Basic information

2013/0186(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Implementation of the Single European Sky Repealing Regulation (EC) No 549/2004 2001/0060(COD) Repealing Regulation (EC) No 550/2004 2001/0235(COD) Repealing Regulation (EC) No 551/2004 2001/0236(COD) Repealing Regulation (EC) No 552/2004 2001/0237(COD) **Subject** 3.20.01 Air transport and air freight 3.20.15.02 Air transport agreements and cooperation **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	GIESEKE Jens (EPP) DANIELSSON Johan (S&D)	30/09/2024 30/09/2024
	Shadow rapporteur KYLLÖNEN Merja (The Left)	

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	MARINESCU Marian-Jean (EPP) LIBERADZKI Bogusław (S&D)	25/04/2024 25/04/2024
TRAN Transport and Tourism	MARINESCU Marian-Jean (PPE)	11/07/2013

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

	JURI Legal Affairs	SPERONI Francesco Enrico (EFD)	12/11/2013

Former committee for opinion on the recast technique	Former rapporteur for opinion	Appointed
JURI Legal Affairs	MELCHIOR Karen (Renew)	01/01/2021

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3352	2014-12-03
Transport, Telecommunications and Energy	3335	2014-10-08

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
11/06/2013	Legislative proposal published	COM(2013)0410	
01/07/2013	Committee referral announced in Parliament, 1st reading		
30/01/2014	Vote in committee, 1st reading		
06/02/2014	Committee report tabled for plenary, 1st reading	A7-0095/2014	Summary
11/03/2014	Debate in Parliament		
12/03/2014	Decision by Parliament, 1st reading	T7-0220/2014	Summary
12/03/2014	Results of vote in Parliament		
08/10/2014	Debate in Council		
03/12/2014	Debate in Council		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 73)		
01/10/2024	Council position published	08311/1/2024	Summary
10/10/2024	Committee referral announced in Parliament, 2nd reading		
14/10/2024	Vote in committee, 2nd reading		
17/10/2024	Committee recommendation tabled for plenary, 2nd reading	A10-0010/2024	
21/10/2024	Debate in Parliament		

22/10/2024	Decision by Parliament, 2nd reading	T10-0022/2024	Summary
22/10/2024	Results of vote in Parliament		
23/10/2024	Final act signed		
11/11/2024	Final act published in Official Journal		

Technical information

Procedure reference	2013/0186(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 549/2004 2001/0060(COD) Repealing Regulation (EC) No 550/2004 2001/0235(COD) Repealing Regulation (EC) No 551/2004 2001/0236(COD) Repealing Regulation (EC) No 552/2004 2001/0237(COD)
Legal basis	Rules of Procedure EP 113 Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/10/01039

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE522.770	06/11/2013	
Amendments tabled in committee		PE524.603	27/11/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0095/2014	06/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0220/2014	12/03/2014	Summary
Committee draft report		PE765.057	07/10/2024	
Committee recommendation tabled for plenary, 2nd reading		A10-0010/2024	17/10/2024	
Text adopted by Parliament, 2nd reading		T10-0022/2024	22/10/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08311/1/2024	01/10/2024	Summary
Draft final act	00097/2024/LEX	23/10/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0410	11/06/2013	Summary
Document attached to the procedure	SWD(2013)0206	11/06/2013	
Document attached to the procedure	SWD(2013)0207	11/06/2013	
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	
Supplementary legislative basic document	COM(2020)0579	22/09/2020	Summary
Document attached to the procedure	SWD(2020)0187	22/09/2020	
Commission communication on Council's position	COM(2024)0430	27/09/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0410	11/09/2013	
Contribution	ES_PARLIAMENT	COM(2013)0410	15/09/2013	
Contribution	IT_CHAMBER	COM(2013)0410	31/12/2013	
Contribution	IT_SENATE	COM(2013)0410	15/01/2014	
Contribution	ES_PARLIAMENT	COM(2020)0579	15/12/2020	
Contribution	IT_SENATE	COM(2020)0579	21/01/2021	
Reasoned opinion	MT_PARLIAMENT	PE680.728	05/02/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5372/2013	11/12/2013	
EESC	Economic and Social Committee: opinion, report	CES5081/2020	02/12/2020	

