis-à-vis expansion in the South-East". (Author's emphasis)

The White Paper's proposals with regard to capacity produce singular trompe l'oeil effects:

- Although the reader's impression is initially one of a lengthy litany of rejected projects ("the option/the development […] is not supported"), since all the planned new airports (in Scotland, Wales, the Midlands, and south-west and south-east England) are abandoned, the White Paper privileges better use of existing infrastructures and, in some cases, their expansion, and thus opens a further litany, one of new runways (at Stansted, Heathrow, Birmingham, Bristol, Leeds Bradford and, possibly, East Midlands and Liverpool), terminal extensions (at Manchester, Cardiff and Bournemouth) and reserves of land to be provided for possible new runways (at Edinburgh, Glasgow, etc.).
- Since these recommendations for expansion are almost systematically accompanied by restrictive clauses (such as "provided this does not encroach on environmentally sensitive sites", "subject to stringent measures to limit noise impacts and improved access", "subject to relevant environmental considerations", etc.), it is unclear what is actually being predicted in this exercise. It is noteworthy, for example, that the principle of a new runway at Heathrow by 2015-2020 remains to a large extent conditional and is to be the subject of continual debate and action.

The debate will thus focus on these silences (i.e. on the precise nature of the White Paper's restrictions), which would appear to condition expansion and which we will examine in detail before considering how they lead up to the proposals and debates relating to the Civil Aviation Bill 2005.

2.3. ENVIRONMENTAL QUESTIONS IN THE DEBATES SURROUNDING THE WHITE PAPER

Regardless of the text, the environmental questions can be divided into two main categories: local issues (noise pollution, air quality, urbanisation and conservation) and global issues (essentially carbon gas emissions contributing to global warming).

2.3.1. The Impacts of Noise Pollution

The aim of the White Paper is to limit the number of people affected in the United Kingdom by noise. These recommendations are also to be viewed in the context of the application of international regulations:

- those of ICAO, transposed into English law in 2003 and already in force in a number of airports, concern noise reduction at source, with the withdrawal from service of the noisiest aircraft and new regulations on night flights, better planning of building authorisation at airports and the implementation of new operational procedures by pilots and controllers.

Then there are a number of actions more specific to the UK:

- support for the various R&D efforts to develop quieter engines;
- strengthening of current regulations in relation both to the three airports directly dependent on the Government (Heathrow, Stansted and Gatwick) and to the other airports, whose regulatory powers must be officialised and reinforced;
- the development of financial instruments (such as take-off charges proportional to noise levels, paid into a fund for financing operations to mitigate noise and compensate victims).

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24 The rest of the Report (essentially Part 4) is devoted to work on the importance of the aviation sector: safety, security, harmonisation of the market, development of tourism and freight, development of regional airport platforms and lines subject to the PSO (Public Service Obligation), reform of the slot allocation market for London's airports to break away from grandfather rights, alternative modes of transport (rail) and intermodality. Most of these points, which do not fall directly within the scope of this study, depend on actions at European or international level.

25 This includes impacts on landscape, biodiversity, tranquillity and heritage.
The policy advocated in the White Paper can thus be summed up in terms of a number of key words: evaluate, mitigate, monitor and compensate.  

The last two actions mentioned (the development of financial instruments and the strengthening of regulations) have nevertheless been the subject of numerous discussions, thus prefiguring the controversy surrounding the Civil Aviation Bill 2005.

Concerning the development of financial instruments, the White Paper is based on the report produced in March 2003 by the Department for Transport (Aviation and the environment: using economic instruments) the aim of which was, using estimates calculated on the basis of the external costs attributable to aviation in relation to climate change, air quality and noise, to identify the financial incentives which could make it possible to push air transport to attain the Government's general environmental objectives. Its recommendations related in particular to the introduction of charges associated with noise and emissions produced at take-off, route charges for atmospheric pollution and an emissions market.

Since these measures were of course indivisible from the powers to be given to airports to organise consultation and implement environmental policies (by fixing their objectives and standards and by punishing anyone breaking the rules), this is another instance of the White Paper's reproducing the conclusions of a Department for Transport report (Control of noise from civil aircraft: the Government's conclusions, December 2003), in which the idea resurfaces of giving airports new powers so that they themselves can develop agreements concerning noise pollution, in consultation with all the parties (airlines, local authorities, associations, etc.). The airports will be responsible for ensuring that the agreements are respected, and this includes the incorporation in their airport charges of an element associated with noise pollution.

During the consultation on this point, a number of voices, from both industry and associations, protested that it was difficult to countenance the fact that airports were to be both judge and jury, and called for this regulatory power to be given to a central body (the Department, the CAA, or an authority to be created). This solution was rejected, with the Government sticking to its objection on principle to any new bureaucratic steps: "The policy of successive Governments has been that local environmental issues are best resolved at the local level". The local planning authorities (LPAs) are sufficient, and any conflicts must continue to be resolved on the basis of civil law (rather than on a criminal basis).

These points were not really disputed by the Transport Committee (House of Commons Transport Committee, Aviation, July 2003). Its report even encourages the Government to legislate as early as possible: "Both the previous and the current Government have accepted the principle that airports should be

26 This policy does not differ significantly from the conclusions of the Transport Committee in July 2003: "The best approach to managing noise and other environmental problems must be to: ensure that future airport master plans and associated land-use recognise the need to separate residential areas from major noise nuisance sources; ensure long-term agreements over the noise limits to which local communities can be exposed, particularly in respect of night flights; offer adequate compensation to people affected by new development or significantly expanded use; provide high quality insulation and mitigation measures to protect those people living in noise affected areas; and use penalties collected for breach of noise and other environmental standards for the benefit of local communities."

27 These Government estimates (which came from the Department for Transport and the Treasury) have been seen to be contested. By way of proof, here are the small number of lines devoted to them in the 2003 Environmental Audit Committee Report: "The Treasury discussion document, Aviation and the Environment, seriously underestimates the impact of noise by quoting a figure of £25 million for the UK. The cost for Heathrow alone might range from £27 million to £66 million on the basis of up to date figures from the same source".

These estimates are no less instructive with regard to the order of the Government's priorities, since so many completely different sums are bandied about in them: the costs associated with carbon gas emissions were GBP 1.4 billion in 2000; those associated with air quality are between GBP 119 and 236 million per year; those associated with noise are GBP 25 million per year.

28 An example is the ability to financially penalise, in accordance with the polluter-pays principle, repeated failures to adhere to the procedures relating to noise preferential routes (NPRs).

29 This is not the case for London's three airports (Heathrow, Stansted and Gatwick), where the Department can intervene directly (see section 78 of the Civil Aviation Act 1982).
given the statutory power to fine off-track aircraft, but failed to find the necessary parliamentary time. We recommend that the Government uses the next suitable legislative opportunity to provide airports with a statutory power to fine off-track aircraft as a means of enforcing preferred noise routes and easing the impact on local communities" (author's emphasis).

Through its insistence on night flights (in particular those linked to freight), however, the Committee did put the Government on its guard in relation to the review of night-time noise pollution quotas (since there was a risk that restrictions on night flights might be based on noise quotas rather than the number of movements). "We are disappointed by the lack of research to inform our inquiry over matters such as the trade-off between reduced levels of noise from individual aircraft versus the increased numbers of flights. The Government must invest more to determine acceptable local environmental noise limits. Airports and air traffic control can do more to reduce the noise impacts of their operations. Major airports must adhere to a series of key environmental performance indicators. This should include compliance with noise standards. We recommend that major airports should investigate the possibility of setting up noise tracking systems, such as that in operation in San Francisco" (author's emphasis). This question would de facto be at the heart of the controversy surrounding the Civil Aviation Bill 2005.

