Framework for the creation of the single European sky

2001/0060(COD) - 27/08/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted at second reading 18 amendments to the Common Position of the Council. The Commission can accept 5 amendments in full, 6 in principle, subject to redrafting. It has nonetheless to reject 7 amendments in full. Concerning the amendments accepted by the Commission, the Commission believes that these amendments constitute genuine improvements and useful clarifications in the text. These aim to: - delete the reference to military training exercises in a recital and in the safeguard clause; - extend the notion of public authorities subject to the principle of separation between regulatory and operational functions to all air navigation services; - clarify the scope of the review of performance and impact assessment. Concerning the amendments accepted in principle, subject to redrafting: - stress the importance of involving industry to get advise on the implementation of the Single European Sky and, to this purpose, introduce the concept of an industry advisory group. The Commission agrees on the need for a full and effective consultation of industry; - the Commission is in favour of introducing a mechanism to sanction operators that breach the rules. Nevertheless this mechanism should be defined in a uniform way across the Community and linked to the obligations imposed on air carriers and service providers; - reinstates the text of the Commission's proposal concerning the scope of the "framework" regulation. The Commission agrees that the scope of the Community action should be clearly spelt out before defining the limits of such actions in relation to Member States' sovereignty over national airspace and to the defence policy. This amendment could therefore be accepted in parallel with the text of the Common Position of the Council. - clarifies that the legal statute of service providers is a choice of Member States. This clause appears indeed to be superfluous since the legislative package does not provide on this issue. As far as the amendments rejected by the Commission are concerned, these aim to: - limit the aim of air navigation services to the protection of passengers and residents; - modify the definitions of "air traffic flow management" and "sector". These definitions stem from the ICAO glossary which the accepted reference in the air traffic management community; - introduce a reference to the "military" dimension of the Single Sky Committee and to the participation of Eurocontrol at such a committee. The drafting of these amendments does not conform to Decision 1999/468/CE on comitology and the associated rules of procedures; - require the Commission to act consistently for the extension of the Single European Sky to the largest European scale. However this goal would finally depend on the whole Community action, including the Commission; - require the Commission to make use of Eurocontrol working procedures, including its consultation processes, in the development of implementing rules. These procedures should be specified in the context of the mandates for the development ofimplementing rules. This is in particular to guarantee the conformity with the Commission's procedures on the consultation of stakeholders and the absence of conflict of interest.