





| Basic information   |                     |
|---|---------------------|
| <b>2001/0236(COD)</b><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation   | Procedure completed |
| Single European Sky: organisation and use of the airspace<br><br>Repealed by <a href="#">2013/0186(COD)</a><br>Amended by <a href="#">2008/0127(COD)</a><br><br><b>Subject</b><br><br>3.20.01 Air transport and air freight |                     |

| Key players                   |   |  |  |
|-------------------------------|---|--|--|
| European Parliament           | <b>Committee responsible</b>                                    |  | <b>Rapporteur</b>                                      |
|                               | <div>DELE</div> EP Delegation to Conciliation Committee         |  | SANDERS-TEN HOLTE<br>Maria Johanna (Marieke)<br>(ELDR) |
|                               | <b>Former committee responsible</b>                             |  | <b>Former rapporteur</b>                               |
|                               | <div>RETT</div> Regional Policy, Transport and Tourism          |  | SANDERS-TEN HOLTE<br>Maria Johanna (Marieke)<br>(ELDR) |
|                               | <div>RETT</div> Regional Policy, Transport and Tourism          |  | SANDERS-TEN HOLTE<br>Maria Johanna (Marieke)<br>(ELDR) |
|                               | <b>Former committee for opinion</b>                             |  | <b>Former rapporteur for opinion</b>                   |
|                               | <div>JURI</div> Legal Affairs and Internal Market               |  | RIPOLL Y MARTÍNEZ DE BEDOYA Carlos (PPE-DE)            |
|                               | <div>ITRE</div> Industry, External Trade, Research, Energy      |  | The committee decided not to give an opinion.          |
|                               |   |  |  |
|                               |   |  |  |
| Council of the European Union | <b>Council configuration</b>                                    |  | <b>Meetings</b>  |
|                               | Competitiveness (Internal Market, Industry, Research and Space) |  | 2525   |
|                               | Transport, Telecommunications and Energy                        |  | 2452   |
|                               | Transport, Telecommunications and Energy                        |  | 2472   |
|                               | Agriculture and Fisheries                                       |  | 2494   |

|                     |                      |              |
|---------------------|----------------------|--------------|
| European Commission | Commission DG        | Commissioner |
|                     | Energy and Transport |              |

| Key events |  |  |                         |
|------------|--|--|-------------------------|
| Date       | Event  | Reference  | Summary                 |
| 10/10/2001 | Legislative proposal published                           | COM(2001)0564<br> | <a href="#">Summary</a> |
| 25/10/2001 | Committee referral announced in Parliament, 1st reading  |  |                         |
| 10/07/2002 | Vote in committee, 1st reading                           |  |                         |
| 10/07/2002 | Committee report tabled for plenary, 1st reading         | <a href="#">A5-0266/2002</a>   |                         |
| 03/09/2002 | Decision by Parliament, 1st reading                      | <a href="#">T5-0393/2002</a>   | <a href="#">Summary</a> |
| 03/10/2002 | Debate in Council  |  |                         |
| 26/11/2002 | Modified legislative proposal published                  | COM(2002)0658<br> | <a href="#">Summary</a> |
| 18/03/2003 | Council position published                               | 15852/3/2002   | <a href="#">Summary</a> |
| 27/03/2003 | Committee referral announced in Parliament, 2nd reading  |  |                         |
| 12/06/2003 | Vote in committee, 2nd reading                           |  |                         |
| 12/06/2003 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A5-0225/2003</a>   |                         |
| 02/07/2003 | Debate in Parliament                                     |                 |                         |
| 03/07/2003 | Decision by Parliament, 2nd reading                      | <a href="#">T5-0326/2003</a>   | <a href="#">Summary</a> |
| 22/09/2003 | Parliament's amendments rejected by Council              |  |                         |
| 15/10/2003 | Formal meeting of Conciliation Committee                 |  |                         |
| 09/12/2003 | Report tabled for plenary, 3rd reading                   | <a href="#">A5-0009/2004</a>   |                         |
| 20/01/2004 | Joint text approved by Conciliation Committee co-chairs  | <a href="#">3692/2003</a>  |                         |
| 28/01/2004 | Debate in Parliament                                     |                 |                         |
| 29/01/2004 | Decision by Parliament, 3rd reading                      | <a href="#">T5-0043/2004</a>   | <a href="#">Summary</a> |
| 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                 |  | <a href="#">Summary</a> |

| Technical information |                |
|-----------------------|----------------|
| Procedure reference   | 2001/0236(COD) |

|                                   |   |
|-----------------------------------|---|
| <b>Procedure type</b>             | COD - Ordinary legislative procedure (ex-codecision procedure)                          |
| <b>Procedure subtype</b>          | Legislation   |
| <b>Legislative instrument</b>     | Regulation  |
| <b>Amendments and repeals</b>     | Repealed by <a href="#">2013/0186(COD)</a><br>Amended by <a href="#">2008/0127(COD)</a> |
| <b>Legal basis</b>                | EC Treaty (after Amsterdam) EC 080-p2   |
| <b>Stage reached in procedure</b> | Procedure completed   |