2.3.2. Impact on Air Quality

The White Paper starts by making the observation that the emissions produced by aircraft engines and the density of road traffic at and around a given airport can have significant local effects, in particular on population health.

Since European standards, which have fixed the tolerance thresholds to be respected for PM10 (particulates) as from 2005 and will do so for NO2 as from 2010, do not however target air transport, the White Paper's intention is to encourage airports to play their part in attaining these objectives. The measures envisaged relate in particular to the use of economic instruments (such as the incorporation into airport taxes of an air-quality-related element and even an NO2 exchange market similar to the one envisaged for slots, in the same context of international cooperation), the development of public transport for staff and passengers, the encouragement of technological improvements and the introduction by ICAO of more stringent standards.

In the absence of truly conclusive assessments of the effects of pollution, the subject is not really examined by the White Paper, which does not stop the Commons Transport Committee from taking note: "The

30 "Noise from aircraft during the day is a contentious issue. Noise at night is yet more so. In recognition of this, the Government limits the number of flights at night, the total noise from aircraft and bans the noisiest aircraft from flying out of Heathrow, Gatwick and Stansted. Other airports agree their own targets as part of general planning agreements. The Government's stated approach is: "to strike a balance between the need to protect local communities from excessive aircraft noise levels at night and to provide for air services to operate at night where they are of benefit to the local, regional and national economy". The European Court of Human Rights has recently found that it is legitimate for the Government to take into account the economic interests of the airline operators, other enterprises and the country itself in striking a balance between the competing interests of the individuals affected by night noise and the community as a whole. We note the potential for residents to be severely affected by noise from aircraft. It is also clear that the forecast rise in demand for overnight air freight as well as some passenger flights could place a significant pressure on noise exposure at night. A far greater degree of forward planning will be required to address the issue of night flights and adequate levels of environmental protection for residents. [...] The White Paper must identify the extent to which night operations can expand at existing airports without compromising noise protection standards. This is likely to affect the location and nature of future development of the air freight industry."

31 See, for example, the debates on the correlation between the school results of children from the boroughs around Heathrow and their exposure to air pollution. Tom Brake, the Liberal Democrat Shadow Secretary of State for Transport, asked the Government the following question in June 2005: "Several hon. Members have referred to the Lancet report. It examined 3,000 children aged nine to 10 in Britain, the Netherlands and Spain and the impact on them of aircraft noise. It found, perhaps not surprisingly, that chronic exposure to aircraft noise impairs children's reading comprehension, that schools close to an airport are not a healthy
Government cannot take decisions about future expansion at Heathrow or any other site if it does not have a robust understanding of the air quality assessments on the site. The Department must ensure that those assessments are soundly based, and must do so quickly.

2.3.3. Impact on Global Warming

The crux of this aspect of the debate is the statement, repeated by almost all the actors (ministers, MPs, experts, associations, journalists), that air transport could well be the main industrial source of growth in carbon gas emissions in the future; since it has no alternative fuel solutions, since air traffic is on the rise and since other industries are reducing their own emissions, air transport's relative share will only increase.

The White Paper states that the forecasts for 2030 put the amount of CO₂ produced by British aviation at 18 million tonnes per year (97% of which will be caused by international traffic, with the most severe effects at high altitudes), i.e. one quarter of Britain's contribution to global warming. This proportion clearly threatens the Blair Government's commitments to an exemplary 60% cut in Britain's CO₂ emissions by 2050, as emphasised by the Environmental Audit Committee: "We regard the proposed growth in emissions into the atmosphere by the aviation industry as unsustainable and unacceptable. Were such growth to occur, it could totally destroy the Government's recent commitment to a 60% cut in carbon dioxide emissions by 2050" (author's emphasis).

In order for air transport to play its part in this cut, therefore, both the White Paper and the Transport Committee recommend that efforts be concentrated on three avenues:

- the creation of an international CO₂ emissions market;
- technological research to provide less polluting engines;
- the promotion of new practices among the air actors.

The recourse to economic tools is essentially a matter of developing an emissions market both inside and outside the aviation sector. This market would be extended first throughout Europe (to which end the United Kingdom would have to campaign during its 2005 European Presidency for air transport to be included in the European Emissions Trading Scheme) and then throughout the world, at ICAO's initiative. The Transport Committee summarises the reasoning: "There is widespread agreement amongst industry, environmental groups and the government's leading technical advisors, that emissions trading offers the best long-term solution to control climate change emissions from aviation. An emissions trading scheme is a system whereby airlines can buy and sell permits to a capped quantity of greenhouse gas emissions. In this way, the aviation industry would be able to buy the right to produce emissions from other industrial sectors that could reduce emissions for a lower price than could be done by the airlines. [...] We recommend that the United Kingdom Government continues to pursue the development of an international climate change emissions trading scheme for aviation through ICAO" (author's emphasis).

In this regard, the recommendations of the Lords European Union Committee's 30th Report for 2003-2004 (The EU and climate change) highlight the crucial character of the EU's action (the Emissions Trading Scheme (ETS)) and the need ultimately to include the United States in the mechanism.

educational environment, and that there is a link between aircraft noise and stress and a reduced quality of life.

What action have the Government taken since the report was published? Is the Minister satisfied that all the schools in the vicinity of Heathrow, Stansted or Gatwick are sufficiently insulated? Is she satisfied that, if a third runway at Heathrow or a new runway at Stansted is built, schools in the vicinity will be sufficiently protected from the increased noise? Will she commit to a review of noise standards to see whether the Government need to respond to anything in the report?"

32 Those voices which point out that air transport represents approximately 3.5% of the total impact of human activity (5% in 2050) on the phenomenon of global warming are all but inaudible.

33 This Committee is, as is its wont, highly critical of the Government's estimates: "Current valuations of carbon make no attempt to take account of significant or catastrophic changes to the atmosphere. Indeed, in practice it is impossible to calculate the total value of our climate. If climate change bites deeper, the preferences and valuations people express—whether directly or indirectly—could change dramatically, with large increases in the associated environmental costs."
Naturally, this system met with criticism from certain MPs, who wondered about the effectiveness for the planet as a whole of a mechanism which would only transfer the right to pollute from one industry to another or from one country to another; under these conditions, air transport would be able to continue its "frantic" development.

Encouraging the development of more fuel-efficient aircraft would, for its part, allow a 50% drop in CO₂ emissions in Europe by 2020, according to the White Paper. The Transport Committee's approach remains more hypothetical, or less "technofix"-oriented: "The Royal Academy of Engineering told us that there are technologies and options for changing air traffic operations to reduce environmental impact still further, although they are not currently economically viable. Technology could reduce the drag on aircraft by 15 to 20 per cent. Flying aircraft at 25,000 feet rather than the current 35,000 to 40,000 feet would provide a "step change in the effect on the environment". However, this would require a changes [sic] to the way in which aircraft are operated and perhaps designed".

It goes without saying that this recommendation, like the previous one, is subject to international agreements, otherwise it will harm the British economy: "As a matter of principle, any additional action to tackle the environmental impacts of aviation will take full account of the effects on the competitiveness of UK aviation and the impacts on consumers", the White Paper underlines on a number of occasions. 34

The third avenue is the development of good local practices among airlines, airports and air traffic control in order to minimise the impact of their activities on global warming. In this regard, the White Paper is very vague about the many technical and organisational implications and the Transport Committee asks the Government to define this avenue more clearly: "There are also local measures that could be used to reduce the impact of aviation on the global environment. Our airports are being used above their efficient capacity. In consequence, aircraft often join a stacking system when waiting to land at a busy airport, circling close to their destination. IATA estimates that at a European level 350,000 flight hours are wasted because of inefficient infrastructure and that adequate infrastructure would save between 10 and 15 per cent of fuel consumption. [...] There is not enough consideration of how capacity should be managed to improve the environment. A shortage of capacity can itself harm the environment. The extra fuel and local pollution costs of aircraft waiting in stacks or on airport aprons are currently ignored in determining operating capacities. This must be wrong. The provision of extra runway capacity should be used to improve the environmental and operational efficiency of existing airports wherever possible. This should be reinforced by air traffic control approaches which reduce environmental impact and a realistic assessment of achievable capacity at an airport. The Government must provide clear guidance on how this will be achieved" (original emphasis removed by author).

