





Basic information	
2001/0060(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Framework for the creation of the single European sky Repealed by 2013/0186(COD) Amended by 2008/0127(COD) Subject 3.20.01 Air transport and air freight	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	DELE	EP Delegation to Conciliation Committee	FAVA Claudio (PSE)	11/07/2003
	Former committee responsible		Former rapporteur	Appointed
	RETT	Regional Policy, Transport and Tourism	FAVA Claudio (PSE)	20/11/2001
	RETT	Regional Policy, Transport and Tourism	FAVA Claudio (PSE)	20/11/2001
	Former committee for opinion		Former rapporteur for opinion	Appointed
	BUDG	Budgets		
	CONT	Budgetary Control	The committee decided not to give an opinion.	
	JURI	Legal Affairs and Internal Market	RIPOLL Y MARTÍNEZ DE BEDOYA Carlos (PPE-DE)	06/11/2001
	ITRE	Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration		Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)		2525	2003-09-22
	Transport, Telecommunications and Energy		2452	2002-10-03







	Transport, Telecommunications and Energy	2420	2002-03-25
	Transport, Telecommunications and Energy	2472	2002-12-05
	Transport, Telecommunications and Energy	2438	2002-06-17
	Agriculture and Fisheries	2494	2003-03-17
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			
Date	Event	Reference	Summary
10/10/2001	Legislative proposal published	COM(2001)0123	Summary
25/10/2001	Committee referral announced in Parliament, 1st reading		
25/03/2002	Debate in Council		
17/06/2002	Debate in Council		Summary
10/07/2002	Vote in committee, 1st reading		Summary
10/07/2002	Committee report tabled for plenary, 1st reading	A5-0258/2002	
03/09/2002	Decision by Parliament, 1st reading	T5-0391/2002	Summary
03/09/2002	Debate in Parliament		
03/10/2002	Debate in Council		
26/11/2002	Modified legislative proposal published	COM(2002)0658 	Summary
18/03/2003	Council position published	15851/3/2002	Summary
27/03/2003	Committee referral announced in Parliament, 2nd reading		
12/06/2003	Vote in committee, 2nd reading		Summary
12/06/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0219/2003	
02/07/2003	Debate in Parliament		
03/07/2003	Decision by Parliament, 2nd reading	T5-0324/2003	Summary
22/09/2003	Parliament's amendments rejected by Council		
14/10/2003	Formal meeting of Conciliation Committee		
09/12/2003	Report tabled for plenary, 3rd reading	A5-0010/2004	
20/01/2004	Joint text approved by Conciliation Committee co-chairs	3690/2003	
28/01/2004	Debate in Parliament		
29/01/2004	Decision by Parliament, 3rd reading	T5-0041/2004	Summary
02/02/2004	Decision by Council, 3rd reading		
10/03/2004	Final act signed		
10/03/2004	End of procedure in Parliament		

31/03/2004	Final act published in Official Journal		
09/12/2004	Final decision by Conciliation Committee		Summary

Technical information	
Procedure reference	2001/0060(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2013/0186(COD) Amended by 2008/0127(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/19810

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0258/2002	10/07/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0391/2002 OJ C 272 13.11.2003, p. 0030-0296 E	03/09/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0219/2003	12/06/2003	
Text adopted by Parliament, 2nd reading		T5-0324/2003 OJ C 074 24.03.2004, p. 0666-0752 E	03/07/2003	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0010/2004	09/12/2003	
Text adopted by Parliament, 3rd reading		T5-0041/2004 OJ C 096 21.04.2004, p. 0019-0100 E	29/01/2004	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council statement on its position		07251/2003	11/03/2003	
Council position		15851/3/2002 OJ C 129 03.06.2003, p. 0001-0010 E	18/03/2003	Summary
European Commission				
Document type		Reference	Date	Summary