Additional information

Source	Document	Date
European Parliament	Briefing	16/12/2020

National parliaments	IPEX	
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	**Role**	**Committee**	**Date**	**Interest representatives**
OETJEN Jan-Christoph	Shadow rapporteur	TRAN	30/11/2022	Supernal, LLC
OETJEN Jan-Christoph	Shadow rapporteur	TRAN	15/11/2022	European Regional Airlines Association
MARINESCU Marian-Jean	Rapporteur	TRAN	10/11/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	26/10/2022	Inmarsat Global Ltd
MARINESCU Marian-Jean	Rapporteur	TRAN	11/05/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	30/03/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	08/03/2022	NATS Ltd
MARINESCU Marian-Jean	Rapporteur	TRAN	18/11/2021	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	17/11/2021	IFATCA
MARINESCU Marian-Jean	Rapporteur	TRAN	14/10/2021	Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung
MARINESCU Marian-Jean	Rapporteur	TRAN	13/10/2021	Ryanair Holdings
MARINESCU Marian-Jean	Rapporteur	TRAN	31/05/2021	Lufthansa Group
MARINESCU Marian-Jean	Rapporteur	TRAN	12/05/2021	Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung
MARINESCU Marian-Jean	Rapporteur	TRAN	27/04/2021	DFS Deutsche Flugsicherung GmbH
MARINESCU Marian-Jean	Rapporteur	TRAN	26/03/2021	ENAV
MARINESCU Marian-Jean	Rapporteur	TRAN	17/03/2021	CANSO - Civil Air Navigation Services Organisation
MARINESCU Marian-Jean	Rapporteur	TRAN	17/03/2021	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	04/03/2021	CANSO
MARINESCU Marian-Jean	Rapporteur	TRAN	17/02/2021	Airbus
MARINESCU Marian-				

Jean	Rapporteur	TRAN	09/02/2021	RPF

Final act	
Regulation 2024/2803 OJ OJ L 11.11.2024	Summary

Implementation of the Single European Sky

2013/0186(COD) - 22/09/2020

The Commission presents an amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (Recast).

This amended proposal is aimed at updating, in light of experience, and recasting the current legislation regarding the Single European Sky.

While the original objectives and principles of the proposal adopted by the Commission in 2013 remain the same, the amended proposal specifically focuses on accelerating the adaptation of the air navigation services in light of those principles and objectives.

Specific provisions of the amended proposal

As previously, it is proposed to merge the existing SES Regulations into a single regulation and remove elements which overlap with Regulation (EU) 2018/1139. The text shall be aligned with relevant Union legislation. It is likewise important to reflect recent technological developments in the aviation sector and the commitments expressed in the European Green Deal to decarbonise the transport sector.

Despite a number of changes, this amended proposal pursues the same objectives of the 2013 SES2+ proposal.

National supervisory authorities

The independence, expertise and resources of national supervisory authorities should be strengthened. The amended text describes the level of independence required from the authorities vis-à-vis the service providers they are intended to oversee, and from any other public or private entity.

It is proposed to clearly distinguish the tasks of the national supervisory authorities, competent for matters pertaining to the Single European Sky, from those of the national competent authorities in the area of aviation safety covered by Regulation (EU) 2018/1139. The former authorities should be responsible for economic certification related to financial conditions necessary for the provision of air navigation services, for monitoring the procurement of air navigation services as well as for applying the performance and charging schemes. The latter authorities remain in charge of safety certification and oversight and other tasks described in Regulation (EU) 2018/1139.

Economic certification of air navigation service providers and designation of air traffic service providers

The provision of air navigation services shall be conditioned upon the fulfilment of certain requirements regarding financial robustness, liability and insurance cover. For these purposes, it is proposed to provide for an economic certificate issued by national supervisory authorities. The amended proposal also stipulates that the designation of air traffic service providers is to be made for a period of maximum 10 years. The aim is to ensure that the designation is reassessed periodically.