Lastly, two points left out of the White Paper but regularly repeated in the debates, deserve to be mentioned to complete this brief overview.

The first relates to the **exemption of kerosene from fuel taxes and VAT**, a regular hobby horse of environmentalists and a possible alternative to the emissions market system (aviation taxes/emissions taxes). According to the estimates reproduced by the Environmental Audit Committee, aviation receives the equivalent of a GBP 9 billion subsidy in comparison with road transport. The Committee concludes as follows: "We see no reason why aviation should be treated differently to motoring in terms of fiscal policy, and why it should not be taxed to earn revenue. We do not consider that it is possible to justify the favourable treatment it currently receives on grounds of social equity. [...] The Treasury should set out clearly what principles underpin the different tax treatment which different forms of transport attract. The Government responds to this distortion of competition, which would essentially penalise the railways, with two arguments: it is impossible to go it alone in relation to an exemption which is as old as the foundations of air transport (the Chicago Convention of 1944); and the distortion effect is offset in view of the various direct and indirect subsidies received by the railways.

The second point omitted from the White Paper concerns the **development of Air Passenger Duty**. Faced with the Environmental Audit Committee's recommendations – "We recommend that the Government replaces the current Air Passenger Duty with an emissions charge levied on flights and which is clearly displayed on travel documentation. This should be set initially at a level which will raise £1.5 billion a year, but be subject to an annual escalator so that revenue will increase over time" – the White Paper sidesteps

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34 The Transport Committee does not lag behind: "The United Kingdom cannot tackle climate change emissions from international aviation unilaterally and should not try to do so. Not only would this damage our industry, it would be ineffective in producing the emission reductions needed".

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prudently: "The Government recognises that because of its blunt nature, Air Passenger Duty is not the ideal measure for tackling the environmental impacts of aviation" (3.43, p. 41).

2.4. THE DEBATES SURROUNDING THE CIVIL AVIATION BILL (2005-2006)

Presented in June 2005 and still being passed between the Houses of Parliament in March 2006, the aim of this Bill is presented as, in particular, "to implement commitments we made in our White Paper on the future of air transport on protecting the environment and safeguarding passenger interests". The Bill's aim, then, is to **clarify the White Paper's commitments in relation to environmental questions**. These commitments are all the more important since they underpin the definition of sustainability of air transport in that document and because most of the airport expansions envisaged in the White Paper are subject to reservations linked to environmental questions.

Two of the provisions of this Bill (out of the six which it comprises) are directly relevant to the issue under discussion here.

- The aim of the first is to **clarify and strengthen the measures to be taken by airports for dealing with noise pollution** in order to give them greater ability to introduce and enforce noise amelioration measures beyond airport boundaries and to take economic measures against aircraft contravening the provisions designed to minimise noise (noise preferential routes, departure noise limits and night noise restrictions).

- The intention behind the second is to **make explicit the powers of airports (statutory provisions) to set charges** on local emissions produced by aircraft, the Government's idea being to encourage airport authorities to make even more commitments in this area.

These provisions, therefore, relate both to the three airports under the Secretary of State's direct responsibility and to all the others, which are not under the Secretary of State's direct control.

The debates in both the Commons and the Lords have revealed **three major lines of criticism**, which have received unequal shares of Parliament's attention: a) the lack of clauses concerning emissions contributing to global warming; b) the difficulty in principle of believing that the airports will exercise their new impact-reduction prerogatives impartially; c) the refusal to see the new legislation resulting in the substitution of a limit based on the number of flights by a limit based on noise quotas with regard to night flights. This last point was the subject of amendments rejected in the Commons but accepted in the Lords.

Concerning the **lack of clauses relating to emissions**, the Government's response is based essentially on the multilateral character of this type of mechanism (see above) and emphasises the progress already seen at European level (in particular in relation to the ETS) in order to underline the results of its action.

The question of the **impartiality of airport operators** was the subject of numerous warnings, without the Government's giving any ground on the principle of local processing without any new bureaucratic layers. Hence, for example, in the House of Lords in November 2005, Lord Hanningfield (Conservative, since May 2005 Shadow Minister for Local Government and for Transport, and Opposition Whip in the Lords) underlined the "considerable mistrust" of airport operators in relation to the "fairness, objectivity and transparency of the current in-house arrangements for reporting on aircraft noise, emissions and track keeping, and for recording and handling complaints from members of the public". In particular, he called for "an independent watchdog rather than allowing airport operators to continue acting as "judge, jury and policeman". From Labour's side, Baroness McIntosh of Hudnall (who does not by any means always vote with her party) similarly underlined the "deep suspicion and mistrust" with which "communities view the self-monitoring by airport operators" and called for an amendment allowing the Civil Aviation Authority (CAA) to be given "the responsibility to act as regulator and overseer of environmental standards".

35 The Commons First, Second and Third Readings, and the Commons Report Stage, took place between June and October 2005. The Lords First and Second Readings, and the Lords Report Stage, took place between November 2005 and March 2006. The Bill is currently in the Commons again.

36 Other examples of such cross-party agreement on these questions can be found in debates which took place prior to the Civil Aviation Bill, such as the one in the Commons in February 2005 on Nottingham East Midlands Airport (freight), during which Charlotte Atkins (Parliamentary Under-Secretary of State for Transport) appears thoroughly isolated in the face of the avalanche of questions and doubts from MPs of all parties.
The essential thrust of the debates, however, was the question of noise quotas and their application at London's airports. Concerning the three airports directly under the Secretary of State for Transport's responsibility (section 78 of the Civil Aviation Act 1982), the Bill's aim was to allow the Secretary (by amending section 78) to fix limits on the basis of a global noise level (Quota Count Scheme) rather than on the basis of aircraft numbers – which amounts in essence to doing away with controls on the number of movements, in particular at night.

According to the Government, this is a measure to encourage airlines to fly aircraft which are less noisy. Airlines could then fly larger numbers of quieter aircraft within their quota limit (in practice, for each reduction of three decibels, the number of flights could double) and would thus avoid the current procedure under which they must make a written request to the Secretary of State each time the number of flights changes.

Although this provision is not to enter into force until 2012, it has brought all fears to a head (with, for example, the envisaged 41% increase in night flights at Stansted) and given rise to numerous actions.

In order to try to better understand the thinking behind the political games surrounding this question of night flights, it is interesting to examine how the 17 MPs (ten Labour, four Lib Dem and three Conservative) whose constituencies are in west London, and who are therefore involved in the Heathrow debate, voted after the Bill's Third Reading in October 2005.

The Liberal Democrat and Conservative MPs all voted for the proposed Amendment (on the limitation of night flights), except for two who were absent. On the Labour benches, only six MPs followed the Department by voting against the Amendment, one voting in favour and three preferring not to attend.

Naturally, these six MPs were stigmatised by the associations, who spoke of betrayal and mobilised against them. This shows the influence of local problems on the vote, a matter which definitely merits deeper examination.

The arguments developed in relation to this question hold few surprises. In conclusion, the following quotations are extracts from the debates in the House of Lords the following month, in November.

