Performance and sustainability of the European aviation system

2008/0127(COD) - 21/10/2009 - Final act

PURPOSE: to establish a harmonised regulatory framework for the creation of the single European sky.

LEGISLATIVE ACT: Regulation (EC) No 1070/2009 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.

CONTENT: the Council adopted two regulations to improve the performance and safety of the European aviation system. This Regulation t strengthens the Single European Sky legislation while the second extends the tasks of the European Aviation Safety Agency.

Both regulations were adopted following a first-reading agreement reached with the European Parliament in March 2009.

This Regulation on the Single European Sky amends four existing regulations (Regulation (EC) No 549 /2004 laying down the framework for the creation of the Single European Sky, Regulation (EC) No 550 /2004 on the provision of air navigation services in the Single European Sky, Regulation (EC) No 551 /2004 on the organisation and use of the airspace in the Single European Sky, Regulation (EC) No 552 /2004 on the interoperability of the European air traffic management network) which were adopted in 2004. Since their adoption it has proved necessary to consolidate and address a number of challenges, relating in particular to:

- sustainable development – attenuating the environmental impact of aviation through, for example, the creation of a rational European route network, including shorter routes for intra-Community traffic;
- performance – the performance of the network in terms of reduction in delays and lower costs for airspace users;
- governance issues - ensuring that the system is supervised in a transparent and correct manner at national and EU level.

The **objective of the single European sky initiative** is to enhance current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. This single European sky will comprise a coherent pan-European network of routes, network management and air traffic management systems based only on safety, efficiency and technical considerations, for the benefit of all airspace users. In pursuit of this objective, the Regulation establishes a harmonised regulatory framework for the creation of the single European sky.

The application of the Regulation is without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters and the Regulation does not cover military operations and training. It is also without prejudice to the rights and duties of Member States under the 1944 Chicago Convention on International Civil Aviation (the Chicago Convention). In this context, an additional objective of the Regulation is, in the fields it covers, to

assist Member States in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of its provisions, and by ensuring that these provisions are duly taken into account in this Regulation and in the rules drawn up for its implementation.

The Regulation sets a fixed deadline for the implementation of functional airspace blocks that are a tool for a more rational and efficient European airspace. In addition, it strengthens the central network function at the EU level, as well as the principles concerning the degree of autonomy to be accorded to national supervisory authorities responsible for overseeing the provision of aeronautical services in Member States.

Functional airspace blocks: the functional airspace blocks are key enablers for enhancing cooperation between air navigation service providers in order to improve performance and create synergies. The Regulation provides that **by 4 December 2012**, Member States must take the necessary measures in order to ensure the implementation of functional airspace blocks with a view to achieving the required 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 to the fullest extent possible with each other, in particular Member States establishing neighbouring functional airspace blocks, in order to ensure compliance with this provision. Where relevant, cooperation may also include third countries taking part in functional airspace blocks.

Functional airspace blocks system coordinator: in order to facilitate the establishment of the functional airspace blocks, the Commission may designate a natural person as functional airspace blocks system coordinator (the Coordinator), who will facilitate at the request of all Member States concerned and, where appropriate, third countries taking part in the same functional airspace block, overcoming of difficulties in their negotiation process in order to speed up the establishment of functional airspace blocks. The Coordinator shall act impartially in particular with regard to Member States, third countries, the Commission and the stakeholders.

Performance scheme: to drive improved performance of ATM and air navigation services (ANS), the Regulation establishes a framework for the definition, implementation and enforcement of binding performance targets in key performance areas in line with the policies of the International Civil Aviation Organisation (ICAO). An indispensable feature of such a framework is an appropriate mechanism for reporting, examining, evaluating and disseminating performance data of ATM and ANS along with a relevant incentive scheme to encourage achievement of the targets.

SEFIR: in view of the creation of functional airspace blocks and the setting up of the performance scheme, the Commission should determine and take into account the necessary conditions for the Community to create a Single European Flight Information Region (SEFIR), to be requested by the Member States from the ICAO in accordance with both the established procedures of that organisation and the rights, obligations and responsibilities of Member States under the Chicago Convention. By encompassing the airspace under the responsibility of the Member States, the SEFIR should facilitate common planning and integrated operations in order to overcome regional bottlenecks. Such a SEFIR should include the necessary flexibility to reflect specific needs such as traffic density and the level of complexity required.

National supervisory authorities: national supervisory authorities have a key role to play in the implementation of the single European sky and the Commission should therefore facilitate cooperation among them in order to enable the exchange of best practices and to develop a common approach, including through enhanced cooperation at regional level. This cooperation should take place on a regular basis. The national supervisory authorities shall be independent of air navigation service providers. This independence shall be achieved through adequate separation, at the functional level at least, between the national supervisory authorities and such providers.

Common projects: common projects may assist the successful implementation of the air traffic management (ATM) Master Plan. Such projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives.

The Commission may also decide to set up common projects for network-related functions which are of particular importance for the improvement of the overall performance of air traffic management and air navigation services in Europe.

Consultation of stakeholders: the Member States, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies, in the implementation of the single European sky. The Commission shall establish a consultation mechanism at Community level. The text includes a list of interested parties.

Report: the Commission shall periodically review the application of this Regulation report to the European Parliament and to the Council by 4 June 2011, and at the end of each reference period.

Review: the Commission shall submit a study no later than 4 December 2012 evaluating the legal, safety, industrial, economic and social impacts of the application of market principles to the provision of communication, navigation, surveillance and aeronautical information services, compared to existing oralternative organisational principles and taking into account developments in the functional airspace blocks and in available technology.

ENTRY INTO FORCE: 04/12/2009. Article 6(2) and (6) of Regulation (EC) No 551/2004 (Network management and design), as amended by this Regulation, shall apply from the date specified in their respective implementing rules but no later than 4 December 2012.