Terminal air traffic services

It is proposed that airport operators shall be able to decide whether to procure services for aerodrome control, where such procurement would enable cost-efficiency gains to the benefit of airspace users. Member States shall be able to allow the procurement of services for approach control. In order to ensure a level playing field and to avoid discrimination, cross-subsidisation and distortion of competition, en route services shall be organisationally separated from the other air navigation services.

Common information services

Concerning the common information services needed to enable safe air traffic management of unmanned traffic (drones traffic), the amended text is aligned to the recent regulatory developments regarding the operation of unmanned aircraft. It is proposed to regulate the pricing of such services so as to contain the cost of traffic management of unmanned aircraft.

Performance and charging schemes and Performance Review Body

It is proposed to entrust designated air traffic service providers themselves with the task to draft and submit their performance plans for approval by the competent authority. According to the case, that authority may be the Agency acting as Performance Review Body (PRB) or a national supervisory authority. The Performance Review Body function, for which dedicated governance rules are set out in the proposal amending Regulation (EU) 2018/1139, is designed so as to allow relevant decisions to be taken with the necessary expertise and independence. The funding rules proposed shall ensure that the Agency be endowed with the necessary resources. The amended present proposal lays down the respective responsibilities of the Agency acting as PRB, and of the national supervisory authorities as regards the implementation of the performance and charging schemes. In

particular, the Agency acting as PRB is in charge of assessing and approving the allocation of costs between en route and terminal services and of assessing and approving the performance plans for en route air navigation services. The national supervisory authorities are in charge of assessing and approving the performance plans for terminal air navigation services. For this purpose, separate plans for en route and for terminal air navigation services must be submitted by designated air traffic service providers which provide both types of services. The terms of the charging scheme proposed are aligned to this new approach.

Functional airspace blocks

The amended proposal no longer contains provisions pertaining to functional airspace blocks (FABs). The absence of such rules would not prevent Member States from maintaining or creating FABs, if deemed useful.

Availability and access to data

The rules regarding this issue are amended so as to facilitate the provision of air traffic data services on a cross-border and Union-wide market. New entrants to the data market should have access to the relevant operational data even before certification. In order to prevent cross-subsidisation or double charging, it is proposed to establish adequate pricing principles.

The Network Manager (currently Eurocontrol until 2029)

The network manager shall become more important in managing the modernisation of the ATM infrastructure.

SESAR coordination

The amended proposal requires the relevant entities to cooperate with a view to ensuring effective coordination between the different phases of the SESAR project.

Implementation of the Single European Sky

2013/0186(COD) - 11/06/2013

PURPOSE: to improve the competitiveness of the European air transport system with the further development of the “Single European Sky” (SES) initiative.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Single European Sky (SES) initiative aims to improve the overall efficiency of the way in which European airspace is organised and managed through a reform of the industry providing air navigation services (ANS).

The experience gained with **SES I** since 2004 and **SES II** since 2009 has shown that the principles and direction of the SES are valid and **warrant a continuation of their implementation**. However, the initiative is experiencing significant delays in its implementation, notably in the achievement of the performance goals and the deployment of its basic elements (such as functional airspace blocks (FABs) or National Supervisory Authorities (NSAs)).

This process of the **recasting of the SES legal framework, known under the abbreviation of SES 2+**, is intended to accelerate the implementation of the reform of air navigation services without departing from its original objectives and principles. It is also part of the Single Market Act II initiative and aims hence to improve the general competitiveness and growth of the EU economy and not just that of the air traffic management system.

The SES2+ package essentially deals with two problems:

1. **the insufficient efficiency of Air Navigation:** ANS provision remains relatively inefficient in terms of cost- and flight efficiency as well as the capacity offered. In the US, for example, the en-route airspace is controlled by a single service provider as opposed to 38 en-route service providers in Europe. The US service provider controls almost 70% more flights with 38% fewer staff;
2. **fragmented ATM system**: the European ATM system consists of 27 national authorities overseeing in total over a hundred Air Navigation Service Providers (ANSPs), with the associated variance in systems, rules and procedures.

