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A COMPARATIVE ANALYSIS OF EU AND TURKISH AVIATION POLICIES

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Key Findings

- ✓ The aviation sector has been developing by a rate of 5% in the world and 14.5% in Turkey each year;
- ✓ Over the last 30 years, the EU has created the world's single largest and most successful example of regional market integration and liberalisation in terms of air transport;
- ✓ Air transport makes a key contribution to EU economy, with more than 150 scheduled airlines, a network of over 400 airports and 60 air navigation service providers;
- ✓ The EU aviation sector employs more than 3 million people;
- ✓ Airlines and airports contribute more than 140 billion euros to the EU's GDP;
- ✓ Approximately 800 million passengers departed or arrived at EU airports in 2010;
- ✓ The EU envisages rendering Europe the safest air space in the world, notably through the implementation of the Single European Sky project;
- ✓ The Single European Sky framework has been supplemented by an integrated approach towards safety by the extension of the competencies of EASA (European Aviation Security Agency) in 2009 as regards aerodromes, air traffic management and air navigation services;
- ✓ European policy has tremendously transformed the air transport industry notably by creating the necessary conditions for effective competitiveness and with the aim of ensuring both quality of services and the highest level of safety for the consumers;
- ✓ Closer international relations will not only open markets, but also allow the EU to ensure high standards of safety and security in international air transport as well as

to work with others more effectively to address the impact of aviation on the environment;

- ✓ There has been a tremendous boom in civil aviation in Turkey in the last 10 years;
- ✓ There has been approximately an increase by 294% of the number of new destinations offered by Turkish air carriers;
- ✓ The Ministry of Transportation, Maritime Affairs and Communication of Turkey spelled out its ambition in a report entitled “Target for 2023” where it further detailed future projects such as the Green Airport project;
- ✓ there are important pieces of legislation which are prepared by the Turkish government, aiming at further harmonising Turkish legislation in the sector of aviation with the EU Acquis such as a By-law on licensing airplane pilots or another aimed at narrowing the gap of Turkish civil aviation regulations with the Single European Sky project;
- ✓ The Transport Chapter has yet not been opened to negotiations, regardless of Turkey’s efforts to meet the EU Acquis in that particular area;
- ✓ Turkey aims at becoming a major transit hub in its region in the upcoming years, including as regards civil aviation.

Introduction

Aviation transportation has been steadily growing across the world and represents an important part of global transportation links. Whilst passenger transportation has become very important in the developed world, and more and more widespread in less developed regions, the transportation of goods by means of air still remains of a lesser-used dimension than road or maritime transportations. The air has always represented an area of interest for mankind, through Leonardo da Vinci’s most famous invention of the flying machine (known as the ornithopter) to the first airplanes of the Wright brothers. When the EU was founded, it did not yet mention openly air transportation or a common air transport policy, which would develop at EU level later. Through a process of gradual liberalisation, the aviation sector in Europe would be open to competition and it would thus grow steadily. Nowadays, the EU has some of the world’s largest airports, such as Frankfurt International Airport (Germany) and London Heathrow Airport (UK). Indeed, it represents a significant air power in the world. It aims at strengthening its aviation policy through a strategy which includes continued modernisation and enhancement of its infrastructures along with an ambitious project called the Single European Sky aiming at merging ATM zones of the EU. In comparison, Turkey also gives special importance to its aviation policy which is being enhanced and modernised lately, notably with the opening of new airport facilities and the growing popularity of its main carrier Turkish Airlines.

EU Aviation Policy

When the EU was founded, it did not yet mention explicitly air transport as an aim of harmonisation aiming its member states. Indeed, the highly regulated nature of air transport led to the exclusion of this sector from the Chapter on Transport Policy in the EC Treaty. It would take nearly 30 years for the EU to forge an aviation policy. On 3 April 1984, the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community (EEC) regarding the Civil Aviation Memorandum No. 2 – Progress towards the development of a Community Air Transport Policy (Communication and Proposals by the Commission to the Council)[1]. The Memorandum envisaged establishing an "overall framework for a Community air transport policy designed to improve the efficiency and profitability of the air transport industry as well as the quality and price of the product it offers[2]". The policy proposals therefore concentrated on air transport between the Member States as a step towards the creation of a Community market in aviation and a contribution to the improvement of the internal market in a wider sense.

