

Implementation of the Single European Sky

2013/0186(COD) - 22/09/2020

The Commission presents an amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (Recast).

This amended proposal is aimed at updating, in light of experience, and recasting the current legislation regarding the Single European Sky.

While the original objectives and principles of the [proposal](#) adopted by the Commission in 2013 remain the same, the amended proposal specifically focuses on accelerating the adaptation of the air navigation services in light of those principles and objectives.

Specific provisions of the amended proposal

As previously, it is proposed to merge the existing SES Regulations into a single regulation and remove elements which overlap with Regulation (EU) 2018/1139. The text shall be aligned with relevant Union legislation. It is likewise important to reflect recent technological developments in the aviation sector and the commitments expressed in the European Green Deal to decarbonise the transport sector.

Despite a number of changes, this amended proposal pursues the same objectives of the 2013 SES2+ proposal.

National supervisory authorities

The independence, expertise and resources of national supervisory authorities should be strengthened. The amended text describes the level of independence required from the authorities vis-à-vis the service providers they are intended to oversee, and from any other public or private entity.

It is proposed to clearly distinguish the tasks of the national supervisory authorities, competent for matters pertaining to the Single European Sky, from those of the national competent authorities in the area of aviation safety covered by Regulation (EU) 2018/1139. The former authorities should be responsible for economic certification related to financial conditions necessary for the provision of air navigation services, for monitoring the procurement of air navigation services as well as for applying the performance and charging schemes. The latter authorities remain in charge of safety certification and oversight and other tasks described in Regulation (EU) 2018/1139.

Economic certification of air navigation service providers and designation of air traffic service providers

The provision of air navigation services shall be conditioned upon the fulfilment of certain requirements regarding financial robustness, liability and insurance cover. For these purposes, it is proposed to provide for an economic certificate issued by national supervisory authorities. The amended proposal also stipulates that the designation of air traffic service providers is to be made for a period of maximum 10 years. The aim is to ensure that the designation is reassessed periodically.

Terminal air traffic services

It is proposed that airport operators shall be able to decide whether to procure services for aerodrome control, where such procurement would enable cost-efficiency gains to the benefit of airspace users.

Member States shall be able to allow the procurement of services for approach control. In order to ensure a level playing field and to avoid discrimination, cross-subsidisation and distortion of competition, en route services shall be organisationally separated from the other air navigation services.

Common information services

Concerning the common information services needed to enable safe air traffic management of unmanned traffic (drones traffic), the amended text is aligned to the recent regulatory developments regarding the operation of unmanned aircraft. It is proposed to regulate the pricing of such services so as to contain the cost of traffic management of unmanned aircraft.

Performance and charging schemes and Performance Review Body

It is proposed to entrust designated air traffic service providers themselves with the task to draft and submit their performance plans for approval by the competent authority. According to the case, that authority may be the Agency acting as Performance Review Body (PRB) or a national supervisory authority. The Performance Review Body function, for which dedicated governance rules are set out in the [proposal](#) amending Regulation (EU) 2018/1139, is designed so as to allow relevant decisions to be taken with the necessary expertise and independence. The funding rules proposed shall ensure that the Agency be endowed with the necessary resources. The amended present proposal lays down the respective responsibilities of the Agency acting as PRB, and of the national supervisory authorities as regards the implementation of the performance and charging schemes. In particular, the Agency acting as PRB is in charge of assessing and approving the allocation of costs between en route and terminal services and of assessing and approving the performance plans for en route air navigation services. The national supervisory authorities are in charge of assessing and approving the performance plans for terminal air navigation services. For this purpose, separate plans for en route and for terminal air navigation services must be submitted by designated air traffic service providers which provide both types of services. The terms of the charging scheme proposed are aligned to this new approach.

Functional airspace blocks

The amended proposal no longer contains provisions pertaining to functional airspace blocks (FABs). The absence of such rules would not prevent Member States from maintaining or creating FABs, if deemed useful.

Availability and access to data

The rules regarding this issue are amended so as to facilitate the provision of air traffic data services on a cross-border and Union-wide market. New entrants to the data market should have access to the relevant operational data even before certification. In order to prevent cross-subsidisation or double charging, it is proposed to establish adequate pricing principles.

The Network Manager (currently Eurocontrol until 2029)

The network manager shall become more important in managing the modernisation of the ATM infrastructure.

SESAR coordination

The amended proposal requires the relevant entities to cooperate with a view to ensuring effective coordination between the different phases of the SESAR project.