Implementation of the Single European Sky

2013/0186(COD) - 11/11/2024 - Final act

PURPOSE: to reform the Single European Sky.

LEGISLATIVE ACT: Regulation (EU) 2024/2803 of the European Parliament and of the Council on the implementation of the Single European Sky (recast).

CONTENT: this regulation lays down rules for the creation and effective functioning of the **Single European Sky** in order to reinforce air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management and air navigation services for general air traffic in Europe, with a view to meeting the requirements of all airspace users.

The application of this 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 regulation does not cover military operations and training.

National supervisory authorities (NSA)

A national supervisory authority must be 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.

National supervisory authorities will be **independent** from any air navigation service providers, in organisational, hierarchical and decision-making terms, and will be either legally or functionally distinct from air navigation service providers.

Where a national supervisory authority is not legally distinct from an air navigation service provider, the Member State concerned will inform the Commission on the measures it has taken to ensure that the national supervisory authority meets the independence requirements.

The regulation provides that 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 **merge economic and safety oversight functions** in the same administrative entity, as this solution cuts red tape and adapts to existing organisational models.

Performance assessment

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.

EU performance targets

The Commission will adopt implementing acts setting the Union-wide performance targets for *en route* air navigation services, in the key performance areas of **climate and environment, capacity and economic efficiency**. Member States will have to adopt, for each reference period, a draft performance plan.

Service providers

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 (MET) provider, **under market conditions**. Member States may allow airport operators or a group of airport operators to procure terminal air traffic services for aerodrome control or air traffic services for approach control under market conditions.

Modulation of charges

The regulation introduces measures to reduce the aviation sector's CO footprint, mainly 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

Air traffic management network functions will lead to the sustainable and efficient use of airspace and of scarce resources. They will also ensure that airspace users can operate environmentally- and climate-optimised flight trajectories and profiles, while allowing fair and reasonable access to airspace and air navigation services and minimising congestion.

The regulation lists **nine network functions**: (i) the design and utilisation of airspace structures; (ii) air traffic flow management (ATFM); (iii) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes; (iv) the facilitation of delegation of air traffic services provision; (v) the delivery of air traffic control capacity; (vi) the management of network crises; (vii) air traffic flow management (ATFM) delay attribution; (viii) the management of the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network; (ix) the monitoring of the functioning of the European ATM network infrastructure.

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, in particular in the shaping of the Network Strategy Plan.

Flexible use of airspace

Taking into account the characteristics and nature of military activity in each Member State as well as the organisation of military matters under their responsibility, Member States will ensure the application within the Single European Sky of the concept of the flexible use of airspace.

ENTRY INTO FORCE: 2.12.2024. Certain provisions will apply from 2.12.2026.