Implementation of the Single European Sky

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PURPOSE: to improve the competitiveness of the European air transport system with the further development of the “Single European Sky” (SES) initiative.

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 Single European Sky (SES) initiative aims to improve the overall efficiency of the way in which European airspace is organised and managed through a reform of the industry providing air navigation services (ANS).

The experience gained with **SES I** since 2004 and **SES II** since 2009 has shown that the principles and direction of the SES are valid and **warrant a continuation of their implementation**. However, the initiative is experiencing significant delays in its implementation, notably in the achievement of the performance goals and the deployment of its basic elements (such as functional airspace blocks (FABs) or National Supervisory Authorities (NSAs)).

This process of the **recasting of the SES legal framework, known under the abbreviation of SES 2+**, is intended to accelerate the implementation of the reform of air navigation services without departing from its original objectives and principles. It is also part of the Single Market Act II initiative and aims hence to improve the general competitiveness and growth of the EU economy and not just that of the air traffic management system.

The SES2+ package essentially deals with two problems:

1. **the insufficient efficiency of Air Navigation:** ANS provision remains relatively inefficient in terms of cost- and flight efficiency as well as the capacity offered. In the US, for example, the en-route airspace is controlled by a single service provider as opposed to 38 en-route service providers in Europe. The US service provider controls almost 70% more flights with 38% fewer staff;
2. **fragmented ATM system**: the European ATM system consists of 27 national authorities overseeing in total over a hundred Air Navigation Service Providers (ANSPs), with the associated variance in systems, rules and procedures.

The **specific objectives of the initiative** are: (i) to improve the performance of air traffic services in terms of efficiency and (ii) to improve the utilisation of air traffic management capacity.

IMPACT ASSESSMENT: the Commission undertook an impact assessment to support legislative proposals on improving efficiency, safety and competitiveness of the Single European Sky.

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

CONTENT: the Commission proposes merging the four SES regulations into a single regulation, structured into chapters based on the actors concerned.

National authorities: the proposal strenghten the national authorities, as regards **their independence, their expertise and their resources**. For that purpose, it:

- describes the level of independence required from the authorities vis-à-vis the service providers they are intended to oversee (a transitional period is foreseen until 2020);
- more explicit requirements are set on the competences and independence of the staff hired, as well as strengthening the independent funding of the authorities through the route charges;
- to improve expertise amongst the authorities, a network of national authorities is foreseen, including also the possibility of pooling experts so that States may benefit from experts coming from other Member States.

Performance and charging schemes: the amendments proposed seek to rationalise the process of target setting and to allow **focusing of target setting more at the local level**. This allows for more educated tailored setting of targets.

Small adjustments to support this have also been made to the provisions on charging and the text has also been updated so that the provision concerning funding of authority tasks covers also the extension of the European Aviation Safety Agency's (EASA) tasks.

Functional Airspace Blocks: the aim of the revision is to undertake a **strategic redirection** of Functional Airspace Blocks (FABs) to give them more of a performance focus. The sector needs to be given **more flexibility** to develop the FABs, even to devise different types of FABs, depending on where they expect to find the most synergies. Therefore the focus of the proposal is now more on **flexible** "**industrial partnerships**" and the measure of success will be the level of performance improvements achieved.

Support services: according to the proposal, the core air traffic services, which are considered to be natural monopolies, would remain under the requirement to designate them, but **support services should be allowed to develop freely, using the full potential of expertise also from other sectors**. A safeguard clause has been included to ensure vital security and economic interests are not endangered. A transitional period is foreseen until 2020.

Network Management: the provisions have been reorganised, in particular as regards the services that the Network Manager provides. A reference to the **aeronautical information portal** has been added as this service is already to some extent integrated in the Network Manager.

Secondly, the terminology has been harmonised with that used ibn Regulation (EC) No 1108/2009 naming the "functions" as "services" and treating the Network Manager consistently in the same manner as other service providers insofar as certification, oversight and safety requirements are concerned.

Lastly, a provision has been included to cover the further development of the Network Manager in the direction of an industrial partnership by 2020.

Involvement of airspace users: the need to introduce more customer focus on the air navigation service providers has given rise to a new provision to ensure the airspace users are consulted and also involved in the approval of investment plans.

BUDGETARY IMPLICATION: the proposal has no implications for the EU's budget.

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.