Lords from all parties attacked the Government's proposals. According to Lord Hanningfield (a Conservative and one of the Bill's most virulent critics), "there is no such thing as a quiet aircraft. There is noise from all aircraft. [...] Virtually all night flights disturb the peace. Therefore it is important to retain the limits on the number of night flights." For Baroness McIntosh of Hudnall (Labour), "even the most modern aircraft can be pretty noisy when it is right over your head in the middle of the night", pointing out the "mounting concern across all parties and the country about the impact of aviation on our environment and quality of life". The same story comes from Lord Bradshaw, the Liberal Democrat Transport Spokesman, whose intention was to use the Bill to promote the Liberal Democrats' opposition to any new expansion at airports in the South-East and to encourage the transformation of the Air Passenger Duty into an Aircraft Departure Charge.

After the Lords had voted in favour of Amendment No. 6, modifying the system of noise quotas, the text was sent back to the Commons. In view of all the above, it would appear difficult at present to predict with any certainty that this Bill will be passed. So watch this space.

37 There were on average 198 night flights (i.e. flights between 11 p.m. and 7 a.m.) at London's three airports in 2003, 77 of which were strictly controlled between 11.30 p.m. and 6 a.m.
38 These included that of 24 October 2005, demanding that the Government fulfil "its pre-election promise to bear down on aircraft night noise". Among the participants of note were numerous leading lights of the parliamentary opposition, such as the Shadow Transport Secretary, Alan Duncan, the Shadow Aviation Minister, Julian Brazier, and the Liberal Democrat Transport Spokesman, Tom Brake.
39 The amendment was rejected by 278 votes to 213.
40 They were Sarah Teather, Edmund Davey and Vincent Cable for the Lib Dems, and Greg Hands and John Randall for the Conservatives.
41 Barry Gardiner, Dawn Butler, Ann Keen, Andrew Slaughter, Piara Khabra and Gareth Thomas voted against the Amendment. John MacDonnell voted in favour. Alan Keen, Steve Pound and Tony McNulty, the Transport Minister, were absent or did not take part in the vote.
3. THE EUROPEAN UNION AND THE GROWTH OF AIR TRANSPORT

Between 1999 and 2006, the European institutions turned their attention to the issue of air transport, gently broached by the Commission and Council in the second half of the 1980s. Since this time they have all instigated numerous reforms. Initially, however, any reference to a common air transport policy within the Common Market was purely theoretical. Today it has become an inescapable reality, an area of Community competence employing recognised specialists.

During the same period, the theme of sustainable development, debated in the European Commission since 1992, informed this new common policy and led to a recognition of the issue mainly focused on the emission of pollutants and noise.

With the Single Sky Programme, it has become difficult to disassociate the issue of air traffic growth from the currently proposed ATM reforms. Within the European institutions, sustainable development allows a global approach to air transport, comparable to that afforded to safety and the economic stability of the companies concerned.

However, given the specific nature of the European institutions, many uncertainties surround the newly drawn-up regulations. This is because the regulations are largely dependent on the interpretation given to them by the Member States and occasionally on the reluctance shown by some with regard to the involvement of the European Union in areas still thought of as coming under State sovereignty.

3.1. THE EUROPEAN UNION INSTITUTIONS AND THE EMERGENCE OF AIR TRANSPORT AS A COMMUNITY DOMAIN

Since the entry into force of the Single Sky Programme in 2005, the three European institutions, namely the Council, the Commission and the Parliament, have all been made aware of the sustainable development problems posed by air transport. However, each one has a different political role to play and, because of the way the institutions confront and interact with one another, this favours those aiming to define a common European airspace policy, to the detriment of those (including national governments) trying to assert their local management approaches on the sector. This institutional balance should be seen in the light of the failure to ratify the Constitutional Treaty. A fresh boost to the European project could alter the balance of power and priority given to these issues. We should also bear in mind the lessons learnt from the history of Community transport. The European institutions are currently focused on the same questions. This does not presuppose their agreement on the definition of these themes. Nor does it exclude the possibility of the three homing in on identical solutions, however radical.

In the history of European integration, air transport is a perfect example of the construction of a common political domain to manage and intervene regarding a means of transport previously under the sole responsibility of sovereign States. Nevertheless, although air transport has become a European policy issue and now has its associated bureaucracy, the training of permanent specialised staff at the Parliament has not yet been fully achieved. Conversely, the Commission and the Council are now equipped with the necessary structures, human resources and specialised networks of experts. Seen in another light, air transport now has its own political arena (an area where related issues may be dealt with autonomously) with globally institutionalised posts.

Before addressing the implementation of the European aviation policy, we must first of all return to the initial failure of this common policy. Even if the European Defence Community (EDC) was the most famous European failure prior to the adoption of the Treaty of Rome in 1957, transport offers another historical variant, less well known but equally significant. The first President of the Commission, the German W. Hallstein, points out that transport ought to have been the driving force behind European unification given its ability to reduce geographical distances within the new market. However, against the advice contained in three reports published in the 1950s, one of which called for the creation of a supreme authority on transport modelled on the ECSC, the governments refused to give up their prerogatives in this sector deemed as strategic. The military dimension (control of airspace and staff employed) was as important as the civil one given the symbolic importance accorded to this sector – the airlines were conceived as the standard bearers of Empire.

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From this failure an institutional solution nevertheless emerged: the creation of the European Civil Aviation Conference (ECAC) in 1954 at Strasbourg during the Conference on Coordination of Air Transport in Europe. Despite being provided with this structure, however, the 23 Member States did not make much progress. In 1965 they abandoned the idea of a European airline consortium at a time when this new legal formula was being widely and successfully used in the field of aircraft construction\textsuperscript{43}.

3.1.1. Origins and development of the European Conference of Ministers of Transport (ECMT)

The European Conference of Ministers of Transport was created in January 1953 at the initiative of the French minister André Morice, with 18 Member States from the Organisation for European Economic Cooperation\textsuperscript{44}.

In 1957-1958, with the adoption and entry into force of the Treaty of Rome, the introduction of a common transport policy was of course made official, but its contents were left to be interpreted by the transport ministers of the various Member States.

Between 1958 and 1985, this common policy was “on hold”, according to N. Neiertz, because the interpretation of the task assigned to transport varied so greatly across the Member States. According to K. Button et al., the Council of Ministers had left aviation and shipping to one side, nevertheless leaving open the possibility of making unanimous provisions on these two means of transport. This status quo remained satisfactory to all European stakeholders until the mid-1980s, but two factors changed the position of those responsible: traffic growth and the emergence of users as negotiators at the Commission\textsuperscript{45}.

\textbf{Figure 3-1: Traffic growth and the emergence of users.}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{traffic_growth_users.png}
\caption{Traffic growth and the emergence of users.}
\end{figure}

\textsuperscript{43} See Courty, Suleiman, 1997.
\textsuperscript{44} OEEC – on this situation and the previous projects, see Neiertz, 1998, p.402.
\textsuperscript{45} For this summary, see K. Button et al., 2000, p.137 et seq.
With the recognition of a common transport policy, the Council introduced the three air transport policy packages in 1987, 1989 and 1992. Its first intervention concerned competition, fares and capacity. The effects of this gradual deregulation have been assessed and clearly show the consequences of the new common policy: prices fell by 34% and the number of flights increased by 36%.

