Implementation of the Single European Sky

2013/0186(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 489 votes to 154 with 34 abstentions, a legislative resolution on proposal for a regulation of the European Parliament and Council on the implementation of the Single European Sky (SES) (recast).

Parliament's position in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Implementation of the SES: Parliament stressed that the Regulation should be implemented as swiftly as possible In order to ensure that the expected increase in air traffic did not cause or exacerbate congestion in European airspace, with all the economic, environmental and security costs that that would entail, fragmentation of that airspace should be remedied.

The implementation of the Single European Sky should have a **positive impact in terms of growth, employment and competitiveness in Europe**, in particular by increasing demand for jobs requiring advanced qualifications.

Objectives: the regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, such as **reducing climate impact**.

The Single European Sky should comprise a coherent pan-European and, subject to specific arrangements with the neighbouring countries, third-country network of routes, an integrated operating airspace, network management and air traffic management based only on safety, efficiency and interoperability, for the benefit of all airspace users.

The application of the regulation to **Gibraltar airport** shall be suspended until the arrangements set out in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 are applied.

National aviation authority: the amended text provides for Member States' designation of a national body to act as the national aviation authority.

The authorities should be **legally distinct and independent**, in particular in organisational, hierarchical and decision-making terms, including separate annual budget allocation, from any company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in this Regulation and in Regulation (EC) No 216/2008 or having an interest in the activities of such entities. The national aviation authorities shall ensure compliance with these provisions on the date of entry into force of this Regulation or at the latest by 1 January 2017.

Staff of the national aviation authorities shall be recruited under clear and transparent rules and criteria, which guarantee their independence. They should not be seconded from air navigation service providers (ANSPs) or companies under the control of ANSPs.

As regards **persons who have been in charge of strategic decisions**, for more than six months, they must have no professional position or responsibility with any of the air navigation service providers after their term in the national aviation authority, for a period of at least 12 months for staff in managerial positions and at least six months for staff in non-managerial positions.

The authority's top management shall be appointed for a fixed term of between three and seven years.

Definitions: Members added certain definitions, such as 'local performance plans' and 'industrial partnership' supporting one or more functional airspace blocks, in order to maximise performance.

The text also contained a definition of **'human factor'** meaning the social, cultural and staffing conditions in the ATM sector.

Cooperation between national aviation authorities: the Commission and the European Agency for Aviation (EAA) should facilitate cooperation among the authorities them in order to enable the exchange of best practices and to develop a common approach, including through enhanced cooperation at regional level, by providing a **platform for such exchanges**. This cooperation should take place on a regular basis (at least once a year.)

The tasks and objectives of the network were more clearly defined : inter alia, they may provide opinions to the Commission and the EAA on rule-making and certification and provide opinions, guidelines and recommendations designed to facilitate the provision of cross-border services.

Certificates: the issue of certificates shall confer on air navigation service providers the possibility of offering their services to any Member State, other air navigation service providers, airspace users and airports within the Union and neighbouring third countries, if appropriate, within a functional airspace block, subject to mutual agreement between the relevant parties.

Provision of support services: ' support services' were defined as CNS (communication, navigation and surveillance), MET (meteorological) and AIS (aeronautical information) services as well as other services and activities, which are linked to, and support the provision of, air navigation services.

Parliament stated that **there should be no statutory impediments to providers of support services that would prevent their ability to compete** within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Members proposed that air navigation service providers, when drawing up their business plans, should call for offers from different support services providers, with a view to choosing the financially and qualitatively most beneficial provider.

In the choice of an external provider of support services, the provisions of Directive 2004/18/EC shall be complied with, including cost and energy efficiency, overall service quality, interoperability and safety of services, as well as transparency of the procurement process

The Commission shall conduct a **comprehensive study** on the operational, economic, safety and social impacts of the introduction of market principles to the provision of support services, and shall submit that study to the European Parliament and the Council by 1 January 2016.

Performance criteria and system: Parliament proposed a **'performance review body' (PRB)** be established as a European economic regulator under the supervision of the Commission, with effect from 1 July 2015. The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.

The compliance of the local performance plans and local targets with the Union-wide performance targets shall be assessed by the Commission in cooperation with the PRB.

Union-wide performance targets shall be set with a view to ensuring that each functional airspace block retains **sufficient flexibility** to achieve the best results.

Compensation mechanism: in addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and resulting lost investment. The Commission may propose financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies

Implementation of the ATM Master Plan: implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, the PRB and the Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of the regulation.

The Commission should adopt, by implementing acts, measures establishing the governance of implementation of the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager).

The Deployment Manager should recommend to the Commission **binding deadlines for deployment** and appropriate corrective actions concerning delayed implementation.

Industrial partnerships: Members stipulated that industrial partnerships should be separate from FABs, which were a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.