Framework for the creation of the single European sky

2001/0060(COD) - 18/03/2003 - Council position

The Council made a number of modifications to the proposals of the Commission, both regarding form and substance. As far as the formal modifications are concerned, the Council endeavoured to make the texts simpler, clearer and generally easier to understand. The Council rearranged the texts considerably in order to enhance their logical disposition, and deleted a number of provisions with a view to avoiding duplication. With respect to the substantive modifications, the Council introduced certain modifications in order to take care of specific requests by Member States. Modifications were also made in view of requests by the military authorities of the Member States: - The Council, being of the opinion that the provisions of the framework Regulation apply automatically to the three specific Regulations as well, agreed to reinforce the horizontal' character of the framework Regulation by transferring to it provisions that are common to those specific Regulations. In this sense, the Council agreed to shift all the definitions that were previously contained in the three specific Regulations - and which the Council aligned as close as possible to the ICAO definitions - to the framework Regulation. - The Council also introduced new horizontal Articles on national supervisory authorities and on consultation of stakeholders, and adapted the Article on committee-procedure for application to all Regulations of the Single European Sky (SES). The Articles 'summarising' the contents of the specific Regulations were deleted, in order to make the text of the framework Regulation clearer and to avoid duplication. - The Council could accept 31 December 2004 as the indicative date for the establishment of the harmonised regulatory framework for the creation of the SES. The Council underlined that the application of the SES Regulations is without prejudice to Member States' sovereignty over their airspace, and recalled, in line with the amendment by Parliament, that these Regulations are without prejudice to the rights and obligations stemming from the 1944 Chicago Convention. - With regard to military matters, the Council underlined that the SES Regulations do not prejudice the requirements of the Member States relating to public order, public security and defence matters, and stated that the Regulations do not cover military operations and training. The Council also refined the safeguard clause. In addition, the Member States submitted a statement on civil-military cooperation. As regards the relationship with Eurocontrol, the Council agreed to reinforce considerably the position of that organisation. To that effect, the Council laid down arrangements for involving Eurocontrol in the future work on implementing rules. In the Council's view, it has arrived at a balanced text which should ensure that in all circumstances appropriate action is taken. As regards the amendments of Parliament, the Council endeavoured to incorporate them to the greatest extent possible. However - and this also applies to the specific Regulations - in various cases this could not be done, because the relevant texts had been substantially modified or had even been deleted. The Council considers that the texts of its common position on the Single European Sky package are appropriate and balanced. With respect to the amendments submitted by the EuropeanParliament in first reading, the Council observes that the large majority of these amendments are, as to their aim and spirit, very similar to the corresponding provisions of the Council's common position. Therefore, the Council holds the opinion that the texts of its common position ensure by and large that the aim sought by these amendments is achieved. Finally, the Council would like to underline that the agreement that it has reached in respect of civil-military cooperation, which in its present form is acceptable to all relevant parties in the Member States, constitutes the fruit of much and hard work with respect to this very delicate issue.