The **specific objectives of the initiative** are: (i) to improve the performance of air traffic services in terms of efficiency and (ii) to improve the utilisation of air traffic management capacity.

IMPACT ASSESSMENT: the Commission undertook an impact assessment to support legislative proposals on improving efficiency, safety and competitiveness of the Single European Sky.

LEGAL BASE: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the Commission proposes merging the four SES regulations into a single regulation, structured into chapters based on the actors concerned.

National authorities: the proposal strenghten the national authorities, as regards **their independence, their expertise and their resources**. For that purpose, it:

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- describes the level of independence required from the authorities vis-à-vis the service providers they are intended to oversee (a transitional period is foreseen until 2020);
- more explicit requirements are set on the competences and independence of the staff hired, as well as strengthening the independent funding of the authorities through the route charges;
- to improve expertise amongst the authorities, a network of national authorities is foreseen, including also the possibility of pooling experts so that States may benefit from experts coming from other Member States.

Performance and charging schemes: the amendments proposed seek to rationalise the process of target setting and to allow **focusing of target setting more at the local level**. This allows for more educated tailored setting of targets.

Small adjustments to support this have also been made to the provisions on charging and the text has also been updated so that the provision concerning funding of authority tasks covers also the extension of the European Aviation Safety Agency's (EASA) tasks.

Functional Airspace Blocks: the aim of the revision is to undertake a **strategic redirection** of Functional Airspace Blocks (FABs) to give them more of a performance focus. The sector needs to be given **more flexibility** to develop the FABs, even to devise different types of FABs, depending on where they expect to find the most synergies. Therefore the focus of the proposal is now more on **flexible** "**industrial partnerships**" and the measure of success will be the level of performance improvements achieved.

Support services: according to the proposal, the core air traffic services, which are considered to be natural monopolies, would remain under the requirement to designate them, but **support services should be allowed to develop freely, using the full potential of expertise also from other sectors**. A safeguard clause has been included to ensure vital security and economic interests are not endangered. A transitional period is foreseen until 2020.

Network Management: the provisions have been reorganised, in particular as regards the services that the Network Manager provides. A reference to the **aeronautical information portal** has been added as this service is already to some extent integrated in the Network Manager.

Secondly, the terminology has been harmonised with that used ibn Regulation (EC) No 1108/2009 naming the "functions" as "services" and treating the Network Manager consistently in the same manner as other service providers insofar as certification, oversight and safety requirements are concerned.

Lastly, a provision has been included to cover the further development of the Network Manager in the direction of an industrial partnership by 2020.

Involvement of airspace users: the need to introduce more customer focus on the air navigation service providers has given rise to a new provision to ensure the airspace users are consulted and also involved in the approval of investment plans.

BUDGETARY IMPLICATION: the proposal has no implications for the EU's budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Implementation of the Single European Sky

2013/0186(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 489 votes to 154 with 34 abstentions, a legislative resolution on proposal for a regulation of the European Parliament and Council on the implementation of the Single European Sky (SES) (recast).

Parliament's position in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Implementation of the SES: Parliament stressed that the Regulation should be implemented as swiftly as possible In order to ensure that the expected increase in air traffic did not cause or exacerbate congestion in European airspace, with all the economic, environmental and security costs that that would entail, fragmentation of that airspace should be remedied.

The implementation of the Single European Sky should have a **positive impact in terms of growth, employment and competitiveness in Europe**, in particular by increasing demand for jobs requiring advanced qualifications.

Objectives: the regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, such as **reducing climate impact**.

The Single European Sky should comprise a coherent pan-European and, subject to specific arrangements with the neighbouring countries, third-country network of routes, an integrated operating airspace, network management and air traffic management based only on safety, efficiency and interoperability, for the benefit of all airspace users.

The application of the regulation to **Gibraltar airport** shall be suspended until the arrangements set out in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 are applied.

National aviation authority: the amended text provides for Member States' designation of a national body to act as the national aviation authority.