Legislative proposal	COM(2001)0123 OJ C 362 18.12.2001, p. 0251 E	10/10/2001	Summary
Modified legislative proposal	COM(2002)0658 	26/11/2002	Summary
Commission communication on Council's position	SEC(2003)0363 	25/03/2003	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0514 	27/08/2003	Summary
Follow-up document	COM(2007)0845 	20/12/2007	Summary
Follow-up document	COM(2011)0731 	14/11/2011	Summary
Follow-up document	COM(2015)0663 	16/12/2015	Summary
Follow-up document	SWD(2018)0062	01/03/2018	
Follow-up document	SWD(2018)0063	01/03/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0004/2002 OJ C 278 14.11.2002, p. 0013	15/05/2002	
EESC	Economic and Social Committee: opinion, report	CES0839/2002 OJ C 241 07.10.2002, p. 0024	17/07/2002	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3690/2003	20/01/2004	
EU	Implementing legislative act	32006R1032 OJ L 186 07.07.2006, p. 0027-0045	06/07/2006	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2004/0549
OJ L 096 31.03.2004, p. 0001-0008

[Summary](#)

Framework for the creation of the single European sky

In accordance with Regulation (EC) No 549/2004, the Commission presented this report on the implementation and progress of the Single European Sky (SES) during the 2012-2014 period.

Since the launch of the SES initiative in 2000, **two packages of legislation have been adopted and almost fully implemented**. They aim to reduce the fragmentation of European airspace and increase capacity by introducing additional rules on safety, airspace management, cost transparency and interoperability. The legislation adopted in 2009 by the Council and European Parliament (**SESII**), which is intended to accelerate the implementation of a truly Single Sky from 2012 onwards, is now being implemented and its results can therefore be measured.

(1) Achievements relating to performance: for the first reference period of the SES performance scheme (**RP1 – 2012-2014**), the main findings are as follows:

- **Security:** there have been no fatal accidents in which ATM was a contributing factor since 2011. **The number of serious incidents has been falling since 2010** and marked improvements have been made in safety management. However, the ATM system is not very transparent because targets are restricted to processes and do not measure safety performance as incidents are not automatically reported.

- **Environment:** horizontal en-route flight efficiency (shorter routes) improved slightly in 2013 (5.11 %) but did not meet the target (4.92%). In 2014, flight efficiency stood at 4.9 %, falling short of the target of 4.67 % for the first reference period. Airspace users (airlines) sometimes preferred to fly the cheapest routes (in terms of charging zones) rather than the shortest. The Single European Sky has **positively impacted** ATM over the past years from an environmental perspective. This was mainly the result of the SESAR project. In fact, SESAR technology and operational improvements enables **more direct flight paths** and smooth descent and climbing. In this context, a major operational achievement was the start of the implementation of free routing in upper airspace allowing more direct routes, cost saving and reduction in CO2 emissions.

- **Capacity:** good progress has been made in reducing capacity delays. In 2012 and 2013, the EU-wide target was met. In 2013, en route air traffic flow management (AFTM) delays decreased by **15 %** compared with 2012, as traffic volumes fell by 1.3 %. By contrast, the ATM sector failed to achieve the network target of **reducing delays to 0.5 minutes per flight in 2014**.

- **Cost-efficiency:** air navigation service providers (ANSPs) were able to reduce their cost bases because of lower-than-planned traffic volumes. **Actual costs were each year between -3.4% and -5.9% lower than planned costs (or determined costs)**. As a result of lower air traffic levels, the actual en-route unit costs were 0.4% higher than EU-wide target for 2014. The fact that performance targets were not met in 2014 despite lower than planned traffic indicates that more work needs to be done in the second reference period (RP2 – 2015-2019).

- **Sector fragmentation:** the European ATM sector remains fragmented and the costs of its services are comparatively high. The unit cost of air navigation services is particularly high, with users pay around **EUR 10.5 billion annually (in user charges, delay costs and flight inefficiencies)**.

- **A strengthened network:** the report noted that the network manager function has developed from a theoretical concept into a successful entity recognised by stakeholders that brings tangible daily performance benefits to the EU network and to neighbouring countries. The network manager contributed directly to curb en route delays below the target level in the capacity plans declared by EU Member States. Coordination at network level reduced the effects of unexpected events, such as a series of strikes in 2013 and 2014 in some Member States, especially in France.