The last milestone was the ECMT reform. At its 90th session in May 2006, the ECMT made public its transformation into an International Transport Forum, open to non-European countries as well as major economic actors. Extending the international dimension did not mark a sea change for the institution, which at the time counted 43 Member States in Europe and seven Associate Members from the other continents. It was also during this session that ministers discussed the "sustainable development of transport". The recommendations were adopted, two of which potentially impact air transport. Since 1995, recommended measures on CO₂ emissions have been limited to cars, and the Council’s first analysis of NOx emissions similarly focused on road vehicles. The second theme which attracted the ministers’ attention was improving access to public transport.

3.1.2. The Praetorian Introduction of the Common Air Transport Policy and the Roles of the European Commission

We should begin by recalling the stages by which the European institutions recognised air transport issues. The first two initiatives were led by the Commission, which got involved in acquiring this new Community domain by trying to obtain new prerogatives from the Council.

The first stage of this political acquisition played out between the Member States and the Council of Ministers was concluded with the Nouvelles frontières judgment of the Court of Justice of the European Communities (CJEC) in 1986. The Commission had published two memoranda prior to this decision. The first, in 1979, concerned civil aviation. Referred to as "modest" it nevertheless contained a new development: the Council of Ministers could henceforth intervene in order to validate an airline's right of establishment. In 1984 the second memorandum concerned the introduction of the ticket price into a flexible system, keeping national airlines in this system and control over agreements between airlines.

These two texts called for the application of Community law and Common Market treaties to air transport. They again met with hostility from the Member States, who rejected this transformation of national political issues into European ones. The Council therefore called all its prerogatives into play to avoid introducing proposals concerning air transport into Community procedures.

From the launch of this European initiative to its conclusion, the CJEC was a permanent ally of the Commission, which was able to refer cases to the CJEC in its capacity as guardian of the Treaties. The Commission made use of a first decision of the European Court of Justice of 4 April 1974 (French Merchant Seamen) which opened up the possibility of making aviation a matter of Community policy, extending the scope from observations on rail-road competition.

Once again it was a CJEC decision which gave the Community’s arguments fresh impetus by observing the shortcoming in the European Council of Ministers’ decision of 22 May 1985 and then totally opening up the legal and political opportunities in 1986 with its Nouvelle frontières judgment. Greatly anticipated and encouraged by the Commission, this case law affirms that the rules of Community law apply to air transport. The Nouvelles frontières judgment thus allowed the Commission to use competition law in its dealings with certain Member States.

During the same period, the Commission used Community law to force airlines to respect competition rules. Once again it was in its capacity as guardian of the Treaties that the Commission contacted ten airlines and, by threatening to bring the case before the CJEC, got the Council to adopt concrete proposals to make the air transport market a reality.

Henceforth distrained by these new Community injunctions, the States persuaded the Council to publicly open the file on the liberalisation of air transport as of December 1987. The Council could no longer deny the Commission what the CJEC had just deemed within the Community domain. It therefore adopted three liberalisation policy packages on air transport debated from 1987 onwards. These three policy packages

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48 The previous sessions in 2003 (Brussels) and 2004 (Ljubljana) did not focus on air transport.
50 A publication drawn up with the UITP [International Association of Public Transport] was available for this purpose.
51 On this judgment and its consequences, see Estienne-Henrotte, 1988.
produced a single air transport market, set up on 1 April 1997 between the 17 States making up the European Economic Area, and opened the way for the creation of European airlines.

Following the Nouvelles frontières judgment and the involvement of the Council of Ministers, the Commission tried to reassert itself by invoking its competence with regard to foreign policy. The Commission, as external representative of the European Union - this international representation of the EU is one of the Commission's prerogatives, written into the treaties - attracted the attention of those responsible at national level to the international implications of European air transport policy. However, it still needed to obtain this delegation in the relevant Community domain: requests by the Commission in 1984, 1990 and 1992 to obtain the mandate to represent the European Union in the United States had until then been refused by the Council. The first opportunity occurred in 1995 with the granting of a limited mandate by the Council of Ministers to negotiate only those issues deemed "of moderate importance". In 1998 the Council of Transport Ministers once again refused to grant the Commission an extended mandate to establish relations with the United States regarding the Single Sky. The Commission therefore has a restricted mandate, which it began to use with regard to slot management and the reservations system.

However, the political order changed very quickly during those years, with certain EU Member States having unilaterally negotiated open skies agreements with the United States. This phenomenon, initially limited, totalled 59 agreements between Member States and the United States by the end of 2002, agreements which some European airlines find too asymmetrical. Inspired by an AEA project, the Commission, in unanimous agreement on this Community domain, introduced appeals against these agreements and requested a mandate to negotiate with the United States, also over rights considered fundamental by EU Member States. Supported by a new CJEC decision in 2002, and encouraged by the "Open Aviation Area" report of the same year, the Commission obtained a mandate on 5 June 2003 allowing it to negotiate with the United States. In the international arena, the European Commission is finally able to officially represent European aviation and is opening negotiations with Morocco, Bulgaria and the Balkan States. In this configuration, these States look to certain EU Member States to act as intermediaries, supporting their position vis-à-vis the Commission (Morocco with France for example).

This "Europeanisation" of air transport issues is merely the first step. Another court of law, the European Court of Human Rights, also played a part in opening up another opportunity. While recognising in its Hatton and others v. the United Kingdom judgment (8 July 2003) that the authorities had struck a fair balance between the fundamental rights of the individual and the financial issues (by implementing arrangements for night flights), the Court found in favour of the complainants on the following issue: at the time, national law did not allow checks to be made to see if the increase in night flights was a justifiable infringement of the right of people living in the vicinity of Heathrow airport to have their private and family life and their home respected. The following opportunity therefore opened up: national public authorities must not only regulate night flights but also amend their national law so that appeals could check that the rules in force were being respected. Local mobilisation against airports was thus legitimised, along with specifically European standpoints.

54 See Mencik von Zebinsky's analysis, 1996.
55 The agreement between the Netherlands and the United States was hailed by its American authors as giving concrete form to the entry into force of the Clinton Administration's new aeronautical approach (see Morrison, 1995, p.162).
56 Cornelia Woll points out that cooperation between DGs is very intense and that only a dozen people were working on these issues (2005, p.150).
3.2. DYNAMICS OF THE EUROPEAN INSTITUTIONS AND THE LAUNCHING OF THE SINGLE SKY

With this opportunity allowing them to act on behalf of the States, the European institutions took control of air transport. This new Community domain received special treatment.

The European Parliament was slow to agree on a position and discussions were tense. The airlines stated fairly bluntly that they felt the institution to be peripheral in this field. Parliamentary Members on the Transport and Tourism Committee made it clear that as far as they were concerned, the airlines did not fully understand the work of MEPs. The tensions that surfaced before 2000 demonstrated that not only were MEPs novices on issues which had not previously fallen within their competence, but, moreover, air transport actors partly questioned their remit. This stand-off is now a thing of the past. Airline representatives now consider the Parliament as a necessary point of passage, allowing resources to be mobilised where necessary to support the position of a minority government in the Council.

Community procedures were being reviewed when the air transport policy packages were drawn up. Practical difficulties, uncertainties and hesitations on the part of the main players influenced the Commission and Council's reflections in this area. Slot regulation is a classic example of the transformation of the Common Market into the European Union. Begun under the auspices of the consultation procedure, the original 1993 version made provision for the texts planned for 1997 to be revised according to the same procedure. In the meantime, the adoption of the Amsterdam Treaty imposed the codecision procedure (allowing Parliament to amend a text) for the domains concerned with market regulation. The difficulty therefore lay in reformulating slot regulation under the auspices of the consultation procedure in order to reintroduce the new text, this time as part of codecision. Only then did the European Parliament intervene in air transport issues, the delay being largely due to the implementation in the 1990s of treaties amending the Single Act.

