# Performance and sustainability of the European aviation system

2008/0127(COD) - 25/06/2008 - Legislative proposal

PURPOSE: to revise the single European sky legislation in order to improve the performance and sustainability of the European aviation system.

BACKGROUND: the European Commission adopted the second package of legislation for a Single European Sky (SES II). The proposals included in the package aim to improve the performance of the European aviation system in key areas such as safety, capacity, flight and cost efficiency and environment within the overriding safety objectives (see COD/2008/0128).

The SES II package is based on four pillars: updates to existing legislation from 2004; the SESAR (Single European Sky Air Traffic Management Research) Master Plan or 'technological pillar'; the 'safety pillar' and an airport capacity action plan.

CONTENT: this proposal introduces several enhancements to the original SES legislation, including binding performance targets for air navigation service providers, a European network management function to ensure convergence between national networks and a definitive date for Member States to improve performance, initially through a cross border cooperative approach known as Functional Airspace Blocks.

The main elements of the proposal are as follows:

**Designation and independence of national supervisory authorities**: Member States shall, jointly or individually, nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority under the Regulation. The national supervisory authorities must: (i) be at least functionally independent from any other public or private entity; (ii) exercise their powers impartially and transparently; (iii) have adequate human and financial resources to carry out their duties.

**Industry Consultation Body**: the Commission shall establish an 'industry consultation body', to which air navigation service providers, associations of airspace users, airports, the manufacturing industry and professional staff representative bodies shall belong. The role of this body shall be to advise the Commission on the implementation of the single European sky.

**Social partners**: social partners should be better informed and consulted on all measures having significant social implications. The Sectoral Dialogue Committee set up under Commission Decision 98 /500/EC on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level should also be consulted.

**Improved performance system**: to drive improved performance of air traffic management (ATM) and air navigation services (ANS), the proposal establishes a framework for the definition, implementation and enforcement of binding performance targets in key performance areas in line with International Civil Aviation Organisation's (ICAO) policies. This framework provides an appropriate mechanism for reporting, examining, evaluating and disseminating performance data of ATM and ANS along with relevant incentives and disincentives to encourage achievement of the targets.

**Safety requirements**: the Commission shall adopt implementing rules incorporating the relevant provisions of the Eurocontrol safety regulatory requirements (ESARRs) and subsequent amendments to those requirements falling within the scope of this Regulation. It is specified that a Member State shall not refuse to designate an air traffic service provider on the grounds that it is established in another Member State or that it belongs to nationals of that Member State.

**Functional Airspace Blocks**: Member States shall take all necessary measures in order to ensure the establishment of functional airspace blocks as soon as possible and at the latest by the end of 2012 with a view to achieving maximum capacity and efficiency of the air traffic management network within the single European sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and a reduced environmental impact. Member States shall cooperate with each other to the fullest extent possible in order to ensure compliance with this provision.

**Charging scheme for air navigation services**: this shall contribute to greater transparency in the determination, imposition and enforcement of charges to airspace users and shall contribute to the cost efficiency of providing air navigation services and to efficiency of flights, while maintaining an optimum safety level. This scheme shall also be consistent with the 1944 Chicago Convention on International Civil Aviation and with Eurocontrol's charging system for en-route charges.

**Single European Flight Information Region (EFIR)**: an EFIR encompassing the airspace falling under the responsibility of the Member States should facilitate common planning and integrated operations in order to overcome regional bottlenecks. The Community and the Member States shall request ICAO to establish and recognise a single European Flight Information Region (EFIR). To this end, for matters which fall within the competence of the Community, the Commission shall, if necessary, submit a recommendation to the Council.

**Aeronautical information**: without prejudice to the publication by Member States of aeronautical information, the Commission, working in cooperation with Eurocontrol, shall ensure the availability of electronic aeronautical information of high quality, presented in a harmonised way and serving the requirements of all relevant users in terms of data quality and timeliness.

**Rules of the air and airspace classifications**: the Commission shall adopt implementing rules in order to: (i) incorporate the appropriate provisions of ICAO standards and recommended practices on rules of the air, where necessary with appropriate adaptations and improvements; (ii) harmonise the application of the ICAO airspace classification, where necessary with appropriate adaptations and improvements, in order to ensure the seamless provision of air navigation services within the single European sky.

**Network management and design**: the air traffic management (ATM) network shall allow optimum use of airspace and ensure that airspace users can operate preferred trajectories, while allowing maximum access to airspace and air navigation services. In order to achieve these objectives, the Commission shall ensure that the following functions are carried out: (i) design of the European route network; (ii) coordination and allocation of scarce resources, in particular radio frequencies and radar transponder codes; (iii) additional functions for the ATM network, as defined in the ATM Master Plan.

**Comitology**: power should be conferred on the Commission to update measures due to technical or operational developments as well as to lay down the basic criteria and procedures for the exercise of certain management network functions. These measures must be adopted in accordance with the regulatory procedure with scrutiny.