- **Functional airspace blocks (FABs):** the nine FABs, which had to be established by 4 December 2012, have now been established. However, the **FAB operational objectives have not been achieved regarding the optimisation of airspace and resources**, which in turn generates inefficiencies in the entire European air traffic management system and **extra costs of close to €5 billion a year**. Infringement proceedings have been initiated against 23 Member States.

(2) Social conditions and employment: these conditions have been **improving** for air transport sector employees over the last years, including for ATM. However **industrial action** continues to take place in the ATM sector, in particular in France, while in other countries the social peace has been constantly guaranteed through a constructive employer-employee dialogue.

(3) Institutional and regulatory developments:

- several SES-related bodies have been set up since 2011 and are operating successfully. In 2014, the designation of the **Performance Review Body (PRB)** has been extended in time;
- **Eurocontrol** has been appointed Network Manager until 2019 and has performed the network functions and coordinated the response to crisis situations;
- for the technical pillar of the SES, the **SESAR Joint Undertaking** was created in 2007 to ensure the modernisation of the European ATM system by coordinating and concentrating all relevant research and development efforts in the EU. With regard to the deployment phase, the SESAR Deployment Manager was appointed by the Commission in 2014;
- the SESII package **extended the competencies of European Aviation Safety Agency (EASA)** to include ATM and aerodromes;
- the European Defence Agency's (EDA) Steering Board asked EDA to facilitate the **coordination of military views** on SES and SESAR deployment;
- the Commission launched initiatives such as the **Communication** on "opening the aviation market to civil use" setting out a series of concrete measures, including the possibility of adopting a **European regulatory framework** covering all relevant areas to make the operation of Remotely-piloted aircraft systems (RPAS) safe and secure.

(4) SES vision and future challenges: the Commission aims to:

- support the development of the European aviation industry by increasing its competitiveness, maintaining **high standards** and investing in **innovation**. Technology is likely to be the main driver in the development of the SES over the next two decades. Industry should play a more effective role in the deployment of network-focused solutions, and common and virtual services;
- consider the **global dimension** of ATM in order to optimise the performance of aircraft operations;
-

strengthen social dialogue which will be essential for ensuring efficient change management affecting human resources within the ATM sector, limiting industrial action;

- ensure **regulatory stability**, meaning consistent and timely implementation of EU regulations, and effective regulatory market intervention if monopolistic conditions persist among ANSPs.

As regards the immediate next steps, action in the years 2015-2019 should focus on:

- **fully implementing SESII successfully and, starting to implement SESII+** once adopted;
- **continued investment in the SESAR project** will help to bring about major improvements in the way the ATM system works in Europe. All stakeholders must continue to contribute to meeting targets relating to the key performance indicators (safety, cost-efficiency, capacity and environmental sustainability);
- **tackling new and existing challenges** relating to: (i) looming airport capacity crunch, (ii) the integration of RPAS into non-segregated airspace and (iii) the resilience of the ATM sector to cyber-attacks.

Framework for the creation of the single European sky

2001/0060(COD) - 17/06/2002

The Council took note of the work carried out under the Spanish Presidency on the development of the Single European Sky. Following an exchange of views by delegations, the Presidency noted the support of Member States for making the Single European Sky a reality within the deadlines given in the conclusions of the Barcelona European Council. In that regard, the accession of the Community to EUROCONTROL, on which political agreement has been achieved at this Council, constitutes an important advance towards achieving a Single European Sky. The Presidency noted that there was a broad majority in support of the guidelines presented on the basis of the work carried out on key elements of the set of Single Sky Regulations. These elements are the following: - date for bringing the Single Sky into force; - the application of economic regulation; - the functions and procedure of the Single Sky Committee; - relationship with EUROCONTROL; - cooperation with the military authorities; and - organisation and use of airspace. These guidelines, which are given in the Annex, should constitute a sound basis for guiding future work on these proposals.