The authorities should be **legally distinct and independent**, in particular in organisational, hierarchical and decision-making terms, including separate annual budget allocation, from any company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in this Regulation and in Regulation (EC) No 216/2008 or having an interest in the activities of such entities. The national aviation authorities shall ensure compliance with these provisions on the date of entry into force of this Regulation or at the latest by 1 January 2017.

Staff of the national aviation authorities shall be recruited under clear and transparent rules and criteria, which guarantee their independence. They should not be seconded from air navigation service providers (ANSPs) or companies under the control of ANSPs.

As regards **persons who have been in charge of strategic decisions**, for more than six months, they must have no professional position or responsibility with any of the air navigation service providers after their term in the national aviation authority, for a period of at least 12 months for staff in managerial positions and at least six months for staff in non-managerial positions.

The authority's top management shall be appointed for a fixed term of between three and seven years.

Definitions: Members added certain definitions, such as 'local performance plans' and 'industrial partnership' supporting one or more functional airspace blocks, in order to maximise performance.

The text also contained a definition of **'human factor'** meaning the social, cultural and staffing conditions in the ATM sector.

Cooperation between national aviation authorities: the Commission and the European Agency for Aviation (EAA) should facilitate cooperation among the authorities them in order to enable the exchange of best practices and to develop a common approach, including through enhanced cooperation at regional level, by providing a **platform for such exchanges**. This cooperation should take place on a regular basis (at least once a year.)

The tasks and objectives of the network were more clearly defined : inter alia, they may provide opinions to the Commission and the EAA on rule-making and certification and provide opinions, guidelines and recommendations designed to facilitate the provision of cross-border services.

Certificates: the issue of certificates shall confer on air navigation service providers the possibility of offering their services to any Member State, other air navigation service providers, airspace users and airports within the Union and neighbouring third countries, if appropriate, within a functional airspace block, subject to mutual agreement between the relevant parties.

Provision of support services: ' support services' were defined as CNS (communication, navigation and surveillance), MET (meteorological) and AIS (aeronautical information) services as well as other services and activities, which are linked to, and support the provision of, air navigation services.

Parliament stated that **there should be no statutory impediments to providers of support services that would prevent their ability to compete** within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Members proposed that air navigation service providers, when drawing up their business plans, should call for offers from different support services providers, with a view to choosing the financially and qualitatively most beneficial provider.

In the choice of an external provider of support services, the provisions of Directive 2004/18/EC shall be complied with, including cost and energy efficiency, overall service quality, interoperability and safety of services, as well as transparency of the procurement process

The Commission shall conduct a **comprehensive study** on the operational, economic, safety and social impacts of the introduction of market principles to the provision of support services, and shall submit that study to the European Parliament and the Council by 1 January 2016.

Performance criteria and system: Parliament proposed a **'performance review body' (PRB)** be established as a European economic regulator under the supervision of the Commission, with effect from 1 July 2015. The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.

The compliance of the local performance plans and local targets with the Union-wide performance targets shall be assessed by the Commission in cooperation with the PRB.

Union-wide performance targets shall be set with a view to ensuring that each functional airspace block retains **sufficient flexibility** to achieve the best results.

Compensation mechanism: in addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and resulting lost investment. The Commission may propose financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies

Implementation of the ATM Master Plan: implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, the PRB and the Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of the regulation.

The Commission should adopt, by implementing acts, measures establishing the governance of implementation of the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager).

The Deployment Manager should recommend to the Commission **binding deadlines for deployment** and appropriate corrective actions concerning delayed implementation.

Industrial partnerships: Members stipulated that industrial partnerships should be separate from FABs, which were a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.

Implementation of the Single European Sky

2013/0186(COD) - 06/02/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Marian-Jean MARINESCU (EPP, RO) on the proposal for a regulation of the European Parliament and Council on the implementation of the Single European Sky (recast).

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

Purpose of the regulation: this regulation should lay down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, and in particular, **reducing climate impact**.

