Single European Sky: provision of air navigation services

2001/0235(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. In line with the amendments by Parliament, the Council reviewed the Regulation in order to give high priority to safety aspects. The Council excluded search and rescue services from the scope of the Regulation, since these are not part of air navigation services and in some Member States belong to the military. The Council specified the tasks of national supervisory authorities in respect of air navigation service providers, and agreed to simplify the rules for the delegation of tasks by such authorities to recognised organisations. The Council deleted the provision on licensing and training of controllers, since this provision has a declaratory nature and, as such, has no place in the Regulation. As regards the rules for the provision of services, the Council made the text clearer by establishing a separate provision on 'common requirements', and by replacing the system of authorisation of air navigation service providers by a system of certification of such service providers. The Council agreed to exempt from such system cases where the provider of air navigation services offers those services primarily to aircraft movements other than general air traffic. With regard to the designation of air traffic service providers, the Council affirmed that the Member States have discretionary powers in choosing a service provider, and agreed to extend this prerogative with respect to the designation of providers of meteorological services. The Council followed the Parliament's suggestion to ensure consistency of the charging scheme with Eurocontrol's multilateral agreement on route charges. With regard to the establishment of the cost-base for charges, the Council deleted the provisions on external costs. As far as 'incentive mechanisms' in the charging schemes are concerned, the Council agreed that the decision as to whether to apply such mechanisms remains within the sole responsibility of each Member State. 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. 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 partiesin the Member States, constitutes the fruit of much and hard work with respect to this very delicate issue.