The Commission's position took a long time to impose. Once the policy packages had been officially presented by the Transport Council, the Commission only gradually obtained certain prerogatives allowing it to fully exploit its role in this new domain. As we have seen, the same was true of its capacity to negotiate internationally with non-EU Member States.

A second power was conferred on it: the power of sanction. The arrival of DG IV (Commission's Competition Directorate-General) on the scene was marked by the fine imposed on BA in July 1999 for illegal sales practices. However, its power of initiative (also conferred on it by the treaties even if in practice this prerogative mainly impacted the Council) was imposed only with the publication on 1 December 1999 of the Single Sky Programme, in the form of a communication. DG VII (Transport) and Commissioner Loyola de Palacio took the initiative in this approach, which summarises the three policy packages initially launched by the Council. In the aftermath, the Community schedule was clarified in the second half of 2000. Three principles were identified: the reduction of noise and gas emissions; the implementation of a green tax; the development of research in this sector.

The Single Sky was finally published in 2001, signed by a high-level Commission group.

The new European air transport domain was faced with the emergence of European social movements. The first European strikes began in 1997-1998. On 19 June 2002 the European air traffic controller strike was a mobilisation of ATEUC, involving the French, Italian, Greek, Hungarian and Portuguese federations. Strategically timed, this mobilisation came at a time when the Parliament had amended the Single Sky text and was to revote on it in September, following the summer break.

Lastly, during these movements two final characteristics of the European handling of air transport issues emerged: their scientifization and their renationalisation. The debates, often controversial, took place between air transport experts (most of whom had studied at university level) and senior officials running the sector. The first term – scientifization – indicates the appearance of these experts in political debates, often via the press. For the most part, however, European issues were decided with reference back to national issues, which compensated for a constraint in this technical domain whereby States still exercised sovereignty over their airspace. Only the setting-up of a committee of aviation safety experts from the 25 EU Member States in 2005 forced the issues to be recast in a European light (since national adaptations

57 See Kyrou, p.46.
58 See Dumez et al.
were not its responsibility). Its request for the publication of a black list of airlines made it possible to validate the proposal made four months later at the European Parliament, the formula for which was translated and transposed by certain national parliaments.

The first regulatory steps forward took place as follows. In 2001, to improve capacity and reduce delays, the Commission launched a policy package on air traffic management. The Single Sky Project was presented and a communication was sent to the Council and the Parliament concerning three regulations: air navigation services, airspace and interoperability.

In 2002, the Single European Sky Project was launched. Following the Council of Ministers in December that year, the Transport Commission, Loyola de Palacio, stressed that the aim was to benefit passengers as well as airlines. At this time close attention was being paid to the privatisation of NATS in the UK and the announcement by Norway that it would be launching a restructuring programme for its airports and ATC service.

### 3.3. THE DISCOVERY OF A CAUSAL LINK: AIR TRANSPORT AND SUSTAINABLE DEVELOPMENT

The theme of sustainable development originated in the international summits held in the mid-1980s and in 1992. It was adopted by the European Union and in other transnational organisations from the early 1990s. It was only in the following fifteen years, however, that several subjects for reflection converged into the formulation of a causal link between air transport and sustainable development.

<table>
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<tr>
<th>European treaties and the environment</th>
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<td>Article 130R of the Single European Act: “Requirements relating to the protection of the environment shall be a component of the other policies of the Community”.</td>
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</table>
| Article 6 of the Maastricht Treaty: “Environmental protection requirements must be integrated into all EU policies and activities”.

The environment theme led to the emergence of new transport-related issues and provided the European institutions with opportunities to act in this sector. The Commission then began to reflect on the causal link between the environment and transport in general within DG VII, equipped with resources gathered since 1991. It took part in the implementation of projects deriving from Title XII of the Maastricht Treaty on trans-European networks.

In February 1992, the Green Paper on the Impact of Transport on the Environment was published. Its subtitle, "A Community Strategy for Sustainable Development" clearly demonstrates the alignment of the themes used by the European institution with those which would be central to the second Earth Summit which took place in Rio in June that year. During this second summit, the list of actors harmful to the environment was drawn up. At the head of the list was public and private road transport, thus establishing a hierarchy still prevalent in 2006 in most European and international reports.

With road transport occupying first place in this table, the focus of DG Environment’s work had been identified. Managed by Carlo Ripa di Meana from 1992, aircraft and air transport for a while remained slightly outside the main problems under discussion. However, in UK and German surveys and comparative research, air and noise pollution from aircraft were already being referred to, albeit in second place because the proportion of the population exposed to this pollution was quantitatively less significant.

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59 The specialists agree that the Brundtland report "Our Common Future", published in 1987 by the World Commission of Environment and Development (WCED) should be credited with first discussing the concept.
60 On the declarations of principle which preceded this in the 1970s, see T. Snégaroff, 2005.
61 For the OECD we can refer to its publication in 2002 of the result of work carried out by its experts since 1994. However, the proposed measures only concern nine countries.
63 Whitelegg, 1993.
64 ibid.
65 ibid, p.64.
The second theme is **sustainable development**. The Commission has been publishing information on the subject since 1992-1994, prompting requests and publications from environmental organisations. Its fifth Community action programme for 1993-2000 focused on the environment, with the theme: "Towards Sustainability".

The third theme is **air transport**, with the European Commission and Council’s entry into this political domain. Aside from the assertion of jurisdiction made by the European institutions on this sector of activity, predictions were made which led to questions being asked about the inevitable impact of air traffic on sustainable development.

In this context, the predictions of the "Transport 2000 Plus" group, contained in its 1991 report (Transport in a fast-changing Europe) allowed for a "heightened environmental awareness in the transport sector, principally brought about by the wide range of pollution caused by the post-industrial era". Two indicators attracted attention at that time: the prospect of 850 million passengers/km by the end of the 20th century and the overcapacity of half of the major European airports. Nevertheless, financial concerns still prevailed over other considerations in companies as well as public authorities.

The result of this convergence of themes can be found in the white paper published at the end of 2001: *European transport policy for 2010: time to decide*, which focuses on rail transport.

### 3.4. THE SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT UNDER THE MICROSCOPE IN THE EUROPEAN INSTITUTIONS

Now perceived as a unique problem, the sustainable development of air transport can be broken down into several issues, focused on in turn (and sometimes simultaneously) by the institutions. In order to address them, the European institutions have made modifications to their work tools and legitimate sources of information. Those used by the Commission reveal how the institutions have adapted to the constraints and ecological characteristics of this sector.

Since 2000, the Commission DG TREN in its annual reports has paid close attention to monitoring financial indicators, to establish the sector’s level of activity. In 2001, the repercussions of the September 11 attacks had the Commission’s full attention. Aside from changes to the economic climate, the DG closely monitored capacity and traffic in the portion of the market representing Europe compared to the United States, and also individual Member States’ share of this airspace. Another category of indicators concerned the airlines, whether national, regional or low cost. Airports came in fourth place, followed by freight transport and other items.

In 2004, to help it reach its goals, the Commission changed all its instruments of analysis: it abandoned using segmentation in its reports, which until then had been the norm, and established a new statistical approach to air transport, with the introduction of paragraphs concerning air traffic control (the Single Sky being one component), the environment (noise and engine emissions) and even the users.

With regard to **noise**, the documents used came from the ICAO Committee on Aviation Environmental Protection (CAEP), which in 2004 recommended reducing aircraft noise and pollution. Four factors were highlighted to assist the States: reduction in noise sources (engine and aircraft); rationalisation of take-offs and landings; efficient noise-reduction procedures; aircraft modifications. The Committee extended its recommendations to administrative documents for controlling and certifying noise levels, documents dealing with engines and, lastly, those showing the benefit to the environment of the efforts undertaken.