The Single European Sky shall comprise a coherent network **at the pan-European level** and, subject to specific arrangements with the neighbouring countries, **in third-countries**, an integrated operating airspace, network management and air traffic management for the benefit of all airspace users.

National aviation authorities: these shall be **legally distinct and independent**, in particular in organisational, hierarchical and decision-making terms – and with their annual budget - from any company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in Regulation (EC) No 216/2008 or having an interest in the activities of such entities.

Staff of the national aviation authorities shall be recruited under **clear and transparent rules** and criteria which guarantee their independence.

They shall **not be seconded** from air navigation service providers (ANSPs) or companies under the control of ANSPs.

Persons who have been in charge of **strategic decisions for more than six months** shall have no professional position or responsibility with any of the air navigation service providers after their term in the national aviation authority, for a period ofat least **12 months** for staff in managerial positions (at least **six months** for staff in non-managerial positions).

Definitions: the Members added important definitions, namely that of a “local performance target” and “industrial partnership” which, according to the proposal, will now be a “driving force” within newly-structured functional airspace blocks (FABs).

The definition of the “human factor” was also introduced, meaning the social, cultural and staffing conditions in the air traffic management (ATM) sector

The human factor must be monitored and brought into the core of the Single European Sky framework.

Cooperation between national aviation authorities: The Commission and the European Aviation Agency (EAA) shallfacilitate active cooperation of these authorities to enable them to exchange their best practices and to develop common solutions, including stronger cooperation at the regional level, and placing at their disposal **a platform for these exchanges**.

This cooperation should take place in a network that convenes at regular intervals (at least once a year).

The purpose and tasks of the network was spelled out in more detail: it must, among others, provide opinions to the Commission and the EAA on rule-making and certification and provide recommendations designed to facilitate the provision of cross-border services.

Certification of air navigation service providers: the issue of certificates shall confer on air navigation service providers the possibility of offering their services to **any Member State**, and if appropriate, **neighbouring third countries**, within a functional airspace block, subject to mutual agreement between the relevant parties.

Provision of support services: “support services” means communication, navigation and surveillance (CNS), meteorological services (MET) and aeronautical information services (AIS) as well as other services and activities, which are linked to, and support the provision of, air navigation services.

According to the report, there should be **no statutory impediments** to providers of support services that would prevent their ability to compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Members proposed that air navigation service providers, when drawing up their business plans, should call for offers from different support services providers, with a view to choosing the financially and qualitatively most beneficial provider.

Binding selection criteria for the entity procuring those services shall be, in particular, cost and energy efficiency, overall service quality, interoperability and safety of services, as well as transparency of the procurement process.

System and performance criteria: Members proposed that a “performance review body” (PRB) be established as a European economic regulatorunder the supervision of the Commission, with effect from 1 July 2015. The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.

The compliance of the local performance plans and local targets with the Union-wide performance targets shall be assessed by the Commission in cooperation with the PRB.

In addition to the introduction of sanctions, an appropriate **compensation mechanism** must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and lost investment resulting thereof.

The Commission may propose **financial mechanisms** to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies.

Implementation of the ATM Master Plan: implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, the PRB and the Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of this regulation.

The Commission shall adopt, by implementing acts, measures establishing the governance of implementation of the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager).

Industrial partnerships: Members stipulated that industrial partnerships should be separate from FABs, which are a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.

Implementation of the Single European Sky

2013/0186(COD) - 22/10/2024 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast).

The Council position at first reading reflects the agreement reached between Parliament and the Council in interinstitutional negotiations at early second-reading stage.

The aim of the reform is to improve the performance, organisation, and management of airspaces in the EU and the provision of the air navigation services to increase capacity, lower costs, and increase the system’s adaptability, while also trying to reduce aviation’s impact on environment and climate.

EU performance targets on capacity, cost efficiency, climate and environmental factors for air navigation services will be developed by the Commission and the performance of these services against these targets will be reviewed at least every three years.

An **independent advisory Performance Review Board** will be established to help the Commission and Member States take decisions on the implementation of performance plans for air navigation services to improve network management of EU airspace, that will have to have binding targets and incentives to make flights more efficient and environmentally friendly.