In June 1992, The Council of Ministers had agreed on the third Aviation Liberalisation Package following two packages which had been implemented in 1987 (with the Single European Act) and 1990 respectively[3]. The Third Package was seen as the pinnacle of a gradual but steady process of liberalisation of the Community's air transport market. The decision to create a single market in aviation was part of a broader move for a single internal market embodying a wide range of economic activities.

Over the last 30 years, the EU has created the world's single largest and most successful example of regional market integration and liberalisation in terms of air transport[4]. In 1984, the single EU aviation market has been developed through important changes in the economic and regulatory framework of air transport in the EU. All players in the air transport sector (customers, airlines, airports and employees) benefited from new routes and business opportunities, lower prices and better overall quality of service. Nonetheless, airlines still have limited market access whilst flying to countries outside of the EU, and passengers therefore have less choice. International aviation has traditionally been governed by bilateral agreements between individual countries which have typically restricted the number of airlines and routes concerned as well as the number of flights and the possible destinations.

In order to overcome these limitations, since 2005, the EU has been extending its aviation policy beyond its borders. This policy is based on three pillars that are as follows:

- Bilateral agreements that are not in line with EU law, and most importantly, the freedom of establishment which derives from EU Treaties which needs to be amended to ensure legal certainty and to put all EU airlines on an equal footing for flights to countries outside the EU;

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[1] Official Journal of the European Communities, *No. C182 of 9 July 1984*, pp. 1 to 6 (only Annexes I, IIIA, IIIC and V), 1984.

[2] Ibid.

[3] Butcher L., Library of the House of Commons, *Aviation: European liberalisation, 1986-2002*, 2010, http://researchbriefings.files.parliament.uk/documents/SN00182/SN00182.pdf
[4] European Commission, DG Mobility and Transport, *International Aviation*, 2015, http://ec.europa.eu/transport/modes/air/international_aviation/index_en.htm

- The development of a Common Aviation Area with neighbouring countries to the South, South East and East of the EU;
- Negotiations on comprehensive agreements to integrate the EU aviation market with those of its key international partners[5].

Closer international relations will not only open markets, but also allow the EU to ensure high standards of safety and security in international air transport as well as to work with others more effectively to address the impact of aviation on the environment.
Currently, the aviation sector represents a strategically significant sector for the EU and it provides a key contribution to the EU's overall economy employment policy. Indeed, as of now, it supports an estimated 5.1 billion jobs and contributes 365 billion euros, which represents approximately 2.4% of the EU's GDP[6].

Despite the current global economic crisis, it has been noted that global air transport should grow by around 5% annually until 2030. With the increase in traffic, safety becomes a primary concern for the public. As such, the EU envisages rendering Europe the safest air space in the world, notably through the implementation of the Single European Sky project.

In order to fully exploit the economic potential of the sector, the Commission is working with determination on several important aspects of EU aviation policy.

Single Aviation Market

The aviation market in the EU has been gradually liberalised through three successive packages of measures which have been adopted at EU level and which covered air carrier licensing, market access and fares[7]. As such, decades of restrictions which had limited air transport markets across Europe and which prevented further cross-border investments by European airlines have been effectively removed. Consequently, prices have fallen dramatically, especially on the most popular routes. European policy has tremendously transformed the air transport industry notably by creating the necessary conditions for effective competitiveness and with the aim of ensuring both quality of services and the highest level of safety for the consumers.

External Aviation

The progressive development of a more coordinated EU external aviation policy over the past decade has been the obvious consequence of the creation of the EU internal market and associated common rules. This has generated significant economic benefits. But the Commission has now come with fresh ideas to move forward. One of these ideas have been the "Open Skies" judgements given by the Court of Justice of the European Union (CJEU) on 5 November 2002 and which initially marked the start of an EU external

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[5] Ibid.