Framework for the creation of the single European sky

2001/0060(COD) - 26/11/2002 - Modified legislative proposal

The Commission accepted many of the amendments introduced by the European Parliament. The following amendments are amongst those accepted by the Commission: - the introduction of an effective sanctioning mechanism against the operators that breach the rules; - certain amendments that clarify or improve the text of the regulation by reinforcing the reference to the consultation of social stakeholders, national defence needs capacity needs, flight efficiency, performance indicators, safety and progress reporting. Amongst the amendments accepted in principle but not as regards wording: - the Commission feels that the relationship between the EC and Eurocontrol is addressed through the accession of the Community to this organisation. The principle of developing the "highest level of co-operation" between the two organisations will be a consequence of this event, as enshrined in the protocol of accession. The principle will be stated in a recital. The Commission introduces a reference to co-operation with the executive body of Eurocontrol, namely the Eurocontrol Agency. - the affirmation of the role of Member States in deciding the statute and structure for providers and the nature of public interest of air navigation service providers, which is particularly relevant for air traffic control, is accepted; - the Commission notes the extension of the scope of safeguards for security and defence reasons to cover the prompt availability of airspace for the rapid reaction of armed forces. The amendment refers to operational situations and not exceptional situations. Thus it would introduce a too generous leeway to waive the application of the regulation. The Commission can accept the principle of ensuring Member States capability of maintaining the availability of armed forces. This principle should not result in unilateral exemptions from the application of the regulation. The efficient management of the airspace would otherwise be affected. - the establishment of an industry advisory group having an institutional role would result in affecting the right of initiative of the Commission. The latter accepts the principle on consultation of the industry in a recital. The Commission rejected eight amendments. Amongst these was the reference to Eurocontrol participation in the work of the Committee.

Framework for the creation of the single European sky

2001/0060(COD) - 10/10/2001 - Legislative proposal

PURPOSE: To create a framework Regulation for the creation of the single European sky. **CONTENT:** Heavy delays in arrival times combined with safety concerns relating to over-congestion are the justification for the creation of the single European sky. European air space is currently governed by inter-governmental organisations. Paradoxically, air traffic is not very regulated and is organised around operation constraints laid down by air navigation services providers. There is thus a perceived need to apply common standards applicable to all. This proposed Regulation forms the framework for the establishment of a single European Sky. It does so by: - Proposing a new institutional structure for airspace combined with new working methods. - Setting 2004 as the completion date for the establishment of a single European sky. - Establishing a framework agreement between the European Community and Eurocontrol. The Community would maintain a regulatory role but be assisted by Eurocontrol in the preparation and implementation of legislation. Given that the Commission has neither the resources nor the expertise to consider the more technical aspects related to aviation it will delegate this responsibility to Eurocontrol. Application of the rules will be the responsibility of Member States. In this way a functional separation between national regulators and service providers will be maintained. - Establishing links between the civilian and military authorities. - Establishing a single sky committee. Under this scheme the Commission would retain its right of initiative for the preparation of new regulatory provisions. The single sky committee consisting of national representatives would assist the Commission in this task. - Setting up a consultation body consisting of experts in the field of civil aviation to be drawn from a European pool. - Extending social dialogue mechanisms to air traffic management.

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 advice 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 of implementing 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.

Framework for the creation of the single European sky

2001/0060(COD) - 20/12/2007 - Follow-up document

Provisions set out in the Framework Regulation of the Single European Sky (SES) initiative, require the Commission to review the application of the Single Sky legislation and report periodically to the European Parliament and the Council on the implementation thereof. This Communication constitutes the Commission's first such report. In addition to summarising progress on implementation thus far, the Commission also sets out its views on the future development of the Single Sky. It also sets out recommendations made by the second High Level Group to look at a future European Aviation Regulatory Framework.