A **national supervisory authority** will be designated by the Member State to assess compliance by air navigation service providers with certain requirements.

The agreement also stipulates that the air navigation service providers and the national supervisory authority can be part of the same organisation as long as they are functionally separated and fulfil **independence requirements**. Member States may merge economic and safety oversight functions in the same administrative entity and they may authorise the opening of certain air navigation services to market conditions.

Lastly, the Council position introduced the possibility for a **mandatory modulation of en route charges** to encourage airspace users to support improvements in climate and environmental performance.

Implementation of the Single European Sky

2013/0186(COD) - 11/11/2024 - Final act

PURPOSE: to reform the Single European Sky.

LEGISLATIVE ACT: Regulation (EU) 2024/2803 of the European Parliament and of the Council on the implementation of the Single European Sky (recast).

CONTENT: this regulation lays down rules for the creation and effective functioning of the **Single European Sky** in order to reinforce air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management and air navigation services for general air traffic in Europe, with a view to meeting the requirements of all airspace users.

The application of this regulation is without prejudice to Member States’ sovereignty over their airspace and to the requirements of the Member States relating to **public order, public security and defence matters**. The regulation does not cover military operations and training.

National supervisory authorities (NSA)

A national supervisory authority must be designated by each Member State to assess compliance of air navigation service providers with certain requirements, such as financial sustainability and organisational structure, in cooperation with the national competent authority in charge of the certification of air navigation service providers.

National supervisory authorities will be **independent** from any air navigation service providers, in organisational, hierarchical and decision-making terms, and will be either legally or functionally distinct from air navigation service providers.

Where a national supervisory authority is not legally distinct from an air navigation service provider, the Member State concerned will inform the Commission on the measures it has taken to ensure that the national supervisory authority meets the independence requirements.

The regulation provides that the air navigation service providers and the national supervisory authority can be **part of the same organisation** provided they are functionally separated and meet independence requirements.

Member States may **merge economic and safety oversight functions** in the same administrative entity, as this solution cuts red tape and adapts to existing organisational models.

Performance assessment

National supervisory authorities and the Commission will together assess the performance of air navigation services, in accordance with the subsidiarity and proportionality principles. The Commission will be assisted in this process by an **independent performance review board**, which has an advisory role, is established as a stable and permanent entity, and will be funded by the EU budget.

EU performance targets

The Commission will adopt implementing acts setting the Union-wide performance targets for *en route* air navigation services, in the key performance areas of **climate and environment, capacity and economic efficiency**. Member States will have to adopt, for each reference period, a draft performance plan.

Service providers

Air traffic service providers may procure communication, navigation and surveillance services, aeronautical information services, air traffic data services, or meteorological services in cases where Member States have not designated a meteorological services (MET) provider, **under market conditions**. Member States may allow airport operators or a group of airport operators to procure terminal air traffic services for aerodrome control or air traffic services for approach control under market conditions.

Modulation of charges

The regulation introduces measures to reduce the aviation sector's CO footprint, mainly the possibility for a mandatory modulation of *en route* charges to encourage airspace users to **support improvements in climate and environmental performance**, such as the use of the most fuel-efficient available routing or increased use of alternative clean propulsion technologies. These would be subject to a feasibility study that will determine the contribution and the added value of such a modulation, and will assess its impact on air traffic, service provision, administrative costs, and stakeholders.

Network functions

Air traffic management network functions will lead to the sustainable and efficient use of airspace and of scarce resources. They will also ensure that airspace users can operate environmentally- and climate-optimised flight trajectories and profiles, while allowing fair and reasonable access to airspace and air navigation services and minimising congestion.

The regulation lists **nine network functions**: (i) the design and utilisation of airspace structures; (ii) air traffic flow management (ATFM); (iii) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes; (iv) the facilitation of delegation of air traffic services provision; (v) the delivery of air traffic control capacity; (vi) the management of network crises; (vii) air traffic flow management (ATFM) delay attribution; (viii) the management of the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network; (ix) the monitoring of the functioning of the European ATM network infrastructure.