[6] Ibid.

[7] International Transport Forum, *EU Air Transport Liberalisation Process, Impacts and Future Considerations*, 2015, http://www.internationaltransportforum.org/jtrc/DiscussionPapers/DP201504.pdf

aviation policy[8]. This case law clarified the distribution of powers between the EU and Member States regarding the field of regulations of international air services. Legally speaking, it meant that the Member States could no longer act alone when negotiating international air services agreements. Therefore, such negotiations are now carried out in close coordination between the Commission and the Member States, as Regulation (EC) N 847/2004 stipulates it[9]. Moreover, EU external aviation policy was defined in 2005 in a Road Map which had been developed by the Council and the Commission. The Road Map was based on three pillars which are as follows:

- Bringing existing bilateral air services agreements between the Member States and third countries in line with EU law;
- Creating a Common Aviation Area with the EU's neighbouring countries;
- Negotiating comprehensive aviation agreements with key strategic partners[10].

Single European Sky

Since 2004, the EU gained competences regarding air traffic management (ATM) and the decision-making methods in that respect. The main objective for the EU has been to reform ATMs in Europe in order to cope with an increasingly important air traffic growth within the framework of the safest, most cost and flight efficient and environmentally conditions. Thus, the EU and Member States agreed in the need of de-fragmenting the European airspace, that is by merging current ATMs and creating one single European system. The overarching objectives of the Single European Sky include the following:

- Reducing delays;
- Increasing safety standards and flight efficiency to reduce the aviation environmental footprint;
- Reducing costs related to service provisions[11].

Major developments have been possible thanks to enhanced cooperation with Eurocontrol and the extensive involvement of various stakeholders which are involved in the ATMs such as industry partners, air navigation service providers (ANSPs), social dialogue with staff unions, airport authorities, military and certification authorities and national supervisory authorities (NSAs). Moreover, the Single European Sky framework has been supplemented by an integrated approach towards safety by the extension of

[8] European Commission, DG Mobility and Transport, *External Aviation Policy*, 2012, http://ec.europa.eu/transport/modes/air/international_aviation/external_aviation_policy/index_en.htm

[9] European Commission, *Commission staff working document - Annex to the Communication from the Commission : "Developing the agenda for the Community's external aviation policy" {COM(2005)79 final} /* SEC/2005/0336 */*, 2005, http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52005SC0336

[10] European Commission, *Communication from the Commission - Developing the agenda for the Community's external aviation policy {SEC(2005(336} /* COM/2005/0079 final */*, 2005 http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52005DC0079

[11] Servantie, D., İKV Değerlendirme Notu No 121, *Avrupa Semasını Birleştiren Proje : Tek Avrupa Hava Sahası*, 2015, http://ikv.org.tr/images/files/havasahasi.pdf

the competencies of EASA (European Aviation Security Agency) in 2009 as regards aerodromes, air traffic management and air navigation services.

SESAR

SESAR constitutes the technological pillar of the Single European Sky project. It envisages modernising infrastructure and raising efficiency by optimising capacity - and thus enabling the SES to become reality. In December 2014, a partnership agreement was signed between Transport Commissioner Violeta Bulc and the SESAR Deployment Alliance consortium. Within this context, airlines, airport operators and air navigation providers (ANSP) are to receive up to 3 billion euros in order to implement common projects and further strengthen the modernisation of Europe's ATM system.

The SESAR project is composed of three phases as follows:

- A Definition phase (2004-2008) which is to deliver an ATM master plan defining the content, development and deployment plans of next generation of ATM systems;
- A Development phase (2008-2013) which is to produce the required new generation of technological systems and components which have been detailed in the definition phase;
- A Deployment phase (2014-2020) which is to produce and implement the new air traffic management infrastructure, composed of fully harmonised and interoperable components guaranteeing high performance of air transport activities in the European continent[12].