To recall, the legislative package setting up the Single Sky initiative is made up of four Regulations. They are:

- i) The Framework Regulation: laying down the framework for the creation of the Single European sky;
- ii) The Service Provisions' Regulation: laying down common requirements for the provision of air navigation services;
- iii) The Airspace Regulation: on the organisation and use of airspace in the Single European sky; and
- iv) The Interoperability Regulation: on the interoperability of the European Air Traffic Management network.

The need for a Community role in Air Traffic Management (ATM):

Currently, ATM in Europe, is characterised by a high degree of fragmentation, resulting in significant additional cost for airspace users and adds unnecessary flight lengths. It also prevents the ATM industry from developing the economics of scale it needs in order to expand. Radical action is therefore needed. The projected growth of air traffic demands a structural and technological modernisation of which the whole European ATM sector must be a part. The dynamics of this process, coupled with the continued growth in air traffic, will maintain ATM as a large and attractive employer.

An assessment of the Single European Sky (SES):

Since the adoption of the Single European Sky a number of achievements have been recorded. Some areas, however, are still in the process of being developed.

The achievements listed include:

- establishing a legal and institutional framework for the SES;
- separating air navigation services provision from regulation through the setting up of National Supervisory Authorities (NSAs);
- progress on safety issues;
- harmonising the licensing of controllers;
- subjecting air navigation service charges to full transparency;
- adopting legislation on the flexible use of airspace to improve access to military airspace and airspace classification in the upper airspace;
- speeding up technological innovation through SESAR; and
-

establishing an effective interoperability mechanism in order to adopt implementing rules and to develop Community specification concerning technical system and their operational use.

Those areas still in development include:

- setting up a peer review of the National Supervisory Authorities;
- setting up a Performance review of the Air Navigation Service Providers;
- reviewing the Common Charging Scheme Regulation;
- the establishment of a European Upper Flight Information Region (EUIR) (Airspace design); and
- the establishment of Functional Airspace Blocks (FAB).

Insufficient progress has been made in certain key areas including:

- the FAB approach, which is not producing the expected benefits in terms of flight efficiency and cost reduction;
- little progress has been noted in the overall efficiency of the design and use of the European route structure, resulting in no improvement to flight efficiency and the environmental impact.

A number of new challenges have also been identified including:

- **The environment:** The current single sky legislation makes virtually no mention of the impact that ATM may have on the environment.
- **Delays:** The number of delays in Europe is currently low and despite record traffic in recent years has remain low. However, the delay problem will resurface.
- **Economics:** Fuel costs have increased enormously meaning that economic inefficiency and flight inefficiency will become the major force for change in the coming years.

Based on the above analysis future attention will be given to introduce:

- a performance driven approach;
- improved management of scarce resources such as: runways, airspace and frequency spectrum. This is to be achieved by setting up a "European" architecture to these challenges and in a bit to gain further efficiencies;
- a performance drive approach to reduce fragmentation and increase system efficiency and to seek a political commitment from the Member States to the creation of FABs;
- to support SESAR; and
- to introduce a clear regulatory environment.

To conclude the report, the Commission notes that air transport is confronted with significant challenges. Surmounting these challenges will only be possible if industry, the Member States, the military, third countries and the social partners address them collectively. The Commission is committed to playing its full role in this process. On the basis of this review, and in line with the conclusions of the Performance Review Commission and the HLG, the Commission will come forward, in the second quarter of 2008 with concrete proposals for a second Single Sky package, the extension of EASA responsibilities and the SESAR Master Plan.