#### Documentation gateway





#### European Parliament

| Document type   | Committee | Reference   | Date       | Summary                 |
|---|-----------|---|------------|-------------------------|
| Committee report tabled for plenary, 1st reading/single reading                           |           | <a href="#">A5-0266/2002</a>  | 10/07/2002 |                         |
| Text adopted by Parliament, 1st reading/single reading                                    |           | <a href="#">T5-0393/2002</a><br>OJ C 272 13.11.2003, p. 0030-0316 E | 03/09/2002 | <a href="#">Summary</a> |
| Committee recommendation tabled for plenary, 2nd reading                                  |           | <a href="#">A5-0225/2003</a>  | 12/06/2003 |                         |
| Text adopted by Parliament, 2nd reading   |           | <a href="#">T5-0326/2003</a><br>OJ C 074 24.03.2004, p. 0667-0775 E | 03/07/2003 | <a href="#">Summary</a> |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading |           | <a href="#">A5-0009/2004</a>  | 09/12/2003 |                         |
| Text adopted by Parliament, 3rd reading   |           | <a href="#">T5-0043/2004</a><br>OJ C 096 21.04.2004, p. 0019-0102 E | 29/01/2004 | <a href="#">Summary</a> |

#### Council of the EU

| Document type                     | Reference   | Date       | Summary                 |
|-----------------------------------|---|------------|-------------------------|
| Council statement on its position | <a href="#">07251/2003</a>                          | 11/03/2003 |                         |
| Council position                  | 15852/3/2002<br>OJ C 129 03.06.2003, p. 0011-0015 E | 18/03/2003 | <a href="#">Summary</a> |

#### European Commission

| Document type  | Reference  | Date       | Summary                 |
|--|--|------------|-------------------------|
| Legislative proposal                                       | <a href="#">COM(2001)0564</a><br> | 10/10/2001 | <a href="#">Summary</a> |
| Modified legislative proposal                              | <a href="#">COM(2002)0658</a><br> | 26/11/2002 | <a href="#">Summary</a> |
| Commission communication on Council's position             | <a href="#">SEC(2003)0363</a><br> | 25/03/2003 | <a href="#">Summary</a> |
| Commission opinion on Parliament's position at 2nd reading | <a href="#">COM(2003)0514</a><br> | 27/08/2003 | <a href="#">Summary</a> |

| Follow-up document            | <a href="#">COM(2007)0101</a><br> | 15/03/2007   | <a href="#">Summary</a> |         |
|-------------------------------|--|--|-------------------------|---------|
| Other institutions and bodies |  |  |                         |         |
| Institution/body              | Document type  | Reference  | Date                    | Summary |
| CofR                          | Committee of the Regions: opinion  | <a href="#">CDR0004/2002</a><br><a href="#">OJ C 278 14.11.2002, p. 0013</a> | 15/05/2002              |         |
| EESC                          | Economic and Social Committee: opinion, report   | <a href="#">CES0839/2002</a><br><a href="#">OJ C 241 07.10.2002, p. 0024</a> | 17/07/2002              |         |
| CSL/EP                        | Joint text approved by Conciliation Committee co-chairs  | <a href="#">3692/2003</a>  | 20/01/2004              |         |

| <a href="#">Additional information</a> |                          |                      |
|--|--------------------------|----------------------|
| <a href="#">Source</a>                 | <a href="#">Document</a> | <a href="#">Date</a> |
| European Commission                    | <a href="#">EUR-Lex</a>  |                      |

| <a href="#">Final act</a>   |
|---|
| <a href="#">Regulation 2004/0551</a><br><a href="#">OJ L 096 31.03.2004, p. 0020-0024</a> <a href="#">Summary</a> |

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 03/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report drafted by Marieke SANDERS - TEN HOLTE (ELDR, NL) and made some amendments to the Commission's proposal. (Please refer to the document dated 10/07/02.) Parliament stated that the single European Upper Flight Information Region (EUIR) should be established within five years of entry into force of the regulation. Amendments in the recitals call for the plan for creating uniform functional airspace blocks to be drawn up by Eurocontrol, and for sanctions to be introduced in order to ensure that airspace users comply with the system.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 15/03/2007 - Follow-up document

Two and a half years after the agreement on the adoption of the single European sky legislation, the European Commission is assessing progress made toward the establishment of functional airspace blocks. Given that functional airspace blocks are a key element to the success of the Single European Sky, this mid-report prepared by the Commission sets out the objectives of the functional airspace blocks and gives indications on results that are expected by 2008 and beyond. It also seeks to clarify the roles of the different stakeholders in view of the need to amend the current legislative framework.