Turkish Aviation Policy

The first aviation operations in Turkey started in Sefaköy in the Istanbul suburbs in 1912. The institutional foundations of Turkish civil aviation were established with the Turkish Aeronautical Association in 1925. In that respect, the first civil aviation transportation started with the name of Turkish Air Mails in 1933. At the occasion of the 10th anniversary of the foundation of the Turkish Republic, the State Airlines Operation Authority was founded with the aim of further strengthening civil aviation in Turkey and contributing to the development of civil airlines. This department was subsequently reorganised in 1987 by the Ministry of Transportation and renamed as the Directorate General of Civil Aviation.

In 1983, the Turkish government took the decision to liberalise the Turkish civil aviation sector, as other transport sectors. The liberalisation of the sector had a significant impact upon its future growth. Indeed, as national economic policies had started to change in the 1980s, Turkey, under the leadership of Prime Minister Turgut Özal opened its economy to the world in order to better integrate itself to the global economy. This resulted in an expansion of foreign trade, further industrialisation and migration from

[12] European Commission, DG Mobility and Transport, *Welcome to the SESAR project*, 2014, http://ec.europa.eu/transport/modes/air/sesar/

rural areas to cities. Therefore, a new law was introduced in 1983 which allowed private airlines to operate both in domestic and international routes[13]. In 1990, the national flag carrier Turkish Airlines was also included in the privatisation process. The 1983 deregulation scheme was thus the first step towards the preparation of a wider and more consistent liberalisation process in the 2000s.

Nowadays, Turkey's aviation operations are carried out within the framework of the Turkish Civil Aviation Act No. 2920 where the administration and technical regulations as well as the aviation provisions are included. Moreover, Turkey is a full member of the International Civil Aviation Organisation (ICAO) since 1945 and of the European Civil Aviation Conference (ECAC) since 1956. It is also included in Eurocontrol. Furthermore, Turkey pursues active management tasks at ICAO, ECAC, Eurocontrol, and JAA-TO (Training Organisation Board member and Vice Presidency) and D8 Civil Aviation Commission.

The aviation sector has been developing by a rate of 5% in the world and 14.5% in Turkey each year. Undoubtedly, one can note that the growth of the aviation sector has contributed with new job opportunities for many people in Turkey and across the world. Thus, whilst there were around 65,000 employees in the civil aviation sector in Turkey, this figure exceeded 180,000 at the end of 2013[14]. As a result of these developments, the civil aviation sector's turnover rose from 2.2 billion dollars in 2003 to 23.8 billion dollars in 2013.

Turkish Civil Aviation Statistics (2003-2014)[15]

	2003	2014
Active Airports	**26**	**53**
Passengers on Domestic Flights (in millions)	**10**	**76.1**
Passengers on All Flights (in millions)	**37**	**150**
Active Aircrafts	**162**	**422**
Total Seat Capacity	**27599**	**75700**

Here is below a list of projects pertaining to Turkish civil aviation that have been successfully completed in 2012:

- ✓ Utilisation of Build-operate-transfer model in public-private sector collaboration with investment projects;
- ✓ Construction of airports in Hakkari, Ordu-Giresun and Çukurova;
- ✓ Pre-feasibility study of national and regional passengers aircraft project ;
- ✓ Green Airport Project (22 businesses were awarded the "Green Business" title);

[13] Özsoy, G., *The strategic responses of the Turkish airline companies to the deregulation of domestic air transportation in 2003*, 2010.