Framework for the creation of the single European sky

2001/0060(COD) - 10/03/2004 - Final act

PURPOSE : to create a framework Regulation for the creation of the single European sky by 31 December 2004. LEGISLATIVE ACT : Regulation 549 /2004/EC of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the framework Regulation). CONTENT : on the basis of a joint text approved by the Conciliation Committee (refer to the previous summary), the Council adopted four Regulation aimed at creating a "Single European Sky" and which introduce common rules on the use of airspace throughout the Community in order to reduce air delays and airspace congestion. The "Single European Sky" package contains a framework Regulation and three implementing Regulations covering air navigation service provision, organisation and use of airspace and interoperability within the European air transport management network. These legislative proposals aims, in particular, at improving and reinforcing safety, and at restructuring airspace as a function of traffic flow rather than according to national boundaries. The framework Regulation establishes general provisions establishing a general framework for the creation of the Single European Sky such as: - Member States shall nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority under this Regulation. The national supervisory authorities shall be independent of air navigation service providers; - on civil-military co-operation, the text of the Regulation mentions that Member States have adopted a general statement on military issues related to the Single European Sky and that according to this statement, Member States committed themselves to enhance their civil-military co-operation and, if and to the extent deemed necessary by Member States concerned, facilitate co-operation between their armed forces in all matters of air traffic management; - the Single Sky Committee that will be set up after the entry into force of this Regulation will be in charge of ensuring the appropriate consideration of the interests of all categories of airspace users; - Eurocontrol will be involved in the preparation of the implementing rules in the field of its competences and on the basis of the mandate agreed by the Single Sky Committee. Representatives of Eurocontrol will be invited to this Committee, if appropriate, as observers or experts; - the Industry Consultation Body will be composed by representatives of air navigation service providers, associations of airspace users, airports, the manufacturing industry and professional staff representative bodies and it will advise the Commission on technical aspects of the implementation of the Single European Sky; - the Community shall aim at and support the extension of the single European sky to countries which are not members of the European Union. To that end, it shall endeavour, either within the framework of agreements concluded with neighbouring third countries, or within the context of Eurocontrol, to extend the scope of this Regulation. ENTRY INTO FORCE : 01/04/2004.

Framework for the creation of the single European sky

2001/0060(COD) - 25/03/2003

The Council introduced some general changes relative to the Commission's proposal. These changes are both of form and substance. Even though the Council took a more conservative approach to reflect Member States' prerogatives under national defence policies and international obligations, these changes are acceptable because they would ensure the aims of the regulation were met.

Framework for the creation of the single European sky

2001/0060(COD) - 03/07/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Giovanni Claudio FAVA (PES, Italy) and made some amendments to the common position. (Please see the summary dated 12/06/03). Parliament also emphasised that the Commission must extend act to extend the Single European Sky to neighbouring countries which are not members of the EU, whether under bilateral agreements or within the framework of Eurocontrol.

Framework for the creation of the single European sky

2001/0060(COD) - 03/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Giovanni FAVA (PES, Italy) on the framework for the creation of the Single European Sky. (Please refer to the document dated 10/07/02.) Parliament stipulated that the single Sky Committee should be a regulatory committee, with the power to adopt its own rules of procedure. Eurocontrol would be able to participate in the work of the Committee with observer status. The Committee must seek to ensure a balance of interests between civilian and military users.

Framework for the creation of the single European sky

2001/0060(COD) - 29/01/2004 - Text adopted by Parliament, 3rd reading

The European Parliament approved the joint text by the Conciliation Committee and drew attention to the Member States' statement regarding cooperation between armed forces on air traffic management. (Please see the document dated 09/12/03.)

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 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 parties in the Member States, constitutes the fruit of much and hard work with respect to this very delicate issue.

Framework for the creation of the single European sky

2001/0060(COD) - 14/11/2011 - Follow-up document

The Commission presents a report on the implementation of the Single Sky legislation, which provides an overview of the state of play of the application of the Single European Sky legislation and of key actions taken or still to be taken since the approval of the second package in November 2009.

It recalls that following the launch of the [Single European Sky](#) (SES) initiative in 2000, Regulation (EC) No 549/2004 brought Air Traffic Management (ATM) under EU competence with the aim of reducing the fragmentation of the European airspace and increasing its capacity. There is now an evolving institutional framework, safety and interoperability standards and rules on airspace and air traffic flow management as well as improved cost transparency. But while the first legislative framework was necessary, it was not sufficient, and accordingly, a [second package of legislation](#) (SES II) was adopted in November 2009 with the objective of accelerating the establishment of a truly single SES from 2012 onwards. It is based on five pillars: performance, safety, technology, airports and the human factor. The second package has received strong and vocal support not only from the airlines and airports but also even from the air navigation service providers (ANSPs). The support of the whole ATM community was reaffirmed at the Council of Ministers of 4 May 2010 and this strong political support confirms the urgency of the need for reform of the ATM sector and in particular the high level of priority to be given to the full and timely implementation and delivery of SES.

