Single European Sky: organisation and use of the airspace

2001/0236(COD) - 18/03/2003 - Council position

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 European Parliament 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. The Council would also 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. The Council was able to accept 13 of the amendments proposed by the European Parliament. The main amendments concern the following issues: - The Council agreed that the scope of this Regulation should cover the airspace under the responsibility of the Member States as included in the ICAO European and African Regions. The Council added that Member States might decide to apply the Regulation to airspace under their responsibility within other ICAO regions. - The Council substantially modified the Article on the establishment of the European Upper Information Region (EUIR), and specified that, with respect to the recognition of the EUIR by ICAO, the Commission should submit a recommendation to the Council in accordance with Article 300 of the Treaty, as far as matters falling within the competence of the Community are concerned. The Council also stressed that the establishment of the EUIR should not affect the responsibilities of the Member States towards ICAO. Moreover, the Council dissociated some provisions, such as those relating to the division between upper and lower airspace, from the EUIR. - With regard to the creation of functional airspace blocks, the Council agreed that decisions in this field could not be imposed on individual States. Therefore, it stated that a functional airspace block should only be established by mutual agreement between all the Member States who have responsibility for any part of the airspace included in the block (or by a declaration of one Member State if the airspace included in the block is wholly under its responsibility). However, in order to achieve appropriate coordination regarding the establishment of a functional airspace block, the Council specified that the Member State(s) concerned should only act after having consulted interested parties, including the Commission and the other Member States. The definition of common general principles for the establishment and modification of functional airspace blocks should be established by the general procedure on implementing rules involving Eurocontrol. - The Council decided deleting the provision on direct routing in view of the new approach taken by Eurocontrol in this field. - In respect of the coordinated use of airspace by civil and military users, the Council emphasized the uniform application of the concept of flexible use of airspace, as described by ICAO and as developed by Eurocontrol. The Council also underlined that all action in this field, including the establishment of implementing rules, should take place within the context of thecommon transport policy. Finally, the Council felt that it would be appropriate firstly to examine the progress in respect of the application of this Regulation to the upper airspace, before taking a decision on the extension of the scope of this Regulation to the lower airspace.