Performance and sustainability of the European aviation system

2008/0127(COD) - 08/12/2008

The Committee on Transport and Tourism adopted the report drawn up by Marian-Jean MARINESCU (ALDE, UK) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulations (EC) No 549/2004, (EC) No 550 /2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system. The committee pointed out that the most effective and most efficient way of creating a single European sky is by means of a top-down approach. However, as it has never been possible to secure political approval for such an approach, the aim must now be to speed up the processes initiated on the basis of the bottom-up approach.

The main amendments are as follows:

Eurocontrol: a new recital states that the planned reform of Eurocontrol should take place before the entry into force of this Regulation. It should be conducted in a way which should ensure that the European tasks entrusted to Eurocontrol under the SES Regulations are compatible with and do not contradict other aspects of its work related to its tasks and competences as an international organisation.

Implementation: Members stipulate that the implementation of this regulatory framework shall be scheduled in full accordance with the development of the SESAR project with a view to creating the SES before the start of the third phase of SESAR, the deployment phase. The committee notes that the deployment of SESAR from 2014 onwards should be made directly on the Single Sky basis, rather than on a functional airspace blocks basis, to avoid unnecessary duplication of costs. In this respect, efforts should be made to create the Single Sky in alignment with the development phase of SESAR.

Definitions: new definitions are inserted for inter alia “right of transit”, and “Single European Sky”, and “functional independence.”

Independence: national supervisory authorities must exercise their powers independently as well as transparently. This independence shall be achieved by implementing appropriate management and control mechanisms.

Extension of SES: the Community shall aim at and support the extension of the SES to countries which are not members of the EU. To that end, it shall endeavour, either within the framework of agreements concluded with neighbouring third countries, within the context of Eurocontrol, or within functional airspace blocks (FAB) agreements, to extend the scope of this Regulation to those countries.

Stakeholder consultations: Members stressed the need for proper consultation among stakeholders, and underline the role of the Industry Consultation Body and of Sectoral Dialogue. They clarify that implementing rules might be prepared by different organisations.

Improved performance system: a performance scheme for air navigation services and network functions shall be set up and include: a) Community-wide performance targets on appropriate key performance areas including safety, environment, capacity and cost-efficiency; (b) national or regional performance plans, including performance targets, ensuring consistency with the Community-wide performance targets; and c) periodic review, monitoring and benchmarking of performance of air navigation services and network functions. The Community-wide performance targets for ANSPs and network functions shall

be adopted by the Commission, after taking into account the relevant inputs from NSAs at national or regional level. The national or regional plans shall be drawn up by NSAs.These plans shall include binding national or regional targets and an appropriate incentive scheme as adopted by the Member State (s).

The committee sets out the procedures that will apply to the performance scheme. For the detailed functioning of the performance scheme, the Commission must adopt implementing rules which must cover certain specified factors.

Report: the Commission shall first report to the European Parliament and to the Council 18 months after the entry into force of this Regulation, and every year thereafter.

Inspections: national supervisory authority shall organise proper inspections and surveys, including checks on the requisite staffing levels, to verify compliance with the requirements of the Regulation.

Certificates: National supervisory authorities shall issue certificates to air navigation service providers where they comply with the common requirements referred to in the text. Certificates shall be issued individually for each type of air navigation service even in the case of a bundle of such services, where a provider of air traffic services, whatever its legal status, operates its own communication, navigation and surveillance systems. The certificates shall be checked on a regular basis.

FABs: the Commission and Member States must ensure the implementation of functional airspace blocks at the latest by the **end of 2011** (rather than 2012).

Coordinator: in order to facilitate the accomplishment of the SES through FABs, the Commission shall appoint a senior political figure as Functional Airspace Blocks System Coordinator (the Coordinator). The Coordinator shall be appointed by the Commission in agreement with the Member States, and after having consulted the European Parliament. The main role of the Coordinator shall be to facilitate high-level agreements, and to find the best solutions for overcoming difficulties in order to speed up the establishment of FABs, the coordination between FABs, and to ensure proper harmonisation and consistency of the FABs with the provisions of the Regulation. He shall report directly to the Commission and will work in close cooperation with the Single Sky Committee, Eurocontrol, the Performance Review Body and the EASA.

Renewal of civil military agreements: Member States shall, within the context of the common transport policy, take the necessary steps to ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or renewed in respect of the management of specific airspace blocks.

Costs: in respect of the FABs, Member States shall agree, through the framework agreement, on a convergence scheme towards reaching a single charge which is in accordance with the performance scheme. Charges shall be set, in accordance with the performance targets as well as aspects contributing to the cost structure of the service provided.

The committee noted that the imposition of financial incentives to deliver improved performance should not be directed at airspace users. The objectives of delivering improved performance in the context of the Single European Sky should be targeted towards monopoly service providers. Consequently, financial advantages and penalties should be used to incentivise service providers to meet performance targets.

Common projects: common projects shall be designed to assist airspace users and/or air navigation service providers in order to improve collective air navigation infrastructure, the provision of air navigation services and the use of airspace, in particular those projects that may be required for the establishment of FABs and for the implementation of the ATM Master Plan. The Commission shall

propose financial resources including Trans European Network funding, European Investment Bank grants, and auctioning revenues from the integration of aviation in the Emission Trading Scheme with a view to financing common projects, especially for speeding up the implementation of SESAR, within the multiannual financial framework. The Commission may also decide that the costs of common projects may be recovered partly through charges. Such decisions shall identify the common project and specify in particular the timetable for implementation, the cost to be charged to airspace users and its allocation amongst Member States, avoiding duplication in costs and charges. Before taking a decision, the Commission shall carry out an independent cost-benefit analysis and substantive consultation aiming, to the greatest extent possible, at reaching agreement with service providers and airspace users.

Application of market principles: market principles must apply to the provision and designation of services in the fields of communication, navigation, surveillance, meteorology and aeronautical information no later than by the end of 2010.

The Commission must submit a recommendation on European Flight Information Region by 31 December 2012.

Network management function: the committee laid down certain principles that the Commission should observe when establishing the network management function.