Implementation of the First Package: considering the volume of implementing measures, it should be stressed that Member States and the stakeholders have done significant work. In particular:

- all Member States have now established a National Supervisory Authority (NSA);
- the vast majority of the ANSPs have been certified and duly designated;
- a transparent charging system has been implemented;
- oversight of the airspace management and air traffic flow management takes place at national level; and
- the Single Sky Committee and the Industry Consultation Body play full and important roles at EU level.

Nevertheless **more is required to achieve full and timely compliance** with SES legislation. For example, 60 recommendations were given by Eurocontrol relating to concrete actions that Member States should take either to improve their level of compliance or their checks on the level of compliance by ANSPs. In particular:

- the **lack of resources for NSAs is a major issue of concern** that must be addressed at national political level swiftly. The proper functioning of the SES can only be assured if the NSAs have the right resources for effective oversight in all areas including safety, interoperability and performance (a new area of competence where NSAs act as national regulator). Possible solutions to these problems are well known and include cooperation, delegation and/or outsourcing;
- **insufficient steps** have been taken at Member State and NSA level to ensure **proper supervision of cross-border air navigation service provision**. The framework for the provision and supervision of cross-border services is not yet properly established in a number of Member States. Numerous cross-border arrangements seem to be known only at operational level but not yet formalised at institutional level. Member States must ensure that the legal basis for the cross-border provision of ANS in their sovereign territory is correctly established and enforced, and;
- Regulation (EC) No 552/2004 (the Interoperability Regulation) has been poorly observed. Seven years after the adoption of the basic regulation, approximately a third of the NSAs have not properly verified the capability of the ANSPs to conduct conformity assessment activities – which are the corner stone of the implementation of interoperable ATM systems. Similarly, around a third of the NSAs are not exercising the required oversight to ensure the compliance of the ANSPs with the implementing rules and are not sufficiently active in verifying the timelines of the ANSPs' implementation plans against the required deadlines;
- although progress has been made by Member States in the implementation of Flexible Use of Airspace, more needs to be done to improve its effectiveness, especially in relation to its performance monitoring.

The Commission has insisted on full compliance with EU law keeping in mind that the implementation of the SES first package is required for the successful implementation of the SES second package. Where non-compliance is confirmed and not rectified in due time, the Commission will consider all options at its disposal, including the opening of infringement procedures.

Implementation of the Second Package: the basic SES II architecture (both the rule-making programme and organisational aspects) has been set up according to the initial time schedule. The regulations and subsequent main implementing measures directly related to SES II have all been adopted. The time for implementation has come. The successful delivery of the SES relies on the timely implementation of its different components. Priority should be given to actions that will make the biggest contribution to performance:

- in particular the performance scheme (starting early in 2012);
- the FABs (to be operational by end 2012),
- the network functions (already in place) and
- the deployment of the SESAR programme (to start in 2014).

2012 is a pivotal year for implementation of the SES. A table providing an overview of the state of play of key priorities in the second package of SES is attached.

If the level of progress achieved so far in the implementation of the first package falls short of initial expectations, the simultaneous implementation of key measures of the second package will start in 2012 and should deliver significant benefits swiftly. Member States are invited to confirm their commitments and to take action across the board to make this process a success. In particular, the Union needs to establish an integrated European air traffic management system, a true network with a single governance structure and a stronger regulatory and oversight capability. Additional measures may well need to be developed, such as the extension of the performance scheme to airports in accordance with a true gate-to-gate approach and the management of investments to ensure the contribution of SESAR deployment to the performance of the SES as a network. Impact assessment will be carried out where appropriate.