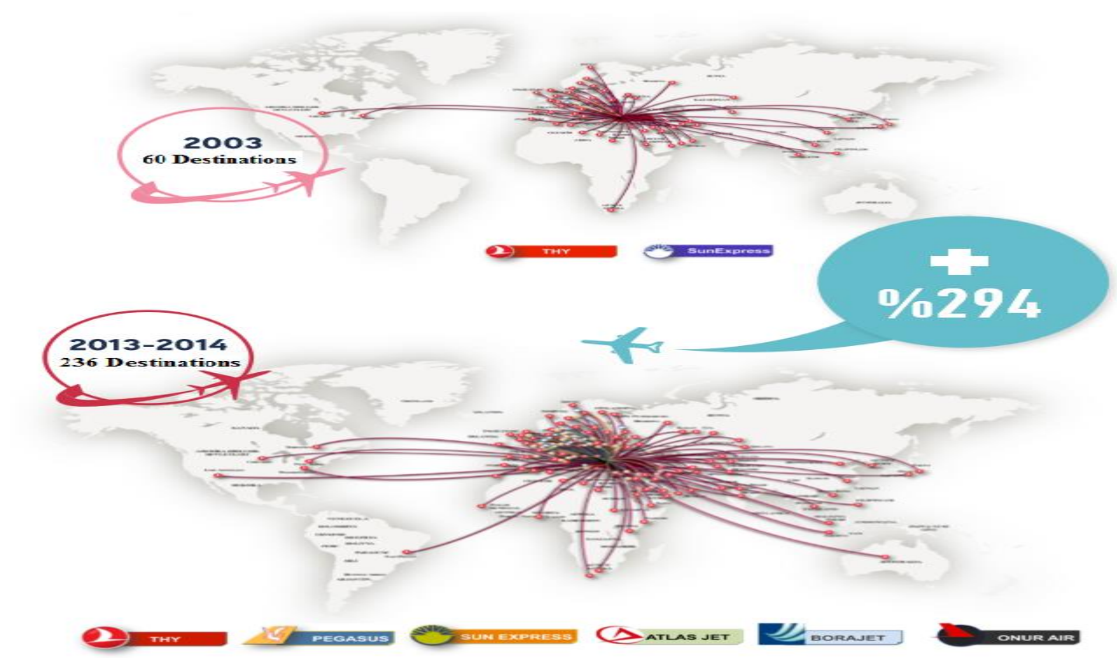
[14] Ministry of Transportation, Maritime Affairs and Communication of the Republic of Turkey, *Civil Aviation and Space Technologies, 2014*, http://ubak.gov.tr/images/faaliyet/a5ec26a31a72281.pdf

[15] Directorate General Of Civil Aviation, *International Relations*, 2015, http://web.shgm.gov.tr/en/uluslararasi-iliskiler/2188-index

- ✓ Disabled-friendly Airport Project (10 businesses were awarded the "Disabled-friendly business" title);
- ✓ Disabled-friendly Balloon Project;
- ✓ Over-water Balloon Flight Project (notably operations over Eğridir Lake);
- ✓ Helicopter Night Flight Project;
- ✓ Obstruction Control by TURKSAT Project (Work to control building construction around airports);
- ✓ Mobilizing Inspections (Inspection services working in coordination with EASA database)[16].

There has been a tremendous boom in civil aviation in Turkey in the last 10 years. Indeed, with the expansion of Turkey's main civil aviation carriage Turkish Airlines, the number of passengers has soared which also went in parallel with the opening of new destinations. Thus, from 2003 to 2013-2014, there has been approximately an increase by 294% of the number of new destinations[17]. Whilst Turkish Airlines along with its chartered airline Sun Express covered just around 60 destinations across the world, this figure has risen to 236 destinations along with new airlines (Pegasus, Atlas Jet, Bora Jet, Onur Air).

Growth of Turkish civil aviation in the world (2003-2014)[18]



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[16] TOBB, *Turkish Civil Aviation Assembly Sector Report 2012*, May 2013.

[17] Ministry of Transportation, Maritime Affairs and Communication of the Republic of Turkey, *Civil Aviation and Space Technologies*, 2014.

[18] Ibid.

FUTURE PROJECTS

The Ministry of Transportation, Maritime Affairs and Communication spelled out its ambition in a report entitled "Target for 2023" where it further detailed future projects. In that respect, it has set the following objectives[19]:

- Airlines are to become public airlines;
- Airports will be modernised;
- Boarding a plane will be as easy as boarding a bus or minibus;
- The Turkish air carrier will become one of the most reputable in Europe.