For **engines**, other Committee publications were taken into consideration. The new standard NOx emission (12%) will be revised in 2010 for the 8th session of the CAEP. This Committee also noted that it would be impossible for States to impose market-changing measures likely to affect emissions. The discussion was therefore postponed until 2007 with the objective of trying to include aviation in the list of the States' polluting emissions, as defined by the Kyoto Protocol (taxes and emission rights having also been put to one side). At Community level, 2004 should have seen aviation being included in the emission rights set for January 2005.

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68 The first indicator came from the International Civil Aviation Organization. The second came from the European Association of Airlines. Of 46 major airports, 12 were considered to be in overcapacity in 1993 and 11 were expected to be in 1995.
In July 2006, the EP adopted by 439 votes to 74 (102 abstentions) a package of measures on the impact of aviation on climate change, in order to apply the polluter-pays principle. The Parliament's Resolution, based on the report (criticising aviation) by Green MEP Caroline Lucas, highlighted two factors. The first was the drafting of an emissions plan specifically for air transport, and the taxation of aviation fuel. The case is now in the hands of the Commission, which, although not bound by a Parliament resolution, cannot ignore the issues raised and circulated by the various national media.

For its part, the Single Sky Project led the institutions into debates and consequences largely unforeseen at the outset.

In December 2003, the Transport Ministers, in agreement with the European Parliament, launched the project to create integrated air traffic control in Europe, once again revealing the dominance of these two institutions over the Commission. For the Members of the Commission, that meant that the sky still belonged to the Member States, even if their projects now had to be expressed and debated by the Council of Ministers and the Parliament. The outcome of their work on the Conciliation Board actually neutralised the Commission's project and led it to sign a memorandum of conciliation with EUROCONTROL. The objective was to let the Commission benefit from EUROCONTROL's expertise when drafting the Single Sky Regulations, and also when building a vision of harmonised ATM in Europe. In this context, EUROCONTROL, opening an official consultation on airspace and an inaugural information session on the SESAR Programme (initially called SESAME), took over certain working methods characteristic of the "Community method". With the agreement of the Commission, and in association with the partners concerned, a schedule was drawn up to introduce the new functions and technologies in the European ATM system in 2007, 2012 and 2017.

A Directive in force relating to safety concerns all air traffic control actors (civil and military). The proposal for a controller licence is part of this review of the key position held by the profession. It also aims to demonstrate that the Single Sky contains a "social" component alongside the technical, economic and institutional specifications.

Another component of the Single Sky Project began in March 2003 with the announcement by the Commission of plans to reform the directive on stopover arrangements at European airports following a survey carried out at 32 sites. It revealed a reduction in taxes, an increase in services and also the appearance of localised issues which had to be taken into account.

Research is now focused on the Single Sky, without being a direct consequence of it. This link was forged in 2001 with the report on European aviation up until 2020. The creation of the Advisory Council for Aeronautics Research in Europe (ACARE) and a Strategic Research Agenda (SRA) led to environmental issues being introduced into the Single Sky Project. Published in November 2002, SRA-1 focused on the following four objectives: reducing CO₂ emissions by 50% and NOx emissions by 80%; reducing accidents fivefold; reducing noise by 50% and increasing the punctuality of flights by 99%.

Lastly, on 20 September 2006, the Conference on the Future of Aviation Regulation in Europe was held at the invitation of the Commission and the Industry Consultation Body (ICB). Comprising representatives from the national civil aviation administrations, industry and EUROCONTROL, the objective was to draw up a list of stages for the Single Sky Programme and to find instruments with which to improve the efficiency and safety of air transport in Europe. The conclusions presented on this occasion were sent to a high-level group charged with advising the Commission on its strategy to reform ATM and ATM safety. Its report is to be presented in mid-2007.

70 The reaction of the Association of European Airlines to the Lucas report and the EP Resolution were published in the Le bulletin de T&E on 15 July 2006. Political manoeuvring in the sector through price manipulation is denounced, along with the prediction that tourist regions will suffer. See also its publication The Myth and Reality of Aviation and Climate Change, 2006, 47p.
71 On this unpredictability factor in the European institutions, see Courty and Devin, 2006.
72 This group, supervised by DG TREN, comprised Jacqueline Tammenoms Bakker (Director General Air Transport NL), Thilo Schmidt (Chairman of management board European Aviation Safety Agency - EASA), David McMillan (Director General Civil Aviation UK) Mr Raymond Cron (Director General Civil Aviation Administration CH), Michel Wachenheim (President of European Civil Aviation Conference – ECAC), Víctor Aguado (Director General EUROCONTROL), Fritz Feitl (Chairman Industry Consultation Body), Alexander
3.5. EUROPEAN AIR TRANSPORT LAW: APPRAISAL AND PROJECTS UNDER WAY

Of the seven themes addressed by the European institutions, the matters dealt with can be broken down as follows: five projects on the internal market, six projects on service provision and licences, five on passenger rights, six on aviation safety, seven on the Single Sky and air traffic management, three projects on the protection of the environment and three others on the international dimension.

We can see from the nature of the texts adopted or being drafted that all angles are covered, demonstrating that a general policy on air transport is en route.

3.5.1. The 32 Regulations

The Council adopted 19 regulations:
- five regulations on the harmonisation of rules and procedures in civil aviation;
- three regulations between 1989 and 1993 on the code of conduct for computer reservation systems (CRSs);
- three regulations on slot allocation;
- two regulations on air fares and air cargo rates (third phase);
- two regulations and one decision on aviation safety (air carrier liability in the event of accidents);
- two regulations on traffic management: equipment and systems;
- one regulation in 1993 on access for air carriers to intra-Community air routes (third phase), followed by eight Commission decisions;
- one regulation on the granting of licences to air carriers.

The Parliament and the Council adopted 13 regulations:
- two regulations on statistical returns in respect of the carriage of passengers, freight and mail by air;
- two regulations on aviation safety (European Aviation Safety Agency), followed by a Commission communication;
- two regulations on aviation safety (common rules in the field of civil aviation security), followed by four subsequent regulations;
- one regulation on insurance for air carriers and aircraft operators;
- one regulation on denied-boarding compensation systems;
- one regulation laying down the framework for the creation of the Single European Sky;
- one regulation on traffic management (organisation and use of the airspace in the Single European Sky);
- one regulation on the interoperability of the European Air Traffic Network;
- one regulation concerning air service agreements between Member States and third countries.

The Council also published two resolutions on traffic management and congestion and crisis in air traffic and adopted one decision concerning ratification of the Montreal Convention on air carrier liability.

3.5.2. The Eight Directives

The Council adopted five directives:
- two directives on traffic management (equipment and systems);
- one directive on ground handling at Community airports;
- one directive on civil aviation licences, followed by four opinions of the Commission;
- one directive on aviation safety (civil aviation accidents and incidents).

73 It should be remembered that these texts directly apply in the Member States and are obligatory in all their facets.
74 Unlike regulations, directives must be transposed in order to be integrated into national law. States may employ whatever methods they choose to achieve the goals specified by the European institutions. There remains a risk of reluctance on the part of the national political institutions and a time lag between States due to delays by some (France in particular).
The Parliament and the Council adopted three directives:
- one directive on aviation safety (reporting in civil aviation);
- one directive on aviation safety (third-country aircraft using Community airports);
- one directive on management of noise at Community airports, superseding a regulation.

3.5.3. Six Community Communications75
- Guidelines on State aid for developing regional airports;
- The protection of air passengers;
- Traffic management: the creation of the Single European Sky;
- The inclusion of environmental considerations in the field of transport;
- Climate change and aviation;
- Developing the agenda for the Community's external aviation policy.