The Commission reconfirms that fragmentation of the European airspace into 27 national air traffic control systems hampers a safe and cost efficient service provision. Regular reports from the Performance Review Commission, international comparisons and independent studies demonstrate the high costs associated with fragmentation. Output of air traffic management in the Community could improve significantly if it could increase its scale of operations, like any other industry. As a result the Community's approach is to seek greater portions of airspace being operated as one single entity. Functional airspace blocks are the tool to reduce airspace fragmentation in order to enhance current safety standards and overall efficiency, to optimise the steadily growing capacity requirements of all airspace users and to minimise delays by managing the traffic more dynamically. These objectives can only be achieved through an increase in the scope of operations – regardless of national borders.

Under the "bottom-up" approach, as embodied in the Airspace Regulation, Member States bear responsibility for tackling fragmentation at its roots. Functional airspace blocks are the means to transform the patchwork of fragmented systems into regional blocs. An increase in the scale of operations is the only way to boost performance. Yet, Member States still need to demonstrate real progress in defragmentation.

The Commission notes that nearly all Member States have started initiatives that seek to establish functional airspace blocks. Nevertheless, big discrepancies in the intensity of efforts exist between the Member States and their air navigation service providers. Although preliminary studies highlight the benefits to users of defragmentation, in terms of an improved quality of service, first estimates of effective cost reductions appear to be marginal, indicating that current Member State ambition is limited.

The report, therefore, calls on the Member States to increase their efforts. The Commission will evaluate, in 2008, the efficiency of the bottom-up approach and assess the possible need to amend the current legislative framework in order to achieve more concrete results.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 26/11/2002 - Modified legislative proposal

The European Commission put forward an amended proposal taking into accounts the following amendments made by Parliament: - those amendments which clarified or improved the text by reinforcing the reference to operational conditions and safety; - fixing a term of five years for the extension of the Single Flight Information Region to the lower airspace. The Commission will link this period to the results of application of this concept to the upper airspace; - the principle of consulting industry. The Commission rejects setting up an industry advisory group; - an amendment specifying the role of Eurocontrol in the creation of functional blocks of airspace. This role cannot go as far as dictating solutions; - an amendment making the division level between upper and lower airspace dependent upon operational requirements. The Commission believes that a common division level is required to harmonise and coordinate procedures. It can, however, accept that operational requirements could suggest marginal deviations from such a common level. Rejected amendments include the following: - a deadline for the creation of the European Upper Flight Information Region; - the introduction of a dispute mechanism where Member States disagree on the definition of cross-border functional airspace blocks; - amendments concerning civil-military co-operation which may impact upon the competence of Member States; - the amendment rendering the concept of the flexible use of airspace subjects to air traffic flow management rules.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 10/03/2004 - Final act

PURPOSE : to establish a Community airspace as a single operating airspace where common procedures for design, planning and management ensure the efficient and safe performance of air traffic management. LEGISLATIVE ACT : Regulation 551/2004/EC of the European Parliament and of the Council on the organisation and use of the airspace in the single European sky ("the airspace Regulation"). CONTENT : the Council adopted, by written procedure, the package of four Regulations aimed at creating a "Single European Sky" in accordance with the joint text agreed by the Conciliation Committee, introducing 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 airspace Regulation concerns the organisation and the use of airspace in the Single European Sky. On this basis, the division level between upper and lower airspace is set at flight level 285. In a first stage, it will be established the European Upper Flight Information Region (EUIR). That will imply co-operation between the Commission and the Member States in a process towards a progressive harmonisation of airspace classification. In this context: - in order to achieve maximum capacity and efficiency of the air traffic management network, the upper airspace will be reconfigured into functional airspace blocks. The establishment and modification of functional airspace blocks will be competence of Member States concerned, however, they should benefit from the technical advice of Eurocontrol. If there are difficulties for reaching an agreement between Member States with regard to a cross-border functional airspace block, they can bring the matter for an opinion to the Single Sky Committee. Concerning the lower Flight Information Region, the text provides for a report from the Commission by 31 December 2006. On the basis of progress made, the Commission shall submit at the latest by 31 December 2006 a report to the European Parliament and to the Council accompanied, if appropriate, by a proposal to extend the application of these concepts to lower airspace, or to determine any other steps. In the event of such an extension being envisaged, the relevant decisions should preferably be taken before 31 December 2009. ENTRY INTO FORCE : 01/04/2004.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 03/07/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution based on the report by Marieke SANDERS-TEN HOLTE (ELDR, NL) and made several amendments to the Council's common position. (Please see the summary dated 12/06/03). Two other key amendments were made: - a new clause was inserted on uniform airspace design, stating that the structuring, division and categorising of airspace, together with the planning of routes will rely on an effective design process to be developed centrally; - Member States must submit to the Commission the necessary information on the demand and actual use of airspace prohibited, closed or restricted for military reasons, for further analysis and publication.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 10/10/2001 - Legislative proposal