Currently, there are a number of projects that are ongoing and scheduled for completion in the next years. Here is below a list of some of these projects in the field of civil aviation:

- ✓ Construction of a third airport in Istanbul which is conducted in a total area of 76.5 million square metres;

- ✓ Green Airport Project: the Green Airport Project is raising the bar in terms of quality at the airports in Turkey and enhancing environmental awareness across the airline and airport industry. With the incentives provided by the Green Airport Project, establishments gained Green Company Certificate. TAV Istanbul Ataturk Airport Operation, Istanbul Sabiha Gökçen International Airport Investment Development and Operation Inc. (ISG), TGS, HAVAS and CELEBI ground handling service companies, Pegasus Airlines can be counted as an example. Some other airports (Ankara, Izmir, Antalya) are pursuing their activities in order to fully complete their projects to gain the Green Company Certificate.

There are currently 15 airline companies operating within the framework of the Turkish civil aviation sector, 3 of which are cargo companies. The number of airline aircrafts increased from 349 in 2011 to 370 in 2012. Moreover, in 2012, there were 422 aircrafts and cargo capacity rose to 1,393,632 kg.

[19] Ministry of Transportation, Maritime Affairs and Communication of the Republic of Turkey, *Transport and Communication Strategy: Target for 2023*, 2013.

List of Airlines of Turkey[20]

COMPANIES	FOUNDATION YEAR	PASSENGER A/C	SEAT CAPACITY	CARGO A/C	LOAD CAPACITY (kg)	TOTAL A/C
TURKISH AIRLINES	1933	186	34708	5	252000	191
ONUR AIR	1992	32	7583			32
PEGASUS	1990	40	7522			40
SUN EXPRESS	1989	32	5814			32
ATLAS JET	2001	15	2994			15
SIK-AY HT	2001	8	1491			8
CORENDON	2004	8	1429			8
FREE BIRD	2001	7	1340			7
IZAIR	2005	3	558			3
TAILWIND	2009	5	840			5
SAGA	2004	3	585			3
BORA JET	2008	6	344			6
MNG (CARGO)	1996			7	315902	7
ACT (CARGO)	2011			6	330536	7
ULS (CARGO)	2009			6	253575	6
TOTAL		346	65208	24	1152013	370

Turkey's signing of the horizontal aviation agreement, which will be the major stepping stone towards this objective, is still pending. The Directorate-General for Civil Aviation (DGCA) issued regulations to align with the acquis on air operations and continuing airworthiness. DGCA also issued regulations on certification of air navigation service providers, on approved aircraft maintenance organisations and on general aviation. Air traffic management is still suffering from a lack of regional cooperation. The lack of communication between air traffic control centres in Turkey and the Republic of Cyprus is seriously compromising air safety in the Nicosia flight information region. Currently, there are no developments concerning the exchange of flight data and requirements for the application of a flight message transfer protocol between air traffic control units. An operational solution needs to be found urgently to resolve this safety issue.

Latest Developments in Turkish Aviation Policy and the EU

In its 2013 Progress Report, the European Commission welcomed Turkey's participation in the European Aviation Safety Agency (EASA). As for the 2014 Progress Report, the Commission noted intensified efforts on the part of Turkey to align its legislation in that particular area, as stipulated in the Transport Chapter. In the report, the Commission expressed its satisfaction with the signature and continued implementation of the horizontal agreement which removes nationality restrictions in the bilateral air service agreements between the EU Member States and Turkey. Moreover, the report mentioned the Directorate General for Civil Aviation which has recruited 35 new members of staff and thus obtained its quality management certificate[21]. Furthermore,

[20] Ibid.

