



German Federal President refuses to ratify Air Traffic Services Act (*Flugsicherungsgesetz/FSG*) – majority privatisation of DFS not in accordance with Constitution

President H. Köhler's refusal to ratify the FSG marks a turning point in the latest efforts to change Air Traffic Services in Germany from a non-profit, public task to a business majority-owned by private investors. German politicians have believed for almost two years now that their decision to sell off 74.9% of the state's shares in DFS, the German Air Navigation Service Provider (ANSP), wouldn't be challenged and therefore proceed smoothly.

Opposition from a wide variety of stakeholders in aviation, not least of all GdF, the German Trade Union Air Navigation Services increased the public attention given to these intentions and increased awareness of the Federal President of the risk associated with this project. GdF strongly congratulates Mr. Köhler on his decision not to ratify a piece of legislation that is largely disregarding the intent of the constitution in regard to the control and conduct of the public task of Air Traffic Services.

But this is just the end of the beginning where those same politicians are concerned. Hours after the President's announcement they declared their intention to amend the German constitution without delay to make it compatible with the FSG. In other words: they intend to subdue the highest German law to a goal of current politics. The official rationale behind the intended privatisation is to fulfil the requirements of a decade-old budget guideline that requires the state to divest all commercial interests. The real reason is the prospect of a one-off earning of hopefully around one billion € for the German treasury.

At the same time the German government considers spending many times that amount to support struggling EADS – is there a higher good at risk than maintaining safe, orderly and efficient air traffic over Germany? Certainly not! All this just means that preserving the European position in the aviation industry enjoys a higher priority than the safety of air travellers or the people living on the ground underneath.

ATS staff cannot stand aside and watch as this public task is sold off to the highest bidder, and as their professions are subjected to a total reinvention from guardians of the safety in the sky to managers of efficient and, above all, economic throughput in their airspace. The shadow of competition alone (as promoted by some ANSPs and the majority of German Members of Parliament at this point) seems to be sufficient to give up all scruples and sacrifice safety as the top priority.

GdF, as active part of MOSAIC, will not allow this to happen. We will fight to uphold long-standing and never before challenged principles that are among the cornerstones of aviation's reputation as the safest mode of transport. Air Traffic Services must remain what they are. In fulfilling SES requirements of harmonisation and integration the only acceptable model is that of close cooperation of states towards the eventual full integration of their national ANSPs. MOSAIC will be the one way of creating a large FAB in central Europe with the full consent and cooperation from all involved staff. If for no other reason than that, it is the only way forward that will successfully bring SES to bear.