**PURPOSE :** to establish a Community airspace as a single operating airspace where common procedures for design, planning and management ensure the efficient and safe performance of air traffic management. **CONTENT :** The Single European Sky must also be conceived as a single airspace without frontiers. The first thing which this harmonisation implies is the adoption of a basis for organising the upper airspace for all Member States and ensuring consistency between the national organisations responsible for the lower airspace. This zone will merge the existing national zones. The organisation of this area will be uniform on the basis of the principle of flexible and efficient use, ultimately making it possible to do away with the system of airways. To this end, the Commission is proposing: - the creation of a single flight information region covering the upper airspace in which air traffic control services will be subject to the same rules; - reconfiguring this airspace into optimum control areas in terms of operational efficiency, without taking account of national frontiers. To ensure that the organisation of the upper airspace is consistent with that of the lower areas, the size and geographical location of these optimum transfrontier control areas will be proposed by the service providers in coordination with Eurocontrol, the Commission will then decide on the organisation of airspace into a minimum number of optimised transfrontier controlled areas; - harmonisation of airspace categories; - organisation and management of airspace with a view to allowing allocation of sectors to service providers and the transfer of sectors between service providers. With regard to increased cooperation between civil and military authorities: - coordination will be increased between the civilian and military authorities, in particular for the allocation and efficient use of airspace for military purposes, including the criteria and principles which should govern allocation and use, and in particular access for civilian flights; - a safeguard clause will enable the Member States to request the suspension of the application of the Community rules in the event of conflict with national military requirements. The Commission will also adopt the rules and general conditions applicable to air traffic flow management in order to optimise capacity utilisation. These rules will be developed in collaboration with the service providers, airports and airspace users. They will cover: - flow management, including rules concerning planning, priority-setting in the event of congestion, relief routes and a crisis mechanism; - mechanisms for more disciplined use of airspace in order to integrate airports into airspace management and improve coordination between airport and airspace slots.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 29/01/2004 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation committee and drew attention to the Commission statement. (Please see the document dated 09/12/03.)

## 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 the common 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.

## Single European Sky: organisation and use of the airspace

2001/0236(COD) - 27/08/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted at second reading 15 amendments to the Common Position of the Council. The Commission can accept 8 amendments in full, 5 in principle, subject to redrafting. It has nonetheless to reject 2 amendments in full. As regards the amendments accepted by the Commission, the Commission believes that these amendments constitute important changes of substance, genuine improvements and useful clarifications in the text. These aim in particular to: - reinstate the text of the Commission's proposal aimed at extending the concept of the European

Flight Information Region to the lower airspace; - extend the concept of functional airspace blocks to lower airspace. This amendment could be accepted subject to drafting changes; - clarify that the creation of functional airspace blocks requires taking into account, as appropriate the recommendations of Eurocontrol. It can therefore be accepted subject to redrafting; - add new text and/or delete some text thereby clarifying the spirit of regulation; - set an obligation of result within a certain period of time. However, as the establishment of the European Upper Flight Information Region depends on an ICAO decision, it is more appropriate to set this obligation upon the Commission to initiate the process within a specific timeframe; - define an arbitration process governed by the Commission to solve disputes in relation to the establishment of functional airspace blocks. The Common Position does not provide for mechanisms to ensure that decisions of Member States on this issue will lead the timely and efficient reconfiguration of air traffic services into few homogeneous blocks. Lastly, the Commission rejected an amendment that links the change in the classification of airspace to the creation of the European Upper Flight Information Region and it specifies the nature of such classification as well as an amendment which reinstates the text of the Commission' proposal on the civil-military co-ordination. This wording no longer fits in with the text of the Common Position and its legal basis, given the impact it has on military operations and training.

## **Single European Sky: organisation and use of the airspace**

2001/0236(COD) - 25/03/2003

The Council made some general changes relative to the Commission's proposal. The Commission could accept these changes. However, it regrets that some of them were introduced, in particular those related to the functional airspace blocks, because they reduce the possibility for Community's institutions to intervene to guarantee effectiveness and consistency of the airspace organisation.