[21] European Commission, *Turkey Progress Report*, October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf

according to the report, the Commission welcomed the Directorate General for Civil Aviation's continued efforts in further aligning Turkey's legislation with the acquis and with the European Aviation Safety Agency requirements regarding commercial air operators, airworthiness, and air vessel maintenance personnel. In contrast, the report also underscored the need for further reform in that area and that Turkish air traffic management still suffered from a lack of international cooperation. Moreover, it is also explicitly mentioned that the lack of communication between air traffic control centres between Turkey and the GCASC (Greek Cypriot Administration of Southern Cyprus) continues to "seriously compromise" air safety in the Nicosia flight information region[22]. As for Turkey, within the framework of its National Action Plan published by the Ministry for EU Affairs, EU legislations which are to be transposed in Turkish law are clearly spelled out. Indeed, there is an important number of legislation which is scheduled to be implemented within the framework of Turkish law. In that context, one can cite the following legislations that are being prepared. There is notably an amendment to the By-law on General Aviation (SHY 6B) which is to be in conformity with Regulation (EC) No 800/2013. The legislation is scheduled to be entering into force in the second semester of 2016[23]. Furthermore, another amendment is also to be performed to the By-law on licensing airplane pilots (SHY-1). This amendment is thus aiming at conforming Turkish legislation with Regulation No 290/2012 laying down technical requirements and administrative procedures related to civil aviation. Thus, Turkish aircrew's licensing is to be in full conformity with the EU Acquis. This legislation is scheduled to be completed in the second half of 2015. Another legislation which is currently prepared by the Ministry of Transportation, Maritime Affairs and Communication of Turkey and which is worth mentioning in that respect is regarding aviation data and aviation information quality. Indeed, with a By-law laying down requirements in those fields, it is to comply with Regulation No 1207/2011 which defines the requirements related to the performance and interoperability of surveillance for the single European sky. Thus, Turkey's aviation data is to conform to the EU Acquis in that particular area and to further facilitate its rapprochement with the single European sky project to which the Turkish government has expressed its willingness to participate. This By-law is planned to be published and completed in the first half of 2019[24]. As one can see, there are important pieces of legislation which are prepared by the Turkish government, aiming at further harmonising Turkish legislation in the sector of aviation with the EU Acquis.

Conclusion

In conclusion, one can see that air transportation is a fundamental part of transportation policies for both the EU and Turkey. Taking into account the fact that tremendous innovation is happening and is set to be pursued in air transportation in the future, one

[22] Ibid.

[23] Ministry for EU Affairs of the Republic of Turkey, *National Action Plan for EU Accession: Phase 2 (June 2015-June 2019)*, 2014, http://www.abgs.gov.tr/files/pub/nap-ii-en.pdf

[24] Ibid.

can see that this sector is of strategic importance for both parties. The EU, through projects such as the Single European Sky and through its liberalisation packages of its air sector, is indeed aware of the strategic importance of this sector and of the possibilities in terms of employment opportunities. In contrast, Turkey,

Nonetheless, one can only deplore the fact that the Transport Chapter has yet not been opened to negotiations, regardless of Turkey's efforts to meet the EU Acquis in that particular area. Whilst the screening period of the chapter has been completed in 2006, there still remain tremendous political obstacles towards its opening. Irrespective of these political obstacles, Turkey has continued with decisiveness and determination to modernise its air infrastructures and change its national legislation in that respect. Thanks to its key geographical location at the crossroads of Europe, the Middle East and Central Asia, and through the building of new airport facilities – chiefly the third airport in Istanbul – Turkey envisages to be a key transit hub for passengers. The example of Dubai is striking in that respect. Indeed, Dubai International Airport is a major transit hub for passengers between Europe and Asia. Istanbul has the ambition to achieve the same status. Turkey, with an ever increasing civil aviation sector and new destinations to offer is of great importance to the European countries in that respect. Furthermore, the resolution of the Cyprus question within the framework of EU-Turkey relations will undoubtedly have a positive impact upon Turkey's reputation and image as a transit hub. One can say that, thanks to increased and determined efforts from the Turkish government, such a status for Istanbul but also the objective of Turkey becoming a transit hub might become reality in the upcoming years.