Implementation of the Single European Sky

2013/0186(COD) - 01/10/2024 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast).

The aim of the reform is to improve the performance, organisation, and management of airspaces in the EU and the provision of the air navigation services to increase capacity, lower costs, and increase the system’s adaptability, while also trying to reduce aviation’s impact on environment and climate.

The main elements of the Council position are as follows:

Subject matter and scope

The Council’s position retains the key objectives of the Single European Sky: reinforce safety, respond to capacity needs, and help cut CO emissions, while being cost-effective.

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. The new regulation does not cover military operations and training.

National supervisory authorities

A national supervisory authority is designated by each Member State to assess compliance of air navigation service providers with certain requirements, such as financial sustainability and organisational structure, in cooperation with the national competent authority in charge of the certification of air navigation service providers. Member States may decide to assign those tasks to one or the other authority.

National supervisory authorities (NSAs) will be **independent** from any air navigation service providers, in organisational, hierarchical and decision-making terms. The air navigation service providers and the national supervisory authority can be part of the same organisation provided they are functionally separated and meet independence requirements.

Member States may also have possibility to **merge economic and safety oversight functions** in the same administrative entity.

Service provision

Air traffic service providers may **procure communication, navigation and surveillance services**, aeronautical information services, air traffic data services, or meteorological services in cases where Member States have not designated a meteorological services provider, under **market conditions**, or under other forms of agreements where Directives 2014/24/EU and 2014/25/EU of the European Parliament and of the Council do not apply.

Air traffic service providers may open certain air navigation services to market conditions on a voluntary basis and Member States may decide to authorise the opening of air traffic services for aerodrome and/or approach control to market conditions.

Assessment of performances

National supervisory authorities and the Commission will together assess the performance of air navigation services, in accordance with the subsidiarity and proportionality principles. The Commission will be assisted in this process by an **independent performance review board**, which has an advisory role, is established as a stable and permanent entity, and will be funded by the EU budget.

Modulation of charges

The Council position introduced the possibility for a mandatory modulation of en route charges to encourage airspace users to **support improvements in climate and environmental performance**, such as the use of the most fuel-efficient available routing or increased use of alternative clean propulsion technologies. These would be subject to a feasibility study that will determine the contribution and the added value of such a modulation, and will assess its impact on air traffic, service provision, administrative costs, and stakeholders.

Network functions

The regulation lists **nine network functions**: (i) design and use of airspace structures; (ii) air traffic flow management; (iii) coordination of scarce resources; (iv) facilitation of delegation of provision of air traffic services; (v) provision of air traffic control capacity; (vi) network crisis management; (vii) air traffic flow management delay attribution; (viii) management of the planning, monitoring and coordination of infrastructure deployment implementation activities in the European Air Traffic Management Network; (ix) monitoring of European Air Traffic Management Network infrastructure operations.

The list of network functions is exhaustive and covers all aspects necessary for the management of the network. The regulation specifies that these network functions are to be performed by the Member States and all relevant stakeholders with input from the network operator.

Network perspective

The network perspective is strengthened by adding new network functions and by giving the current network manager, **Eurocontrol**, additional, clearly delineated tasks so that it can better contribute to the sustainable and efficient use of the airspace. Member States will be fully involved in decisions of strategic importance for the network.