The network perspective is strengthened by adding new network functions and by giving the current network manager, **Eurocontrol**, additional, clearly delineated tasks so that it can better contribute to the sustainable and efficient use of the airspace. Member States will be fully involved in decisions of strategic importance, in particular in the shaping of the Network Strategy Plan.

Flexible use of airspace

Taking into account the characteristics and nature of military activity in each Member State as well as the organisation of military matters under their responsibility, Member States will ensure the application within the Single European Sky of the concept of the flexible use of airspace.

ENTRY INTO FORCE: 2.12.2024. Certain provisions will apply from 2.12.2026.

Implementation of the Single European Sky

2013/0186(COD) - 01/10/2024 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast).

The aim of the reform is to improve the performance, organisation, and management of airspaces in the EU and the provision of the air navigation services to increase capacity, lower costs, and increase the system's adaptability, while also trying to reduce aviation's impact on environment and climate.

The main elements of the Council position are as follows:

Subject matter and scope

The Council's position retains the key objectives of the Single European Sky: reinforce safety, respond to capacity needs, and help cut CO emissions, while being cost-effective.

The application of the regulation is without prejudice to **Member States' sovereignty over their airspace** and to the requirements of the member states relating to public order, public security, and defence matters. The new regulation does not cover military operations and training.

National supervisory authorities

A national supervisory authority is designated by each Member State to assess compliance of air navigation service providers with certain requirements, such as financial sustainability and organisational structure, in cooperation with the national competent authority in charge of the certification of air navigation service providers. Member States may decide to assign those tasks to one or the other authority.

National supervisory authorities (NSAs) will be **independent** from any air navigation service providers, in organisational, hierarchical and decision-making terms. The air navigation service providers and the national supervisory authority can be part of the same organisation provided they are functionally separated and meet independence requirements.

Member States may also have possibility to **merge economic and safety oversight functions** in the same administrative entity.

Service provision

Air traffic service providers may **procure communication, navigation and surveillance services**, aeronautical information services, air traffic data services, or meteorological services in cases where Member States have not designated a meteorological services provider, under **market conditions**, or under other forms of agreements where Directives 2014/24/EU and 2014/25/EU of the European Parliament and of the Council do not apply.

Air traffic service providers may open certain air navigation services to market conditions on a voluntary basis and Member States may decide to authorise the opening of air traffic services for aerodrome and/or approach control to market conditions.

Assessment of performances

National supervisory authorities and the Commission will together assess the performance of air navigation services, in accordance with the subsidiarity and proportionality principles. The Commission will be assisted in this process by an **independent performance review board**, which has an advisory role, is established as a stable and permanent entity, and will be funded by the EU budget.

Modulation of charges

The Council position introduced the possibility for a mandatory modulation of en route charges to encourage airspace users to **support improvements in climate and environmental performance**, such as the use of the most fuel-efficient available routing or increased use of alternative clean propulsion technologies. These would be subject to a feasibility study that will determine the contribution and the added value of such a modulation, and will assess its impact on air traffic, service provision, administrative costs, and stakeholders.

Network functions

The regulation lists **nine network functions**: (i) design and use of airspace structures; (ii) air traffic flow management; (iii) coordination of scarce resources; (iv) facilitation of delegation of provision of air traffic services; (v) provision of air traffic control capacity; (vi) network crisis management; (vii) air traffic flow management delay attribution; (viii) management of the planning, monitoring and coordination of infrastructure deployment implementation activities in the European Air Traffic Management Network; (ix) monitoring of European Air Traffic Management Network infrastructure operations.

The list of network functions is exhaustive and covers all aspects necessary for the management of the network. The regulation specifies that these network functions are to be performed by the Member States and all relevant stakeholders with input from the network operator.

Network perspective

The network perspective is strengthened by adding new network functions and by giving the current network manager, **Eurocontrol**, additional, clearly delineated tasks so that it can better contribute to the sustainable and efficient use of the airspace. Member States will be fully involved in decisions of strategic importance for the network.