3.5.4. The Four Proposals under Consideration
- Proposal for a Regulation of the Parliament and of the Council on the protection of air passengers
- Proposal for a Directive of the Parliament and of the Council on traffic management: ATCO licence
- Proposal for a Regulation on aviation safety: informing passengers of the carrier's identity
- Proposal for a Regulation of the Parliament and of the Council amending the Regulation on establishing common rules in the field of civil aviation security

Aside from these texts, the Commission was prompted, in particular by the United Kingdom, to be the driving force behind the objective "that political decisions will be taken between now and 2010. By 2013 European aviation should have a regulatory framework that can address the challenges of the 21st century.76"

3.6. THE EUROPEAN PARLIAMENT AND THE GROWTH OF AIR TRANSPORT

After three years of discussions and procedures, the European Parliament laid down a historical marker in European transport policy by adopting on 4 September 2002 the Single Sky framework Regulation77 by 428 votes in favour, 85 against and 28 abstentions. Forwarded to the Council, this text entered a new chapter in its history which would end on 11 August 2004 with the European Parliament vote on the draft, revised and corrected by the Conciliation Board. The Single Sky entered into force on 1 January 2005.

The European Parliament is an original institution compared to other international fora and upper or lower houses of pluralist democracies. Having always comprised groups with an ideological basis (they were not provided for in the treaties), the vote, however, follows left/right logic in only half of the cases (consensus or alliances are required for the other half).

Another characteristic concerns its working arrangements. Far from the parliamentary debates, where eloquence takes precedence, the bulk of the work is carried out in the committees to which MEPs are required to belong as full members or alternates (they have to sit on two committees). In addition, reports are distributed using a system of random selection and are concise, specific and of limited length, in sharp contrast to the national versions. Each parliamentary committee designates a rapporteur from one group and discusses the official report and that of the shadow rapporteur (chosen from the opposite political camp). Indeed, the two main groups (the EPP and the ESP) have largely contributed to this reduction in discussions and amendments during meetings, in favour of concluding the codecision procedure and holding conciliation boards.

The consequence of this originality is that while the vote does not systematically correspond to stances taken by the groups' bureaux, the discussions must be read by superposing three filters.

75 These communications are incorporated into innominate contracts of Community law but nevertheless constitute enforceable texts within the institutional triangle.
77 Although the draft Constitution is not in force, the legal terminology has already been partially amended. This text provided for "framework laws". The Single Sky is an example of a text which is no longer a regulation in the classic sense, and not yet a "framework law" of the European institutions. If the institutions become more stabilised, this text will perhaps be reviewed.
The first is the institutional triangle. MEPs affirm and support the Parliament's position against the Commission or the Council (or with one against the other). They are tasked with representing the peoples of the States in the Union as opposed to and in parallel with the Council, which represents the governments, and the Commission, which embodies and creates "general European interest". MEPs’ assessments or reservations with regard to the Commission's stance cannot be short-circuited and are presented publicly. Those addressed to the Council are less easy to read, since the committee members hold many informal meetings with the permanent delegations preparing the Council's files (see P. Magnette’s analysis of this issue, 2003).

The second filter is that of parliamentary representation. Are these specialists able to see beyond the demands and interests of their own States' busines ses? Therefore, without implying that MEPs are dependent on economic issues in their countries, it is still necessary to read between the lines to understand some of their positions, which would be difficult for them to disassociate from the grievances presented.

The last filter is that of expert opinions. Since the representatives are not all recognised experts outside the sphere of their parliamentary activity, where do the solutions come from which they propose and support? In other words, how do they make their technical choices? And which issues are they most sensitive to?

As part of its work on the Single Sky, the European Parliament referred to the White Paper on Community transport policy presented by Commissioner Neil Kinnock in 2001. These discussions may initially appear less substantial than in other parliaments looked at in the context of this survey (25 subjects addressed as opposed to 73 for the United Kingdom).

This is only part of the picture, however, because the specific procedure in force at the EP – codecision and the market regulation procedure – focused the main texts for discussion on issues which had comprised the main activity of these specialists over a four-year period. For example, the final report of January 2004, drafted by G. Fava, is the outcome of a procedure begun in September 2002 regarding the proposal for a regulation on the creation of a Single European Sky. In the meantime, amendments were made then referred to the Conciliation Board, a common position (between the Council and the EP) was drafted, and then, finally, this position was approved, allowing the now-finalised text to be dispatched. The directive on investigations of accidents and incidents, adopted in 1994, went through the same process, beginning in June 2001 and ending only in April 2003.

European developments, however, are not made only as a result of these long and complex procedures. For example, the creation of the European Aviation Safety Agency (discussed from September 2001 onwards), then the adoption of resolutions on directives being prepared (in particular on noise pollution in March 2002) were notable examples of the common Community practice of a softly-softly approach to European politics, behind closed doors.

For a perfect understanding of the political and legal import of these discussions, we must follow their effects and adaptations in the Member States (which are the European Union's implementing administrations). In this particular case, the adaptation procedures, known to be particularly slow in France (in spite of the October 2005 reform of the service concerned), represent a gap in our understanding of the new situation imposed by the European institutions with regard to the growth of air transport.

Only with the Single Sky Project have the MEPs, who simultaneously affirmed their support for the Project and expressed their disagreement with some of its objectives, been aware of the following divisions and approaches.

Ideological divisions became evident. The Socialist group, which led this debate, had as their general theme the primacy of safety issues over deregulation and competition (which in part explains its request to link civil and military matters). This dogma of safety (the statistic of one catastrophe per week in 2015 was cited), takes its place alongside those of a public service (in particular that of air traffic control) or consultation (with the request for an advisory body involving air transport's social partners). According to the provision introduced, only airlines would be penalised in the event of an infringement of the Single European Sky or if flights were cancelled (compensation of passengers).

The EEP’s discussions directly opposed the opinions expressed by the ESP. In first place comes competition and deregulation (the sole vectors of safety), and second the opening-up, even in part, of air control to private actors.

Divisions also developed between the European institutions. Emerging only after the problems raised by the enlargement to 25 Member States and the debate on the draft Constitutional Treaty, the "small States"
joined forces to stress the fact that they could no longer "manage the European sky on their own" (to quote Ulrich Stockmann). Other divisions reflected the tensions between MEPs and the other European institutions over their working arrangements. In April 2003, the Single Sky issue prompted a threat of a parliamentary stand-off to force the Commissioner to improve cooperation between the latter's services (i.e. the Transport Commission) and the Parliament.

Financial rifts were also evident. Some MEPs are sensitive to the arguments of their country's economic actors while others are more inclined to listen only to the European issues ("our companies" repeats G. Fava). Thus a British socialist MEP translated on behalf of his group what "the aeronautical industry demands [namely] an immediate six-month suspension of the use-it-or-lose-it clause attached to slot allocation, in order to allow it to overcome the crisis provoked by the Iraq war and then by SARS". Support for the Single Sky Project was therefore postponed.

Since the adoption of the Single Sky, the climate in Parliament has been shaped by the publication of the report by the Green Party MEP, Caroline Lucas, whose objective was to "clip the wings" of polluting airlines. The title of her report "Reducing the Climate Change Impact of Aviation" (July 2006) shows Lucas' focus on aviation which is, in her opinion "the source which emits greenhouse gases the quickest and we know that flights are set to double between 2003 and 2020". This text picks up certain topics for consideration from the other European institutions, such as the application of the polluter-pays principle and the tax on aviation fuel, but goes further by recognising "the necessity of making a distinction between aviation and other means of transport". In its own way, the European Parliament has now also signed up to this viewpoint, which allows air transport to be considered from a sustainable development perspective.

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