Aerodromes, air traffic management and air navigation services: simplifying and clarifying the legal framework

2013/0187(COD) - 11/06/2013 - Legislative proposal

PURPOSE: to harmonise the content of Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the area of civil aviation and establishing a European Agency for Aviation Safety with that of four regulations in regard to the “Single European Sky”.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the development of the European Aviation Safety Agency (EASA) framework, set out in particular in Regulation EC No 216/2008, is intertwined with the development of the Single European Sky (SES) initiative the recast of which is currently the subject of a proposal.

In 2009, Regulation (EC) No 1108/2009 extended the competences of EASA to include air traffic management and air navigation services (ATM/ANS). Whilst this also implied the incorporation of various ATM/ANS technical regulation elements into the scope of EASA, the corresponding changes to the four SES Regulations were not completed simultaneously.

The legislators addressed this overlap in the Regulations by inserting a new Article 65a into Regulation (EC) No 216/2008. This article requires the Commission to propose amendments to the four SES Regulations to take into account the requirements of Regulation (EC) No 216/2008.

Secondly, there is a more general mismatch between the approach used for all other sectors of aviation (airworthiness, crew licensing, air operations etc.) in the EASA framework and air traffic management (ATM/ANS).

In the area of ATM/ANS (as far as the SES is concerned), the technical regulations stem from various sources. The Commission recommends introducing **a harmonised approach** towards this important regulatory area, so that all consultations are conducted with the same thoroughness, all rules fit in the same structure and serve the same objectives, making life easier for those responsible for applying the rules and finally to ensure that the impending wave of technological innovations stemming from the SESAR initiative can be implemented in a co-ordinated manner in both airborne and ground equipage and procedures.

IMPACT ASSESSMENT: the Commission undertook an impact assessment to support legislative proposals for improving the efficiency, safety and competitiveness of the Single European Sky. The amendments to Regulation (EC) No 216/2008 in this package intend to address issues that were left over from a previous amendment through Regulation (EC) No 1108/2009, notably Article 65a. Those amendments were covered by the 2008 impact assessment leading up to the approval of Regulation (EC) No 1108/2009.

LEGAL BASIS: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposed Regulation aims to fulfil the requirement of article 65a, by **deleting the overlaps between the SES and EASA Regulations and simplifying and clarifying the border line between EASA and SES legal frameworks**.

The amendment also supports the political objective of ensuring **clarity of tasks between the Commission, EASA and the Eurocontrol organisation**: (i) the Commission would focus on economic and technical regulation; (ii) EASA would act as its agent on technical regulation drafting and oversight; and (iii) Eurocontrol would focus on operational tasks, in particular built around the Network Manager concept[5]

As well as deleting SES provisions as part of the SES recast, some minor adaptations are also required to Regulation (EC) No 216/2008, because previously the text of this Regulation relied on the terminology of some SES provisions, in particular in the area of interoperability. Hence the same terminology needs to be introduced in Regulation (EC) No 216/2008, now that it is being repealed from the four SES Regulations.

BUDGETARY IMPLICATION: the proposal has no budgetary implication.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.